City of
Bayswater

Minutes

Ordinary Council Meeting

23 August 2022

By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on Tuesday, 20 September 2022 by resolution of Council

_____

CR FILOMENA PIFFARETTI, MAYOR
CHAIRPERSON

Meeting Procedures

1. All Council meetings are open to the public, except for matters dealt with under 'Confidential Items'.

2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.

3. Members of the public may ask a question during 'Public Question Time'.

4. Meeting procedures are in accordance with the City's *Standing Orders Local Law 2021*.

5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.

6. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.

7. Council meetings will be livestreamed in accordance with the resolution of 24 August 2021. Images and voices may be captured and streamed. If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance team.

8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

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City of
Bayswater

Council Chambers
Seating Plan


Jeremy Edwards
CEO


Cr Filomena Piffaretti
Mayor


Cr Giorgia Johnson


Cr Assunta Meleca


Cr Lorna Clarke


Cr Steven Ostaszewskyj


Cr Dan Bull


Cr Sally Palmer


Cr Elli Petersen-Pik


Cr Josh Eveson


Cr Catherine Ehrhardt
Deputy Mayor


Cr Michelle Sutherland

Agendas and Minutes Officer


Des Abel,
DCD


Doug Pearson,
DMPCA


Lorraine Driscoll,
DCS


Luke Botica,
DWI

Press

Gallery

Nature of Council's Role in Decision Making

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local law, town planning schemes and policies.
Review:	When Council reviews decisions made by officers
Quasi-Judicial:	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

City of Bayswater Standing Orders Local Law 2021

6.9 DEPUTATIONS

(1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the deputee is to either-
   (a) apply, before the meeting, to the CEO for approval and can be considered in both a verbal and written format;
   (b) with the approval of the Presiding Member, at the meeting; and-
   (c) are to be received by 1.30pm on the day of the forum receiving the deputation.

(2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant Council meeting, Agenda Briefing Forum or a Committee meeting.

(3) Unless the Presiding Member allows, a deputee invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.

(4) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.

(5) For the purposes of this clause, unless Council, Agenda Briefing Forum or the Committee determines otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.

(6) Unless Council, Agenda Briefing Forum or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council, Agenda Briefing Forum or a Committee open to the public is not to be decided by Council, Agenda Briefing Forum or the Committee until the deputation has completed its presentation.

(7) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.

(8) A member of the public who makes a deputation is to state his or her name and address, however only the name will be published in the minutes.

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Minutes of the Ordinary Council Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday 23 August 2022.

1 OFFICIAL OPENING

The Presiding Member, Cr Filomena Piffaretti, Mayor, declared the meeting open at 7:00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019- November 2020, 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.

The Presiding Member, Cr Filomena Piffaretti, Mayor acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4 ATTENDANCE

Members

North Ward
Cr Filomena Piffaretti, Mayor (Presiding Member)
Cr Josh Eveson
Cr Michelle Sutherland

Central Ward
Cr Assunta Meleca
Cr Sally Palmer
Cr Steven Ostaszewskyj

South Ward
Cr Catherine Ehrhardt, Deputy Mayor
Cr Elli Petersen-Pik

West Ward
Cr Dan Bull
Cr Giorgia Johnson

Officers

Mr Jeremy Edwards	Chief Executive Officer
Mr Des Abel	Director Community and Development
Mr Doug Pearson	Director Major Projects and Commercial Activities
Ms Linnet Solomons	A/Director Corporate and Strategy
Mr Luke Botica	Director Works and Infrastructure
Ms Karen D'Cunha	A/Manager Governance, Organisational Planning and Development
Mr Brett Wright	Manager Parks and Gardens
Mr Mark Thornber	A/Coordinator Governance and Risk
Mr Mitchell Halls	Minutes and Agendas Officer
Ms Helen Smith	Manager Development and Place
Mr Michael Worthington	Manager Environmental Health and Statutory Building
Ms Alix Bray	Principal Strategic Planning and Place
Ms Julie-Ann Gray	Manager Community Development

Observers

Press - 0
Public - 15

4.1 Apologies

Ms Lorraine Driscoll, Director Corporate Strategy

4.2 Approved Leave Of Absence

Councillor	Date of Leave	Approved by Council
Cr Lorna Clarke	1 August 2022 to 30 November 2022	Special Council Meeting 18 July 2022
Cr Giorgia Johnson	26 August 2022	Ordinary Council Meeting 26 July 2022

4.3 Applications For Leave Of Absence

COUNCIL RESOLUTION

That Leave of Absence be granted as follows:

Cr Catherine Ehrhardt, Deputy Mayor from 12 September 2022 to 11 October 2022 inclusive;

Cr Giorgia Johnson from 26 August 2022 to 28 August 2022 inclusive and 5 September 2022 to 11 September 2022 inclusive; and

Cr Josh Eveson from 25 September 2022 to 6 October 2022 inclusive.

Cr Sally Palmer Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson***

Against: ***Nil.***

5 DISCLOSURE OF INTEREST SUMMARY

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

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.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Cr Dan Bull	*10.1.1*	*Proximity*	*The report references Gobba Lake which is opposite to my property.*
Cr Dan Bull	*10.4.2*	*Impartial*	*I live relatively close to this lot. Although this is not a proximity interest, for good order I will declare this as an impartial interest.*
Cr Dan Bull	*11.1*	*Impartial*	*I'm a board member of Durham Road School and my daughter goes to Chisholm Catholic College, which are mentioned in the report.*
Cr Dan Bull	*11.3*	*Impartial*	*Durham Road School is mentioned in the report and I am on the School Board and Chisholm Catholic College is also mentioned in the report and my daughter goes there.*
Cr Dan Bull	*12.1*	*Financial*	*The item has commentary relating to boundary reviews and I am the chair of the Local Government Advisory Board.*
Cr Steven Ostaszewskyj	*10.4.1*	*Impartial*	*I attended the meeting at the concrete batching plant with Cr Palmer, Cr Piffaretti and Cr Meleca.*
Cr Assunta Meleca	*10.4.1*	*Impartial*	*I attended a site visit at the batching plant.*
Cr Sally Palmer	*10.4.1*	*Impartial*	*I attended the first meeting at the 279 Collier Road Batching Plant.*
Cr Sally Palmer	*11.1*	*Impartial*	*I am on the board of Morley Senior Highschool.*
Cr Sally Palmer	*11.3*	*Impartial*	*My grandchildren attend Chisholm Catholic College and may be part of this immunisation.*
Cr Filomena Piffaretti, Mayor	*10.4.1*	*Impartial*	*I have attended a site visit at the concrete batching plant twice.*
Cr Filomena Piffaretti, Mayor	*11.1*	*Impartial*	*I am on the board of a number of schools mentioned in this report.*
Cr Elli Petersen-Pik	*11.1*	*Impartial*	*I am on the board of the Maylands Peninsula Primary School.*

6 PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2021* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions.
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government. Questions relating to matters of business listed on the agenda will be considered in the first instance, followed by questions relating to Council business not listed on the agenda.
5. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the agenda for the following meeting.

6.1 Responses To Questions From The Public Taken On Notice From Ordinary Council Meeting - 26 July 2022

Nil.

6.2 Public Question Time

Public Question Time commenced at 7:06pm.

The following questions were submitted both in writing/verbally:

Mr Jamie Petrovic - 59 Grey Street Bayswater

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Question 1

Does Council and senior staff know their own bylaws and policies on operation hours?

Response 1

Mr Jeremy Edwards, Chief Executive Officer, advised that City staff were aware of the bylaws and policies on operation hours.

Question 2

Before 7:00am, does that create a precedent for Council machinery to operate between 4:00am and 7:00am as well?

Response 2

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that this does not create a precedent, that the noise regulations have certain assigned levels for certain

times of the day that are required to be complied with and that those levels are applicable to all circumstances.

Question 3

Why does the Officer's Recommendation allow WA Premix to start potentially at 4:00am, when Council employees cannot start until 7:00am?

Response 3

Mr Michael Worthington, Manager Environmental Health and Statutory Building, replied that the noise regulations specify certain levels for certain times of the day. In relation to the application from WA Premix, the City assessed an acoustic report which demonstrated compliance with the assigned levels for that particular time of the day.

Mr Barry Kramer – Central Ward

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Preparatory Statement

It is Council's responsibility to make decisions in the best interest of the district not for just one ratepayer as some Councillors have been recorded doing. The Director should have directed Council to vote for the greater good for the for the greater number.

Question 1

Why has your administration supported and defended Ransberg on every one of the four issues this applicant has applied for - none of which will be of any value to our community, nor eliminate the constant negative effect this plant has on us as residents?

Response 1

Ms Helen Smith, Manager Development and Place replied that the City's officers received a development application for four modifications to the existing operations of the concrete batching plant at 277 to 279 Collier Road in Bayswater. The current application relates to modified waste and water recycling management. The applicant has indicated that is an improvement to the current operations on the site.

The second aspect related to the upgrade of dust monitoring equipment. They are changing from one particular type of meter to another to improve the dust monitoring on the site.

The third aspect is the addition of a second driveway and crossover, which the City's officers have assessed as being an acceptable improvement to the movement of vehicles within the site and has also been supported by Main Roads Western Australia.

The fourth aspect relates to the amended plant operating hours. The applicant submitted an acoustic assessment which concluded that their current operations which commence at 6:00am through till 6:00pm would not have a greater impact on noise readings if they were to operate from 4:00am until 4:00pm.

Question 2

Since when has Council been obliged to augment a private business beyond the boundary of the property that they manage which is the curb or the road Reserve?

What I've heard here is that Council has given them the right to do a driveway because it makes it better for them inside their business. Now if this is setting a precedent I'm happy with that but there's going to be loads more to come in that case.

Question 3

At the bottom of page 348 of the Agenda under the heading 'Applicant's Response' and the issue for 'noise disturbance' - it says "none of the proposed elements of this Development Application Amendment will create noise. Current hours from 6:00am to 6:00pm, with no deliveries, dispatchers or yard works before 7:00am".

It says here this is the proponent's advice, it says here that he's not going to do any deliveries dispatches or yard works before 7:00am and you are giving him 4:00am. What's he going to be doing between 4:00am and 7:00am?

Response 3

Ms Helen Smith, Manager Development and Place replied that the first sentence – "none of the proposed DA Amendments will create noise" is based on their acoustic assessment which has been assessed by the Manager of Environmental Health and Statutory Building, who has noise assessment experience. The second sentence "Current hours are 6:00am to 6:00pm with no deliveries, dispatches or yard works before 7:00am as per the noise regulations" is about what they do with their current hours.

Preparatory Statement

It is an established fact that Ransberg, the owner of this Noxious Concrete Batching Plant is a rogue operator. It is an established fact that a 500m buffer would have helped protect the greatest number from this company's illegal behaviour. It is an established that this administration has failed to address the common-sense will and best interests of the district and its ratepayers. It is an established fact that there are Councillors who have, on numerous occasions failed to vote to do the greatest good for the greatest number.

Question 4

Are Councillors going to continue to fail the residents and again vote for the requirements of one elector while ignoring the greatest good for the greatest number?

Response 4

Cr Filomena Piffaretti, Mayor replied that Council had heard Mr Kramer's question and would consider it when making a decision.

Preparatory Statement

When compared to the July OCM Agenda, I note that this August Agenda has an extra five pages of information on this same item to guide Council to a proper informed decision on this 11-year issue.

Question 5

Did the Directors decide what was supplied back in June was enough information to encourage Councillors to support their recommendations – recommendations that give special, unprecedented concessions to a rogue operator of a Noxious Concrete Batching Plant that is situated on the boundary of a well-established residential estate?

Response 5

Mr Des Abel, Director Community and Development advised that as part of the SATs orders for the application to be referred back to Council, SAT invited the applicants to provide additional information and that was included in this agenda.

Mr Kevin Buckley - 23 Shalford Street Bayswater

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Question 1

Do you think Ransberg has been deceptive in their application and in their operation?

Response 1

Cr Filomena Piffaretti, Mayor replied that based on the advice that she had received from the City, she didn't believe so.

Ms Teri Kastropil - 9 Horley Street Bayswater

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Preamble

What I've seen in my time, is we live on the top of the hill in line with the batching plant and whenever they operate outside of their hours, I hear it because I'm directly in line. We also get the dust.

Question 1

Are Councillors here for us? Is this what this meeting is about - to stand up for us as ratepayers who pay quite an amount to this Shire?

Response 1

Cr Filomena Piffaretti, Mayor answered that Councillors are there to represent the community and to fulfil their duties as they have sworn to do under the *Local Government Act 1995* and affirmed that Council is here for the community.

Question 2a

What I am most concerned about is the health. What is the risk of this plant to the health of our people? What I would like to know is - do we know what that dust (that comes straight into my open window) contains? If my father has lung disease from silica - is that coming from your plant?

Response 2a

Cr Filomena Piffaretti, Mayor clarified that the plant does not belong to the City.

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that there are very stringent conditions on site in relation to dust monitoring. It's continuously monitored every day on site and reports are provided to the City to ensure that levels coming from the site are within acceptable parameters.

Question 2b

What is the acceptable parameter? Who says that?

Response 2b

Mr Michael Worthington, Manager Environmental Health and Statutory Building advised that the parameters had been set through SAT based on expert environmental consulting advice.

Question 3

Does our Council have to protect us, set up an independent health monitor to know that these people that are living in your catchment are not directly being affected by what is approved to work in our area?

Response 3

Mr Michael Worthington, Manager Environmental Health and Statutory Building advised that the current monitoring that's undertaken on site is independent and undertaken by an environmental consultant. In addition, the City is currently looking at other options for monitoring to be undertaken, independent of that as well.

Mr Harry Bouzidis – 21 Parkinson Street Noranda

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Question 1

What noiseless activities will they be creating between 4:00am and 7:00am?

Response 1

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that the current operations on site that they're undertaking at 6:00am and what they intend to do between 4:00am to 7:00am involves starting up the plant and mixing concrete.

Question 2a

Just for clarity, does the starting up of the plant create no noise?

Response 2a

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that it's not that the starting up the plant creates no noise - the noise levels under the environmental protection noise regulations relate to where the noise is being received - from a residential premise for instance. The current acoustic reports provided by expert environmental consultants demonstrated that the current emissions from the site are within the parameters of the noise regulations.

Question 2b

That has not answered my question - what noiseless activities will be conducted?

Response 2b

Ms Helen Smith, Manager Development and Place replied that the officer's report details a number of elements. In the table that is being referred to, the applicant is allowed to respond to questions or concerns that the community have as a result of community consultation. They have made statements in there and in the officer's side of the table the City's officers then respond to their statements. The City doesn't have to explain what the applicant has said, the officers just comment on their assessment of the application.
The acoustic assessment of the application deemed that the activities carried out between 6:00am and 7:00am don't create a noise which is in excess of the current noise regulations.

Question 3

So, the applicant doesn't have to be accountable for anything that they put forward to Council - they can just say anything and it's accepted on face value - is that what I'm hearing here?

Response 3

Ms Helen Smith, Manager Development and Place replied that the applicant has provided an acoustic assessment which is expert advice that supports their proposal.

Mr Bill Busby - 8A Redlands Street Bayswater

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Question 1

When I read some of the statements that are made by the people involved in this, they're saying that the proposed changes will not result in any significant increase in noise. What's significant? What's an acceptable level of noise that we, the community have to put up with?

Question 2

They were saying that nobody made any complaints to the business. If I was going to complain about an objection business to me I'd be very careful with what I have to say, in the point of view that if they were friendly with us you could go and have a chat to them. But the fact is, they're saying nobody's complained to them. How many complaints have the Council received?

Response 1

Mr Michael Worthington, Manager Environmental Health and Statutory Building advised that in relation to the noise emissions from the site, and the comments in relation to what is acceptable - from the City's perspective compliance with the Environmental Protection Noise Regulations and the assigned levels; there are different levels for different times of the day. For instance, prior to 7:00am, the levels are considerably lower, so you have a LA Max, LA 1, LA 10 level and its compliance with those levels the City looks at.

Question 3

Just on the DB ratings, this morning, the street sweepers operating at exactly 7:00am kicked in - very quiet, very slow. I've seen it operating for many years now and going at a greater rate of knots and creating a bit more noise. Has the City instructed the street sweeper to go slower, go quieter in our particular residential area? Or is it just him being very efficient with his management team?

Response 3

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that there's certain levels for certain times of the day. Where equipment, such as a street sweeper is operating on the road outside prior to 7:00am, when the assigned levels are lower, the City can put in place a noise management plan to ensure that as far as reasonably practicable, the noise levels are reduced as far as possible to minimise any disruption to neighbouring properties.

Question 4

I'm just asking for the DB levels for what's acceptable? Because one of the things they said was that it will not result in any significant increase – what's significant in a fair person's mind?

Response 4

Mr Michael Worthington, Manager Environmental Health and Statutory Building advised that as an overview of what the decibel levels are for certain times of the day; between 10:00pm and 7:00am the LA Max level is 55 decibels plus an influencing factor. Because the noise readings relate to where the impact is, the City will factor in an influencing factor on top of the readings. For example, 55 decibels is LA Max between 10:00pm and 7:00am. There's an LA1 level of 45 decibels and an LA10 of 35 decibels between 10:00pm and 7:00am.

Question 5a

Do you believe a concrete truck would be less than 35 dBs at any speed?

Response 5a

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that there's a number of things to consider in relation to the noise regulations. There are exemptions for vehicle movements on the street – they're not covered under the noise regulations, for example, the breaking and propulsion systems of a truck are not covered, however operations on the site would be covered.

Question 5b

The question I asked was would you believe a 20-60 tonne truck would be travelling at 35 dBA at 6:00am, 7:00am in the morning? You're saying if I get you right, 35 dBA is an acceptable level. Is 35 dBA ever checked, monitored, or is it just an assumption? Because if somebody says there'll be no significant increase, we don't know what the significant increase might be.

Response 5b

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that the 35 decibels relates to an LA10 assigned level - so that relates to 10% of a representative assessment period. It's not just a one-off level that occurs - so if there's something that went past for a short period of time, then the City would be looking at the maximum level in that instance. Whereas something that's continuous noise over a period of time, the City would then be assessing the LA1 and LA10 levels which are lower.

Question 5c

The question I asked I would like to go back to – what would you think is the decibel levels of a 60-tonne concrete truck who's driving 100 metres in and out of the yard of the proposed site?

Response 5c

Mr Michael Worthington, Manager Environmental Health and Statutory Building answered that the City has undertaken noise level readings from Shalford Street in relation to activities on the concrete batching site which would include truck movements from the property. The levels that were obtained were within the prescribed levels within the Environment Protection Noise Regulations; they were actually found to be lower than the background levels in the area.

Question 6

I've had to do noise measurements for schools with equipment for shredding timber and we were unable do a DB rating because the birds were singing in the background. We just had to give up and accept that it was quiet. Were the DB ratings that you got affected by the wildlife? Because that makes a significant difference.

Response 6

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that the City does take into consideration background levels and looks for clear readings; it will take a reading over a period of time and look for clear readings which aren't impacted by any external factors such as birds, planes, dogs barking, etc.

Question 7

When somebody states here that there's been nobody complaining to their business - but for people in the streets - who would want to complain directly to a major multi-millionaire? At the end of day, we would complain to our Councillors who would then complain perhaps to the management or whatever the process is and then hopefully we would get some feedback. You've stated Mayor if I get it correctly that you and other Councillors have had

many complaints and yet in this document here, the owners of the property say they have had no complaints.

Response 7

Cr Filomena Piffaretti, Mayor clarified that she did not recall stating that she had received many complaints and asked the Director to confirm how many complaints the City has received.

Mr Jeremy Edwards, Chief Executive Officer advised that he would take the question on notice and advise Mr Busby regarding the number of complaints received following the meeting.

Question 8

How many objections have we had?

Response 8

Cr Filomena Piffaretti, Mayor advised that the report on page 348 of the agenda states that the City also sought comment on the proposed development from the owners and occupants of nearby affected properties for a period of 14 days. The advertising period ended on the 16th of March 2022 and 15 objections were received including three late objections.

Mr Raymond Barnett - 19 Shalford Street Bayswater

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Statement

I'm about 250 metres from the back fence. In my backyard, I can hear the rocks in the cement mixing bowls cleaning them out, I can hear it all rumbling in my backyard. So, I pity the people who are living further up, closer to it. Imagine what they're going through.

Ms Jen O'Reilly - 18 Redlands Street Bayswater

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Question 1

Following on about the noise, I'm curious about the type of noise monitoring that's been undertaken. When the Tonkin Highway redevelopment was done, I had noise monitoring stationed in front of my house twice for comparative purposes. That was there for a full week in front of my property. I haven't seen any evidence of similar types of noise monitoring - so is it just one person waving a monitor in the air at a certain time, or are we talking about long term monitoring of individual properties?

Response 1

Mr Des Abel, Director Community and Development replied that there are two fixed monitors - one on the back and one on the front of the property.

Question 2

Are any of those monitors attached to residential properties or is it just the facility?

Response 2

Mr Des Abel, Director Community and Development advised that it was just within the property.

Question 3

So, there's no way of assessing what the impact is on the individual resident through noise monitoring as it occurs to them in their property and their own amenity?

Response 3

Mr Michael Worthington, Manager Environmental Health and Statutory Building clarified that the independent acoustic consultant set up noise monitoring equipment for over a week within the area. There were monitoring stations set up at the front and rear the property on site as well as three locations along Shalford Street. In addition, the City has set up its own monitoring equipment to undertake readings to determine whether they still fit within those same parameters as what was seen within the acoustic reports.

Paul Croll - 13 Shalford Street Bayswater

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Question 1

Between 4:00am and 6:00am when that plant starts up, there is a considerable noise to be heard in my front bedroom. I've been up at 4 and trying to listen and when you go outside, you can't hear it very well because of the external noise from Tonkin Highway and possible birds. I would like to find out from the manager - when we do the testing of the dB - it's not just dB reading but it's also got to do with the different levels of noise, how it transmits, where it's transmitting from, whether it's in the air or in the ground. Were these people employed by the Council to do it for us and did they cover all of the aspects of noise? Or were they in fact the client or the Ransberg people that provided the report?

Response 1

Mr Michael Worthington, Manager Environmental Health and Statutory Building advised that the noise acoustic report was undertaken by an independent environmental consultant that's accredited to undertake those readings. The readings are all undertaken in accordance with the standards under the noise regulations. They factor in all the different components in relation to whether there's tonality, modulation, impulsiveness in the types of noise emissions from the site.

Question 2

But in the residences where we need to be monitoring, was there any done inside the residences? Because that's where we sleep - we don't sleep outside. There is a difference between outside when you hear the noise coming from other areas against specific noise which is coming from I believe the start-up of that plant. It's already starting at 4:00am, I'm

a bit confused as to why they are asking to start at 4:00am, when they already work at 4:00am.

Response 2

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that the noise monitoring report that was provided indicated that there were monitoring stations set up along Shalford Street. They weren't set up inside properties, but they were set up close to the boundaries of properties. From a noise perspective, it is intended to give a representation of what the noise emissions would be coming onto a property.

Question 3

Instead of having them doing a representation, why don't they do it inside and then there would be an actual?

Response 3

Mr Michael Worthington, Manager Environmental Health and Statutory Building replied that the noise regulations only specify that they need to take readings from the boundary of a property. Any readings that are undertaken inside would be adjusted accordingly.

Question 4

Talking about dust, I read a report which was the original report done by the Department of Health when the plant was first proposed and the Department didn't ever approve it - what they did was they said there's no need for us to approve it, based on this engineering information that had been given. One of the bits in there talks about in Shalford Reserve, people are not in there long enough to be exposed to the point it may affect them. There's a bit that talked about depending on the activities that they take. If the activity is very active - playing soccer for instance. Some days it's someone refereeing 10 hours a day could well be exposed to dust. And your workers by the way, where they work just about every day. While you're measuring and monitoring dust on the boundary, have you for your own operational health and safety of your people, which to them is a work place - not just where we happen to live. Have they monitored what the actual dust and what is contained in that dust?

Response 4

Mr Michael Worthington, Manager Environmental Health and Statutory Building answered that there were very strict conditions in relation to dust emissions from the property, which took into consideration the nature of the dust and the National Environmental Protection Measures around what are acceptable levels and they've set those levels quite low, taking into consideration, the use of the reserves and the residential area nearby. It was based on site specific technical data that was assessed by qualified environmental consultants.

Public Question Time closed at 7:58pm.

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meeting - 28 June 2022

COUNCIL RESOLUTION

That the Minutes of the Ordinary Council Meeting held 28 June 2022, which have been distributed, be confirmed as a true and correct record, subject to the motions, amendments and resolutions contained in Item 10.6.1.4 'Revised Urban Trees Policy' being replaced with the following:

"OFFICER'S RECOMMENDATION

That Council endorses the draft *Urban Trees Policy* as contained in Attachment 5.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council endorses the draft *Urban Trees Policy* as contained in Attachment 5 with the following amendments, as shown in new Attachment 6:

1. **The name of the Policy to be changed to *"Urban Tree Planting and Maintenance Policy"*.**
2. **The word *"planted,"* to be inserted between the words "*be"* and *"maintained"* in the *"Purpose"* section.**
3. **In the "*Policy Statement"* section and *"Tree Planting"* subsection, the words *"which includes requests from residents"* in the first paragraph be replaced with *"This program includes new tree planting in areas such as parks, road verges, medians, roundabouts, reserves and natural areas. Residents are also able to order a verge tree for planting in front of their property"***
4. **Remove *"Trees on Private Land and Street Verges Policy"* from the *"Related Documentation"* Section to correct a typing error where it was listed in duplicate.**
5. **Add *"Urban Forest Strategy"* to the "*Related Documentation"* Section.**

MOTION

That Council endorses the draft *Urban Trees Policy* as contained in Attachment 5 with the following amendments, as shown in new Attachment 6:

1. **The name of the Policy to be changed to *"Urban Tree Planting and Maintenance Policy"*.**
2. **The word *"planted,"* to be inserted between the words "*be"* and *"maintained"* in the *"Purpose"* section.**
3. **In the "*Policy Statement"* section and *"Tree Planting"* subsection, the words *"which includes requests from residents"* in the first paragraph be replaced with *"This program includes new tree planting in areas such as parks, road verges, medians, roundabouts, reserves and natural areas. Residents are also able to order a verge tree for planting in front of their property"***
4. **Remove *"Trees on Private Land and Street Verges Policy"* from the *"Related Documentation"* Section to correct a typing error where it was listed in duplicate.**
5. **Add *"Urban Forest Strategy"* to the "*Related Documentation"* Section.**
6. **Delete from Policy "New Trees – Where a new tree is proposed for a verge that is not a replacement tree, the City will plant the tree unless requested otherwise by the adjacent property owner. Generally, one tree will be planted per verge abutting private property, while properties with larger or corner frontages may receive more"**

Cr Giorgia Johnson Moved, Cr Elli Petersen-Pik Seconded

LOST: 4/5

For: ***Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Catherine Ehrhardt, Deputy Mayor.***

MOTION
(COMMITTEE RECOMMENDATION TO COUNCIL)

That Council endorses the draft *Urban Trees Policy* as contained in Attachment 5 with the following amendments, as shown in new Attachment 6:

1. **The name of the Policy to be changed to *"Urban Tree Planting and Maintenance Policy"*.**
2. **The word *"planted,"* to be inserted between the words "*be"* and *"maintained"* in the *"Purpose"* section.**
3. **In the "*Policy Statement"* section and *"Tree Planting"* subsection, the words *"which includes requests from residents"* in the first paragraph be replaced with *"This program includes new tree planting in areas such as parks, road verges, medians, roundabouts, reserves and natural areas. Residents are also able to order a verge tree for planting in front of their property"***
4. **Remove *"Trees on Private Land and Street Verges Policy"* from the *"Related Documentation"* Section to correct a typing error where it was listed in duplicate.**
5. **Add *"Urban Forest Strategy"* to the "*Related Documentation"* Section.**

Cr Steven Ostaszewskyj Moved, Cr Josh Eveson Seconded

PROCEDURAL MOTION

That Cr Steven Ostaszewskyj be granted a 2 minute extension to speak on the item.

Cr Dan Bull Moved, Cr Sally Palmer Seconded

CARRIED: 8/1

For: ***Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor.***

AMENDMENT

That a new point 6 be added to the motion, as follows:

6. **In the "Tree planting" subsection, in relation to "New Trees", after the words "adjacent property owner." add the following sentence: "The later exemption does not apply to tree planting in areas surrounding schools and town centres, where the city will have full discretion".**

Cr Elli Petersen-Pik Moved, Cr Dan Bull Seconded

LOST: 4/5

For: ***Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Catherine Ehrhardt, Deputy Mayor.***

AMENDMENT

That the motion be renumbered and a new point 2 added as follows:

2. Requests the Chief Executive Officer to undertake community consultation on the policy, and report the outcome and any suggested changes to the Policy Review and Development Committee for consideration by October 2022.

Cr Elli Petersen-Pik Moved, Cr Dan Bull Seconded

LOST: 3/6

For: ***Cr Sally Palmer, Cr Elli Petersen-Pik and Cr Dan Bull.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor and Cr Giorgia Johnson.***

At 10:39pm, Ms Alix Bray withdrew from the meeting and returned at 10:40pm.
Cr Catherine Ehrhardt, Deputy Mayor withdrew from the meeting at 10:43pm and returned at 10:46pm.

COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION TO COUNCIL)

That Council endorses the draft *Urban Trees Policy* as contained in Attachment 5 with the following amendments, as shown in new Attachment 6:

1. **The name of the Policy to be changed to *"Urban Tree Planting and Maintenance Policy"*.**
2. **The word *"planted,"* to be inserted between the words "*be"* and *"maintained"* in the *"Purpose"* section.**
3. **In the "*Policy Statement"* section and *"Tree Planting"* subsection, the words *"which includes requests from residents"* in the first paragraph be replaced with *"This program includes new tree planting in areas such as parks, road verges, medians, roundabouts, reserves and natural areas. Residents are also able to order a verge tree for planting in front of their property"***
4. **Remove *"Trees on Private Land and Street Verges Policy"* from the *"Related Documentation"* Section to correct a typing error where it was listed in duplicate.**
5. **Add *"Urban Forest Strategy"* to the "*Related Documentation"* Section.**

Cr Steven Ostaszewskyj Moved, Cr Josh Eveson Seconded

CARRIED: 6/3

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor and Cr Giorgia Johnson.***

Against: ***Cr Sally Palmer, Cr Elli Petersen-Pik and Cr Dan Bull.***"

REASON FOR THE AMENDMENT TO THE MINUTES
To more clearly and accurately reflect that the motions moved by Cr Petersen-Pik, and seconded by Cr Bull, on Item 10.6.1.4, were amendments to the substantive motion.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Elli Petersen-Pik Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland,***

Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: ***Nil.***

7.2 Ordinary Council Meeting - 26 July 2022

COUNCIL RESOLUTION

The Minutes of the Ordinary Council Meeting held on 26 July 2022 which have been distributed, be confirmed as a true and correct record.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

8 PRESENTATIONS

8.1 Petitions

Council noted and received a petition tabled by Cr Dan Bull with 55 signatures from Ms Yvette Coyne, asking the City of Bayswater to reinstate the City's immunisation clinic, which is subject of item 11.3 of this agenda

8.2 Presentations

Nil.

8.3 Deputations

Deputations were heard at the Agenda Briefing Forum at ***7:00pm*** on ***Tuesday 16 August 2022***, in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley.

1. **10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater**
   In relation to Item 10.4.1, Mr Barry Kramer was in attendance, speaking against the officer's recommendation *(refer page 339).*

2. **10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater**
   In relation to Item 10.4.1, Ms Kasia Betka was in attendance, speaking in support of the officer's recommendation *(refer page 339).*

3. **10.6.2.4 Proposed Local Planning Policy - Significant Tree Register for Private Land Policy and Associated Guidelines**
   In relation to Item 10.6.2.4, Ms Wendy Garstone submitted a written deputation against the officer's recommendation *(refer page 589).*

8.4 Delegates Reports

8.4.1 Cr Josh Eveson - Understanding Local Government

Responsible Directorate:	Office of the Chief Executive Officer
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required
Attachments:	1. Understanding Local Government - Certificate of Achievement [**8.4.1.1** - 1 page]

SUMMARY

For Council to note the training course recently completed by Cr Josh Eveson.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council notes the Delegates Report from Cr Josh Eveson advising completion of the Understanding Local Government course, which is a compulsory unit in the Elected Member Training course.

Cr Josh Eveson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

REPORT

Cr Eveson completed the following course:

- Understanding Local Government
  - Course completed: 4 August 2022
  - Course cost: $195

KEY COURSE TOPICS

Understanding Local Government

- This course has been developed to provide information to Elected Members about their roles and responsibilities in Local Government, as well as the protocols and procedures of Local Government.
- Elected Members will receive an overview of how the *Local Government Act* underpins the systems and processes involved in the institution of Local Government.
- On completion of this program, participants should be able to understand the:
  - Know how Local Government fits into the structure of Government in Australia
  - Distinguish between the strategic role of the Council and the day-to-day role of the Administration
  - Understand the legislative environment of Local Governments
  - Raise awareness on how to participate confidently in Council and committee meetings.

ELECTED MEMBER CONFERENCE, TRAVEL AND TRAINING REGISTER

The Elected Member Conference, Travel and Training Register has been updated to reflect the completion of the above course by Cr Eveson.

The course was funded from Cr Eveson's allowance in accordance with the Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy.

CONCLUSION

Cr Josh Eveson has provided the above delegates report to Council to note the completion of the Understanding Local Government training course.

WALGA
WORKING FOR LOCAL GOVERNMENT

WALGA Training

Certificate of Achievement

awarded to

Josh Eveson

after completing training and assessment for

Understanding Local Government

on

4 August 2022

100.00 %

Anthony Brown
Executive Manager - Training

This Elected Member training is one of five foundational units that make up the 'Council Member Essentials' course

9 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.

Withdrawn items:

10.1.1	Absolute Majority Required, was a matter on which a member wished to make a statement and had an interest was declared.
10.1.2	Absolute Majority Required and a matter on which a member wished to make a statement.
10.4.1	A matter on which a member wished to make a statement, was subject to a deputation and had an interest was declared.
10.6.2.1	A matter on which a member wished to make a statement.
10.6.2.4	Item was subject to a deputation and a matter on which a member wished to make a statement.
11.1	An interest was declared and a matter on which a member wished to make a statement.
11.2	A matter on which a member wished to make a statement.
11.3	Absolute Majority Required, an interest was declared and a matter on which a member wished to make a statement.
11.4	Absolute Majority Required and a matter on which a member wished to make a statement.
11.5	A matter on which a member wished to make a statement.
14.1.1	Absolute Majority Required.

PROCEDURAL MOTION

That items 10.4.1 and 10.6.2.4 which were subject to deputation be brought forward to the beginning of item 10 for discussion before the order of business set out in the Agenda is resumed.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

10 REPORTS

10.1 Chief Executive Officer Reports

10.1.1 Review of Keeping and Control of Cats Local Law 2016

Responsible Branch:	Governance, Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	***ABSOLUTE MAJORITY REQUIRED for limb 1*** Simple Majority Required for limbs 2 to 4
Attachments:	1. Keeping and Control of Cats Local Law 2016 [**10.1.1.1** - 11 pages] 2. Proposed Keeping and Control of Cats Local Law 2022 - Amended [**10.1.1.2** - 12 pages] 3. Amended Copy with Marked up Changes Proposed Keeping and Control of Cat [**10.1.1.3** - 12 pages] 4. Advice from Department of Local Government, Sport and Cultural Industries (Redacted) [**10.1.1.4** - 7 pages] 5. Summary Community Engagement Report [**10.1.1.5** - 8 pages] 6. Proposed Keeping and Control of Cats Local Law 2022 - Updated [**10.1.1.6** - 12 pages]
Refer:	Item 10.2.5 OCM 26.04.2022

CR DAN BULL DECLARED AN PROXIMITY INTEREST

In accordance with section 5.60b of the Local Government Act 1995, Cr Dan Bull declared a proximity interest in this item as his property is opposite to Gobba Lake which is mentioned in the report. At 8:52pm, Cr Bull withdrew from the Council Chambers and did not participate in consideration or voting on this item.

At 8:53pm, Cr Steven Ostaszewskyj withdrew from the meeting.

SUMMARY

The purpose of this report is to progress the review of the *Keeping and Control of Cats Local Law 2016,* and to ensure compliance with the local law review process set out in the *Local Government Act 1995* ('the Act').

ADDITIONAL INFORMATION

An error has been identified in Clause 2.2(2) in Attachment 2 – Proposed Draft City of Bayswater Keeping and Control of Cats Local Law 2022.

This clause currently reads:

"… (2) If a cat is at any time in a place in contravention of subclause 2.3(1)-

(a) the owner of the cat commits an offence; and

(b) an authorised person may seize and impound the cat in accordance with the Act."

The subclause should be numbered 2.2(1) as follows:

"… (2) If a cat is at any time in a place in contravention of subclause 2.2(1)-

(a) the owner of the cat commits an offence; and

(b) an authorised person may seize and impound the cat in accordance with the Act."

New Attachment 6 is attached to this addendum. The attachment includes the correction, and also contains an amendment on page 47 to include the name of the current Chief Executive Officer.

RECOMMENDATION IMPLICATIONS

In light of the above, the officer's recommendation is amended for Council to now make the local law as contained in Attachment 6:

That Council:

1. Makes the proposed draft Keeping and Control of Cats Local Law 2022 as contained in Attachment 6 of this report which includes amendments to remove clause 2.2 “Cats in Other Places” from the advertised draft, and inclusion of the minor edits as advised by the Department of Local Government, Sport and Cultural Industries, which are outlined in Attachment 4.

ABSOLUTE MAJORITY REQUIRED

2. Approves publication of the proposed draft Keeping and Control of Cats Local Law 2022 in the Government Gazette.
3. Approves local public notice of the gazettal of the proposed draft Keeping and Control of Cats Local Law 2022.
4. Requests the Chief Executive Officer to write to the Minister for Environment and Climate Action, advocating for containment measures to be considered for inclusion in the Cat Act 2011.

ATTACHMENTS: 6. Proposed Draft Keeping and Control of Cats Local Law 2022 Updated

OFFICER'S RECOMMENDATION

That Council:

1. Makes the proposed draft *Keeping and Control of Cats Local Law 2022* as contained in Attachment 6 of this report which includes amendments to remove clause 2.2 “Cats in Other Places” from the advertised draft, and inclusion of the minor edits as advised by the Department of Local Government, Sport and Cultural Industries, which are outlined in Attachment 4.

ABSOLUTE MAJORITY REQUIRED

2. 2. Approves publication of the proposed draft *Keeping and Control of Cats Local Law 2022* in the Government Gazette.
3. Approves local public notice of the gazettal of the proposed draft *Keeping and Control of Cats Local Law 2022.*
4. Requests the Chief Executive Officer to write to the Minister for Environment and Climate Action, advocating for containment measures to be considered for inclusion in the *Cat Act 2011.*

COUNCIL RESOLUTION

That Council:

1. Makes the proposed draft *Keeping and Control of Cats Local Law 2022* as contained in Attachment 6 of this report, which includes the minor edits as advised by the Department of Local Government, Sport and Cultural Industries which are outlined in Attachment 4, and further amended to include clause 2.2 “Cats in Other Places” as below:

“2.2 Cats in Other Places

(1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.

(2) If a cat is at any time, in contravention of clause 2.2 (1),

(a) The keeper of the cat commits an offence; and

(b) An Authorised person may seize and impound the cat and deal with the cat pursuant to the Act."

2. Approves publication of the proposed draft *Keeping and Control of Cats Local Law 2022* in the Government Gazette.

3. Approves local public notice of the gazettal of the proposed draft *Keeping and Control of Cats Local Law 2022 .*

4. Requests the Chief Executive Officer to write to the Minister for Environment and Climate Action, advocating for containment measures to be considered for inclusion in the Cat Act 2011*.*

Cr Giorgia Johnson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 7/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Giorgia Johnson.***

Against: ***Cr Michelle Sutherland.***

REASON FOR CHANGE

To reflect the will of the community to protect the City's flora and fauna.

At 8:55pm, Cr Dan Bull and Cr Steven Ostaszewskyj returned to the meeting.

BACKGROUND

The *Keeping and Control of Cats Local Law* provides additional controls and management relating to cats that are not specified in the *Cat Act 2011*. It promotes and encourages responsible cat ownership and provides a framework for the control of nuisance cats, cat management facilities, limits on the number of cats permitted to be kept and humane destruction of stray cats, and provides authority to enforce the laws and administer fines.

The *Local Government Act 1995* requires local laws to be reviewed at least every eight years. The statutory deadline for review of the *Keeping and Control of Cats Local Law 2016* is June 2024.

At its Ordinary Council Meeting of 23 February 2021, Council noted a local law review schedule, which identified the review of the *Keeping and Control of Cats Local Law 2016* for December 2021. It was later determined to be more appropriate to commence the review in early 2022, following the 2021 Local Government elections.

The City completed an internal review of the local law with feedback provided from Rangers and Security, Environmental Health as well as staff from the Sustainability, Environment and Waste branch. These findings were presented to Council at its Ordinary Meeting of 26 April 2022. At that meeting Council repealed the *Keeping and Control of Cats Local Law 2016,* effective after gazettal, and adopted a preliminary draft *Keeping and Control of Cats Local Law 2022* for public comment.

Two Councillor Briefings/Workshops were also conducted on 8 February 2022 and 15 March 2022 where a number of comparisons were presented from other local governments to better assist Council in making an informed decision in relation to the City's review of the local law.

EXTERNAL CONSULTATION

Under section 3.16 of the *Local Government Act 1995* WA (the Act), a local government is to give local public notice stating that it proposes to initiate a local law. The Act requires a minimum six-week (i.e. 42 calendar days) public consultation period, effective from when the section 3.16 notice is published.

The WA Local Government Association (WALGA) recommends that the advertising period is extended to 50 days to allow for weekends and public holidays. The proposed draft *Keeping and Control of Cats Local Law 2022* was publicly advertised on 12 May 2022 and closed on 1 July 2022 in line with the WALGA recommendations.

The City also wrote to the Minister for Housing, Lands, Homelessness and Local Government and the Minister for Environment and Climate Action during the public comment period. A response was received back from the Department of Local Government, Sport and Cultural Industries (DLGSCI), as contained in **Attachment 4**. DLGSCI raised the following specific concerns about the inclusion of clause 2.2:

"1. Clause 2.2 – Conditional prohibition from public areas

The Parliament's Delegated Legislation Committee has formed the view that while the Cat Act 2011 permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- *ban cats from all public areas;*
- *place conditions on when a cat may be permitted in a public area (i.e. a conditional ban, rather than an absolute one); or*
- *attempt to restrict all cats in the district to their owner's premises.*

Clause 2.2 provides that it is an offence for a cat to be in a public place unless it is under "effective control". It is likely that the Committee will object to this clause and for this reason, it is suggested that the clause be deleted.

2. Clause 2.2 - Seizure of cats in public areas

Clause 2.2(2) provides that if a cat is in a public area and not under "effective control", the cat may be impounded pursuant to the Act.

Currently, the Cat Act provides that a cat may be seized when:

1. *It is suspected of breaching the Act;*
2. *The cat is on private land and the removal is requested by the property owner; or*
3. *The seizure is pursuant to a court order.*

Clause 2.2(2) purports to allow the City to seize a cat in circumstances other than those which are prescribed by the Act. It is uncertain whether the Act allows local laws to expand cat seizure powers in this manner. As a result, it is possible the Committee may object to this clause."

DLGSCI also suggested a number of minor edits to the proposed *Keeping and Control of Cats Local Law 2022,* which can also be viewed in **Attachment 4**.

In addition to mandatory public advertising the City consulted with the community via "Engage Bayswater" whereby submitters could choose to complete a survey or upload a submission.

The Community Engagement Summary Report can be viewed in **Attachment 5**. A full Community Engagement Report, including comments from submitters can be found at Engage Bayswater. A total of 542 submissions were received. Overall, community support for the proposed local law was high, at 72.9%. Support was highest from people who do not own a cat (90%). Approximately 50% of submitters who owned a cat were also in support of the proposed local law.

A number of emerging themes were identified from the comments made by submitters, including:

Support for the Proposed Local Law

Of the 72.9% of people who were in support of the proposed local law, a number of reasons were provided for the support, including

- Protection of wildlife.
- Protection of cats.
- Belief the same rules should apply for cats as for dogs.
- Reduction of nuisance behaviour from cats.

Opposition to the Proposed Local Law

People voiced opposition to the proposed local law for reasons including:

- Inconsistency with the *Cat Act 2011.*
- Belief that the focus should be elsewhere such as on feral cats, roaming dogs or on the requirement to neuter cats or for cats to wear bibs/bells.
- They did not consider the law strict enough, or believed the fines were too low.
- Belief that it is natural for cats to roam and difficult to stop them from doing so.
- Cats help keep the local rodent population in check.

Requests for Support for Cat Owners

Some submitters suggested that cat owners should be provided with assistance to comply with the proposed law if adopted such as:

- Assistance to build or buy a cat enclosure.
- Information Sessions on cat-walking.
- An adequate grace period for fitting of cat enclosures and possible exemptions for current licensed cat owners.
- No fines for a first offence.
- Low registration fees to encourage cat owners to do the right thing.

Enforcement

Many people commented on enforcement with the following concerns:

- The proposed laws may be difficult or impossible to enforce.
- The proposed fines for breaching the local law are very high.
- The new law may discriminate against cat owners in small dwellings or those who live in strata arrangements/complexes that don't allow installation of cat enclosures.
- The new local law needs to be supported with strong enforcement.
- The current laws are sufficient but should be better enforced.

The City's Rangers and Security Branch are currently working on a strategy to address some of these enforcement issues should the local law be made by Council. The strategy would include the roll-out of a detailed information and awareness program.

OFFICER'S COMMENTS

Key Changes as Outlined in Proposed Advertised Local Law

The proposed advertised *Keeping and Control of Cats Local Law 2022* contains a list of 42 natural areas in the City of Bayswater where cats would be prohibited.

It also contains a new clause 2.2, "Cats in Other Places", which would require that cats should not be in a public place unless under "effective control" (held by a person who is capable of controlling the cat, securely tethered, secured in a cage, or controlled by any other means to prevent escape).

Local Law Purpose and Effect

A local law is required to state the purpose and effect, which is outlined below:

Purpose

The purpose of the *Keeping and Control of Cats Local Law 2022* is to provide additional controls and management of matters relating to cats that are not specified in the *Cat Act 2011,* and to promote and encourage responsible cat ownership.

Effect

The *Cat Act 2011 requires* all cats to be microchipped, sterilised and registered with the respective local government from the age of six months.

The effect of the *Keeping and Control of Cats Local Law 2022* is that it will provide a framework for managing the issues that are not covered in the *Cat Act 2011*. Those issues include the control of nuisance cats, cat management facilities, limits on the number of cats permitted to be kept and humane treatment of feral cats.

Joint Standing Committee on Delegated Legislation (JSCDL)

Following Council making the *Keeping and Control of Cats Local Law 2022*, it must be published in the Western Australian Government Gazette, and will then be considered by the JSCDL. The JDCDL's standing orders require it to ensure the local law is consistent with the *Cat Act 2011*, has no unintended effect on any person's existing rights or interests, provides an effective mechanism for the review of administrative decisions and contains only matter that is appropriate as subsidiary legislation to the *Cat Act 2011*.

A number of local governments have recently attempted to include conditions similar to the City's proposed clause 2.2 in their cat local laws and have been provided with undertakings to remove the clause.

However the Shire of Northam's *Cat Local Law 2019* contains a clause 3.2 Cats in Other Places "A cat shall not be in a public place unless the cat is, in the opinion of an authorised person, under effective control", and the Shire of Narrogin's *Cats Local Law 2016* (Consolidated January 2022) contains the same wording in their clause 5.1 titled Cats in Public Places.

Both of these examples appear to be inconsistent with the recent advice received by the City of Kwinana by the JSCDL, however it is likely that a greater amount of consideration and flexibility was provided for a regional local government and no metropolitan local government has been allowed by the JSCDL to include a similar clause in their local law to date.

City of Kwinana

On 23 February 2022, the City of Kwinana resolved to adopt the *City of Kwinana Cat Local Law 2022.* The local law was gazetted on 29 March 2022 and came into effect on 12 April 2022. The local law contained a clause 3.1 as follows:

"3.1 Cats wandering

(1) A cat shall not be in a public place unless the cat is under effective control.

(2) A cat shall not be in a place that is not a public place without the consent of the owner or occupier.

(3) If a cat is at any time in contravention of clause 3.1(1) or 3.1(2) — (a) the person liable for the control of such cat commits an offence; and (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act."

The JSCDL wrote to the City of Kwinana requesting that the *Cat Local Law 2022* be amended to remove clause 3.1 within six months as part of an undertaking. The undertaking will be in the form of a *Cat Amendment Local Law 2022* removing clause 3.1 and proposes that it be replaced with cat prohibited areas.

The advice from the JSCDL to the City of Kwinana is that they consider clause 3.1 is inconsistent with the *Cat Act 2011* and is therefore inconsistent with the JSCDL Terms of Reference

Town of Bassendean

The Town of Bassendean recently introduced a cat local law. The gazetted local law included an offence for a cat to be in a place other than a place they are registered to that is not public (i.e. private property). By including this clause and associated penalty, the Town would have had more options to deal with cats entering private property without the consent of the property owner or occupier.

The JSCDL however directed that clause 2.2 (and associated references) relating to cats in places that are not public be deleted. The rationale was that it may result in forcing owners to confine their cats, which would be considered inconsistent with, and not authorised by, the *Cat Act 2011.*

As a result of this, the Town of Bassendean Council resolved to provide the required undertaking to delete this clause as well as advertise the draft *Cats Amendment Local Law 2022* in accordance with section 3.12 of the *Local Government Act 1995.*

These decisions are considered relevant to the City's proposed clause 2.2 "Cats in Other Places". If Council resolves to still include this clause it is likely the JSCDL will disallow this clause and request the City to develop a *Keeping and Control of Cats Amendment Local Law 2022.*

It is recommended that clause 2.2 "Cats in Other Places" that was advertised in the proposed draft local law is removed from the proposed local law and Council request the Chief Executive Officer write to the Minister for Environment and Climate Action, advocating for containment measures to be considered in for inclusion in the *Cat Act 2011.* This is considered a more appropriate avenue to affect change then proposing a local law to the JSCDL that is inconsistent with the head of power *(the Cat Act 2011),* as the JSCDL must abide by its Standing Orders when considering local laws.

The other main clause that was advertised in the proposed draft was clause 2.3 "Cats in Prohibited Places". It is recommended that this clause remains in the proposed local law as it clearly demonstrates that the City is continuing to put measures in place to protect its wildlife and fauna and this clause was supported through the submissions received as highlighted in **Attachment 5**. A number of other local governments also have existing clauses relating to prohibited areas within their local laws.

Council may wish to make further changes to the proposed local law in response for some of the suggestions provided in the submissions from the public such as including an adequate grace period for fitting of cat enclosures, possible exemptions for current licensed cat owners, lowering or increasing fines or not imposing fines for a first offence. It should be noted that including any of these changes would mean the proposed local law should be advertised for another period of public comment to allow the community to provide feedback on the new inclusions. As most of these suggestions were in relation to Cause 2.2 "Cats in Other Places", were it to be included in the local law, and the officer's recommendation is for Cause 2.2 "Cats in Other Places" to be removed, the officers are not recommending these suggestions for inclusion. However, should Council include Clause 2.2 "Cats in Other Places", providing exemptions for existing owners may be contrary to the intent of the clause.

LEGISLATIVE COMPLIANCE

Section 3.12 of the *Local Government Act 1995* sets out the procedure for making local laws, including public notices and gazettal.

Section 3.17 of the above Act sets out the procedure in which a local law may be amended or repealed.

The *Cat Act 2011* sets out the requirements *inter alia* for registration and sterilisation of cats, as well as the requirements for cat management facilities.

The *Cat Regulations 2012* set out the requirements for cats to be microchipped and registered, as well as the approval requirements for cat breeders.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council:** **1. Makes the proposed draft *Keeping and Control of Cats Local Law 2022* as contained in Attachment 2 of this report which includes amendments to remove clause 2.2 "Cats in Other Places" from the advertised draft, and inclusion of the minor edits as advised by the Department of Local Government, Sport and Cultural Industries which are outlined in Attachment 4.** ***ABSOLUTE MAJORITY REQUIRED*** **2. Approves publication of the proposed draft *Keeping and Control of Cats Local Law 2022* in the Government Gazette.** **3. Approves local public notice of the gazettal of the proposed draft *Keeping and Control of Cats Local Law 2022.*** **4. Requests the Chief Executive Officer to write to the Minister for Environment and Climate Action, advocating for containment measures to be considered for inclusion in the *Cat Act 2011.***

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low

Organisational Health and Safety	Low	Low
Conclusion	This option is considered to present low risk to the City as it meets the procedural requirements for Council to make the *Keeping and Control of Cats Local Law 2022* and takes into account feedback from the community and the Department of Local Government, Sport and Cultural Industries. The community and stakeholder risks are considered to be moderate as some community members may be dissatisfied that clause 2.2 has been removed. However, the JDCSL would likely provide the City with an undertaking requiring a new law to be made without this clause if Council chooses to include it.	

Option 2	**That Council:** **1. Makes the proposed draft *Keeping and Control of Cats Local Law 2022* as contained in Attachment 2 of this report, which includes the minor edits as advised by the Department of Local Government, Sport and Cultural Industries which are outlined in Attachment 4, and further amended to include clause 2.2 "Cats in Other Places" as below:** ***"2.2 Cats in Other Places*** ***(1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.*** ***(2) If a cat is at any time, in contravention of clause 2.2 (1),*** ***(a) The keeper of the cat commits an offence; and*** ***(b) An Authorised person may seize and impound the cat and deal with the cat pursuant to the Act."*** **2. Approves publication of the proposed draft *Keeping and Control of Cats Local Law 2022* in the Government Gazette.** **3. Approves local public notice of the gazettal of the proposed draft *Keeping and Control of Cats Local Law 2022.*** *4.* **Requests the Chief Executive Officer to write to the Minister for Environment and Climate Action, advocating for containment measures to be considered for inclusion in the Cat Act 2011.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	The governance risks of this option are considered to be moderate as while it meets the procedural requirements for Council to make the *Keeping and Control of Cats Local Law 2022*, it includes clause 2.2 "Cats in Other Places", which the JSCDL is unlikely to support as it is inconsistent with the *Cat Act 2011.* Inclusion of this clause would also present moderate community and stakeholder risks due to the challenges that would be faced by cat owners to comply with the clause. Service delivery risks are also considered to be moderate as clause 2.2 may be difficult for the City to enforce.	

Option 3	**That Council:** **1. Makes the proposed draft *Keeping and Control of Cats Local Law 2022* as contained in Attachment 2 of this report with amendments to remove clause 2.2 'Cats in Other Places" from the advertised draft, inclusion of the minor edits as advised by the Department of Local**

	Government, Sport and Cultural Industries, and subject to the following additional amendment(s): **(a) _____** **(b) _____** **(c) _____** **2. Approves publication of the proposed draft *Keeping and Control of Cats Local Law 2022* in the Government Gazette.** **3. Approves local public notice of the gazettal of the proposed draft *Keeping and Control of Cats Local Law 2022.*** **4. Requests the Chief Executive Officer to write to the Minister for Environment and Climate Action, advocating for containment measures to be considered for inclusion in the Cat Act 2011.**

Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Dependent on the amendment(s) made
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	If Council decides to make any additional amendments to the proposed draft which are substantially different to what was advertised, the JDSCL may ask it to readvertise the local law. There may also be other risks which will be dependent on the amendment(s) made.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Advertising and notice in the Government Gazette

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$4,000	-	-	-	-	-	$12,000

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

It is recommended that Council makes the *Keeping and Control of Cats Local Law 2022*, as per **Attachment 2,** which will ensure that the City promotes and encourages responsible cat ownership

and provides a framework for the control of nuisance cats, cat management facilities, limits on the number of cats permitted to be kept and humane destruction of stray cats, and provides authority to enforce the laws and administer fines.

Although the community engagement showed residents are in favour of the proposed local law it is recommended that the proposed clause 2.2 “Cats in Other Places” contained in the advertised draft be removed as it is likely that the JSCDL will disallow this clause and will request the City make an amendment local law to remove it.

By making the local law with the inclusion of the 42 cat-prohibited areas Council will continue to demonstrate to the community its commitment to protect the City’s flora and fauna. It is also recommended Council requests the Chief Executive Officer to write to the Minister for Environment and Climate Action to advocate for containment provisions to be considered for inclusion in the *Cat Act 2011* so that local governments may make local laws requiring that cats be confined to their properties.

LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

CITY OF BAYSWATER
KEEPING AND CONTROL OF CATS
LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

CITY OF BAYSWATER

KEEPING AND CONTROL OF CATS LOCAL LAW 2016

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on 17 May 2016 to make the following local law.

PART 1 - PRELIMINARY

1.1 Repeal

The City of Bayswater Keeping and Control of Cats Local Law 2014 as published in the Government Gazette on 17 October 2014 is repealed.

1.2 Citation

This local law may be cited as the *City of Bayswater Keeping and Control of Cats Local Law 2016.*

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette.*

1.4 Application

This local law applies throughout the district.

1.5 Definitions

In this local law unless the context otherwise requires-

Act means the *Cat Act 2011;*
applicant means the occupier of the premises who makes an application for a permit under this local law;
authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;
cat means an animal of the species *felis catus* or a hybrid of that species;
cat management facility means-

(a) a facility operated by a local government that is, or may be, used for keeping cats; or
(b) a facility for keeping cats that is operated by a person or body prescribed; or
(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

cattery means any premises where more than 3 cats are boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;
CEO means the Chief Executive Officer of the local government;
Council means the Council of the local government;
district means the district of the local government;
effective control in relation to a cat means any of the following methods-

(a) held by a person who is capable of controlling the cat;
(b) securely tethered;
(c) secured in a cage; or
(d) any other means of preventing escape.

grouped dwelling means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.
local government means the City of Bayswater;
multiple dwelling means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but-

(a) does not include a grouped dwelling; and
(b) includes any dwellings above the ground floor in a mixed use development.

nuisance has the same meaning as given in the Act;
owner a person who occupies any premises in which a cat is ordinarily kept or permitted to live and who has care and control of the cat.
permit means a permit issued by the local government under clause 3.6;
permit holder means a person who holds a valid permit under clause 3.6;
premises includes the following-

(a) land (whether or not vacant);
(b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
(c) a vehicle.

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;
Schedule means a schedule to this local law;
Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and
single dwelling means a house that stands alone on its own parcel of land.

PART 2 - CAT CONTROL

2.1 Cat Nuisance

The owner or occupier of premises on which a cat is ordinarily kept shall prevent the cat from creating a nuisance on other premises, to another person or exposing another person to health and/or safety risks by:

(a) the noise or odour generated by the presence of the cat;

(b) the aggressive nature of the cat.

PART 3 - PERMITS FOR KEEPING CATS

3.1 Interpretation

In this Part, and for the purposes of applying the definition of "cattery"-
cat does not include a cat less than 6 months old.

3.2 Cats for which a permit is required

(1) Subject to subclause (2) a person is required to have a permit-

(a) to keep more than 3 cats on any single dwelling or grouped dwelling premises to a maximum of six (6);

(b) to keep more than 2 cats on any multiple dwelling property to a maximum of six (6); or

(c) to use any premises as a cattery.

(2) A permit is not required under subclause (1) if the premises concerned are-

(a) a refuge of the RSPCA or any other animal welfare organisation;

(b) a cat management facility which has been approved by the local government;

(c) a veterinary surgery; or

(d) a pet shop.

3.3 Application for permit

An application for a permit under clause 3.2 shall be-

(a) be made in writing by an occupier of premises in relation to those premises;

(b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;

(c) accompanied by a brief reason and justification for the request;

(d) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;

(e) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates;

(f) accompanied by the application fee for the permit determined by the local government from time to time.

3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

(1) In determining an application for a permit the local government may have regard to -
   (a) the reasons and justification provided for the request;
   (b) the physical suitability of the premises for the proposed use;
   (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
   (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
   (e) the structural suitability of any enclosure in which any cat is to be kept;
   (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
   (g) the likely effect on the amenity of the surrounding area of the proposed use;
   (h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
   (i) any submissions received under subclause (2) within the time specified in subclause (2); and
   (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

(2) The local government require an applicant to:
   (a) consult with other nearby landowners; and
   (b) advise other adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice,

   before determining the application for the permit.

(3) The local government may specify the extent of the consultation with nearby residents, as specified in subclause 3.5(2)(a) and may specify which properties should be consulted.

3.6 Decision on application

(1) The local government may-
   (a) approve an application for a permit, as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it considers fit;
   (b) approve an application, but specify an alternative number of cats permitted to be housed at the address; or
   (c) refuse to approve an application for a permit.

(2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.

(3) If the local government refuses to approve an application under subclause (1), then it shall advise the applicant accordingly in writing.

3.7 Conditions

(1) Every permit is issued subject to the following conditions-
   (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
   (b) each cat shall be contained on the premises unless under the effective control of a person;
   (c) the permit holder will provide adequate space for the exercise of the cats;
   (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
   (e) those conditions contained in Schedule 1.

(2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

(3) The permit holder who fails to comply with a condition of a permit commits an offence.

3.8 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until-
   (a) it is revoked; or
   (b) the permit holder ceases to reside at the premises to which the permit relates.

3.9 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.10 Permit not transferable

A permit is not transferable either in relation to the permit holder or the premises.

3.11 Permit to be kept at the premises and available for view

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand. In the case of a registered cattery, the permit shall be displayed in a prominent place within the premises.

PART 4 - MISCELLANEOUS

4.1 Giving of an Infringement notice

A notice given under this local law may be given to a person-

(a) personally;
(b) by registered mail addressed to the person; or
(c) by leaving it for the person at her or his address.

PART 5 - OBJECTIONS AND APPEALS

5.1 Objection and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995.*

PART 6 - 0FFENCES, DEFENCE AND PENALTIES

6.1 Offences

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of $500 in respect of each day or part of a day during which the offence has continued.

6.2 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 63 of the Act.
(2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

6.3 Forms

(1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
(2) An infringement notice given under section 63 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012.*
(3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012.*

SCHEDULE 1 - ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS FOR MULTIPLE DWELLINGS

[Clause 3.7]

A. Permit to keep more than prescribed number of cats
Additional conditions

(1) The written consent to the application for a permit of the adjoining multiple dwellings on the same level has been obtained;

(2) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat-
   (a) dies;
   (b) is permanently removed from the premises.

B. Permit to use premises as a cattery
Additional conditions

(1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
(2) There is to be a feed room, wash area, isolation cages and maternity section.
(3) Materials used in structures are to be approved by the local government.
(4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
(5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
(6) Wash basin with the minimum of cold water to be available.
(7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
(8) An entry book is to be kept recording in respect of each cat the-
   (a) date of admission;
   (b) date of departure;
   (c) breed, age, colour and sex; and
   (d) the name and residential address of the keeper;
(9) The entry book is to be made available for inspection on the request of an authorised person.
(10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
(11) No sick or ailing cat to be kept on the premises.
(12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

SCHEDULE 2 - MODIFIED PENALTIES

[Clause 6.2]

Item	Clause	Offence	Modified Penalty
1	2.1	Cat causing a nuisance	$250
2	3.2(1)(a) & (b)	Keeping more than prescribed number of cats without a permit	$250
3	3.2(1)(c)	Keeping a cattery without a permit	$350
4	3.7(3)	Failure to comply with permit condition	$250

The COMMON SEAL of
THE CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

_____
FRANCESCA LEFANTE
CHIEF EXECUTIVE OFFICER

_____
BARRY MCKENNA
MAYOR

Dated: 17 May 2016

LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

CITY OF BAYSWATER KEEPING AND CONTROL OF CATS LOCAL LAW 2022

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LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

CITY OF BAYSWATER

KEEPING AND CONTROL OF CATS LOCAL LAW 2022

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on (insert date) to make the following local law.

1.1 Repeal

PART 1 - PRELIMINARY

The City of Bayswater *Keeping and Control of Cats Local Law 2016* as published in the Government Gazette on 14 June 2016 is repealed.

1.2 Citation

This local law may be cited as the *City of Bayswater Keeping and Control of Cats Local Law 2022.*

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the Government *Gazette.*

1.4 Application

This local law applies throughout the district.

1.5 Definitions

(1) In this local law unless the context otherwise requires-

Act means the *Cat Act 2011;*
applicant means the occupier of the premises who makes an application for a permitunder this local law;
authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;
cat means an animal of the species *felis catus* or a hybrid of that species;
cat management facility means-

(a) a facility operated by a local government that is, or may be, used for keeping cats; or
(b) a facility for keeping cats that is operated by a person or body prescribed; or
(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

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cat prohibited area means an area as outlined in Schedule 3;
cattery means any premises where more than 3 cats are boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises isnot the ordinary keeper of the cats;
CEO means the Chief Executive Officer of the local government;
Council means the Council of the local government;
district means the district of the local government;
effective control in relation to a cat means any of the following methods-

(a) held by a person who is capable of controlling the cat;
(b) securely tethered;
(c) secured in a cage; or
(d) any other means of preventing escape.

grouped dwelling means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.
local government means the City of Bayswater;
multiple dwelling means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but-

(a) does not include a grouped dwelling; and
(b) includes any dwellings above the ground floor in a mixed-use development.

nuisance

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability.

owner, in relation to a cat, means any of these persons-

(a) in the case of a cat that is registered, the registered owner of the cat; or
(b) in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat; or
(c) if a person referred to in paragraph (b) is a child under 18 years of age, that child's parent or guardian.

permit means a permit issued by the local government under clause 3.6; ***permit holder*** means a person who holds a valid permit under clause 3.6;
premises includes the following-

(a) land (whether or not vacant);
(b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
(c) a vehicle.

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;
Schedule means a schedule to this local law;
Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and
single dwelling means a house that stands alone on its own parcel of land.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995.*

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PART 2 - CAT CONTROL

2.1 Cat Nuisance

(1) An owner shall not allow a cat to be or create a nuisance.

(2) Where the local government receives a complaint from a person, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.

(3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.

(4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

(5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012.*

2.2 Cats in Prohibited Areas

(1) A cat shall not be in any cat prohibited area as listed on Schedule 3.

(2) If a cat is at any time in a place in contravention of subclause 2.3(1)-

(a) the owner of the cat commits an offence; and
(b) an authorised person may seize and impound the cat in accordance with the Act.

PART 3 - PERMITS FOR KEEPING CATS

3.1 Interpretation

In this Part, and for the purposes of applying the definition of "cattery"-
cat does not include a cat less than 6 months old.

3.2 Cats for which a permit is required

(1) Subject to subclause (2) a person is required to have a permit-
(a) to keep more than 3 cats on any single dwelling or grouped dwelling premises to a maximum of six (6);
(b) to keep more than 2 cats on any multiple dwelling property to a maximum of six (6); or
(c) to use any premises as a cattery.

(2) A permit is not required under subclause (1) if the premises concerned are-
(a) a refuge of the RSPCA or any other animal welfare organisation;
(b) a cat management facility which has been approved by the local government;
(c) a veterinary clinic or hospital; or
(d) a pet shop.

(3) A person who keeps more than the standard number of cats on a prescribed premises without

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approval commits an offence.

3.3 Application for permit

An application for a permit under clause 3.2 shall be-

(a) be made in writing by an occupier of premises in relation to those premises;
(b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
(c) accompanied by a brief reason and justification for the request;
(d) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;
(e) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates;
(f) accompanied by the application fee for the permit determined by the local government from time to time.

3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

(1) In determining an application for a permit, the local government may have regard to -

(a) the reasons and justification provided for the request;
(b) the physical suitability of the premises for the proposed use;
(c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
(d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
(e) the structural suitability of any enclosure in which any cat is to be kept;
(f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
(g) the likely effect on the amenity of the surrounding area of the proposed use;
(h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
(i) any submissions received under subclause (2) within the time specified in subclause (2); and
(j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

(2) The local government require an applicant to:

(a) consult with other nearby landowners; and
(b) advise other adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

3.6 Decision on application

(1) The local government may-

(a) approve an application for a permit, as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it considers fit;
(b) approve an application, but specify an alternative number of cats permitted to be

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housed at the address; or

(c) refuse to approve an application for a permit.

(2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.

(3) If the local government refuses to approve an application under subclause (1), then it shall advise the applicant accordingly in writing.

3.7 Conditions

(1) Every permit is issued subject to the following conditions-

(a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;

(b) each cat shall be contained on the premises unless under the effective control of a person;

(c) the permit holder will provide adequate space for the exercise of the cats;

(d) the premises shall be maintained in good order and in a clean and sanitary condition; and

(e) those conditions contained in Schedule 1.

(f) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once the cat-

(i) dies; or

(ii) is permanently removed from the premises.

(2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

(3) The permit holder who fails to comply with a condition of a permit commits an offence.

3.8 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue until-

(a) it is revoked; or

(b) the permit holder ceases to reside at the premises to which the permit relates.

3.9 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.10 Permit not transferable

A permit is not transferable either in relation to the permit holder or the premises.

3.11 Permit to be kept at the premises and available for view

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand. In the case of a registered cattery, the permit shall be displayed in a prominent place within the premises.

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PART 4 - MISCELLANEOUS

4.1 Giving of an Infringement notice

A notice given under this local law may be given to a person-

(a) personally;
(b) by postal mail addressed to the person; or
(c) by leaving it for the person at her or his address.

PART 5 - OBJECTIONS AND APPEALS

5.1 Objection and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995.*

PART 6 - OFFENCES, DEFENCE AND PENALTIES

6.1 Offences

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of $500 in respect of each day or part of a day during which the offence has continued.

6.2 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 62(1) of the Act.
(2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

6.3 Forms

(1) The issuing of infringement notices, their withdrawal and the payment of modified penalties dealt with in Division 4 of Part 4 of the Act.
(2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012.*
(3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012.*

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SCHEDULE 1 - ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS FOR GROUPED, MULTIPLE AND SINGLE DWELLINGS

[Clause 3.7]

A. Permit to keep more than prescribed number of cats
Additional conditions

(1) The written consent of the owner/occupier to the application for a permit of the adjoining owner/occupier on the same level has been obtained;

(2) Without the consent of the local government, the permit holder will not substitute once that cat-
  (a) dies;
  (b) is permanently removed from the premises.

B. Permit to use premises as a cattery
Additional conditions

(1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
(2) There is to be a feed room, wash area, isolation cages and maternity section.
(3) Materials used in structures are to be approved by the local government.
(4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
(5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
(6) Wash basin with the minimum of cold water to be available.
(7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
(8) An entry book is to be kept recording in respect of each cat the-
  (a) date of admission;
  (b) date of departure;
  (c) breed, age, colour and sex; and
  (d) the name and residential address of the keeper;
(9) The entry book is to be made available for inspection on the request of an authorised person.
(10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
(11) No sick or ailing cat to be kept on the premises.
(12) Any other matter, which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

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SCHEDULE 2 - MODIFIED PENALTIES

[Clause 6.2]

Item	Clause	Offence	Modified Penalty
1	2.1(4)	Cat causing a nuisance	$250
2	2.2(1)	Cat in prohibited areas	$250
3	3.2(1)	Keeping more than prescribed number of cats without a permit	$250
4	3.2(1)(c)	Keeping a cattery without a permit	$350
5	3.7(3)	Any other offence	$250
6	3.9	Failure to comply with permit condition	$250

SCHEDULE 3 – CAT PROHIBITED AREAS

[Clause 2.2]

No.	Common Name	Location	Lot Number	Reserve Number
1	Addlestone Reserve	60 Embleton Avenue, Embleton	-	-
2	Arbor Park	1 Cassia Way, Morley	R39284	R39284
3	Baigup Wetlands	134 Garrett Road, Bayswater	821	-
4	Bardon Park	18 Fourth Avenue, Maylands	R26397	R26397
5	Bath Street Reserve	3 Swan View Terrace, Maylands	R33202	R33202
6	Berringa Park	2 Mary Street, Maylands	R34262	R3462
7	Bohemia Park	11 Eaton Place, Noranda	R35760	R35760
8	Browns Lake Reserve	211 Coode Street, Bedford	50	-
9	Claughton Reserve	89 Katanning Street, Bayswater	R49440	R49440
10	Crimea Park (Wetland)	2 McArthur Street, Morley	R29473	R29473
11	Eric Singleton Bird Sanctuary	129 King William Street, Bayswater	8	-
12	Eric Singleton Bird Sanctuary West	124 King William Street, Bayswater	50	-
13	Evans Place Reserve	10 Evans Place, Bayswater	R28363	R28363
14	Feredy Reserve	7 Feredy Street, Embleton	R26282	R26282
15	Gobba Lake	65 Wyatt Road, Bayswater	501	-
16	Hillcrest Living Stream	Drake Street, Bayswater	52	-
17	Hillcrest Reserve	100 Coode Street, Bayswater	50	R24336
18	Hinds Reserve	130 Milne Street, Bayswater	61	-

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19	Houghton Park	1 Purley Street, Bayswater	559	-
20	Ingles Reserve	3 Ashfield Place, Bayswater	R51182	R51182
21	Jakobsons Living Stream	Walter Road West, Morley	R28250	R28250
22	Lightning Park	30 Della Road, Noranda	R46880	R46880
23	Lightning Swamp	33 Della Road, Noranda	R46880	R46880
24	Malaga Drive Bushland			
25	Maxwell Reserve	2 Maxwell Avenue, Noranda	101	-
26	Maylands Foreshore	48 Clarkson Road, Maylands & 2 Clarkson Road, Maylands	R9323 R33966	R9323 R33966
27	Maylands Jetty Foreshore	18 Fourth Avenue East, Maylands	-	-
28	Maylands Lakes (Lake Brearley & Lake Bungana)	Lake Brearley – Tranby Road, Maylands Lake Bungana – De Havilland View, Maylands	R46293 R46177	R46293 R46177
29	Maylands Samphires	Clarkson Road, Maylands	R48463	R48463
30	McPherson Bushland	20 McPherson Avenue, Noranda	R39364	R39364
31	Newington Reserve	14 Marconi Street, Morley	R39763	R39763
32	Nora Hughes Park (Wetland)	2 Drake Street, Morley	R32362	R32362
33	Patterson Living Stream	1 Patterson Street, Bayswater	R33305	R33305
34	Peters Place Reserve (Wetland)	15 Peters Place, Morley	R4324	R4324
35	Riverside Gardens	127 King William Street, Bayswater	208	
36	Russell Street Park	95 Russell Street, Morley	1142	-
37	Shadwell Reserve	33 Shadwell Way, Morley	R42714	R42714
38	Strutt Reserve	21 Strutt Way, Noranda	R37139	R37139
39	Swan Lake Reserve	12B Nolan Place, Bayswater	R42128	R42128
40	Tranby Reserve/Peninsula Farm	2 Hardey Road, Maylands	R48463	R48463
41	Weld Square Reserve (Living Stream)	26 Fitzgerald Road, Morley	R43327	R43327
42	Wright Crescent Wetlands (Riverside Gardens, East).	28 Wright Crescent, Bayswater	2	-

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The COMMON SEAL of THE
CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

_____

CHIEF EXECUTIVE OFFICER

_____

FILOMENA PIFFARETTI
MAYOR

Dated: (insert date)

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LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

CITY OF BAYSWATER
KEEPING AND CONTROL OF CATS
LOCAL LAW 2022

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LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

CITY OF BAYSWATER

KEEPING AND CONTROL OF CATS LOCAL LAW 2022

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on (insert date) to make the following local law.

1.1 Repeal

PART 1 - PRELIMINARY

The City of Bayswater *Keeping and Control of Cats Local Law 2016* as published in the Government Gazette on 14 June 2016 is repealed.

1.2 Citation

This local law may be cited as the *City of Bayswater Keeping and Control of Cats Local Law 2022.*

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the Government *Gazette.*

1.4 Application

This local law applies throughout the district.

1.5 Definitions

(1) In this local law unless the context otherwise requires-

Act means the *Cat Act 2011;*
applicant means the occupier of the premises who makes an application for a permit under this local law;
authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;
cat means an animal of the species *felis catus* or a hybrid of that species;
cat management facility means-

(a) a facility operated by a local government that is, or may be, used for keeping cats; or
(b) a facility for keeping cats that is operated by a person or body prescribed; or
(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

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cat prohibited area means an area as outlined in Schedule 3;
cattery means any premises where more than 3 cats are boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;
CEO means the Chief Executive Officer of the local government;
Council means the Council of the local government;
district means the district of the local government;
effective control in relation to a cat means any of the following methods-

(a) held by a person who is capable of controlling the cat;
(b) securely tethered;
(c) secured in a cage; or
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grouped dwelling means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.
local government means the City of Bayswater;
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(a) does not include a grouped dwelling; and
(b) includes any dwellings above the ground floor in a mixed-use development.

nuisance

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability.

***~~O~~o**wner,* in relation to a cat, means any of these persons-

(a) in the case of a cat that is registered, the registered owner of the cat; or
(b) in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat; or
(c) if a person referred to in paragraph (b) is a child under 18 years of age, that child's parent or guardian.

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premises includes the following-

(a) land (whether or not vacant);
(b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
(c) a vehicle.

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;
Schedule means a schedule to this local law;
Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and
single dwelling means a house that stands alone on its own parcel of land.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995.*

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PART 2 - CAT CONTROL

2.1 Cat Nuisance

(1) An owner shall not allow a cat to be or create a nuisance.

(2) Where the local government receives a complaint from a person, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.

(3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.

(4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

(5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012.*

~~**2.2 Cats in Other Places**~~

~~(1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.~~

~~(2) If a cat is at any time, in contravention of clause 2.2 (1),~~

~~(a) The keeper of the cat commits an offence; and~~

~~(b) An Authorised person may seize and impound the cat and deal with the cat pursuant to the Act.~~

2.2~~3~~ Cats in Prohibited Areas

(1) A cat shall not be in any cat prohibited area as listed on Schedule 3.

(2) If a cat is at any time in a place in contravention of subclause 2.3(1)-

(a) the owner of the cat commits an offence; and
(b) an authorised person may seize and impound the cat in accordance with the Act.

PART 3 - PERMITS FOR KEEPING CATS

3.1 Interpretation

In this Part, and for the purposes of applying the definition of "cattery"-
cat does not include a cat less than 6 months old.

3.2 Cats for which a permit is required

(1) Subject to subclause (2) a person is required to have a permit-
(a) to keep more than 3 cats on any single dwelling or grouped dwelling premises to a maximum of six (6);
(b) to keep more than 2 cats on any multiple dwelling property to a maximum of

six (6); or

(c) to use any premises as a cattery.

(2) A permit is not required under subclause (1) if the premises concerned are-

(a) a refuge of the RSPCA or any other animal welfare organisation;
(b) a cat management facility which has been approved by the local government;
(c) a veterinary clinic or hospital; or
(d) a pet shop.

(3) A person who keeps more than the standard number of cats on a prescribed premises without approval commits an offence.

3.3 Application for permit

An application for a permit under clause 3.2 shall be-

(a) be made in writing by an occupier of premises in relation to those premises;
(b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
(c) accompanied by a brief reason and justification for the request;
(d) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;
(e) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates;
(f) accompanied by the application fee for the permit determined by the local government from time to time.

3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

(1) In determining an application for a permit, the local government may have regard to -

(a) the reasons and justification provided for the request;
(b) the physical suitability of the premises for the proposed use;
(c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
(d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
(e) the structural suitability of any enclosure in which any cat is to be kept;
(f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
(g) the likely effect on the amenity of the surrounding area of the proposed use;
(h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
(i) any submissions received under subclause (2) within the time specified in subclause (2); and
(j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

(2) The local government require an applicant to:

(a) consult with other nearby landowners; and
(b) advise other adjoining landowners that they may make submissions to the local

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government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

3.6 Decision on application

(1) The local government may-
   (a) approve an application for a permit, as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it considers fit;
   (b) approve an application, but specify an alternative number of cats permitted to be housed at the address; or
   (c) refuse to approve an application for a permit.

(2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.

(3) If the local government refuses to approve an application under subclause (1), then it shall advise the applicant accordingly in writing.

3.7 Conditions

(1) Every permit is issued subject to the following conditions-
   (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
   (b) each cat shall be contained on the premises unless under the effective control of a person;
   (c) the permit holder will provide adequate space for the exercise of the cats;
   (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
   (e) those conditions contained in Schedule 1.
   (f) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once the cat-
      (a) dies; or
      (b) is permanently removed from the premises.

(2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

(3) The permit holder who fails to comply with a condition of a permit commits an offence.

3.8 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue until-
   (a) it is revoked; or
   (b) the permit holder ceases to reside at the premises to which the permit relates.

3.9 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.10 Permit not transferable

A permit is not transferable either in relation to the permit holder or the premises.

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3.11 Permit to be kept at the premises and available for view

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand. In the case of a registered cattery, the permit shall be displayed in a prominent place within the premises.

PART 4 - MISCELLANEOUS

4.1 Giving of an Infringement notice

A notice given under this local law may be given to a person-

(a) personally;
(b) by postal mail addressed to the person; or
(c) by leaving it for the person at her or his address.

PART 5 - OBJECTIONS AND APPEALS

5.1 Objection and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 6 - OFFENCES, DEFENCE AND PENALTIES

6.1 Offences

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of $500 in respect of each day or part of a day during which the offence has continued.

6.2 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 62(1) of the Act.
(2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

6.3 Forms

(1) The issuing of infringement notices, their withdrawal and the payment of modified penalties dealt with in Division 4 of Part 4 of the Act.
(2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012.*
(3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012.*

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SCHEDULE 1 - ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS FOR GROUPED, MULTIPLE AND SINGLE DWELLINGS

[Clause 3.7]

A. Permit to keep more than prescribed number of cats
Additional conditions

(1) The written consent of the owner/occupier to the application for a permit of the adjoining owner/occupier on the same level has been obtained;

(2) Without the consent of the local government, the permit holder will not substitute once that cat-
   (a) dies;
   (b) is permanently removed from the premises.

B. Permit to use premises as a cattery
Additional conditions

(1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
(2) There is to be a feed room, wash area, isolation cages and maternity section.
(3) Materials used in structures are to be approved by the local government.
(4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
(5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
(6) Wash basin with the minimum of cold water to be available.
(7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
(8) An entry book is to be kept recording in respect of each cat the-
   (a) date of admission;
   (b) date of departure;
   (c) breed, age, colour and sex; and
   (d) the name and residential address of the keeper;
(9) The entry book is to be made available for inspection on the request of an authorised person.
(10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
(11) No sick or ailing cat to be kept on the premises.
(12) Any other matter, which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

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SCHEDULE 2 - MODIFIED PENALTIES

[Clause 6.2]

Item	Clause	Offence	Modified Penalty
1	2.1(4)	Cat causing a nuisance	$250
~~2~~	~~2.2~~	~~Cats in other places~~	~~$250~~
3	2.~~3~~2(1)	Cat in prohibited areas	$250
4	3.2(1)	Keeping more than prescribed number of cats without a permit	$250
5	3.2(1)(c)	Keeping a cattery without a permit	$350
6	3.~~9~~7(3)	Failure to comply with permit condition	$250
7	6.1	Any other offence	$250

SCHEDULE 3 – CAT PROHIBITED AREAS

[Clause 2.~~3~~2]

No.	Common Name	Location	Lot Number	Reserve Number
1	Addlestone Reserve	60 Embleton Avenue, Embleton	-	-
2	Arbor Park	1 Cassia Way, Morley	R39284	R39284
3	Baigup Wetlands	134 Garrett Road, Bayswater	821	-
4	Bardon Park	18 Fourth Avenue, Maylands	R26397	R26397
5	Bath Street Reserve	3 Swan View Terrace, Maylands	R33202	R33202
6	Berringa Park	2 Mary Street, Maylands	R34262	R3462
7	Bohemia Park	11 Eaton Place, Noranda	R35760	R35760
8	Browns Lake Reserve	211 Coode Street, Bedford	50	-
9	Claughton Reserve	89 Katanning Street, Bayswater	R49440	R49440
10	Crimea Park (Wetland)	2 McArthur Street, Morley	R29473	R29473
11	Eric Singleton Bird Sanctuary	129 King William Street, Bayswater	8	-
12	Eric Singleton Bird Sanctuary West	124 King William Street, Bayswater	50	-
13	Evans Place Reserve	10 Evans Place, Bayswater	R28363	R28363
14	Feredy Reserve	7 Feredy Street, Embleton	R26282	R26282
15	Gobba Lake	65 Wyatt Road, Bayswater	501	-
16	Hillcrest Living Stream	Drake Street, Bayswater	52	-
17	Hillcrest Reserve	100 Coode Street, Bayswater	50	R24336

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18	Hinds Reserve	130 Milne Street, Bayswater	61	-
19	Houghton Park	1 Purley Street, Bayswater	559	-
20	Ingles Reserve	3 Ashfield Place, Bayswater	R51182	R51182
21	Jakobsons Living Stream	Walter Road West, Morley	R28250	R28250
22	Lightning Park	30 Della Road, Noranda	R46880	R46880
23	Lightning Swamp	33 Della Road, Noranda	R46880	R46880
24	Malaga Drive Bushland			
25	Maxwell Reserve	2 Maxwell Avenue, Noranda	101	-
26	Maylands Foreshore	48 Clarkson Road, Maylands & 2 Clarkson Road, Maylands	R9323 R33966	R9323 R33966
27	Maylands Jetty Foreshore	18 Fourth Avenue East, Maylands	-	-
28	Maylands Lakes (Lake Brearley & Lake Bungana)	Lake Brearley – Tranby Road, Maylands Lake Bungana – De Havilland View, Maylands	R46293 R46177	R46293 R46177
29	Maylands Samphires	Clarkson Road, Maylands	R48463	R48463
30	McPherson Bushland	20 McPherson Avenue, Noranda	R39364	R39364
31	Newington Reserve	14 Marconi Street, Morley	R39763	R39763
32	Nora Hughes Park (Wetland)	2 Drake Street, Morley	R32362	R32362
33	Patterson Living Stream	1 Patterson Street, Bayswater	R33305	R33305
34	Peters Place Reserve (Wetland)	15 Peters Place, Morley	R4324	R4324
35	Riverside Gardens	127 King William Street, Bayswater	208	
36	Russell Street Park	95 Russell Street, Morley	1142	-
37	Shadwell Reserve	33 Shadwell Way, Morley	R42714	R42714
38	Strutt Reserve	21 Strutt Way, Noranda	R37139	R37139
39	Swan Lake Reserve	12B Nolan Place, Bayswater	R42128	R42128
40	Tranby Reserve/Peninsula Farm	2 Hardey Road, Maylands	R48463	R48463
41	Weld Square Reserve (Living Stream)	26 Fitzgerald Road, Morley	R43327	R43327
42	Wright Crescent Wetlands (Riverside Gardens, East).	28 Wright Crescent, Bayswater	2	-

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The COMMON SEAL of THE
CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

_____

CHIEF EXECUTIVE OFFICER

_____

FILOMENA PIFFARETTI
MAYOR

Dated: (insert date)

DRAFT

From:
Sent: Mon, 11 Jul 2022 11:48:06 +0800
To: "Bayswater Mail" <mail@bayswater.wa.gov.au>
Subject: Department of Local Government - Comments on proposed cat local law
Attachments: JSCDL Report 78 - Extract - Cat local laws.pdf

Good morning,

This email is regarding the City's proposed cat local law. The Department's comments are provided below. An extract from the Delegated Legislation Committee is also included.

Cat Local Law 2021

1. **Clause 2.2 – Conditional prohibition from public areas**

The Parliament's Delegated Legislation Committee has formed the view that while the Cat Act permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- ban cats from all public areas;
- place conditions on when a cat may be permitted in a public area (i.e. a conditional ban, rather than an absolute one); or
- attempt to restrict all cats in the district to their owner's premises.

Clause 2.2 provides that it is an offence for a cat to be in a public place unless it is under "effective control". It is likely that the Committee will object to this clause and for this reason, it is suggested that the clause be deleted.

The Committee has previously reported to Parliament on this issue and an extract of this report is attached for the City's noting.

The Department is aware that the Committee was recently dis-established and reformed as a result of the 2021 State Election. However, the Committee has continued to request the deletion of these clauses as recently as last December, which may indicate that the Committee's position has not changed in recent months.

2. **Clause 2.2 - Seizure of cats in public areas**

Clause 2.2(2) provides that if a cat is in a public area and not under "effective control", the cat may be impounded pursuant to the Act.

Currently, the Cat Act provides that a cat may be seized when:

a. It is suspected of breaching the Act;
b. The cat is on private land and the removal is requested by the property owner; or
c. The seizure is pursuant to a court order.

Clause 2.2(2) purports to allow the City to seize a cat in circumstances other than those which are prescribed by the Act. It is uncertain whether the Act allows local laws to expand cat seizure powers in this manner. As a result, it is possible the Committee may object to this clause.

3. **Minor edits**

The following minor edits are suggested:

- **Contents page**:
  - Correct the item for clause 3.16;
  - Insert items for clause 3.11 to clause 3.15;
  - It is suggested that the page numbers be removed as they will clash with the existing page system in the Gazette. Provided the contents has the clause title and clause number, this is sufficient to navigate the document.
- **Clause 1.1:** Change the citation to italics;
- **Clause 1.5:**
  - In the definition for ***cat prohibited area*** remove the bolt and italics from "***means an areas as outlined in Schedule 3***"
  - In the definition of ***Owner***:
    - remove the capital from "Owner".
    - Remove the italics after the defined term.
  - Move the definition of ***premises*** to a new line.
- **Clause 3.11** and **3.12:** renumber paragraphs (4)-(6) as (1)-(3) respectively.
- **Schedule 2:** In item 6, change the clause reference to "3.7(3)".
- The City should also ensure that all references and cross references are checked, particularly if any changes are made to the draft as a result of the Department's comments.

Minister's Directions – pursuant to s 3.12(7) of the *Local Government Act 1995*

Please note: once the City has published a local law in the *Government Gazette*, the City must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*.

The City must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Explanatory Memoranda forms can be downloaded from the Department of Local Government, Sport and Cultural Industries website at www.dlgsc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the City with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the City's consideration; and
- should not be taken as an approval of content.

The City should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the City policies and objectives.

Kind regards,

Senior Legislation Officer
Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

+ Email www.dlgsc.wa.gov.au

The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present.

GOVERNMENT OF WESTERN AUSTRALIA

Department of
Local Government, Sport and Cultural Industries

Customer Focused Responsive Respectful Accountable Innovative

just section 3.5(1) of the *Local Government Act 1995*. This is important because a local law is invalid if the law is made under the *Dividing Fences Act 1961* and the local government fails to provide a copy of the proposed local law; Statewide notice of it; and later a copy of the gazetted local law, to the Minister for Commerce as required under section 3.12 of the *Local Government Act 1995*.

7.6 The Attorney General supported the Committee's view that the *Local Government Act 1995* is the source of power and not the *Dividing Fences Act 1961*. The Attorney General's letter explaining the rationale is attached at **Appendix 1**.

7.7 The Committee now considers this matter settled. In future, local governments need only cite the *Local Government Act 1995* in the title and enacting clause when drafting a fencing local law.

Cat local laws

7.8 The Committee drove legislative reform of cat law after encountering numerous problems with cat local laws made under the *Local Government Act 1995*.[9] Consequently, the *Cat Act 2011* was enacted and in 2013, the *Cat (Uniform Local Provisions) Regulations 2013* were gazetted.[10]

7.9 Section 27(a) of the *Cat Act 2011* empowers an authorised person in any public place, to seize any cat that the authorised person believes or suspects on reasonable grounds is the subject of an offence against the Act. In other words, a cat that the authorised person believes or suspects to be unsterilised, unregistered, not wearing a registration tag or not microchipped.

7.10 In this reporting period, the Committee scrutinised Part 2 of the Shire of Dardanup *Keeping and Control of Cats Local Law 2014*.[11] Part 2 provides that cats must not be in a "public place" or other place unless under "effective control" meaning any of the following methods:

(a) held by a person who is capable of controlling the cat;

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[9] The Committee had formed a view that the *Local Government Act 1995* did not provide the legislative basis for a local law to contain provisions requiring the sterilisation of cats; and that, in any case, a local law was not the appropriate legislative instrument for this purpose and had historically disallowed attempts by local governments to introduce local laws on the basis that cat control needed to be dealt with on a state-wide basis. See the Committee's Report 34, 10 September 2009, *City of Joondalup Cats Local Law 2008*.

[10] During the Parliamentary debate in 2011, concerns were raised about the impact the Act would have on the number of cats that cat fanciers and breeders could own if local governments introduced a local law limiting cat numbers. Not all local governments have cat laws and there is no WALGA model. However, those that do, restrict cat numbers to 3. The former Minister for Local Government gave an undertaking that regulations would be introduced to ensure that if a local government introduced a local law limiting numbers, they would be reasonably protected.

[11] That local law was based on the *Shire of Busselton Keeping and Control of Cats Local 2014.*

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(b) securely tethered;

(c) secured in a cage; or

(d) any other means of preventing escape.

7.11 A public place "*includes any place to which the public may lawfully have access*".

7.12 The effect of Dardanup's law is that it is an offence[12] to have your cat in a public place, including your own verge, or on the road on a quiet street, without the cat being, in the opinion of an authorised person, under 'effective control'. Similarly, it is an offence to allow your cat to be in any "other place" unless consent is given by the occupier or on behalf of the occupier and it is under 'effective control'. For example, a cat must under effective control at a neighbour's house even if the neighbour gives consent. Cats in public or other places may be seized and impounded by an authorised person.

7.13 The Department of Local Government and Communities made a number of comments in relation to Dardanup's Local Law. In particular, that while section 79(3) of the *Cat Act*[13] provides that local governments can create cat local laws regarding certain subjects, including prohibiting cats from certain areas, it is uncertain whether this extends to allowing cats in public areas subject to restrictions.

7.14 Section 27(a) is the only provision of the Act dealing specifically with cats on public land. Section 27(b)(i) of the Act empowers an authorised person, in any premises lawfully entered, to seize ***any cat*** at the request, or with the consent, of the person who is, or appears to be, the owner or occupier of the premises. This section does not require that the authorised person believe or suspect that the cat is the subject of an offence under the Act. The cat may be registered and tagged and may still be validly seized under this section.

7.15 The general law-making power in the *Local Government Act 1995* cannot authorise local laws that are repugnant with another Act, in this case the *Cat Act 2011*.[14] The Act 'covers the field' on the regulation of cats in public places and other places. It provides that certain cats, namely those believed or suspected by an authorised person to be unsterilised, unregistered, not wearing a registration tag or not microchipped, may be seized. By implication, all other cats can lawfully remain on public land.

7.16 The effect of Dardanup's clauses 2.1 and 2.2 when read together is to require that unless under "effective control", cats must be confined to the premises in which they

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12 (with a $250 infringement notice penalty or maximum of $5,000 if prosecuted in court)

13 Section 79(3)(f) states that a local law may be made "*as to… specifying places where cats are prohibited absolutely*".

14 Section 3.7 of the *Local Government Act 1995.*

are kept. If they are not so confined, their 'keeper" has committed an offence under the Local Law and the cat is subject to seizure under clause 2.1(2) or 2.2(2). Using the language of the High Court in *R v Commissioner of Patents; Ex parte Martin*[15], clause 2.1 'endeavours to take a new step in policy' and is thus repugnant to the Act.

7.17 Further, the local law-making power in section 79(3)(g) of the Act[16] extends only to local laws "*requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats*". Although it is true that the general local law-making power under section 79(1) is not limited by the specific powers set out in section 79(3), local laws which are directly contrary to any of the specific powers would be repugnant to the Act. By section 79(3)(g), the Parliament has arguably delineated the scope of valid local laws concerning the confinement of cats. Dardanup, in requiring all cats be confined to their keepers' premises, is taking a significant new policy step. Part 2 of the Local Law in requiring that unless under "effective control", cats must be confined to the premises in which they are kept, is a significant change to existing policy and a fundamental change in the law relating to cats.

7.18 The Committee resolved that Part 2 was inconsistent with or repugnant to the *Cat Act 2011*[17] and therefore not within power.[18] Further, that as Part 2 constituted a significant change to existing policy relating to cats, it was not appropriate for subsidiary legislation.[19] The Committee sought undertakings from the Shire of Dardanup to repeal Part 2 of the Local Law.

7.19 Noting identical provisions in Part 2 of the Shire of Busselton *Keeping and Control of Cats Local Law 2014,* the Committee intends to ask the Minister for Local Government and Communities to request the Governor to repeal the offending clauses pursuant to section 3.17 of the *Local Government Act 1995.* Consequently, the Committee also considered the following operational local laws which deal with the presence of cats in public and other places and contain similar, offending clauses:

- Clause 6 of the *Shire of Donnybrook-Balingup Keeping and Welfare of Cats Local Law 2007*;
- Clause 10.1 of the *Shire of Mundaring Keeping and Control of Cats Local Law 2005*;

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15 (1953) 89 CLR 381.

16 It states that a local law may be made "*requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats*".

17 Specifically, sections 27 and 79(3).

18 See Committee Term of Reference 10.6(a).

19 See Committee Term of Reference 10.6(d).

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- Clause 6 of the *Shire of Capel Local Law relating to the Keeping and Welfare of Cats 2004*; and

- Clause 7(6) of the *Shire of Ashburton Local Law Relating to the Control of Cats 1998*.

7.20 It is the Committee's intention to ask the Minister for Local Government and Communities to request the Governor to also repeal these offending clauses.

Assistance Animals

7.21 In 2013, the Committee reported that many local laws contain exemption clauses for guide dogs and hearing dogs to the general ban on animals being on certain local government property, such as public swimming pools, cemeteries and jetties. This is in line with the requirements of the *Equal Opportunity Act 1984*. However, these local laws were not consistent with Commonwealth anti-discrimination legislation as set out in the *Disability Discrimination Act 1992 (Cth)*.

7.22 This issue arose in a number of local laws during this reporting period. The Committee negotiated with the Minister for Local Government to request the Governor to make a global amendment to these problematic clauses in all local laws. To date, the Parliamentary Counsel's Office has reviewed over 300 local laws.

Local Government correspondence

7.23 The Committee continues to experience problems with Mayors and Shire Presidents failing to sign correspondence on behalf of their councils' resolutions. Instead, the Committee receives correspondence signed by chief executive officers, rangers; environmental health or planning officers.

7.24 As the Committee is part of the legislative arm of Government, it needs to communicate with and receive responses from, the legislative arm of local governments, not the executive (administrative) arm unless there are exceptional reasons.[20]

8 FEES AND CHARGES

8.1 The Committee continues to spend a significant amount of its time considering fees and charges imposed by departments, agencies and statutory authorities in delegated legislation.[21] The Committee's task was made easier by the publication of the

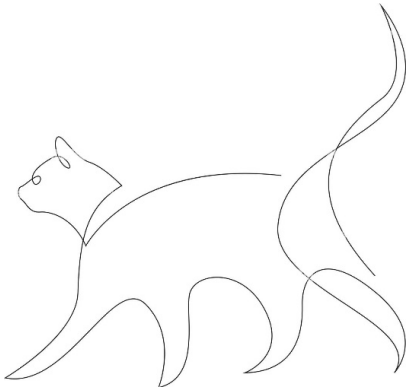
[20] An exception was the *City of Fremantle Alfresco Dining Local Law 2014* when the Committee indicated it would accept correspondence from the chief executive officer. That Instrument was exceptional because the Committee did not receive an Explanatory Memorandum in relation to it and although not formally confirmed, the City intends to repeal it.

[21] Local government fees and charges do not appear in the text of local laws.

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City of Bayswater

Proposed *Keeping and Control of Cats Local Law 2022*



Community Engagement Report

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City of Bayswater

Community engagement for the proposed *Keeping and Control of Cats* was conducted via Engage Bayswater. Submissions were also able to be made in writing to the Chief Executive Officer or by filling in a hard copy submission form at the City's Libraries.

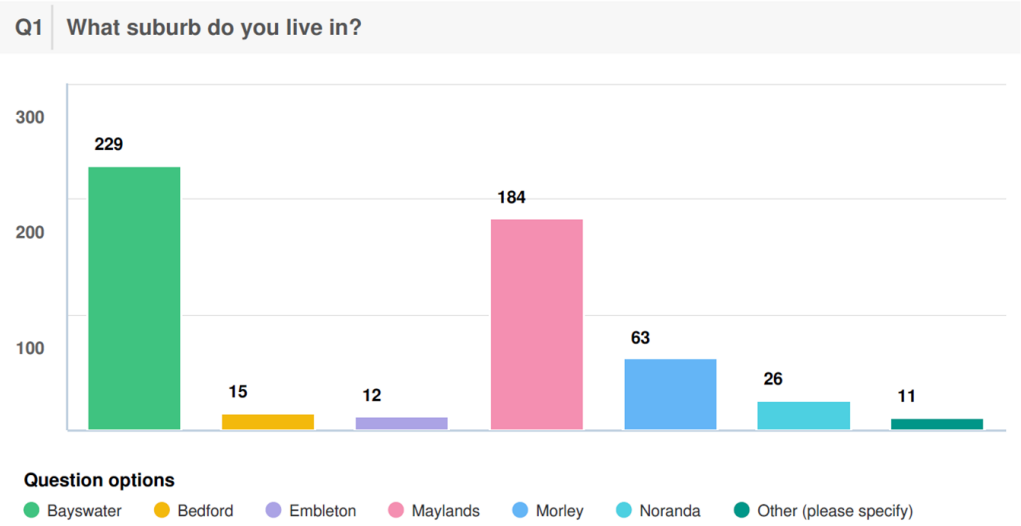
The submission period ran from 12 May 2022 to 1 July 2022 and was advertised on the City's webpage, social media and in the West Australian and Perth Now newspapers.

The Engage Bayswater page included a short survey, which asked people if they were in support of the changes proposed to the local law, and allowed them to provide comment and upload a submission. A total of 542 submissions were received.

Survey Results

Suburb

The majority of responses were from people who lived in Bayswater (42%) or Maylands (34%). People who lived in all other suburbs collectively made up only 24% of the submission.

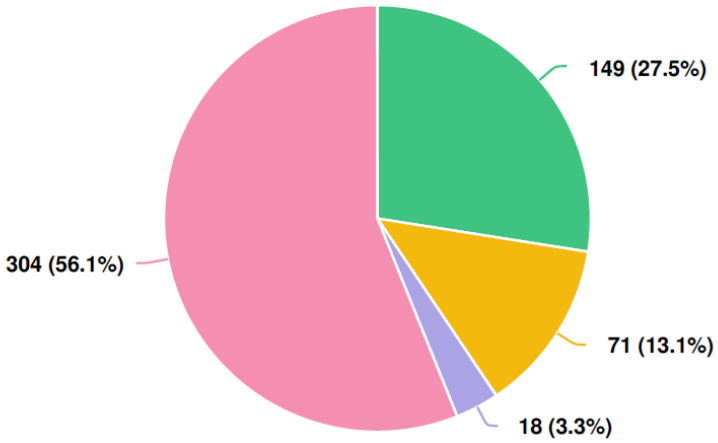


City of Bayswater

Cat Ownership

56.1% of submitters were not cat owners. 27% of submitters owned one cat, 13% owned two, and only 3% owned more than two cats.

Q2 Are you a cat owner?



Question options

I own one cat · I own two cats · I own more than two cats · I am not a cat owner

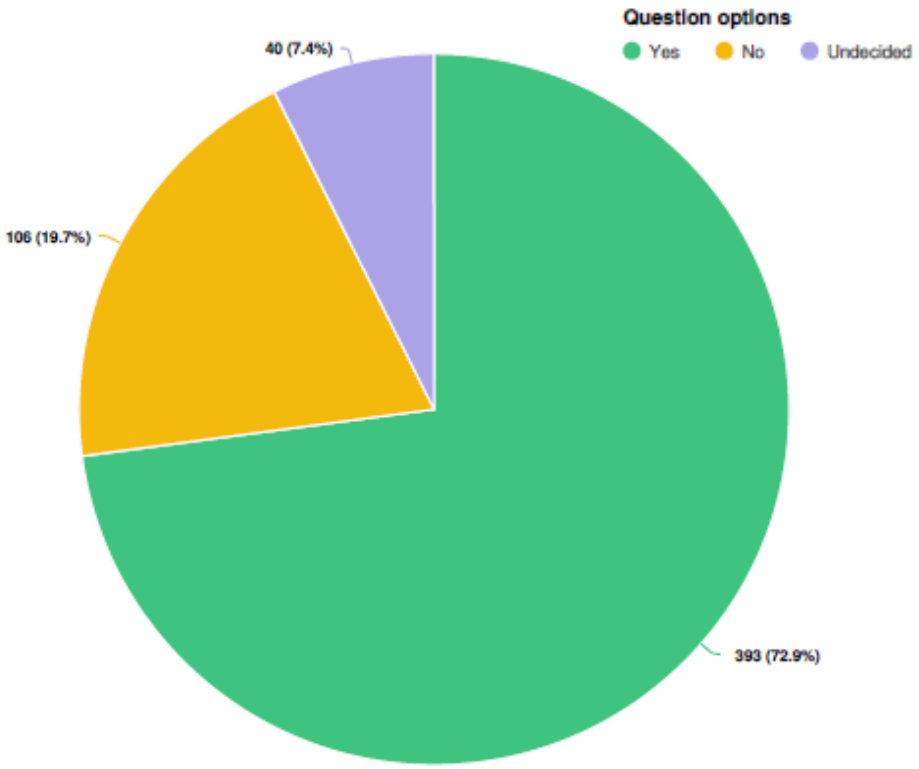
City of Bayswater

Support for the Proposed Local Law

Support for the proposed local law was high at 72.9%, with 19.7% of respondents not in support and another 7.4% who were undecided.

- 90% of people who do not own a cat were in support of the local law, 6% were not in support and 3% were undecided.
- 46% of the people who owned one cat were in support of the local law, 40% were not in support and 12% were undecided.
- 52% of people who own two cats were in support of the local law, 34% were not in support and 13% were undecided.
- 67% of people who own more than two cats were in support of the local law, 17% were not in support and 17% were undecided.

Q3 In general, are you in support of the proposed draft Keeping and Control of Cats Local Law 2022?



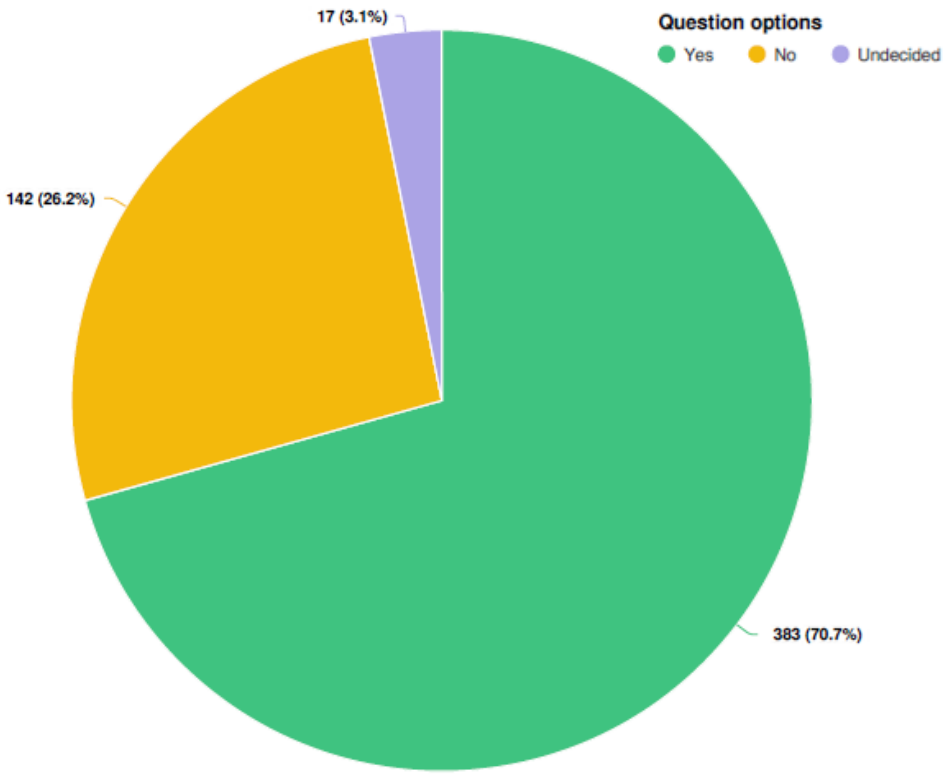
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Keeping Cats under Effective Control

70.7% of people were in support of the clause that cats be kept under effective control when not on their owner's property.

- 93% of people who did not own a cat were in support of this clause, 6% were not in support and 1% were undecided.
- 41% of people who owned one cat were in support of this clause, 52% were not in support and 7% were undecided.
- 42% of people who owned two cats were in support of this clause 52% were not in support and 6% were undecided.
- 50% of people who owned more than two cats were in support of this clause, 44% were not in support and 6% were undecided.

Q4 Are you in support of the clause that cats be kept under effective control (on a leash, being held, or in a cage) when not on their owner's property?



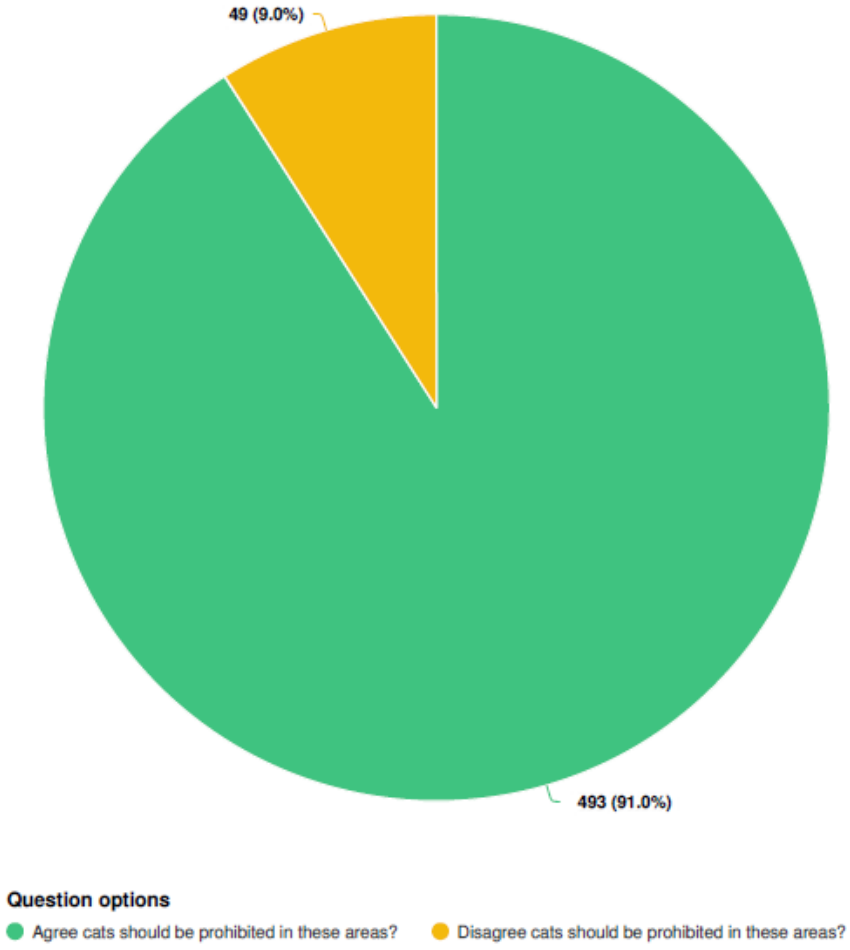
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Prohibiting Cats in Natural Areas

91% of survey respondents supported prohibiting cats from 42 sites identified as natural areas within the City of Bayswater.

Of the 9% who did not agree, 29% did not own a cat, 15% owned one cat, 16% owned two cats and 8% owned more than two cats.

Q5 The draft local law is proposing 42 natural areas in the City of Bayswater as sites where cats will be prohibited, do you:



City of Bayswater

Comments Provided by Submitters

Emerging Themes

Support for the Proposed Local Law

There was general support of the proposed local law. Submitters expressed that:

- Cats should be contained to their owner's property to protect wildlife.
- Cats should be kept indoors for their own protection.
- Cats should be contained in the same way as for dogs.
- Cats should be kept indoors at night as this is the time when they do the most hunting.
- Owners should be fined for wandering cats.
- Roaming cats cause a nuisance on other people's properties and damage to property.
- Concerns about toxoplasmosis from cleaning up cat faeces from the garden.
- Local cats cause a nuisance when roaming, fighting at night and urinating or defecating on other peoples properties and killing wildlife or other peoples pets such as birds or guinea pigs.
- Protection of native species is just as important in household gardens as it is in natural areas.

Opposition to the Proposed Local Law

The following reasons were provided as objections to the proposed local law:

- The proposed new law is requires all cat owners to keep cats indoors which is inconsistent with the Cat Act.
- The focus should be switched from domesticated cats to feral cats.
- The new law is overreaching. Council's focus should be on other issues.
- Humans do more damage to wildlife than cats.
- It is natural for cats to roam.
- Roaming dogs also cause destruction to wildlife.
- Cats should wear collars with bells or bibs rather than be contained to their property.
- It is difficult/impossible to physically exercise a cat. Preventing cat from leaving their property would be cruel. It is unfair to impose a containment law on cats that have been free to go outside their whole lives.
- The new laws may encourage violence from people who don't like cats to engage in vigilante activity against cats.
- The new law is not strict enough. Fines should be increased.
- Council should focus on the requirement for people to neuter their cats.
- Cats are difficult to control from roaming out of a premises. It might be unfair to fine a cat owner if their animal escaped and it was out of their control.
- Cats help reduce the local rodent population and this may be an issue if cats are contained to their own properties.
- The proposed law may cause people to surrender their cat/s as they are unable to contain their cat/s wish to avoid the possibility of fines.

City of Bayswater

Requests for Support for Cat Owners

Some submitters suggested that cat owners should be provided with assistance to comply with the proposed law if adopted:

- Cat enclosures are expensive and not all cat owners would be able to afford one.
- The new laws would be a big adjustment for cats and owners. The City should offer resources for cat owners to assist with the transition such as information sessions on cat-walking or building a cat run.
- There should be an adequate grace period for fitting of cat enclosures and possible exemptions for current licensed cat owners.
- The new clauses should apply only to people who become cat owners after the law is made.
- Owners should not be fined for a first offence.
- Registration fees for cats should be low, to encourage cat owners to do the right thing.

Enforcement

Many people commented on enforcement with the following concerns:

- The proposed laws may be difficult or impossible to enforce.
- The proposed fines for breaching the local law are very high.
- The new law may discriminate against cat owners in small dwellings or those who live in strata arrangements/complexes that don't allow installation of cat enclosures.
- The new local law needs to be supported with strong enforcement.
- The current laws are sufficient but should be better enforced.

Further suggestions

There were some suggestions that the proposed local should include other clauses such as:

- Cats to be confined to their properties at all times.
- People giving away free kittens should be fined.
- The definition of nuisance widened to include damage to property (e.g. car paint, fly screens, plants and gardens).

Please note: the full Community Engagement Report, including comments from submitters, can be found at https://engage.bayswater.wa.gov.au/cat-local-law-2022.

LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

CITY OF BAYSWATER
KEEPING AND CONTROL OF CATS
LOCAL LAW 2022

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LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

CITY OF BAYSWATER

KEEPING AND CONTROL OF CATS LOCAL LAW 2022

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on (insert date) to make the following local law.

1.1 Repeal

PART 1 - PRELIMINARY

The City of Bayswater *Keeping and Control of Cats Local Law 2016* as published in the Government Gazette on 14 June 2016 is repealed.

1.2 Citation

This local law may be cited as the *City of Bayswater Keeping and Control of Cats Local Law 2022.*

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the Government *Gazette.*

1.4 Application

This local law applies throughout the district.

1.5 Definitions

(1) In this local law unless the context otherwise requires-

Act means the *Cat Act 2011;*
applicant means the occupier of the premises who makes an application for a permitunder this local law;
authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;
cat means an animal of the species *felis catus* or a hybrid of that species;
cat management facility means-

(a) a facility operated by a local government that is, or may be, used for keeping cats; or
(b) a facility for keeping cats that is operated by a person or body prescribed; or
(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

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cat prohibited area means an area as outlined in Schedule 3;
cattery means any premises where more than 3 cats are boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises isnot the ordinary keeper of the cats;
CEO means the Chief Executive Officer of the local government;
Council means the Council of the local government;
district means the district of the local government;
effective control in relation to a cat means any of the following methods-

(a) held by a person who is capable of controlling the cat;
(b) securely tethered;
(c) secured in a cage; or
(d) any other means of preventing escape.

grouped dwelling means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.
local government means the City of Bayswater;
multiple dwelling means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but-

(a) does not include a grouped dwelling; and
(b) includes any dwellings above the ground floor in a mixed-use development.

nuisance

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability.

owner, in relation to a cat, means any of these persons-

(a) in the case of a cat that is registered, the registered owner of the cat; or
(b) in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat; or
(c) if a person referred to in paragraph (b) is a child under 18 years of age, that child's parent or guardian.

permit means a permit issued by the local government under clause 3.6; ***permit holder*** means a person who holds a valid permit under clause 3.6;
premises includes the following-

(a) land (whether or not vacant);
(b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
(c) a vehicle.

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;
Schedule means a schedule to this local law;
Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and
single dwelling means a house that stands alone on its own parcel of land.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995.*

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PART 2 - CAT CONTROL

2.1 Cat Nuisance

(1) An owner shall not allow a cat to be or create a nuisance.

(2) Where the local government receives a complaint from a person, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.

(3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.

(4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

(5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012.*

2.2 Cats in Prohibited Areas

(1) A cat shall not be in any cat prohibited area as listed on Schedule 3.

(2) If a cat is at any time in a place in contravention of subclause 2.2(1)-

(a) the owner of the cat commits an offence; and
(b) an authorised person may seize and impound the cat in accordance with the Act.

PART 3 - PERMITS FOR KEEPING CATS

3.1 Interpretation

In this Part, and for the purposes of applying the definition of "cattery"-
cat does not include a cat less than 6 months old.

3.2 Cats for which a permit is required

(1) Subject to subclause (2) a person is required to have a permit-
(a) to keep more than 3 cats on any single dwelling or grouped dwelling premises to a maximum of six (6);
(b) to keep more than 2 cats on any multiple dwelling property to a maximum of six (6); or
(c) to use any premises as a cattery.

(2) A permit is not required under subclause (1) if the premises concerned are-
(a) a refuge of the RSPCA or any other animal welfare organisation;
(b) a cat management facility which has been approved by the local government;
(c) a veterinary clinic or hospital; or
(d) a pet shop.

(3) A person who keeps more than the standard number of cats on a prescribed premises without

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approval commits an offence.

3.3 Application for permit

An application for a permit under clause 3.2 shall be-

(a) be made in writing by an occupier of premises in relation to those premises;
(b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
(c) accompanied by a brief reason and justification for the request;
(d) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;
(e) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates;
(f) accompanied by the application fee for the permit determined by the local government from time to time.

3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

(1) In determining an application for a permit, the local government may have regard to -

(a) the reasons and justification provided for the request;
(b) the physical suitability of the premises for the proposed use;
(c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
(d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
(e) the structural suitability of any enclosure in which any cat is to be kept;
(f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
(g) the likely effect on the amenity of the surrounding area of the proposed use;
(h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
(i) any submissions received under subclause (2) within the time specified in subclause (2); and
(j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

(2) The local government require an applicant to:

(a) consult with other nearby landowners; and
(b) advise other adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

3.6 Decision on application

(1) The local government may-

(a) approve an application for a permit, as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it considers fit;
(b) approve an application, but specify an alternative number of cats permitted to be

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housed at the address; or

(c) refuse to approve an application for a permit.

(2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.

(3) If the local government refuses to approve an application under subclause (1), then it shall advise the applicant accordingly in writing.

3.7 Conditions

(1) Every permit is issued subject to the following conditions-

(a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;

(b) each cat shall be contained on the premises unless under the effective control of a person;

(c) the permit holder will provide adequate space for the exercise of the cats;

(d) the premises shall be maintained in good order and in a clean and sanitary condition; and

(e) those conditions contained in Schedule 1.

(f) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once the cat-

(i) dies; or

(ii) is permanently removed from the premises.

(2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

(3) The permit holder who fails to comply with a condition of a permit commits an offence.

3.8 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue until-

(a) it is revoked; or

(b) the permit holder ceases to reside at the premises to which the permit relates.

3.9 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.10 Permit not transferable

A permit is not transferable either in relation to the permit holder or the premises.

3.11 Permit to be kept at the premises and available for view

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand. In the case of a registered cattery, the permit shall be displayed in a prominent place within the premises.

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PART 4 - MISCELLANEOUS

4.1 Giving of an Infringement notice

A notice given under this local law may be given to a person-

(a) personally;
(b) by postal mail addressed to the person; or
(c) by leaving it for the person at her or his address.

PART 5 - OBJECTIONS AND APPEALS

5.1 Objection and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995.*

PART 6 - OFFENCES, DEFENCE AND PENALTIES

6.1 Offences

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of $500 in respect of each day or part of a day during which the offence has continued.

6.2 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 62(1) of the Act.
(2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

6.3 Forms

(1) The issuing of infringement notices, their withdrawal and the payment of modified penalties dealt with in Division 4 of Part 4 of the Act.
(2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012.*
(3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012.*

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SCHEDULE 1 - ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS FOR GROUPED, MULTIPLE AND SINGLE DWELLINGS

[Clause 3.7]

A. Permit to keep more than prescribed number of cats
Additional conditions

(1) The written consent of the owner/occupier to the application for a permit of the adjoining owner/occupier on the same level has been obtained;

(2) Without the consent of the local government, the permit holder will not substitute once that cat-
  (a) dies;
  (b) is permanently removed from the premises.

B. Permit to use premises as a cattery
Additional conditions

(1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
(2) There is to be a feed room, wash area, isolation cages and maternity section.
(3) Materials used in structures are to be approved by the local government.
(4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
(5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
(6) Wash basin with the minimum of cold water to be available.
(7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
(8) An entry book is to be kept recording in respect of each cat the-
  (a) date of admission;
  (b) date of departure;
  (c) breed, age, colour and sex; and
  (d) the name and residential address of the keeper;
(9) The entry book is to be made available for inspection on the request of an authorised person.
(10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
(11) No sick or ailing cat to be kept on the premises.
(12) Any other matter, which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

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SCHEDULE 2 - MODIFIED PENALTIES

[Clause 6.2]

Item	Clause	Offence	Modified Penalty
1	2.1(4)	Cat causing a nuisance	$250
2	2.2(1)	Cat in prohibited areas	$250
3	3.2(1)	Keeping more than prescribed number of cats without a permit	$250
4	3.2(1)(c)	Keeping a cattery without a permit	$350
5	3.7(3)	Any other offence	$250
6	3.9	Failure to comply with permit condition	$250

SCHEDULE 3 – CAT PROHIBITED AREAS

[Clause 2.2]

No.	Common Name	Location	Lot Number	Reserve Number
1	Addlestone Reserve	60 Embleton Avenue, Embleton	-	-
2	Arbor Park	1 Cassia Way, Morley	R39284	R39284
3	Baigup Wetlands	134 Garrett Road, Bayswater	821	-
4	Bardon Park	18 Fourth Avenue, Maylands	R26397	R26397
5	Bath Street Reserve	3 Swan View Terrace, Maylands	R33202	R33202
6	Berringa Park	2 Mary Street, Maylands	R34262	R3462
7	Bohemia Park	11 Eaton Place, Noranda	R35760	R35760
8	Browns Lake Reserve	211 Coode Street, Bedford	50	-
9	Claughton Reserve	89 Katanning Street, Bayswater	R49440	R49440
10	Crimea Park (Wetland)	2 McArthur Street, Morley	R29473	R29473
11	Eric Singleton Bird Sanctuary	129 King William Street, Bayswater	8	-
12	Eric Singleton Bird Sanctuary West	124 King William Street, Bayswater	50	-
13	Evans Place Reserve	10 Evans Place, Bayswater	R28363	R28363
14	Feredy Reserve	7 Feredy Street, Embleton	R26282	R26282
15	Gobba Lake	65 Wyatt Road, Bayswater	501	-
16	Hillcrest Living Stream	Drake Street, Bayswater	52	-
17	Hillcrest Reserve	100 Coode Street, Bayswater	50	R24336
18	Hinds Reserve	130 Milne Street, Bayswater	61	-

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19	Houghton Park	1 Purley Street, Bayswater	559	-
20	Ingles Reserve	3 Ashfield Place, Bayswater	R51182	R51182
21	Jakobsons Living Stream	Walter Road West, Morley	R28250	R28250
22	Lightning Park	30 Della Road, Noranda	R46880	R46880
23	Lightning Swamp	33 Della Road, Noranda	R46880	R46880
24	Malaga Drive Bushland			
25	Maxwell Reserve	2 Maxwell Avenue, Noranda	101	-
26	Maylands Foreshore	48 Clarkson Road, Maylands & 2 Clarkson Road, Maylands	R9323 R33966	R9323 R33966
27	Maylands Jetty Foreshore	18 Fourth Avenue East, Maylands	-	-
28	Maylands Lakes (Lake Brearley & Lake Bungana)	Lake Brearley – Tranby Road, Maylands Lake Bungana – De Havilland View, Maylands	R46293 R46177	R46293 R46177
29	Maylands Samphires	Clarkson Road, Maylands	R48463	R48463
30	McPherson Bushland	20 McPherson Avenue, Noranda	R39364	R39364
31	Newington Reserve	14 Marconi Street, Morley	R39763	R39763
32	Nora Hughes Park (Wetland)	2 Drake Street, Morley	R32362	R32362
33	Patterson Living Stream	1 Patterson Street, Bayswater	R33305	R33305
34	Peters Place Reserve (Wetland)	15 Peters Place, Morley	R4324	R4324
35	Riverside Gardens	127 King William Street, Bayswater	208	
36	Russell Street Park	95 Russell Street, Morley	1142	-
37	Shadwell Reserve	33 Shadwell Way, Morley	R42714	R42714
38	Strutt Reserve	21 Strutt Way, Noranda	R37139	R37139
39	Swan Lake Reserve	12B Nolan Place, Bayswater	R42128	R42128
40	Tranby Reserve/Peninsula Farm	2 Hardey Road, Maylands	R48463	R48463
41	Weld Square Reserve (Living Stream)	26 Fitzgerald Road, Morley	R43327	R43327
42	Wright Crescent Wetlands (Riverside Gardens, East).	28 Wright Crescent, Bayswater	2	-

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The COMMON SEAL of THE
CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

_____
JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

_____
FILOMENA PIFFARETTI
MAYOR

Dated: (insert date)

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10.1.2 Review of Health Local Laws 2001

Responsible Branch:	Governance, Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	***ABSOLUTE MAJORITY REQUIRED for limb 1*** Simple Majority Required for limbs 2 and 3
Attachments:	1. City of Bayswater Health Local Laws 2001 [**10.1.2.1** - 64 pages] 2. Proposed Draft City of Bayswater Health Local Law 2022 [**10.1.2.2** - 78 pages] 3. Health Local Laws 2001 Showing Tracked Changes [**10.1.2.3** - 68 pages]
Refer:	N/A

SUMMARY

The purpose of this report is to progress the review of the City's *Health Local Laws 2001*, and to ensure compliance with the local law review process set out in the *Local Government Act 1995* ('the Act').

OFFICER'S RECOMMENDATION

That Council:

1. Repeals the *Health Local Laws 2001*, which will be effective after gazettal, with the intention of creating a new local law, *Health Local Law 2022* under the *Local Government Act 1995.*

   ABSOLUTE MAJORITY REQUIRED

2. Notes that following the passing of the above resolution, the Mayor is to give notice to the meeting of the purpose and effect of the proposed new *Health Local Law 2022.*

Purpose:	The purpose of the *Health Local Law 2022* is to provide for the regulation of issues that may adequately affect public health or otherwise cause a nuisance within the City of Bayswater.
Effect:	The effect of the *Health Local Law 2022* is to prescribe obligations and requirements that apply to the owners or occupiers of land in order to reduce unacceptable risks to public health or undue effects on the amenity of surrounding residents within the City of Bayswater.

   PROCEDURAL REQUIREMENT NO VOTE REQUIRED

3. Following the passing of the above resolution:

   (a) Approves the proposed draft *Health Local Law 2022* as contained in Attachment 2 to this report; and

   (b) Approves local public notice of the proposed draft *Health Local Law 2022*, in accordance with section 3.12 of the *Local Government Act 1995*.

PROCEDURAL MOTION

That, in accordance with clause 11.6 of the City of Bayswater *Standing Orders Local Law 2021,* this item be referred to a Councillor Workshop.

Cr Giorgia Johnson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 9/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Michelle Sutherland.***

BACKGROUND

The current City of Bayswater *Health Local Laws 2001* were published in the Government Gazette on 10 December 2001 and are the principal local laws for regulating health matters within the City. A *Health Amendment Local Law* was also published in the Government Gazette on 14 August 2007.

A proposed revised local law is intended to replace the City's current *Health Local Laws 2001* which also previously contained the *Health (Eating Houses) Local Law 2001* and the *Health (Itinerant Food Vendors) Local Laws 2001.* These were repealed in 2009, following the rollout of the *Food Act 2008* and subsidiary legislation.

Given the age of the current health local laws, some of the provisions are considered to be either outdated, not practical or have been replaced by other legislation.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

The City's *Health Local Laws 2001*, were originally created under the *Health Act 1911*, which is now known as the *Health (Miscellaneous Provisions) Act 1911.*

The City commenced a review of its *Health Local Laws 2001* in 2016, however was advised by the WA Department of Health at the time that it may be prudent to wait until the final stage of the new *Public Health Act 2016* rollout, given that there were no significant issues identified with the local laws at the time.

It is understood that during this final stage, the WA Department of Health will work with local governments to develop new health local laws to cover matters that remain unregulated under the new *Public Health Act 2016* and subsidiary legislation. However, the final stage of the *Public Health Act 2016* rollout has been postponed several times as a result of COVID-19 and at this point in time it is uncertain when this will occur. As the City has recently identified some issues with the administration of the existing *Health Local Laws 2001,* it would be beneficial to address these issues in the meantime.

Also, as the *Health (Miscellaneous Provisions) Act 1911* will be repealed at the time that the entire *Public Health Act 2016* comes into effect, the City could take the opportunity to create the new health local laws under the *Local Government Act 1995,* to align with future requirements.

Some local governments that have commenced developing new health local laws under the *Local Government Act 1995*, include:

- City of Albany
- City of Belmont
- Shire of Cunderdin
- City of Gosnells
- Shire of Manjimup.

Current issues identified

The following issues have been identified within the City's existing *Health Local Laws 2001:*

- Restrictions on the keeping of poultry – the keeping of poultry is currently not permitted on lots with sizes below 500 square metres, regardless of how the poultry are being kept and the setback distances from the owners' house and neighbouring properties.
- Restrictions on the keeping of bees – a formal approval is currently required from the City for the keeping of up to two bee-hives on a residential property.
- Waste related matters – there is a duplication of requirements between the City's *Health Local Laws 2001* and *Waste Local Law 2020*.
- Penalty provisions – the current penalties under the City's *Health Local Laws 2001* are not contemporary and do not act as a deterrent (i.e. a first offence is between $100 and $1,000 and daily penalties are between $50 and $100).
- Title changes – the local laws currently refer to officer titles which have since been updated.

Key changes for the proposed Health Local Law 2022

A number of key amendments are being proposed within the City's draft *Health Local Law 2022* and these include the below matters.

Creation of new Local Laws under the *Local Government Act 1995*

The City's existing *Health Local Laws 2001* were created under the *Health Act 1911.* This legislation - also known as the *Health (Miscellaneous Provisions) Act 1911* will be repealed at the time that the *Public Health Act 2016* comes into effect. Therefore, the creation of new Health Local Laws under the *Local Government Act 1995* (LG Act) will help minimise any disruptions with the administration of this legislation. If necessary, a further review may be undertaken once the rollout of the *Public Health Act 2016* has been completed.

Title changes

Clause 1.3
The *Health Local Laws 2001* refer to a Principal Environmental Health Officer and also relevant acting positions. It is proposed that the definition of a Principal Environmental Health Officer be upgraded to accurately reflect current titles.

Waste management

Part 4 – Waste Food and Refuse

It is proposed that waste provisions which are adequately captured within the *Waste Local Laws 2020* are not included within the City's new *Health Local Law 2022*.

Keeping of poultry

Clause 5.19

It is proposed that the minimum lot size requirement of 500 square metres be removed and that residents with a residential lot size of up to 599 square metres be able to keep up to nine poultry on the property (and one per 100 square metres thereafter, up to a total of 24), provided that they comply with the required setbacks and conditions for the keeping of poultry, to minimise any risks to public health.

Keeping of bees

Clause 6.29

It is proposed that the requirement to seek written approval from the City to keep up to two bee-hives on a property be removed. The local laws already provide conditions for the keeping of hives on a property and for the City to deal with any nuisance issues that may arise. The requirement for a written approval in this instance places an additional administration burden on the applicant and the City and does not help promote bee populations within the community.

Penalties

Clause 10.2

It is proposed that the penalties be increased to a $5,000 maximum and a daily penalty of up to $500. These amounts are considered to be more contemporary and better aligned with other recent pieces of legislation.

LEGISLATIVE COMPLIANCE

Section 3.12 of the *Local Government Act 1995* sets out the procedure for making local laws, including public notices and gazettal.

Section 3.17 of the above Act sets out the procedure in which a local law may be amended or repealed.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<table>
<tr><td>Officer's Recommendation</td><td colspan="3">That Council:

1. Repeals the Health Local Laws 2001, which will be effective after gazettal, with the intention of creating a new local law, Health Local Law 2022 under the Local Government Act 1995.

ABSOLUTE MAJORITY REQUIRED

2. Notes that following the passing of the above resolution, the Mayor is to give notice to the meeting of the purpose and effect of the proposed new Health Local Law 2022.

<table><tr><td>Purpose:</td><td>The purpose of the Health Local Law 2022 is to provide for the regulation of issues that may adequately affect public health or otherwise cause a nuisance within the City of Bayswater.</td></tr><tr><td>Effect:</td><td>The effect of the Health Local Law 2022 is to prescribe obligations and requirements that apply to the owners or occupiers of land in order to reduce unacceptable risks to public health or undue effects on the amenity of surrounding residents within the City of Bayswater.</td></tr></table>
PROCEDURAL REQUIREMENT NO VOTE REQUIRED

3. Following the passing of the above resolution:

(a) Approves the proposed draft Health Local Law 2022 as contained in Attachment 2 to this report; and

(b) Approves local public notice of the proposed draft Health Local Law 2022, in accordance with section 3.12 of the Local Government Act 1995.</td></tr>
<tr><td colspan="2">Risk Category</td><td>Adopted Risk Appetite</td><td>Risk Assessment Outcome</td></tr>
<tr><td colspan="2">Strategic Direction</td><td>Moderate</td><td>Low</td></tr>
</table>

Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is considered to present low risks as it meets the procedural requirements for Council to initiate a review of the current *Health Local Laws 2001.*	

Option 2

That Council:

1. Repeals the *Health Local Laws 2001*, which will be effective after gazettal, with the intention of creating a new local law, *Health Local Law 2022*, *under the Local Government Act 1995.*

ABSOLUTE MAJORITY REQUIRED

2. Notes that following the passing of the above resolution, the Mayor is to give notice to the meeting of the purpose and effect of the proposed new *Health Local Law 2022.*

Purpose:	**The purpose of the *Health Local Law 2022* is to provide for the regulation off issues that may adequately affect public health or otherwise cause a nuisance within the City of Bayswater.**
Effect:	**The effect of the *Health Local Law 2022* is to prescribe obligations and requirements that apply to the owners or occupiers of land in order to reduce unacceptable risks to public health or undue effects on the amenity of surrounding residents within the City of Bayswater.**

PROCEDURAL REQUIREMENT NO VOTE REQUIRED

3. Following the passing of the above resolution:

(a) Approves the proposed draft *Health Local Law 2022 as per Attachment 2*, with the following amendment(s):

(i) _____

(ii) _____

(iii) _____

(b) Approves local public notice of the proposed amended draft *Health Local Law 2022*, in accordance with section 3.12 of the *Local Government Act 1995*.

Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Risks dependent on amendment(s) made.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	This option meets the procedural requirements for Council to initiate a review of the current *Health Local Laws 2001* and provides for Council to amend clauses within the preliminary draft of the proposed *Health Local Law 2022* prior to advertising for public comment.	

	The associated risks will be dependent on what amendment(s) is made. Caution should also be exercised in making amendment(s) to the proposed local law as it cannot exceed the authority granted by the Act and subsidiary regulations.

Option 3	**That Council:** **1. Continues to operate within the current *Health Local Laws 2001*, and does not pursue to make a new *Health Local Law 2022.*** **2. Continues to work with the Department of Health and wait until the implementation of the new *Public Health Act 2016* prior to conducting a review of the City's *Health Local Laws 2001*.**

Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low

Conclusion	This option is considered to pose moderate reputation, community and stakeholder and governance risks as recent advice from the Department of Health has indicated that it is likely to be some time before the proposed *Public Health Act 2016 i*s finalised. The City's current health local laws have not been reviewed since 2007 meaning that it is non-compliant with the 8-year local law statutory review period in accordance with the *Local Government Act 1995.*

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Advertising and notice in the Government Gazette

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil.

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$4,000	-	-	-	-	-	$12,000

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

It is recommended that Council resolves to repeal the City's current *Health Local Laws 2001,* which will be effective after gazettal, for the purpose of making a new local law, and approves the *Health Local Law 2022* to be advertised for public comment.

The proposed local law will ensure that staff have adequate statutory authority to continue addressing public health matters within the City of Bayswater, while the *Public Health Act 2016* and subsidiary legislation continue to be rolled-out.

Western Australia

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH LOCAL LAWS 2001

HEALTH (EATING-HOUSES) LOCAL LAWS 2001

HEALTH (ITINERANT FOOD VENDORS) LOCAL LAWS 2001

Consolidated Version
Gazette Ref: *No. 240* 10/12/01
Gazette Ref: *No. 163* 14/07/07
Gazette Ref: *No 183* 7/09/07

Local Law review undertaken October 2007 – no amendments

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH LOCAL LAWS 2001

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Schedule Number — Description

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2. Certificate of Registration of a Lodging House
3. Notice of Change of Owner of a Lodging House
4. Register of Lodgers
5. List of Lodgers
6. Certificate of Sleeping Accommodation
7. Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments
8. Application for Licence of a Morgue
9. Certificate of Licence of a Morgue
10. Application for Consent to Establish an Offensive Trade
11. Application for Registration of Premises for Offensive Trade
12. Certificate of Registration of Premises for Offensive Trade

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

PART 1—PRELIMINARY

1.1 Citation

These local laws may be cited as the "City of Bayswater Health Local Laws 2001".

1.2 Repeal

(1) The Health Local Laws adopted by the City of Bayswater and published in the *Government Gazette* on 24 January 1919, and amended from time to time, are repealed.

(2) The Health Local Laws adopted by the City of Bayswater and published in the *Government Gazette* on 20 April 1945, and amended from time to time, are repealed.

(3) The Health Local Laws adopted by the City of Bayswater on 29 October 1956 and published in the *Government Gazette* on 13 February 1957, and amended from time to time, are repealed.

(4) The Health Local Laws adopted by the City of Bayswater on 8 April 1964 and published in the *Government Gazette* on 21 July 1964, and amended from time to time, are repealed.

1.3 Interpretation

(1) In these Local Laws, unless the context otherwise requires—

"Act" means the *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911;*

"adequate supply of water" means a flow of water of not less than 4.56 litres per minute;

"approved" means approved by the Principal Environmental Health Officer;

"AS" means Australian Standard published by the Standards Association of Australia;

"Building Code" means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer;

"Council" means the Council of the City of Bayswater;

"district" means the district of the City of Bayswater and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

"dwelling house" means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

"Environmental Health Officer" means an Environmental Health Officer appointed by the local government under the Act;

"habitable room" means a room used for normal domestic activities, and—

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

"house" in these Local Laws shall be the same as the definition given in Part 1 Section 3 of the *Health Act 1911;*

"hot water" means water at a temperature of at least 75 degrees Celsius;

"local government" means the City of Bayswater;

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the local government to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;
"public place" includes every place to which the public ordinarily have access, whether by payment of a fee or not;
"sanitary convenience" includes urinals, water-closets, latrines, sinks, baths, showers, wash troughs, apparatus for the treatment of sewage or other receptacle for the deposit of faecal matter and urine and all similar conveniences;
"sewage" means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;
"sewer" includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of a local government;
"street" includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;
"toilet" means a water closet, latrine or urinal and includes a room or cubicle in which one or more of these is located;
"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia—1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister from time to time; and
"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the "owner or occupier".
(3) Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.
(4) These Local Laws shall be construed subject to the limits of the power of the Council of the City of Bayswater and so as not to exceed that power to the intent that where any provision of these Local Laws, but for this clause, would be construed as being in excess of that power, it shall nevertheless be valid to the extent to which it is not in excess of that power.
(5) Save where defined herein, where words and phrases used in these Local Laws are defined or used in the *Health Act 1911,* those words and phrases have the same meaning unless the context otherwise requires.

PART 2—SANITATION

Division 1—Sanitary Conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires—

"festival" includes a fair, function or event;

"organiser" means a person—

(a) to whom approval has been granted by the Council or the local government to conduct the festival; or

(b) responsible for the conduct of the festival;

"public sanitary convenience" means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by—

(a) patrons in conjunction with a festival; or

(b) employees at construction sites or the like.

2.2 Dwelling House

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.
(2) A room in which a toilet is located shall have lighting in accordance with the requirements of the Building Code.

2.3 Premises other than a Dwelling House

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have handbasins—

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—

(a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

(c) each handbasin is provided with—

(i) an adequate supply of soap or other hand cleaning substances; and

(ii) hand drying facilities, situated adjacent to and visible from the hand basin.

2.4 Outdoor Festivals

(1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—

(a) for the first 1,000 males—

(i) one water closet for each 333;

(ii) one urinal stall for each 100; and

(iii) one handbasin for each 500;

(b) for additional males—

(i) one water closet for each 500;

(ii) one urinal stall for each 100; and

(iii) one handbasin for each 500;

(c) for the first 1,000 females—

(i) one water closet for each 77; and

(ii) one handbasin for each 500; and

(d) for additional females—

(i) one water closet for each 100; and

(ii) one handbasin for each 500.

(2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

2.5 Toilets

Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—

(a) toilets for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling;

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.6 Temporary Works

A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

2.7 Maintenance of Sanitary Conveniences and Fittings

(1) The occupier of premises shall—

(a) keep clean, in good condition and repair; and

(b) whenever required by an Environmental Health Officer, effectively disinfect and clean,

all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall—

(a) keep or cause to be kept in good repair; and;

(b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

2.8 Ventilation of Toilets

A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

2.9 Public Sanitary Conveniences

(1) A person shall not—

(a) foul;

(b) damage or vandalise; or

(c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person using a public sanitary convenience shall where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.

(3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

2.11 Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage By-Laws 1981* and National Plumbing and Drainage Code AS 3500 and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997.*

Division 2—Bathroom, Laundries and Kitchens

2.12 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—

(a) is lined with an impervious material in accordance with the requirements of Part F 2.4.1 of the Building Code;

(b) complies with the *Health Act (Laundries and Bathrooms) Regulations;*

(c) is equipped with—

(i) a handbasin; and

(ii) either a shower in a shower recess or a bath; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) All baths, showers, handbasins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.13 Laundries

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—

(a) is properly enclosed and roofed;

(b) is adequately lined with an impervious material;

(c) is not a room in which food is stored, prepared, served or consumed; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) In the case of a single occupancy dwelling, the laundry referred to in subsection (1) shall have—

(a) either—

(i) two wash troughs and one copper; or

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.

(3) All wash troughs, sinks, coppers and washing machines shall be—

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) properly supported,

and all wash troughs and sinks shall have a capacity of at least 36 litres.

(4) Sole or multiple occupancy units, each being a separate dwelling, shall have—

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

(5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—

(a) not be more than 1220 millimetres wide; and

(b) have a door which when closed shall completely fill the opening.

2.14 Washing or Keeping of Clothes in Kitchens

A person shall not in any kitchen or other place where food is kept—

(a) wash or permit to be washed any clothing or bedding; or

(b) keep or permit to be kept any soiled clothing or bedding.

2.15 Kitchens

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—

(a) an electric, gas, wood or other fuel burning stove;

(b) an oven of sufficient capacity for the cooking requirements of the usual occupants of the house and not less than a minimum capacity of 0.03 cubic metres; and

(c) a sink which shall—

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(3) A cooking facility shall—

(a) be installed in accordance with the requirements of the Office of Energy; and

(b) not be installed or used in any room other than a kitchen.

(4) (a) A kitchen shall be provided with mechanical exhaust ventilation directly above the cooking facility and the exhaust air shall be—

(i) carried to the outside air as directly as practicable; and

(ii) boxed throughout; or

(b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.

(5) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

2.16 Floor of Wet Areas

The floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building shall be properly surfaced, impervious to water and evenly graded to an approved floor waste outlet.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Houses

3.1 Dwelling House Maintenance

The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall—

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps that are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even in surface and free from cracks;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof condition;

(k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage By-Laws*, National Plumbing Code, *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings so as to comply in all respects with the requirements of the Office of Energy.

3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a house shall—

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2—Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites

This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.4 Overcrowding

The owner or occupier of a house shall not permit—

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless—

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

3.5 Calculation of Sufficient Space

For the purpose of section 3.4, in calculating the space required for each person—

(a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

(b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

3.6 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code, including the provision of—

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS 1668.2.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is—

(a) maintained in good working condition and in accordance with AS3666-1989; and

(b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—

(a) provide a different, or additional method of ventilation; or

(b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subsection (4).

3.7 Sub-Floor Ventilation

The owner or occupier of a house shall ensure that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3—Water Supply

3.8 Water Supply

(1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of the licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

3.9 Rain Water Tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

(a) maintain in a clean condition—

(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rain water tank is fitted with a tight fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
(c) at least once in each year, thoroughly clean any tank from which water is used for human consumption;
(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, from which water is used for human consumption.

3.10 Wells

The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—
(a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and
(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.11 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing that may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4—Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale

A person shall not offer for sale or sell any second-hand furniture, bedding or clothing that is filthy or infested with vectors of disease.

3.13 Prohibition of Possession

A dealer in second-hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Division 5—Morgues

3.14 Licensing of Morgues

(1) All morgues, except those conducted by a public hospital, local government or the Police Service, are required to be licensed.
(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is as fixed from time to time by Council under Section 344C of the Act.
(3) A licence shall—
(a) be applied for in the form set out in Schedule 8;
(b) be in the form set out in Schedule 9; and
(c) expire on 31 December next after the date of its issue.
(4) A licence shall not be granted in respect of any premises unless—
(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
(b) the walls are constructed of stone or brickwork or other approved material;
(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4—WASTE FOOD AND REFUSE

Division 1—Liquid Refuse

4.1 Interpetation

In this division, unless the context otherwise requires—
"liquid refuse" includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and swimming pool discharges;

4.2 Deposit of Liquid Refuse

A person shall not deposit or cause or permit to be deposited liquid refuse—
(a) on a street;
(b) in a stormwater disposal system; or
(c) on any land or place other than a place or depot duly authorised for that purpose.

Division 2—Disposal of Refuse

4.3 Interpretation

In this division, unless the context otherwise requires—

"building line" has the meaning given to it in and for the purposes of the *Local Government (Miscellaneous Provisions)Act 1960;*

"collection day" means the day of the week on which rubbish and refuse is collected and removed by the local government or its contractor;

"collection time", where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the local government or its contractor;

"commercial waste" means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;

"domestic waste" means refuse and other rubbish generated by or emanating from residential premises;

"public place" includes a street, way and place which the public are allowed to use, whether the street, way or place is or is not on private property;

"rubbish or refuse" includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

"refuse disposal site" means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse;

"receptacle", where used in connection with any premises, means—

(a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or

(b) a container provided by the local government or its contractor for the deposit, collection or recycling of specific materials; or

(c) other type of receptacle specified or approved by the local government;

and supplied to the premises by the local government or its contractor;

"street" includes—

a highway; and

a thoroughfare;

which the public are allowed to use;

and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960,* means the new street alignment so prescribed; and

"waste" means commercial waste or domestic waste or both as the context requires.

4.4 Prescribed Area—Section 112A of the *Health Act 1911*

The whole of the district of the City of Bayswater as defined by the City of Bayswater Town Planning Scheme No.21 gazetted on 16 September 1988 and amended from time to time is the prescribed area for the purposes of Section 112A of the Act.

4.5 Receptacles

(1) An owner or occupier of premises shall—

(a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;

(b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—

(i) behind the building line and so as not to be visible from a street or public place; or

(ii) in such other position as is approved by the Principal Environmental Health Officer;

(c) within a reasonable period prior to collection time, place the receptacle as close as practicable to 0.5 metres from the street alignment of the premises and so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;

(d) if the receptacle is lost, stolen, damaged or defective, notify the local government within 7 days after the event; and

(e) ensure that the premises is provided with an adequate number of receptacles;

(f) ensure that no rubbish, refuse, litter or recyclable materials are deposited on public or private property for collection by the local government staff or the local government's contractor unless authorised by the Principal Environmental Health Officer.

(2) Where receptacles or containers are to be serviced by the local government's Contractor on properties consisting of three or more residential units, a hard-paved area of 1.5 metres by 1.5 metres for each unit is to be provided immediately adjoining the street alignment.

4.6 Exemption

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of subsections 4.5 (1) (b) or (c).

(2) The local government may grant or refuse, with or without conditions, an application for exemption from compliance under this section.

(3) An exemption granted under this section shall state—

(a) the premises to which the exemption applies;

(b) the period during which the exemption applies; and

(c) any conditions imposed by the local government.

(4) An exemption granted under this section shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

4.7 Use of Receptacles

An owner or occupier of premises shall—

(1) Not deposit or permit to be deposited in a receptacle—

(a) more than 70 kilograms of rubbish or refuse;

(b) hot or burning ash;

(c) oil, motor spirit or other flammable liquid;

(d) liquid, liquid paint or other solvent;

(e) bricks, concrete, building rubble, asbestos, earth or other like substances;

(f) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;

(g) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed, impervious and leak-proof container;

(h) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed, impervious, leak-proof and impenetrable container;

(i) cytotoxics, radioactive substances and dangerous chemicals;

(j) sewage, manure, faeces or urine;

(k) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or

(l) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container.

(2) Unless authorised by the Principal Environmental Health Officer, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark.

(3) At all times keep the receptacle in a clean condition.

(4) Whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle.

(5) Take all reasonable steps to prevent—

(a) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(b) the emission of offensive and noxious odours from the receptacle.

(6) Ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

4.8 Damage to Receptacles

A person, other than the local government or its contractor, shall not—

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by these local laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

4.9 Use of Other Containers

(1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall—

(a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subsection 4.9 (1);

(b) take all reasonable steps to prevent—

(i) fly breeding and keep the container free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive and noxious odours from the container;

(c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection;

(f) ensure that the container does not cause a nuisance to an occupier of adjoining or nearby premises; and

(g) ensure that rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

(3) An owner or occupier shall—

(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises—

(i) has a close fitting lid;

(ii) is constructed of non-absorbent and non-corrosive material; and

(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover of each container closed except when it is necessary to place something in, or remove something from, it; and

(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

4.10 Suitable Enclosure

(1) An owner or occupier of premises—

(a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or

(b) used for commercial or industrial purposes or as a food premises;

(c) if required by the Principal Environmental Health Officer shall—

(i) provide a suitable enclosure for the storage and cleaning of receptacles or other containers on the premises; and

(ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a "suitable enclosure" means an enclosure—

(a) of sufficient size to accommodate all receptacles or other containers used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;

(b) having walls constructed of brick or concrete or other material of suitable thickness approved by the Principal Environmental Health Officer;

(c) having walls which will adequately screen the receptacles or containers and not less than 1.8 metres in height and having an access way of adequate width to allow the removal of receptacles or other containers for collection and not less than 1 metre in width and fitted with a self closing gate;

(d) containing a smooth and impervious concrete floor—

(i) of not less than 100 millimetres in thickness; and

(ii) which is evenly graded to a liquid refuse disposal system approved by the Principal Environmental Health Officer; and

(e) which is easily accessible to allow for the removal, emptying and cleaning of the receptacles or other containers.

4.11 Deposit of Refuse

(1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except—

(a) at such place on the site as may be directed by the person in charge of the site; or

(b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

4.12 Removal of Rubbish or Refuse from Refuse Disposal Site

(1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government or the local government's contractor managing the site.

(2) A person who obtains approval from the local government or the local government's contractor shall comply with any conditions imposed by the local government or its contractor and set out in the approval.

4.13 Removal of Rubbish from Premises or Receptacles

(1) A person shall not remove any rubbish or refuse from premises unless that person is—

(a) the owner or occupier of the premises;

(b) authorised to do so by the owner or occupier of the premises; or

(c) authorised in writing to do so by the local government.

(2) A person shall not, without the approval of the local government or the owner of a receptacle or

other container, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

4.14 Burning Rubbish or Refuse

(1) A person shall not—

(a) without the written approval of the Principal Environmental Health Officer; and

(b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either in any incinerator, barbecue, wood fired stove or on the ground.

(2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions—

(a) the material to be burnt—

(i) does not include any plastic, rubber, food scraps, green garden cuttings or other material that is offensive when burnt; and

(ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;

(b) there is no other appropriate means of disposal;

(c) burning shall not take place—

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00 am to 3.00 pm;

(iii) at times designated by the Bureau of Meteorology as Very High or Extreme Fire Danger; and

(d) an incinerator used for fire must be located—

(i) at least 2 metres from a fence or building; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the provisions of the *Bush Fires Act 1954,* it is prohibited to clear by burning any fire breaks, vacant lots or other land of grass, straw, hay, undergrowth, herbage and other vegetation whether alive or dead and standing or not standing, without written approval of the local government.

4.15 Removal of Rubbish from Building Sites

(1) During all periods of construction on any building site—

(a) The builder shall provide and maintain on the site a rubbish disposal bin of sufficient capacity to enable all waste generated on site to be effectively disposed of;

(b) The builder shall keep the site free of rubbish and offensive material, whether temporary or otherwise;

(c) The builder shall maintain the street verge immediately adjacent to the site free of rubbish and offensive matter, whether temporary or otherwise;

(d) The builder shall on completion of construction immediately clear the site and the street verge adjacent thereto of all rubbish and offensive matter and shall remove therefrom all or any rubbish disposal bins thereon by the builder.

(2) In this section the word "rubbish" shall include stones, bricks, lime, timber, iron, tiles, bags, plastics and any broken, disused or discarded matter whatsoever.

Division 3—Transport of Butchers' Waste

4.16 Interpretation

In this Division, unless the context otherwise requires—

"butchers' waste" includes animal skeletons, rib cages and the products of a slaughterhouse or boning room.

4.17 Restriction of Vehicles

A person shall not use, for the transport of butchers' waste—

(a) a vehicle used for the transport of food or drugs; or

(b) anything intended to be used for the packing or handling of food or drugs.

4.18 Transport of Butchers' Waste

(1) A person shall not transport butchers' waste otherwise than in—

(a) a compartment complying with the following specifications—

(i) the floor and 4 walls to be made of impervious materials and the walls to be not less than 910 millimetres high;

(ii) all joints to be made watertight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious sheet material

approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a watertight durable container fitted with a lid that can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are—

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires—

"fertiliser" includes manure.

5.2 Footpaths etc, to be Kept Clean

An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from their refuse and belongings.

5.3 Escape of Smoke etc.

(1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

5.4 Public Vehicles to be Kept Clean

The owner or person in control of a public vehicle shall—

(a) maintain the vehicle at all times—

(i) in a clean condition; and

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

5.5 Prohibition Against Spitting

A person shall not spit—

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

5.6 Transportation, Use and Storage of Offal or Blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

5.7 Use or Storage of Fertiliser

An owner or occupier of premises shall not use or keep for the purpose of use as fertiliser any—

(a) pig manure;

(b) human faeces; or

(c) urine.

5.8 Storage and Despatch of Artificial Fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall—

(a) keep all artificial fertiliser in a building—

(i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and

(ii) free from damp and properly ventilated;

(b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and

(c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

5.9 Storage of Fertiliser

(1) The owner or occupier of premises where fertiliser or compost is stored or used shall—

(a) prevent the escape of odours, dust or particles of fertiliser or compost;

(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being

a breeding place for flies or other vectors of disease; and

(c) store only such amounts of fertiliser or compost—

(i) as can be readily used within a reasonable period; or

(ii) as may be directed by the Principal Environmental Health Officer.

(2) No person shall store fertiliser or compost inside a dwelling house.

Division 2—Keeping of Animals

5.10 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;

(b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

5.11 Animal Enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Principal Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

5.12 Slaughter of Animals

(1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons, slaughter of meat for pet or game meat and slaughter of animals for human consumption in local government approved abattoirs.

5.13 Disposal of Dead Animals

(1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3—Keeping of Large Animals

5.14 Interpretation

In this Division, unless the context otherwise requires—

"approved animal" means a horse, cow or large animal that is the subject of an approval by the local government under section 5.15;

"cow" includes an ox, calf or bull;

"horse" includes an ass, mule, donkey or pony; and

"large animal" includes a pig, sheep or goat.

5.15 Stables

(1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises without the written approval of the Council.

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall—

(a) not be situated within 15 metres of a house or other premises;

(b) have a proper separate stall—

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) have a floor, the upper surface of which shall—

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of 1 in 100 to a drain that shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) The owner or occupier of premises on which a stable is located shall—

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by

spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

5.16 Proximity of Animals to a Dwelling House

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

5.17 Manure Receptacles

An owner or occupier of premises on which an approved animal is kept shall—

(a) provide in a position convenient to the stable a receptacle for manure constructed with a smooth, impervious, durable and easily cleanable surface and provided with a tight-fitting hinged lid;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and other vectors of disease;

(d) keep the receptacle so far as possible free from flies and other vectors of disease by spraying with a residual insecticide or other effective means; and

(e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4—Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation

In this Division, unless the context otherwise requires—

"Affiliated Person" means a person who is a member of a Pigeon Club or Cage-bird Club which is an incorporated body under the *Associations Incorporation Act 1987*;

"cage-birds" include parrots, budgerigars, canaries, finches, quail, doves and other birds kept in cages on residential premises but does not include poultry;

"Code of Practice" means the Code of Practice – Pigeon Keeping and Pigeon Racing, published May 1994, amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;

"pigeons" includes all breeds of domestic pigeon of the genus *Columba livia domestica;*

"poultry" includes fowls, peafowl, turkeys, geese, ducks and other domestic fowls;

"young birds" includes—

(a) pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;

(b) cage-birds under 24 days of age and recognised as confined to their nests.

5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds

(1) An owner or occupier of premises—

(a) who is not an Affiliated Person. shall not keep more than 20 pigeons and 20 cage-birds. exclusive of young birds. and 9 poultry being a mixture of ducks or fowls on a residential lot which must have an area not less than 500 square metres:

(b) who is an Affiliated Person. shall not keep a total of more than 150 pigeons and 150 cage-birds. exclusive of young birds;

(c) (c) shall not keep any of the following—

(i) a goose or gander;

(ii) a turkey;

(iii) a peacock or peahen.

on any one lot of land.

(d) who has a lot size greater than 500 square metres. may keep additional ducks or fowls in a ratio of one duck and/or fowl per additional 100 square metres of lot area up to a maximum of 24 ducks or 24 fowls. or a combination of ducks and fowls up to a maximum of 24 in accordance with the following table-

MAXIMUM NUMBER OF POULTRY THAT CAN BE KEPT ON RESIDENTIAL LOTS	
LOT AREA (m²)	Poultry
Less than 500	0
500 to 599	9
600 to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14

LOT AREA (m^2)	Poultry
Less than 500	0
1100 to 1199	15
1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19
1600 to 1699	20
1700 to 1799	21
1800 to 1899	22
1900 to 1999	23
2000 or greater	24

(2) The Principal Environmental Health Officer, may either reduce the approved number of poultry, pigeons or cage-birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or cage-birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.

5.20 Conditions of Keeping Poultry

A person who keeps poultry or permits poultry to be kept shall ensure that—

(a) (i) subject to subparagraph (ii), no poultry is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

(ii) the approval of the Principal Environmental Health Officer is to be obtained before any poultry is kept closer than 9 metres to dwellings. Such as approval is subject to dwelling being either on an adjacent property in the same ownership or a dwelling on the same property that is occupied by the keeper of the poultry . In any case, the minimum separation will not be reduced to less than 6 metres.

(b) all poultry are kept in an enclosure not closer than 1.2 metres to any property boundary within which is a properly constructed, weatherproof structure for roosting which shall—

(i) allow a minimum of 0.3 square metres of floor area per bird;

(ii) have an impervious concrete floor of 50 millimetre minimum thickness with 250 millimetre upstand around and graded to the front to facilitate easy cleaning;

(iii) be designed to allow easy access for cleaning; and

(iv) have the walls and roof constructed of galvanised iron or other approved material;

(c) all enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;

(d) the enclosure shall have an otherwise unobstructed area of at least 20 square metres;

(e) all wastes including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight fitting lid and be inaccessible to flies, rodents and other vectors of disease; and

(f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer.

5.21 Roosters

An owner or occupier of premises shall not be permitted to keep a rooster on a residential lot in the City of Bayswater.

5.22 Conditions of Keeping Pigeons and Other Cage-birds

A person who keeps, or permits to be kept, pigeons or other cage-birds shall ensure that—

(a) no pigeons or other cage-birds are able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

(b) the approval of the Principal Environmental Health Officer is obtained before an aviary or loft is kept closer than 9 metres to their dwelling;

(c) except where registered homing pigeons are freed for exercise, the pigeons and other cage-birds are confined in a properly constructed pigeon cage, aviary or loft;

(d) no pigeon cage, aviary or loft shall be located nearer than 1.2 metres from the boundary of adjoining properties;

(e) all structures used to house pigeons and other cage-birds shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;

(f) all cages, aviaries, lofts, surrounds, food and water containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times;

(g) all waste, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight fitting lid and be inaccessible to flies, rodents and other vectors of disease;

(h) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer;

(i) pigeons registered as homing pigeons may be released for daily exercise and may also be released for organised races and training;

(j) not more than sixty registered homing pigeons shall be released for exercise or training at any one time;

(k) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between the hours of 9.00 am and 3.30 p.m. if health or nuisance related problems become evident;

(l) where there is any discrepancy between this Section relating to the Keeping of Pigeons and other Cage-birds and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

(m) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

5.23 Removal of Non-Conforming Structure or Enclosure

(1) If a structure or enclosure is used for the keeping of poultry, pigeons or cage-birds contrary to the provisions of sections 5.20 and 5.22, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this Section.

5.24 Restrictions on Pigeon Nesting, Perching and Feeding

(1) The local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the local government's order under this section.

(3) A person shall not feed a pigeon or other bird roaming at large, so as to cause, or contribute to, a nuisance or be injurious or dangerous to health.

Division 5—Car Parks

5.25 Interpretation

In this Division, unless the context otherwise requires—

"attendant's booth" means a booth that is positioned inside a car park for the containment of a parking attendant;

"car park" means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

"owner or occupier" means a person having the charge, management or control of a car park.

5.26 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either—

(a) natural ventilation; or

(b) mechanical means,

in accordance with AS1668.2 Part 2 1991.

(2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the owner or occupier within a specified time to—

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

5.27 Exhaust Air Discharge Points and Exhaust Registers

An owner or occupier shall ensure that—

(a) all exhaust air that is discharged from a car park shall be discharged—

(i) at discharge points—

(A) in accordance with AS1668.2 Part 2 1991; and

(B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS 1668.2 Part 2 1991;

(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

(b) exhaust registers are located—

(i) as far as possible from the source of supply air; and

(ii) so as to draw effluent away from staff working in the attendant's booth;

(c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and

(d) any mechanical ventilation system is—

(i) maintained in good working condition; and

(ii) in operation at all times when the car park is in use.

5.28 Car Park Attendant Booths

(1) An owner or occupier shall ensure that an attendant's booth—

(a) is provided with a fresh air supply ventilation system—

(i) with air flow rates that give a minimum of 40 air changes per hour; and

(ii) which is in operation whenever the booth is occupied;

(b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;

(c) has a capacity of not less than 5 cubic metres;

(d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and

(e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If the Principal Environmental Health Officer believes an attendant's booth is not properly ventilated in accordance with subsection (1), the local government may by notice require the owner or occupier to cease using the booth until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

PART 6—PEST CONTROL

Division 1—Flies

6.1 Interpretation

In this Division, unless the context otherwise requires—

"flies" means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

6.2 Fly Breeding Matter not to be left on Premises Unless Covered or Treated

An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in, on, or about the premises any matter or thing which is liable to attract, or be a breeding place for, flies unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

6.3 Measures to be Taken by an Occupier

An owner or occupier of premises shall ensure that—

(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
(b) food scraps and uneaten animal and bird food are wrapped tightly and deposited in a rubbish receptacle without delay;
(c) lawn clippings used on gardens as mulch are raked out thinly;
(d) fertilisers are dug well into the soil;
(e) compost heaps are kept well covered;
(f) barbecues are kept clean and free from food scraps;
(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 300 millimetres of soil and compacted; and
(h) excrement from pets is collected and properly disposed of without delay.

6.4 Officer may Give Notice Directing Measures to be Taken

Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Officer are necessary to—

(a) control the prevalence;
(b) effect the eradication; or
(c) effectively prevent the breeding

of flies.

6.5 Local Government may Execute Work and Recover Costs

(1) Where—

(a) a person is required under this Division or directed by a notice given under section 6.4, to execute any work; and
(b) that person fails or neglects to comply with the requirement,

the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2—Mosquitoes

6.6 Interpretation

In this Division, unless the context otherwise requires—

"mosquitoes" means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

6.7 Premises to be Kept Free of Mosquito Breeding Matter

An owner or occupier of premises shall keep the premises free of—

(a) refuse; and
(b) water located so as to be,

liable to become the breeding place of mosquitoes.

6.8 Measures to be Taken by an Owner or Occupier

An owner or occupier of premises—

(a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water—
(i) stocked with mosquito predatory fish; or

(ii) covered with a film of petroleum oil or other larvicide; and

(b) where there is a water tank, well, cistern, vat or barrel, shall—

(i) keep it protected with a mosquito-proof cover; and

(ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

6.9 Measures to be Taken by Occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

6.10 Removal of Undergrowth or Vegetation

(1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.

6.11 Filling in Excavations etc.

Unless written permission to the contrary is obtained from the local government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

6.12 Drains, Channels and Septic Tanks

An owner or occupier of land shall—

(a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and

(b) where a septic tank is installed on the land—

(i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer;

(ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.13 Drainage of Land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall—

(a) make or provide drains on the land;

(b) remove all irregularities in the surface of the land;

(c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—

(i) the water on the land may flow into the drains without obstruction; and

(ii) no water shall remain on any portion of the land other than the drains; and

(d) keep all drains in good order and free from obstruction.

6.14 Swimming Pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by an Environmental Health Officer—

(a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or

(b) chlorinate and adjust pH of the pool to—

(i) 4 milligrams per litre free chlorine; and

(ii) pH within the range 7.2 to 7.6; or

(c) empty or drain the pool; or

(d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and

(e) maintain the pool water free of mosquito breeding;

Division 3—Rodents

6.15 Interpretation

In this Division, unless the context otherwise requires—

"rodents" means those animals belonging to the order *Rodentia* and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.16 Measures to be Taken to Eradicate Rodents

(1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—

(a) take effective measures to keep the premises free from rodents including—

(i) protecting food stuffs;

(ii) using a rodenticide bait or a properly baited trap; and

(iii) preventing rodents having access to water on the premises;

(b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—

(i) if it is not already dead, kill it immediately; and

(ii) dispose of the carcass in such a manner as will not create a nuisance; and

(c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles

A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.18 Restrictions on Materials Affording Harbourage for Rodents

(1) An owner or occupier of premises shall cause—

(a) any part of the premises; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, harbourage, of rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

6.19 Food premises etc. to be Cleaned After Use

An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

6.20 Restrictions on the Sale or Keeping of Rats

(1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises—

(a) keep or permit to be kept a rat; or

(b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—

(a) a university or school;

(b) a person approved by the local government; or

(c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.

(3) A person or body specified in subsection (2) which keeps rats for the purpose of scientific or medical research shall—

(a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and

(b) if a rat escapes, forthwith comply with the requirements of section 6.16 and ensure that all reasonable steps are taken to destroy the rat.

Division 4—Cockroaches

6.21 Interpretation

In this Division, unless the context otherwise requires—

"cockroach" means any of the various *orthopterous* insects commonly known as cockroaches.

6.22 Measures to be Taken to Eradicate Cockroaches

(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

(a) washing and storing, immediately after use, cooking and eating utensils;

(b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

(c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and

(d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5—Argentine Ants

6.23 Interpretation

In this Division, unless the context otherwise requires—

"Argentine Ant" means an ant belonging to the species *Irdomyrmex humilis.*

6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall—

(a) immediately notify the local government of any ant nest located on the premises suspected to be an Argentine Ant nest;

(b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(d) whenever required by an Environmental Health Officer—

(i) treat any area or infestation with an insecticide referred to in paragraph (c); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

Division 6—European Wasps

6.25 Interpretation

In this Division, unless the context otherwise requires—

"European Wasp" means a wasp *Vespula germ anica.*

6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall—

(a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;

(b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and

(c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7—Bee Keeping

6.27 Interpretation

In this Division, unless the context otherwise requires—

"bees" means an insect belonging to any of the various *hymenopterous* insects of the super family Apoidea and commonly known as a bee;

"footpath" includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

"hive" means a moveable or fixed structure, container or object in which a colony of bees is kept;

"lot" has the meaning given to it in the *Town Planning and Development Act 1928;* and

"private street" means a street, court, alley, lane, yard, passage, or thoroughfare—

(a) which is not dedicated, whether under an Act or common law, to use as such by the public; and

(b) which forms a common access to lands, or premises, separately occupied; or

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

6.28 Limitation on Numbers of Hives

(1) A person shall not keep bees on any land within the municipality of the City of Bayswater without first obtaining the written approval of the local government to do so.

(2) Subject to subsections (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(3) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

(4) A person shall comply with any conditions imposed by the Council under subsection

(3). **6.29 Restrictions on Keeping of Bees in Hives**

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

(a) an adequate and permanent supply of water is provided on the lot within 2 metres of each hive;

(b) the hive is kept—

(i) outside, and at least 10 metres from, any building other than a fence;

(ii) at least 10 metres from any footpath, street, private street or public place; and

(iii) at least 5 metres from the boundary of the lot; and

(c) the hive is enclosed on all sides by a fence, wall or other enclosure.

6.30 Bees which cause a Nuisance not to be Kept

(1) A person shall not keep, or permit the keeping of, bees that cause a nuisance.

(2) The local government may direct any person to remove any bees or beehives that in the opinion of the Principal Environmental Health Officer are causing a nuisance.

(3) A person shall comply with a direction under subsection (2) within the time specified.

Division 8—Arthropod Vectors of Disease

6.31 Interpretation

In this Division, unless the context otherwise requires—

"arthropod vectors of disease" includes—

(a) fleas (*Siphonaptera);*

(b) bedbugs (*Cimex lectularius);*

(c) crab lice (*Phthirus pubis);*

(d) body lice *(Pediculus hum anus var. corporis);* and

(e) head lice (*Pediculus humanus var. cap itis).*

6.32 Responsibility of the Owner or Occupier

The owner or occupier of premises shall—

(a) take reasonable precautions to keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report

An Environmental Health Officer—

(a) may visit and inspect any house, its occupants, fixtures and fittings; and

(b) who believes that there has been a breach of the Act, any Regulation made under the Act or these Local Laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the local government.

7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest

(1) The Council or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

(a) the premises; or

(b) such things in or on the premises as are specified in the notice,

or both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under subsection (1).

7.3 Environmental Health Officer may Disinfect or Disinfest Premises

(1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.

(4) The Local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this section, other than compensation or damages for loss or damage suffered because the local government or any of its staffed acted negligently or in breach of duty.

7.4 Insanitary Houses, Premises and Things

(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an Environmental Health Officer believes that—

(a) a house or premises is not being maintained in a sanitary condition; or

(b) any thing is insanitary,

the officer may, by notice in writing, direct, as the case may be—

(i) the owner or occupier of the house or premises to amend any insanitary condition; or

(ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.5 Medical Officer may Authorise Disinfecting

(1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

(2) A person shall comply with any direction of the Medical Officer under this section.

7.6 Persons in Contact with an Infectious Disease Sufferer

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

(a) shall obey such instructions or directions as the Council or the Medical Officer may issue;

(b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and

(c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.7 Declaration of Infected House or Premises

(1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

7.8 Destruction of Infected Animals

(1) If the Principal Environmental Health Officer believes that an animal is or may be infected or is liable to be infected or to convey infection, he or she may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under subsection (1) shall comply with the terms of the notice.

7.9 Disposal of a Body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

7.10 Local Government may Carry out Work and Recover Costs

(1) Where—

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2—Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms

(1) An owner or occupier of premises on or from which used condoms are produced shall ensure that the condoms are—

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

7.12 Disposal of Used Needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation

(1) In this Part, unless the context otherwise requires—

"bed" means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

"bunk" means a sleeping berth comprising one of two arranged vertically;

"dormitory" means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

"keeper" means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

"lodger" means a person who obtains, for hire or reward, board or lodging in a lodging house;

"lodging house" includes a recreational campsite, a serviced apartment and a short term hostel but does not include a premises licensed under the *Liquor Act 1988,* a premises approved as a boarding school under the *School Education Act 1999,* and any building comprising of residential flats;

"manager" means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

"recreational campsite" means a lodging-house—

(a) situated on a campsite principally used for—

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

"register of lodgers" means the register kept in accordance with Section 157 of the Act and this Part;

"resident" means a person, other than a lodger, who resides in a lodging house;

"serviced apartment" means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

"short term hostel" means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

"vector of disease" means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

8.2 Lodging House not to be Kept Unless Registered

A person shall not keep or cause, suffer or permit to be kept a lodging house unless—

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the local government under section 8.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either—

(i) the keeper; or

(ii) a manager who, with the written approval of the Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

8.3 Application for Registration

An application for registration of a lodging house shall be—

(a) in the form prescribed in Schedule 1;

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by—

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specifications of the lodging house.

8.4 Approval of Application

The Council may approve, with or without conditions, an application under section 8.3 by issuing to the applicant a certificate in the form of Schedule 2.

8.5 Renewal of Registration

A person who keeps a lodging house that is registered under this Part shall—

(a) during the month of December in each year apply to the local government for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed from time to time by Council under Section 344C of the Act at the time of making each application for renewal.

8.6 Notification upon Sale or Transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.7 Revocation of Registration

(1) Subject to subsection (3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the Council may revoke a registration upon any one or more of the following grounds—

(a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

(b) that the keeper has—

(i) been convicted of an offence against these Local Laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and Use Requirements

8.8 General Construction Requirements

The general construction requirements of a lodging house shall comply with the Building Code.

8.9 Sanitary Conveniences

(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

(a) toilets; and

(b) bathrooms, each fitted with a shower and a hand basin or alternatively, a bath and a hand basin,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—

(a) be so situated, separated and screened as to ensure privacy;

(b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(c) be provided with adequate electric lighting.

(6) Paragraphs (b) of subsection (5) does not apply to a serviced apartment.

8.10 Laundry

(1) A keeper shall—

(a) subject to subsection (2)—

(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and

(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

(b) at all times maintain each laundry in a proper sanitary condition and in good repair;

(c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section—

"laundry unit" means a group of facilities consisting of—

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

(c) either an electric drying cabinet or not less than 30 metres of clothes line, and

(d) a hot water system that—

(i) is capable of delivering 136 litres of water per hour at a temperature of at least 75° C for each washing machine provided with the communal facilities; and

(ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.11 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which—

(a) has a minimum floor area of—

(i) where lodgers prepare their own meals—0.65 square metres per person;

(ii) where meals are provided by the keeper or manager—0.35 square metres per person; or

(iii) where a kitchen and dining room are combined—1 square metre per person,

but in any case not less than 16 square metres;

(b) has adequate—

(i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and

(ii) refrigerator space for storage of perishable goods;

(c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993;*

(d) has a handbasin and a double bowl sink, each provided with an adequate supply of hot and cold water.

8.12 Cooking Facilities

(1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Principal Environmental Health Officer in accordance with the following table—

NO. OF LODGERS	OVENS	4 BURNER STOVES
1 - 15	1	1
16 - 30	1	2
31 - 45	2	3
46 - 60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers(or part thereof) over 60

(2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Principal Environmental Health Officer.

8.13 Dining Room

The keeper of a lodging house shall provide in that lodging house a dining room—

(a) located in close proximity to, or combined with, the kitchen;

(b) the floor area of which shall be not less than the greater of—

(i) 0.5 square metres per person; or

(ii) 10 square metres; and

(c) which shall be—

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.14 Lounge Room

The keeper of a lodging house shall provide in that lodging house a lounge room—

(a) with a floor area of—

(i) where the lounge is not combined with the dining room—not less than 0.6 square metres per person or;

(ii) where the lounge room is combined with a dining room—not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

(b) which shall be—

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.15 Fire Prevention and Control

(1) A keeper shall—

(a) in each passage in the lodging house provide an emergency light—

(i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and

(c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by the local government.

8.16 Obstruction of Passages and Stairways

A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on—

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

8.17 Fitting of Locks

A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

8.18 Restriction on Use of Rooms for Sleeping

(1) Subject to subsection (3) and section 8.32, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.

(2) For the purposes of this section, two children under the age of 10 years shall be counted as one lodger.

(3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

8.19 Sleeping Accommodation—Short Term Hostels and Recreational Campsites

(1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—

(a) 4 square metres per person in each dormitory utilising beds;

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1), shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection(1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide—

(a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(6) The keeper of any short term hostel or recreational campsite shall provide—

(a) beds with a minimum size of—

(i) in short term hostels—800 millimetres x 1.9 metres;

(ii) in recreational campsites—750 millimetres x 1.85 metres;

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall—

(a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

(b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short term hostel or recreational campsite shall ensure that—

(a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows—

drapes, curtains, blinds and bed covers

— a maximum Flammability Index of 6;

upholstery & bedding

— a maximum Spread of Flame Index of 6;

— a maximum Smoke Developed Index of 5;

floor coverings

— a maximum Spread of Flame Index of 7;

— a maximum Smoke Developed Index of 5;

Fire retardant coatings used to make a material comply with these indices must be—

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 200 1.5.4-1987, Procedure 7A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(b) emergency lighting is provided in accordance with the Building Code;

(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;

(d) all mattresses are fitted with a mattress protector.

8.20 Furnishing etc. of Sleeping Apartments

(1) A keeper shall—

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed—

(i) has a bed head, mattress and pillow; and

(ii) is provided with, or can be rented, a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug;

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room or ensure that adequate storage facilities such as lockers are available for use by lodgers in a separate room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

8.21 Ventilation

(1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.22 Numbers to be Placed on Doors

(1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be—

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3—Management and Care

8.23 Keeper or Manager to Reside in the Lodging House

No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

8.24 Register of Lodgers

(1) A keeper shall keep a register of lodgers in the form of Schedule 4.

(2) The register of lodgers shall be—

(a) kept in the lodging house; and

(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.25 Keeper Report

A keeper shall, whenever required by the local government, report to the local government, in the form of Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.26 Certificate in Respect of Sleeping Accommodation

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

(2) The certificate issued under subsection (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

8.27 Duplicate Keys and Inspection

Each keeper and manager of a lodging house shall—

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

8.28 Room Occupancy

(1) A keeper shall not—

(a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;

(b) cause, suffer or permit to be placed or kept in any sleeping apartments—

(i) a larger number of beds; or

(ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that—

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

(2) For the purpose of this section, two children under 10 years of age shall be counted as one lodger.

8.29 Infectious Disease

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall—

(a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.30 Cleaning and Maintenance Requirements

(1) A keeper of a lodging house shall—

(a) maintain in a clean, sound and undamaged condition—

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order—

(i) all fixtures and fittings; and

(ii) windows, doors and door furniture;

(c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

(d) whenever there is one or more lodgers in a lodging house ensure that the laundry floor is cleaned daily;

(e) ensure that—

(i) all bed linen, towels and house linen in use are washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed that has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room that is not free from vectors of disease is not used as a sleeping apartment;

(f) when so directed by the Principal Environmental Health Officer, ensure that—

(i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

(2) In this section—

"bed linen" includes sheets and pillow cases and in the case of a short term hostel or recreational campsite, mattress protectors.

8.31 Responsibilities of Lodgers and Residents

A lodger or resident shall not—

(a) use any room available to lodgers—

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;

(c) use a bath or handbasin other than for ablutionary purposes;

(d) use a bathroom facility or fitting for laundry purposes;

(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;

(f) deposit rubbish or waste food other than into a proper rubbish receptacle;

(g) in a kitchen or other place where food is kept—

(i) wash or permit the washing of clothing or bedding; or

(ii) keep or permit to be kept any soiled clothing or bedding;

(h) subject to section 8.32—

(i) keep, store, prepare or cook food in any sleeping apartment; or

(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, which is infested with vectors of disease;

(j) store or keep such a quantity of furniture, material or goods within the lodging house—

(i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or

(ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;

(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and

(l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for Storage of Food

(1) The Principal Environmental Health Officer may—

(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and

(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation

In this Part, unless the context otherwise requires—

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 certificate of registration; and

"offensive trade" has the meaning ascribed to it by Section 186 of the Act, and includes all of those trades specified within Schedule 2 of the Act, and any other trade proclaimed to be offensive by the Governor from time to time; and

"premises" means those premises in or upon which an offensive trade is carried on and includes any house.

9.2 Consent to Establish an Offensive Trade

(1) A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall—

(a) advertise notice of his intention to apply for consent in accordance with section 9.3; and

(b) lodge with the Chief Executive Officer an application in the form of Schedule 10.

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

9.3 Notice of Application

A notice required under subsection 9.2(1)(a) shall—

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a locally or state-wide distributed newspaper, or be advertised in some other manner which is acceptable to the local government, at least two weeks but not more than one month before the application under subsection 9.2(1)(b) is lodged with the Chief Executive Officer.

9.4 Registration of Premises

An application for the registration of premises pursuant to Section 191 of the Act shall be—

(a) in the form of Schedule 11;

(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976;* and

(c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 12.

9.6 Conditions of Consent for an Offensive Trade

In granting consent under Section 187 of the Act, the City of Bayswater may impose reasonable conditions of consent including, without limitation, conditions relating to—

(a) site requirements;

(b) building fitout specifications;

(c) ventilation;

(d) effluvia, vapours and gases;

(e) control of vectors of disease;

(f) sanitary convenience;

(g) effluent and rubbish disposal.

9.7 Directions

(a) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health;

(b) The occupier shall comply with any directions given under this section.

9.8 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

9.9 Change of Occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

9.10 Alterations to Premises

While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

9.11 Occupier Includes Employee

Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he or she were the occupier.

Division 2—General Duties of an Occupier

9.12 Interpretation

In this Division, unless the context otherwise requires—

"occupier" means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

"the premises" means those premises in or upon which an offensive trade is carried on.

9.13 Cleanliness

The occupier shall—

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, furniture, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and

(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.14 Rats and other Vectors of Disease

The occupier shall—

(a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and

(b) provide in and on the premises effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

9.15 Sanitary Conveniences and Wash Basins

The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and handbasins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

9.16 Painting of Walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

9.17 Effluvia, Vapours or Gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

9.18 Offensive Material

The occupier shall—

(a) provide on the premises approved impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;

(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such intervals as may be directed by the Principal Environmental Health Officer or an Environmental Health Officer or at such intervals negotiated with the local government; and

(e) cause all receptacles after being emptied to be immediately cleansed and sanitised.

9.19 Storage of Materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by odour or otherwise and so as to prevent the creation of a nuisance.

9.20 Specified Offensive Trades

(1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with, the following works or premises—

(a) fish processing establishments(not including retail fish shops);

(b) fat rendering premises;

(c) flock factories;

(d) laundries, dry cleaning premises and dye works;

(e) manure works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—

(a) cause the floor of the premises to—

(i) be properly paved and drained with impervious materials;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.
(c) cause all liquid refuse to be—
(i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and
(ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

9.21 Directions

(1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
(2) The occupier shall comply with any directions given under this section.

9.22 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

Division 3—Fish Processing Establishments

9.23 Interpretation

In this Division, unless the context otherwise requires—

"appliance" includes a utensil, instrument, cover, container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include—
(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or
(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

"fish processing establishment" does not include a retail fish shop;

"fish processing" means a process whereby fish are cleaned, part cleaned, scaled or cut up;

"fish transport vehicle" includes—
(a) an appliance attached to, carried in or used in connection with a vehicle; and
(b) a trailer and a portable box,
used or designed to be used for the transport or storage of fish; and

"portable box" means a box for the transport or storage of fish and includes a fish transport vehicle.

9.24 Fish Preparation Room

(1) The occupier of a fish processing establishment shall provide a fish preparation room that shall comply with the following requirements—
(a) the room shall be provided with a stainless steel bench for the handling of fish, handwash basin with hot and cold water and soap and disposable towel dispensers and a cleaner's sink with hot and cold water;
(b) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement steel float finish or other approved material and shall be devoid of holes, cracks and crevices;
(c) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;
(d) the minimum floor area shall be 16 square metres;
(e) the room shall be provided with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises and connected to a piped supply of hot and cold water;
(f) tiling shall be provided above troughs, handwash basins and benches to a height of 450 millimetres;
(g) the room shall be fly-proofed and have a self-closing door; and
(h) the room shall be provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that the room is used solely for that purpose.

9.25 Disposal of Waste

The occupier of a fish processing establishment shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—
(a) placed in the receptacles referred to in section 9.18 and disposed of in accordance with that section; or
(b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.26 Fish Containers

The occupier of a fish processing establishment shall not allow any box, basket or other container used for the transport of fish to—

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

9.27 Cooking of Fish

Where cooking of fish is carried out in a fish processing establishment, the occupier shall provide and maintain—

(a) a hood as set out in the *Health (Food Hygiene) Regulations 1993,* which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

(b) an exhaust ventilation system—

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.28 Fly Screening

The occupier of a fish processing establishment shall ensure that each window, door way and other external opening in the premises is protected in such a manner as would exclude, as far as practicable, flies and other flying insects.

9.29 Use of an Approved Portable Box

The Principal Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

9.30 Fish Transport Vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

(a) the frame is made of wood or metal;

(b) all internal surfaces—

(i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, zinc anneal, fibre glass, or other material of similar strength and impermeable qualities;

(ii) are smoothly finished;

(iii) are rigidly secured with a solid backing; and

(iv) have floor and vertical angles coved with not less than a 25 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;

(d) the vehicle is effectively insulated with a stable insulating material;

(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;

(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;

(g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

Division 4—Fat Rendering Premises

9.31 Interpretation

In this Division, unless the context otherwise requires—

"fat rendering premises" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

"the occupier" means the occupier of any premises on which the trade of fat rendering is carried on.

9.32 Exhaust Ventilation

The occupier shall provide and maintain—

(a) a hood which shall—

(i) be of an approved design and construction;

(ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and

(iii) extend a minimum of 150 millimetres beyond the length of each appliance; and

(b) an exhaust ventilation system—

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.33 Covering of Apparatus

External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.34 Rendering of Walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 5—Flock Factories

9.35 Interpretation

In this Division, unless the context otherwise requires—

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

"the occupier" means the occupier of a flock factory.

9.36 New and Used Material

(1) Subject to subsection (2), the occupier shall not use for the manufacture of flock any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 30 minutes.

9.37 Collection and Removal of Dust

The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.38 Building Requirements

The occupier shall cause each building on the premises to comply with the following requirements—

(a) the floor shall be of concrete;

(b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and

(c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

9.39 Unclean Rags

A person shall not—

(a) collect, deliver, offer for sale or sell for the manufacture of flock;

(b) receive, store or deliver for the manufacture of flock; or

(c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle or other container used for the storage or collection of refuse or rubbish.

9.40 Bedding and Upholstery

A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, re-tease, fill, refill or repair any—

(a) used bedding; or

(b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the—

(c) material of which the bedding is made; or

(d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

Division 6—Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation

In this Division, unless the context otherwise requires—

"dry cleaning establishment"—

(i) means premises where clothes or other articles are cleaned by use of solvents without using water; but

(ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

"dye works" means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer;

"exempt laundromat" means a premises in which—

(a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

"laundromat" means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and

"laundry" means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.42 Receiving Depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

9.43 Reception Room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall—

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

9.44 Walls and Floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;

(b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.45 Laundry Floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

9.46 Escape of Dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.47 Precautions Against Combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

9.48 Trolleys

The occupier of a dry cleaning establishment shall—

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is—

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

9.49 Sleeping on Premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 7—Manure Works

9.50 Interpretation

"Fertiliser" in this Division means any fertiliser prepared by artificial processes;

"Manure" in this Division means any manure prepared by natural processes;

"Manure Works" means any premises upon which animal manure or fertiliser is received, stored, or prepared for sale.

9.51 Storage of Manure

The occupier of any manure works shall—

(a) cause all floors, walls and ceilings in areas where manure or fertiliser is kept or stored, to be constructed of durable, non-absorbent materials, finished internally with a smooth surface;

(b) cause all manure received or manufactured on the premises to be stored in such a manner as will prevent—

(i) emission of noxious or offensive odours;

(ii) breeding of flies and any other vectors of disease; or

(iii) any other nuisance.

9.52 Emission of Dust, Offensive Odours and Noxious Effluvia

The occupier shall cause every precaution to be taken to prevent at all times emission of dust, offensive odours or noxious effluvia, from the premises.

9.53 Prevention of Nuisances During Transit

The occupier shall cause all manure despatched from the premises to be packed in such a manner as to prevent any nuisance arising therefrom during transit.

PART 10 –OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences

A person who contravenes a provision of these Local Laws, commits an offence.

10.2 Penalties

A person who commits an offence under Section 10.1 is liable to—

(a) a penalty which is not more than $1,000 and not less than—

(i) in the case of a first such offence, $100;

(ii) in the case of a second such offence, $200; and

(iii) in the case of a third or subsequent such offence, $500; and

(b) if the offence is a continuing offence, a daily penalty which is not more than $100 and not less than $50.

10.3 Fees

Wherever a fee is prescribed by these Local Laws, that fee shall—

(a) be fixed from time to time by Council pursuant to the provisions of Section 344C of the Act, unless otherwise prescribed; and

(b) all fees, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 31 December, each year.

10.4 Expenses

Any expense incurred by the local government in consequence of a breach or non-observance of these Local Laws, or in the execution of work directed to be executed by a person and not executed by that person, shall be paid by the person committing the breach or non-observance or failing to execute the work.

Dated this 29th day of June 2007

The COMMON SEAL OF THE CITY OF BAYSWATER was affixed by authority of a resolution of the Council in the presence of:

TERENCE G. KENYON, JP
Mayor

MARIO .J. CAROSELLA
Chief Executive Officer

Consented to -

Dr A. ROBERTSON, Executive Director
Public Health

AMENDMENTS

Details / Clause	Council endorsement	Gazette
Health Act 1911 City of Bayswater Health Local Laws 2001 – Division 4 – Keeping of Poultry, Pigeons and Cage Birds	26 June 2007	No. 163 : 14 August 2007
5.18	26 June 2007	No. 163 : 14 August 2007
5.19 (1)	26 June 2007	No. 163 : 14 August 2007
5.20 (a)	26 June 2007	No. 163 : 14 August 2007
5.21 amended and 5.21 (1), 5.21 (2), 5.21 (3), 5.21 (4) deleted	26 June 2007	No. 163 : 14 August 2007
Health Act 1911 City of Bayswater Health Local Laws 2001 -	Aug 2007	No. 183 : 07 September 2007
6.17 (Waste Food) amended	Aug 2007	No. 183 : 07 September 2007
6.5 (3) (Local Govt May Execute Work and Recover Costs) inserted	Aug 2007	No. 183 : 07 September 2007
7.10 (3) (Local Govt may Carry Out Work and Recover Costs) inserted	Aug 2007	No. 183 : 07 September 2007
7.3 (4) (Env. Health Officer may Disinfect or Disinfest Premises) inserted	Aug 2007	No. 183 : 07 September 2007

Schedule 1

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Bayswater

I/We, ...
(Full name of Applicant/s)

of .....
(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at

.....

as a lodging house to be classified as—

- a lodging house;
- a short term hostel;
- a recreational campsite; or
- serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of storeys.....

Rooms for private use

Area	Number
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Rooms	
Other (Specify)	

Rooms for lodgers

Area	Number
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Rooms	
Other (Specify)	

Sanitary Conveniences for male lodgers

Area	Number
Toilets	
Urinals	
Baths	
Showers	
Hand basins	

Sanitary Conveniences for female lodgers

Area	Number
Toilets	
Baths	
Showers	

Hand basins

Laundry Facilities

Area
Coppers

Wash troughs
Washing Machines
Drying cabinets or clothes lines

Number

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.

(b) The keeper will/will not reside continuously on the premises

(c) Name and occupation of proposed manager if keeper resides elsewhere .....

.....

(d) There.....family members residing on the premises with the keeper/manager.

Application fee of $..... is attached.

.....
(Signature of Applicant/s)

.....
(Date)

Schedule 2

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at .....

.....

are registered as a Lodging House and classified as--

- a lodging house
- a short term hostel
- serviced apartments
- a recreational campsite

until 31 December ....., on the following conditions—

1. That ....., whose name is entered on the register of keepers of the City of Bayswater, continues to be the keeper of the lodging house;
2. that ....., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is ..... ; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of registration is issued subject to the Health Act and Health Local Laws of the City of Bayswater and is not transferable.

Dated .....

.....
Principal Environmental Health Officer, City of Bayswater Fee received: $

Schedule 3

CITY OF BAYSWATER

Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer

City of Bayswater

I/We, ...
(Full name of Applicant/s)

of .....
(Residential Address of Applicant/s)

am/are the new owner/s of premises situated at

.....

which are registered in the name of

.....

.....

for the carrying on of the lodging house business.

(Signature of Applicant/s)

(Date)

Schedule 4

CITY OF BAYSWATER

Health Act 1911

REGISTER OF LODGERS

Location of Lodging House: .....

Date of Arrival .....

Name .....

Previous Address .....

.....

Room No: .....

Date of Departure.....

Signature.....

Signed .....

(Keeper)

Date.....

Schedule 5

CITY OF BAYSWATER

Health Act 1911

LIST OF LODGERS

The Chief Executive Officer
City of Bayswater

The following is the name of every person who resided in the lodging house at .....

.....

h..... day of..... year .....

Signed .....
(Keeper)

Date .....

Schedule 6

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To.....
(Name of Keeper)

of .....
(Address of Keeper)

For the registered lodging house situated at: .....

.....

....., can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than ..... persons at any one time.

.....
Environmental Health Officer

Date .....

Schedule 7

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH MORE THAN 20 SLEEPING APARTMENTS

To.....
(Name of Keeper)

of .....
(Address of Keeper)

for the registered lodging house situated at

.....

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

Room Number	Maximum Occupancy	Room Number	Maximum Occupancy

.....
Environmental Health Officer

Date.....

Schedule 8

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR LICENSE OF A MORGUE

To: Chief Executive Officer

City of Bayswater

I .....
(Full name in Block Letters)

of.....
(Full Residential Address)

apply to license the premises listed below as a Morgue

Address of premises: .....

Name of premises: .....

Dated this .....day of .....year .....

.....
(Signature of Applicant)

Schedule 9

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the 1st January..... until 31st December.....

Address of premises: .....

Name of premises: .....

Dated this .....day of .....year .....

.....
Principal Environmental Health Officer

City of Bayswater

(Date)

Schedule 10

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
City of Bayswater

I/We, ...
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being

.....
(Description of Offensive Trade)

in or upon .....
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in

.....

.....

on .....
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

.....
(Signature of Applicant/s)

.....
(Date)

Schedule 11

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Bayswater

To: Chief Executive Officer
City of Bayswater

I/We, ...
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for registration, for the year ended .....

of.....
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely

.....
(Description of Offensive Trade)

under the business name of.....

The prescribed registration fee of $ ..... is attached.

.....
(Signature of Applicant/s)

.....

Schedule 12

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

.....

of which .....

is the occupier, is registered for the carrying on of the trade of

.....

Trade Name .....

This registration expires on 31st December .....

Dated this .....day of .....year .....

.....

Principal Environmental Health Officer
City of Bayswater

Passed by resolution at an Ordinary Meeting Of The Council of the City of Bayswater held on 24th day of July 2001.
The Common Seal of the City of Bayswater was hereunto affixed in the presence of—

LOUIE J. MAGRO, Mayor.

MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August 2001.
Consented to—

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

Dated this 30th day of October 2001.

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH (EATING-HOUSES) LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the "*City of Bayswater Health (Eating-Houses) Local Laws 2001*". **Repeal**

2. The Health Local Laws—Eating Houses of the City of Bayswater made by the City of Bayswater on 28 April 1987 and published in the *Government Gazette* on 18 March 1988 and amended from time to time, are repealed.

Interpretation

3. In these local laws, unless the context otherwise requires—

"Act" means the *Health Act 1911* (as amended) and includes any subsidiary legislation made under the *Health Act 1911*.

"certificate of registration" means a registration certificate issued pursuant to the provisions of these local laws by the local government.

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer.

"Council" means the Council of the City of Bayswater.

"eating-house" means an eating-house as defined in Division 3, Section 160, of the *Health Act 1911* (as amended).

"Environmental Health Officer" means an Environmental Health Officer appointed under the Act.

"local government" means the City of Bayswater.

"licence" means a licence to conduct the business of an eating-house granted pursuant to the provisions of these local laws by the local government.

"proprietor" means the person having the management or control of premises.

"registered premises" means any premises that are registered as an eating-house under these local laws.

Requirement for Registration and Licensing

4. No person shall occupy or use any premises as an eating-house unless—

(a) the premises are registered under these local laws as an eating-house;

(b) the proprietor of the said premises is the holder of a licence issued by the local government authorising him to conduct on the premises the business of an eating-house; and

(c) the premises and the operations conducted within the premises comply with the requirements of the *Health (Food Hygiene) Regulations 1993*.

Registration of an Eating-House

5. (1) An application for registration of an eating-house shall be forwarded to the Chief Executive Officer together with—

(i) the fee as fixed from time to time by Council under Section 344C of the Act;

(ii) in relation to an eating-house which is not currently registered, detailed plans and specifications of the eating-house which shall include the following details—

(a) the use of each room;

(b) the structural finish of each wall, floor and ceiling;

(c) the position and type of each fitting and fixture;

(d) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal; and

(e) the proposed number of persons, including the proprietor or proprietors expected to be engaged in the preparation, manufacture, processing, cooking or serving of meals.

(2) Before any premises are registered as an eating-house, the site intended to be used for such purpose shall be subject to the approval of the local government;

(3) The local government may attach such conditions as it deems necessary to ensure compliance with the requirements of the Act, to the registration of an eating-house, and these conditions shall be set out in the certificate of registration.

(4) If the application is approved, the local government shall issue to the applicant a certificate of registration.

Prescribed Date

6. (1) For the purposes of section 162 of the Act, the prescribed date after which no person shall establish or carry on the business of an eating-house unless the eating-house is registered and the proprietor thereof is licensed is the 18 March 1988.

(2) For the purpose of section 163 of the Act, the 31st day of December in each year is prescribed as the date on or before which the annual application for registration of an eating-house and licence for the proprietor of an eating-house shall be made.

Licence to Conduct an Eating-House

7. Before any licence to conduct an eating-house is issued to any proprietor by the local government under these local laws, the proprietor shall make an application in writing and shall—

(i) include the full name and address of the applicant;

(ii) specify the location for which the licence is sought;

(iii) specify the proposed goods, wares, merchandise or services in respect of which the trading will be carried on;

(iv) include details of any previous experience in the operations of eating-houses; and

the applicant shall forward the application, together with the fee as fixed from time to time by Council under Section 344C of the Act, to the local government and if the application is approved, the local government shall issue to the proprietor a licence.

Register of Registrations and Licences

8. Every certificate of registration of premises registered as an eating-house and every licence issued to a proprietor shall be entered in a register maintained by the local government for that purpose.

Licence conditions

9. A licence shall be issued upon and subject to the condition that the holder of the licence shall—

(a) display the licence and certification of registration of the eating- house in a conspicuous place in the eating-house;

(b) notify the local government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating-house prior to the commencement of such alteration, addition or other work;

(c) notify the local government in writing of any proposed increase in staff numbers;

(d) prevent public access to the food preparation and storage areas at all times.

Certificate of Registration and Licences

10. Every proprietor of registered premises shall keep the certificate of registration and the licence on the registered premises in a position visible to the general public and shall, when requested to do so by an Environmental Health Officer, produce the certificate of registration and the licence issued to the proprietor in respect of such premises

Period of Registration and Licence

11. Every certificate of registration and every licence shall be in force from the day of issue to the next 31st day of December, inclusive, unless the same is cancelled in the meantime in accordance with the provisions of the Act.

Renewal Applications

12. Applications for renewal of certificates of registration and licences shall be made annually during the month of November.

Fees

13. The fees payable to the local government on the registration of premises, the issue of a licence and on the renewal of any registration or licence shall be the fee as fixed from time to time by Council under Section 344C of the Act.

Change of Address

14. Whenever any person identified as the proprietor on a certificate of registration and/or a licence issued pursuant to these local laws, changes his or her place of abode he or she shall, within seven days of such a change, give notice in writing to the local government specifying his or her new place of abode and he or she shall, at the same time, produce such certificate of registration and/or licence to the local government, and the amendment shall be endorsed thereon.

Licence Personal to Holder

15. Any licence issued under the provisions of these local laws to any proprietor to conduct an eating-house, shall not be transferable to any other person except as specified in section 168 subsection 2 of the Act.

New Proprietors to apply for Licence

16. If the licenced proprietor of any premises registered as an eating-house ceases to be the proprietor, as defined under these local laws then any person wishing to become the proprietor of such premises must make application to the local government for a licence to conduct an eating-house as required by Section 6 of these local laws.

Power to Grant or Refuse an Application or Cancel a Registration or Licence

17. Where application is made to the local government either for—

(a) an eating-house to be registered; or

(b) a licence to be issued to conduct the business of an eating-house, then—

(i) such application may be issued or refused subject to sections 165 and 166 of the Act;

(ii) any such registration or licence, if allowed and issued, may be cancelled at any time for any one of the reasons described in subsections 165(3) and 166(3) of the Act.

Offences and Penalties

18. Any person who commits a breach of any of the provisions of these local laws shall be guilty of an offence and upon conviction shall be liable to—

a fine that is not more than $2,500 and not less than—

(i) in the case of a first offence $250;

(ii) in the case of a second offence $500; and

(iii) in the case of a third or subsequent offence, $1,250; and

if that offence is a continuing offence, a daily penalty which is not more than $250 and not less than $125.

Passed at a meeting of the Council of the City of Bayswater held on the 24th day of July, 2001.

The Common Seal of the City of Bayswater was hereunto affixed in the presence of—

LOUIE J. MAGRO, Mayor.

MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August, 2001.

Consented to—

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

On this 30th day of October, 2001.

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH (ITINERANT FOOD VENDORS) LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the "*City of Bayswater Health (Itinerant Food Vendors) Local Laws 2001*".

Interpretation

2. In these local laws, unless the context otherwise requires—

"Act" means the *Health Act 1911* (as amended) and includes any subsidiary legislation made under the *Health Act 1911*.

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer.

"Council" means the Council of the City of Bayswater.

"itinerant food vendor" means a person who travels along the road looking for customers and who sells food from a vehicle temporarily parked on, or beside, the street to customers who stop him while he is so parked.

"licence" means a licence to operate as an Itinerant Food Vendor granted pursuant to the provisions of these local laws by the Council.

"Principal Environmental Health Officer" means the Principal Environmental Health Officer appointed under the Act

Licence

3. (1) An itinerant food vendor shall not offer for sale or sell food unless the person—

(a) is the holder of an itinerant food vendor's licence issued by Council under this Clause; and

(b) complies with any conditions to which the licence is subject.

(2) An application for an itinerant food vendor's licence shall be—

(a) made by the proprietor or where there is more than one proprietor, by each proprietor;

(b) made in the form prescribed in Schedule 1; and

(c) forwarded to the Chief Executive Officer together with the fee as fixed from time to time by Council under Section 344C of the *Health Act 1911*.

(3) An application for a licence under this clause shall be determined by Council which, may approve the application, with or without conditions, or reject the application.

(4) Where Council approves, with or without conditions, an application under this clause, an itinerant food vendor's licence—

(a) signed by the Principal Environmental Health Officer; and

(b) in the form of Schedule 2,

shall be issued by Council.

(5) A licence issued under this clause shall be valid until 31st December next following the date of issue of the licence by Council.

(6) A person who makes a false statement in an application under this clause, commits an offence.

(7) A person issued with an itinerant food vendors licence shall, whilst plying his/her trade, carry the licence and produce the same to an Environmental Health Officer on demand.

(8) A food vehicle used for the purpose of conducting a business as an itinerant food vendor shall be presented for inspection by an Environmental Health Officer prior to annual licensing.

(9) A person issued with a licence to operate as an itinerant food vendor must comply with relevant requirements of the *Food Hygiene Regulations 1993*.

Offences and Penalties

4. (1) A person who contravenes a provision of these local laws commits an offence.

(2) A person who commits an offence under sub clause (1) is liable to—

(a) a penalty which is not more than $2,500 and not less than—

(i) In the case of a first such offence, $250;

(ii) In the case of a second such offence, $500; and

(iii) in the case of a third and subsequent such offence $1250; and

(b) if the offence is a continuing offence, a daily penalty which is not more than $250 and not less than $125.

Schedule 1

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR LICENCE AS AN ITINERANT FOOD VENDOR

To Chief Executive Officer
City of Bayswater

Name (in full) of Applicant

Place of Residence

.....

.....

Postal Address

.....

Type of Food for sale

.....

Place where vehicle, food and trade utensils are stored—

.....

Details of vehicle or means of carriage—

.....

.....

Dated this..... day of ..... year .....

.....

Signature of Applicant Telephone ..

Schedule 2

CITY OF BAYSWATER

Health Act 1911

LICENCE AS AN ITINERANT FOOD VENDOR

This is to certify that

.....

(Name)

of

.....

(Address)

is hereby licensed as an Itinerant Food Vendor within the Health District of the City of Bayswater.

This licence expires on the 31 st day of December following the date of issue, unless this licence is previously cancelled.

Date of issue: ..... day of..... year .....

.....

Principal Environmental Health Officer

Passed at a meeting of the Council of the City of Bayswater held on the 24th day of July, 2001.

The Common Seal of the City of Bayswater was hereunto affixed in the presence of—

LOUIE J. MAGRO, Mayor.

MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August, 2001.

Consented to—

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

On this 30th day of October, 2001.

Western Australia

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER
HEALTH LOCAL LAW 2022

DRAFT

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

HEALTH LOCAL LAW 2022

ARRANGEMENT

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1.2 Repeal
1.3 Interpretation

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2.2 Dwelling House
2.3 Premises other than a Dwelling House
2.4 Outdoor Festivals
2.5 Toilets
2.6 Temporary Works
2.7 Maintenance of Sanitary Conveniences and Fittings
2.8 Ventilation of Toilets
2.9 Public Sanitary Conveniences
2.10 Lighting
2.11 Installation

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2.12 Bathrooms
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2.14 Washing or Keeping of Clothes in Kitchens
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3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

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3.4 Overcrowding
3.5 Calculation of Sufficient Space
3.6 Ventilation
3.7 Sub-Floor Ventilation

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Division 3-Water Supply

3.8 Water Supply
3.9 Rain Water tanks
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Division 4 - Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale
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Division 5 - Morgues

3.14 Licensing of Morgues

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4.2 Deposit of Liquid Refuse

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4.8 Interpretation
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5.10 Cleanliness
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Division 3 - Keeping of Large Animals

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5.16 Proximity of Animals to a Dwelling House
5.17 Manure Receptacles

Division 4 - Keeping of Poultry, Pigeons and Cage-birds

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5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds
5.20 Conditions of Keeping Poultry
5.21 Roosters
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5.23 Removal of Non -conforming Structure or Enclosure
5.24 Restrictions on Pigeon Nesting, Perching and Feeding

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5.26 Ventilation
5.27 Exhaust Air Discharge Points and Exhaust Registers
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6.2 Fly Breeding Matter not to be Left on Premises Unless Covered or Treated
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6.16 Measures to be Taken to Eradicate Rodents
6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles
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6.19 Food Premises to be Cleaned After Use
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6.21 Interpretation
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Division 5 - Argentine Ants

6.23 Interpretation
6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

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6.25 Interpretation
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6.28 Limitation on Numbers of Hives
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LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

HEALTH LOCAL LAW 2022

Made by the Council of the City of Bayswater under the Local Government Act 1995.

PART 1 - PRELIMINARY

1.1 Citation

These local laws may be cited as the "City of Bayswater Health Local Law 2022".

1.2 Repeal

The Health Local Laws adopted by the City of Bayswater and published in the Government Gazette on 10 December 2001, and amended from time to time, are repealed.

1.3 Interpretation

(1) In these Local Laws, unless the context otherwise requires-

"Act" means the *Health (Miscellaneous Provisions) Act 1911* and includes subsidiary legislation made under the *Health (Miscellaneous Provisions) Act 1911*;

"Adequate supply of water" means a flow of water of not less than 4.56 litres per minute; "approved" means approved by the Principal Environ mental Health Officer; "AS" means Australian Standard published by the Standards Association of Australia;

"Building Code" means the latest edition of the National Construction Code published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer;

"Council" means the Council of the City of Bayswater;

"district" means the district of the City of Bayswater and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

"dwelling house" means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

"Environmental Health Officer" means an Environmental Health Officer appointed by the local government under the Act;

"habitable room" means a room used for normal domestic activities, and -

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sunroom; but

(b) excludes a bathroom, laundry, water closet, pantry, walk in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

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"house" in these Local Laws shall be the same as the definition given in Part 1 Section 3 of the *Health Miscellaneous Provisions Act 1911*;

"hot water" means water at a temperature of at least 75 degrees Celsius;

"local government" means the City of Bayswater;

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the local government to the office of Principal Environmental Health Officer and includes Manager Environmental Health and Statutory Building.

"public place" includes every place to which the public ordinarily have access, whether by payment of a fee or not;

"sanitary convenience" includes urinals, water-closets, latrines, sinks, baths, showers, wash troughs, apparatus for the treatment of sewage or other receptacle for the deposit of faecal matter and urine and all similar conveniences;

"sewage" means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;

"sewer" includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of a local government;

"street" includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"toilet" means a water closet, latrine or urinal and includes a room or cubicle in which one or more of these is located;

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality in Australia - 1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister from time to time; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the "owner or occupier".

(3) Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

(4) These Local Laws shall be construed subject to the limits of the power of the Council of the City of Bayswater and so as not to exceed that power to the intent that where any provision of these Local Laws, but for this clause, would be construed as being in excess of that power, it shall nevertheless be valid to the extent to which it is not in excess of that power.

(5) Save where defined herein, where words and phrases used in these Local Laws are defined or used in the *Health (Miscellaneous Provisions) Act 1911*, those words and phrases have the same meaning unless the context otherwise

requires.

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires- **"festival"** includes a fair, function or event; **"Organiser"** means a person –

(a) to whom approval has been granted by the Council or the local government to conduct the festival; or

(b) responsible for the conduct of the festival;

"public sanitary convenience" means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by- (a) patrons in conjunction with a festival; or employees at construction sites or the like.

2.2 Dwelling House

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have lighting in accordance with the requirements of the Building Code.

2.3 Premises other than a Dwelling House

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless -

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have handbasins -

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that -

(a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

(c) each handbasin is provided with-

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(i) an adequate supply of soap or other hand cleaning substances; and

(ii) hand drying facilities, situated adjacent to and visible from the hand basin.

2.4 Outdoor Festivals

(1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale -

(a) for the first I ,000 males-

(i) one water closet for each 333;

(ii) one urinal stall for each 1 00; and

(iii) one handbasin for each 500;

(b) for additional males-

(i) one water closet for each 500;

(ii) one urinal stall for each 1 00; and

(iii) one handbasin for each 500;

(c) for the first 1 ,000 females-

(i) one water closet for each 77; and

(ii) one handbasin for each 500; and

(d) for additional females-

(i) one water closet for each I 00; and

(ii) one handbasin for each 500.

(2) Where, under subsection {1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

2.5 Toilets

Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements-

(a) toilets for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling;

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.6 Temporary Works

A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997.*

2.7 Maintenance of Sanitary Convenience and Fittings and Fittings

(1) The occupier of premises shall -

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(a) keep clean, in good condition and repair; and

(b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall -

(a) keep or cause to be kept in good repair; and;

(b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

2.8 Ventilation of Toilets

A toilet in any premises shall be ventilated in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations I 971 and the Building Code.

2.9 Public Sanitary Conveniences

(1) A person shall not -

(a) foul;

(b) damage or vandalise; or

(c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person using a public sanitary convenience shall where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.

(3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

2.11 Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage By-Laws 1981* and National Plumbing and Drainage Code AS 3500 and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

Division 2 - Bathroom, Laundries and Kitchens

2.12 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that-

(a) is lined with an impervious material in accordance with the requirements of Part F 2.4.1 of the Building Code;

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(b) complies with the *Health Act (Laundries and Bathrooms) Regulations;*

(c) is equipped with-

(i) a handbasin; and

(ii) either a shower in a shower recess or a bath; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.13 Laundries

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that -

(a) is properly enclosed and roofed;

(b) is adequately lined with an impervious material;

(c) is not a room in which food is stored, prepared, served or consumed; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) In the case of a single occupancy dwelling, the laundry referred to in subsection (1) shall have -

(a) either-

(i) two wash troughs and one copper; or

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.

(3) All wash troughs, sinks, coppers and washing machines shall be -

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) properly supported,

and all wash troughs and sinks shall have a capacity of at least 36 litres.

(4) Sole or multiple occupancy units, each being a separate dwelling, shall have-

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

(5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall -

(a) not be more than 1 220 millimeters wide; and

(b) have a door which when closed shall completely fill the opening.

2.14 Washing or Keeping of Clothes in Kitchens

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A person shall not in any kitchen or other place where food is kept -

(a) wash or permit to be washed any clothing or bedding; or

(b) keep or permit to be kept any soiled clothing or bedding.

2.15 Kitchens

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with -

(a) an electric, gas, wood or other fuel burning stove;

(b) an oven of sufficient capacity for the cooking requirements of the usual occupants of the house and not less than a minimum capacity of 0.03 cubic metres; and

(c) a sink which shall-

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(3) A cooking facility shall-

(a) be installed in accordance with the requirements of the Office of Energy; and

(b) not be installed or used in any room other than a kitchen.

(4) (a) A kitchen shall be provided with mechanical exhaust ventilation directly above the cooking facility and the exhaust air shall be –

(i) carried to the outside air as directly as practicable; and

(ii) boxed throughout; or

(b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.

(5) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

2.16 Floor of Wet Areas

The floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building shall be properly surfaced, impervious to water and evenly graded to an approved floor waste outlet.

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Houses

3.1 Dwelling House Maintenance

The owner or occupier of a dwelling house shall maintain the dwelling house and any apartment buildings in sound condition and fit for use and, in particular, shall-

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

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(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps that are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even in surface and free from cracks;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof condition;

(k) retain all-natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 1 0% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so

(m) that they comply in all respects with the provisions of the Metropolitan Water Supply, Sewerage and Drainage By-Laws, National Plumbing Code, Treatment of Sewage and Disposal of E./fluent and Liquid Waste Regulations and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings so as to comply in all respects with the requirements of the Office of Energy.

3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a house shall-

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2 - Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites

This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.4 Overcrowding

The owner or occupier of a house shall not permit -

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless-

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

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3.5 Calculation of Sufficient Space

For the purpose of section 3.4, in calculating the space required for each person -

(a) each room shall be considered separately and! sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

(b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

3.6 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code, including the provision of-

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS 1668.2.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is-

(a) maintained in good working condition and in accordance with AS3666-1 989; and

(b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to -

(a) provide a different, or additional method of ventilation; or

(b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subsection (4).

3.7 Sub-Floor Ventilation

The owner or occupier of a house shall ensure that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3 - Water Supply

3.8 Water Supply

(1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of the licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

3.9 Rain Water Tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall -

(a) maintain in a clean condition -

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(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;

(c) at least once in each year, thoroughly clean any tank from which water is used for human consumption;

(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, from which water is used for human consumption.

3.10 Wells

The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is-

(a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and

(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.11 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing that may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4 - Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale

A person shall not offer for sale or sell any second-hand furniture, bedding or clothing that is filthy or infested with vectors of disease.

3.13 Prohibition of Possession

A dealer in second-hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Division 5 - Morgues

3.14 Licensing of Morgues

(1) All morgues, except those conducted by a public hospital, local government or the Police Service, are required to be licensed.

(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is as fixed from time to time by Council under Section 344C of the Act.

(3) A licence shall-

(a) be applied for in the form set out in Schedule 8;

(b) be in the form set out in Schedule 9; and

(c) expire on 31 December next after the date of its issue.

(4) A licence shall not be granted in respect of any premises unless-

(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;

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(b) the walls are constructed of stone or brickwork or other approved material;

(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;

(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and

(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 - WASTE FOOD AND REFUSE

Division 1 - Liquid Refuse

4.1 Interpretation

In this division, unless the context otherwise requires-

"liquid refuse" includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and swimming pool discharges;

4.2 Deposit of Liquid Refuse

A person shall not deposit or cause or permit to be deposited liquid refuse -

(a) on a street;

(b) in a stormwater disposal system; or

(c) on any land or place other than a place or depot duly authorised for that purpose.

Division 2-Disposal of Refuse

4.3 Interpretation

In this division, unless the context otherwise requires -

"building line" has the meaning given to it in and for the purposes of *the Local Government (Miscellaneous Provisions) Act 1960*;

"collection day" means the day of the week on which rubbish and refuse is collected and removed by the local government or its contractor;

"collection time", where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the local government or its contractor;

"commercial waste" means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;

"domestic waste" means refuse and other rubbish generated by or emanating from residential premises;

"public place" includes a street, way and place which the public are allowed to use, whether the street, way or place is or is not on private property;

"rubbish or refuse" includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

"refuse disposal site" means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse; "receptacle", where used in connection with any premises, means-

(a) a polyethylene or other approved material cart fitted with wheels, a handle and a

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lid and having a capacity of at least 120 litres; or

(b) a container provided by the local government or its contractor for the deposit, collection or recycling of specific materials; or

(c) other type of receptacle specified or approved by the local government; and supplied to the premises by the local government or its contractor;

"street" includes highway; and a thoroughfare; which the public are allowed to use; and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960,* means the new street alignment so prescribed; and "waste" means commercial waste or domestic waste or both as the context requires.

4.4 Use of Other Containers

(1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall-

(a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subsection 4.9 (1);

(b) take all reasonable steps to prevent -

(i) fly breeding and keep the container free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive and noxious odours from the container;

(c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection;

(f) ensure that the container does not cause a nuisance to an occupier of adjoining or nearby premises; and

(g) ensure that rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

(3) An owner or occupier shall -

(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises-

(i) has a close-fitting lid;

(ii) is constructed of non-absorbent and non-corrosive material; and

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(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover of each container closed except when it is necessary to place something in, or remove something from, it; and

(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

4.5 Suitable Enclosure

(1) An owner or occupier of premises-

(a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or

(b) used for commercial or industrial purposes or as a food premises;

(c) if required by the Principal Environmental Health Officer shall-

(i) provide a suitable enclosure for the storage and cleaning of receptacles or other containers on the premises; and

(ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a "suitable enclosure" means an enclosure -

(a) of sufficient size to accommodate all receptacles or other containers used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;

(b) having walls constructed of brick or concrete or other material of suitable thickness approved by the Principal Environmental Health Officer;

(c) having walls which will adequately screen the receptacles or containers and not less than 1.8 metres in height and having an access way of adequate width to al low the removal of receptacles or other containers for collection and not less than 1 metre in width and fitted with a self-closing gate;

(d) containing a smooth and impervious concrete floor -

(i) of not less than 100 millimetres in thickness; and

(ii) which is evenly graded to a liquid refuse disposal system approved by the Principal Environmental Health Officer; and

(e) which is easily accessible to allow for the removal, emptying and cleaning of the receptacles or other containers.

4.6 Deposit of Refuse

(1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except

(a) at such place on the site as may be directed by the person in charge of the site; or

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(b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

4.7 Burning Rubbish or Refuse

(1) A person shall not -

(a) without the written approval of the Principal Environmental Health Officer; and

(b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either in any incinerator, barbecue, wood fired stove or on the ground.

(2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions –

(a) the material to be burnt-

(i) does not include any plastic, rubber, food scraps, green garden cuttings or other material that is offensive when burnt; and

(ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;

(b) there is no other appropriate means of disposal;

(c) burning shall not take place-

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00am to 3.00pm;

(iii) at times designated by the Bureau of Meteorology as Very High or Extreme Fire Danger; and

(d) an incinerator used for fire must be located -

(i) at least 2 metres from a fence or building; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the provisions of the *Bush Fires Act 1954*, it is prohibited to clear by burning any fire breaks, vacant lots or other land of grass, straw, hay, undergrowth, herbage and other vegetation whether alive or dead and standing or not standing, without written approval of the local government.

Division 3 - Transport of Butchers 'Waste

4.8 Interpretation

In this Division, unless the context otherwise requires -

"butchers' waste" includes animal skeletons, rib cages and the products of a slaughterhouse or boning room.

4.9 Restriction of Vehicles

A person shall not use, for the transport of butchers' waste -

(a) a vehicle used for the transport of food or drugs; or

(b) anything intended to be used for the packing or handling of food or drugs.

4.10 Transport of Butchers' Waste

(1) A person shall not transport butchers' waste otherwise than in -

(a) a compartment complying with the following specifications -

(i) the floor and 4 walls to be made of impervious materials and the walls to be not less than 910 millimetres high;

(ii) all joints to be made watertight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a watertight durable container fitted with a lid that can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are -

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to-

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires - **"fertiliser"** includes manure.

5.2 Footpaths etc., to be Kept Clean

An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from their refuse and belongings.

5.3 Escape of Smoke etc.

(1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

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5.4 Public Vehicles to be Kept Clean

The owner or person in control of a public vehicle shall -

(a) maintain the vehicle at all times -

(i) in a clean condition; and

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

5.5 Prohibition Against Spitting

A person shall not spit -

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

5.6 Transportation, Use and Storage of Offal or Blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterlised by steam and properly dried.

5.7 Use or Storage of Fertiliser

An owner or occupier of premises shall not use or keep for the purpose of use as fertiliser any -

(a) pig manure;

(b) human faeces; or

(c) urine.

5.8 Storage and Despatch of Artificial Fertiliser

An owner or occupier of premises. where artificial fertiliser is stored in bulk for sale shall -

(a) keep all artificial fertiliser in a building -

(i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and

(ii) free from damp and properly ventilated;

(b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and

(c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

5.9 Storage of Fertiliser

(1) The owner or occupier of premises where fertiliser or compost is stored or used shall -

(a) prevent the escape of odours, dust or particles of fertiliser or compost;

(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and

(c) store only such amounts of fertiliser or compost -

(i) as can be readily used within a reasonable period; or

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(ii) as may be directed by the Principal Environmental Health Officer.

(2) No person shall store fertiliser or compost inside a dwelling house.

Division 2 - Keeping of Animals

5.10 Cleanliness

An owner or occupier of premises in or on which a dug, cat or other animal or bird is kept shall -

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;

(b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

5.11 Animal Enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Principal Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

5.12 Slaughter of Animals

(1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons, slaughter of meat for pet or game meat and slaughter of animals for human consumption in local government approved abattoirs.

5.13 Disposal of Dead Animals

(1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3-Keeping of Large Animals

5.14 Interpretation

In this Division, unless the context otherwise requires-

"approved animal" means a horse, cow or large animal that is the subject of an approval by the local government under section 5.15;

"cow" includes an ox, calf or bull;

"horse" includes an ass, mule, donkey or pony; and

"large animal" includes a pig, sheep or goat.

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5.15 Stables

(1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises without the written approval of the Council.

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall-

(a) not be situated within 15 metres of a house or other premises;

(b) have a proper separate stall-

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) have a floor, the upper surface of which shall -

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of I in 100 to a drain that shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) The owner or occupier of premises on which a stable is located shall-

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

5.16 Proximity of Animals to a Dwelling House

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

5.17 Manure Receptacles

An owner or occupier of premises on which an approved animal is kept shall -

(a) provide in a position convenient to the stable a receptacle for manure constructed with a smooth, impervious, durable and easily cleanable surface and provided with a tight-fitting hinged lid;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and other vectors of disease;

(d) keep the receptacle so far as possible free from flies and other vectors of disease by spraying with a residual insecticide or other effective means; and

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(e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4 - Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation

In this Division, unless the context otherwise requires-

"Affiliated Person" means a person who is a member of a Pigeon Club or Cage bird Club which is an incorporated body under the *Associations Incorporation Act 1987;*

"cage-birds" include parrots, budgerigars, canaries, finches, quail, doves and other birds kept in cages on residential premises but does not include poultry;

"Code of Practice" means the Code of Practice - Pigeon Keeping and Pigeon Racing, published May 1994, amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc.;

"pigeons" includes all breeds of domestic pigeon of the genus Columba Iivia domestica;

"poultry" includes fowls, peafowl, turkeys, geese, ducks and other domestic fowls;

"young birds" includes-

(a) pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;

(b) cage-birds under 24 days of age and recognised as confined to their nests.

5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds

(1) An owner or occupier of premises -

(a) who is not an Affiliated Person shall not keep more than 20 pigeons and 20 cage birds exclusive of young birds;

(b) who is an Affiliated Person shall not keep a total of more than 150 pigeons and 150 cage birds. exclusive of young birds;

(c) shall not keep any of the following: -

(i) a goose or gander;

(ii) a turkey;

(iii) a peacock or peahen.

on any one lot of land.

(d) may keep ducks or fowls or a combination of ducks and fowls up to a maximum of 24 in accordance with the following table-

Maximum Number Of Poultry That Can Be Kept On Residential Lots	
Lot Area (m2)	**Poultry**
Up to 599	9
600 to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14
1100 to 1199	15

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1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19
1600 to 1699	20
1700 to 1799	21
1800 to 1899	22
1900 to 1999	23
2000 or greater	24

(2) The Principal Environmental Health Officer, may either reduce the approved number of poultry, pigeons or cage-birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or cage- birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.

5.20 Conditions of Keeping Poultry

A person who keeps poultry or permits poultry to be kept shall ensure that-

(a) (i) subject to subparagraph (ii), no poultry is able to approach within 9 metres of a dwelling. public building or premises where people are employed or where food is stored, prepared. manufactured or sold:

(ii) the approval of the Principal Environmental Health Officer is to be obtained before any poultry is kept closer than 9 metres to dwellings. Such as approval is subject to dwelling being either on an adjacent property in the same ownership or a dwelling on the same property that is occupied by the keeper of the poultry. In any case, the minimum separation will not be reduced to less than 6 metres.

(b) all poultry are kept in an enclosure not closer than 1. 2 metres to any property boundary within which is a properly constructed, weatherproof structure for roosting which shall -

(i) allow a minimum of 0.3 square metres of floor area per bird;

(ii) have an impervious concrete floor of 50 milli metre minimum thickness with 250 millimetre upstand around and graded to the front to facilitate easy cleaning;

(iii) be designed to allow easy access for cleaning; and

(iv) have the walls and roof constructed of galvanised iron or other approved material;

(c) all enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;

(d) the enclosure shall have an otherwise unobstructed area of at least 20 square metres;

(e) all wastes including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease; and

(f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer.

5.21 Roosters

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An owner or occupier of premises shall not be permitted to keep a rooster on a residential lot in the City of Bayswater

5.22 Conditions of Keeping Pigeons and Other Cage-birds

A person who keeps, or permits to be kept, pigeons or other cage-birds shall ensure that -

(a) no pigeons or other cage-birds are able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

(b) the approval of the Principal Environmental Health Officer is obtained before an aviary or loft is kept closer than 9 metres to their dwelling;

(c) except where registered homing pigeons are freed for exercise, the pigeons and other cage- birds are confined in a properly constructed pigeon cage, aviary or loft;

(d) no pigeon cage, aviary or loft shall be located nearer than 1.2 metres from the boundary of adjoining properties;

(e) all structures used to house pigeons and other cage-birds shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;

(f) all cages, aviaries, lofts, surrounds, food and water containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times;

(g) all waste, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease;

(h) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer;

(i) pigeons registered as homing pigeons may be released for daily exercise and may also be released for organised races and training;

(j) not more than sixty registered homing pigeon s shall be released for exercise or training at any one time;

(k) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between the hours of 9.00 am and 3.30 p.m. if health or nuisance related problems become evident;

(l) where there is any discrepancy between this Section relating to the Keeping of Pigeons and other cage-birds and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

(m) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

5.23 Removal of Non-Conforming Structure or Enclosure

(1) If a structure or enclosure is used for the keeping of poultry, pigeons or cage-birds contrary to the provisions of sections 5.20 and 5.22, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

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(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this Section.

5.24 Restrictions on Pigeon Nesting, Perching and Feeding

(1) The local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the local government's order under this section.

(3) A person shall not feed a pigeon or other bird roaming at large, so as to cause, or contribute to, a nuisance or be injurious or dangerous to health.

Division 5 - Car Parks

5.25 Interpretation

In this Division, unless the context otherwise requires -

"attendant's booth" means a booth that is positioned inside a car park for the containment of a parking attendant;

"car park" means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

"owner or occupier" means a person having the charge, management or control of a car park.

5.26 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either -

(a) natural ventilation; or

(b) mechanical means,

in accordance with ASI 668.2 Part 2 1991.

(2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the owner or occupier within a specified time to -

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

5.27 Exhaust Air Discharge Points and Exhaust Registers

An owner or occupier shall ensure that-

(a) all exhaust air that is discharged from a car park shall be discharged-

(i) at discharge points-

(A) in accordance with ASI668.2 Part 2 1991; and

(B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS 1668.2 Part 2 1991;

(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

(b) exhaust registers are located -

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(i) as far as possible from the source of supply air; and

(ii) so as to draw effluent away from staff working in the attendant's booth;

(c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and

(d) any mechanical ventilation system is -

(i) maintained in good working condition; and

(ii) in operation at all times when the car park is in use.

5.28 Car Park Attendant Booths

(1) An owner or occupier shall ensure that an attendant's booth-

(a) is provided with a fresh air supply ventilation system-

(i) with air flow rates that give a minimum of 40 air changes per hour; and

(ii) which is in operation whenever the booth is occupied;

(b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;

(c) has a capacity of not less than 5 cubic metres;

(d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and

(e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If the Principal Environmental Health Officer believes an attendant's booth is not properly ventilated in accordance with subsection (1), the local government may by notice require the owner or occupier to cease using the booth until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

PART 6 - PEST CONTROL

Division 1 - Flies

6.1 Interpretation

In this Division, unless the context otherwise requires-

"flies" means any of the two-winged insects constituting the order Diptera commonly known as flies.

6.2 Fly Breeding Matter not to be left on Premises Unless Covered or Treated

An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in, on, or about the premises any matter or thing which is liable to attract, or be a breeding place for, flies unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

6.3 Measures to be Taken by an Occupier

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An owner or occupier of premises shall ensure that-

(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;

(b) food scraps and uneaten animal and bird food are wrapped tightly and deposited in a rubbish receptacle without delay;

(c) lawn clippings used on gardens as mulch are raked out thinly;

(d) fertilisers are dug well into the soil;

(e) compost heaps are kept well covered;

(f) barbecues are kept clean and free from food scraps;

(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 300 millimetres of soil and compacted; and

(h) excrement from pets is collected and properly disposed of without delay.

6.4 Officer may Give Notice Directing Measures to be Taken

Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Officer are necessary to –

(a) control the prevalence;

(b) effect the eradication; or

(c) effectively prevent the breeding of flies.

6.5 Local Government may Execute Work and Recover Costs

(1) Where –

(a) a person is required under this Division or directed by a notice given under section 6.4, to execute any work; and

(b) that person fails or neglects to comply with the requirement,

the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (l) in relation to any action taken by the local government under this section, other than compensation or damages fen· loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 - Mosquitoes

6.6 Interpretation

In this Division, unless the context otherwise requires-

"mosquitoes" means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

6.7 Premises to be Kept Free of Mosquito Breeding Matter

An owner or occupier of premises shall keep the premises free of -

(a) refuse; and

(b) water located so as to be,

liable to become the breeding place of mosquitoes.

6.8 Measures to be Taken by an Owner or Occupier

An owner or occupier of premises-

(a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water-

(i) stocked with mosquito predatory fish; or

(ii) covered with a film of petroleum oil or other larvicide; and

(b) where there is a water tank, well, cistern, vat or barrel, shall -

(i) keep it protected with a mosquito-proof cover; and

(ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

6.9 Measures to be Taken by Occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall –

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

6.10 Removal of Undergrowth or Vegetation

(1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.

6.11 Filling in Excavations etc.

Unless written permission to the contrary is obtained from the local government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

6.12 Drains, Channels and Septic Tanks

An owner or occupier of land shall -

(a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and

(b) where a septic tank is installed on the land -

(i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer;

(ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

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6.13 Drainage of Land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall-

(a) make or provide drains on the land;

(b) remove all irregularities in the surface of the land;

(c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that-

(i) the water on the land may flow into the drains without obstruction; and

(ii) no water shall remain on any portion of the land other than the drains; and

(d) keep all drains in good order and free from obstruction.

6.14 Swimming Pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by an Environmental Health Officer -

(a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or

(b) chlorinate and adjust pH of the pool to-

(i) 4 milligrams per litre free chlorine; and

(ii) pH within the range 7.2 to 7.6; or

(c) empty or drain the pool; or

(d) pour up to 1 litre of paraffin n oil or kerosene onto the water surface of the pool; and

(e) maintain the pool water free of mosquito breeding;

Division 3 - Rodents

6.15 Interpretation

In this Division, unless the context otherwise requires-

"rodents" means those animals belonging to the order Rodentia and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.16 Measures to be Taken to Eradicate Rodents

(1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall-

(a) take effective measures to keep the premises free from rodents including-

(i) protecting food stuffs;

(ii) using a rodenticide bait or a properly baited trap; and

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(iii) preventing rodents having access to water on the premises;

(b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall-

(i) if it is not already dead, kill it immediately; and

(ii) dispose of the carcass in such a manner as will not create a nuisance; and

(c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles

A person must not store, or al low to be stored, on any premises. any food. refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.18 Restrictions on Materials Affording Harbourage for Rodents

(1) An owner or occupier of premises shall cause -

(a) any part of the premises; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, harbourage, of rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

6.19 Food premises etc. to be Cleaned After Use

An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

6.20 Restrictions on the Sale or Keeping of Rats

(1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises-

(a) keep or permit to be kept a rat; or

(b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by-

(a) a university or school;

(b) a person approved by the local government; or

(c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927.*

(3) A person or body specified in subsection (2) which keeps rats for the purpose of scientific or medical research shall-

(a) at all times ensure that all live rats are kept in the effective control of a

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person or in locked cages; and

(b) if a rat escapes, forthwith comply with the requirements of section 6.16 and ensure that all reasonable steps are taken to destroy the rat.

Division 4-Cockroaches

6.21 Interpretation

In this Division, unless the context otherwise requires-

"cockroach" means any of the various orthopterous insects commonly known as cockroaches.

6.22 Measures to be Taken to Eradicate Cockroaches

(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including-

(a) Washing and storing, immediately after use, cooking and eating utensils;

(b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

(c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and

(d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5 - Argentine Ants

6.23 Interpretation

In this Division, unless the context otherwise requires-

"Argentine Ant" means an ant belonging to the species *Jrdomyrmex humilis.*

6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall-

(a) immediately notify the local government of any ant nest located on the premises suspected to be an Argentine Ant nest;

(b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(d) whenever required by an Environmental Health Officer-

(i) treat any area or infestation with an insecticide referred to in paragraph (c); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

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Division 6 - European Wasps

6.25 Interpretation

In this Division, unless the context otherwise requires - **"European Wasp"** means a wasp *Vespula germ anica.*

6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall -

(a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;

(b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and

(c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7 - Bee Keeping

6.27 Interpretation

In this Division, unless the context otherwise requires -

"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

"footpath" includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

"hive" means a moveable or fixed structure, container or object in which a colony of bees is kept;

"lot" has the meaning given to it in the *Town Planning and Development Act 1928*; and

"private street" means a street, court, alley, lane, yard, passage, or thoroughfare -

(a) which is not dedicated, whether under an Act or common law, to use as such by the public; and

(b) which forms a common access to lands, or premises, separately occupied; or

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

6.28 Limitation on Numbers of Hives

(1) Subject to subsections (2) and (3), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(2) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.

(3) A person shall comply with any conditions imposed by the Council under subsection (2).

6.29 Restrictions on Keeping of Bees in Hives

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times -

(a) an adequate and permanent supply of water is provided on the lot within 2 metres

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of each hive;

(b) the hive is kept-

(i) outside, and at least 10 metres from, any building other than a fence;

(ii) at least 10 metres from any footpath, street, private street or public place; and

(iii) at least 5 metres from the boundary of the lot; and

(c) the hive is enclosed on all sides by a fence, wall or other enclosure.

6.30 Bees which cause a Nuisance not to be Kept

(1) A person shall not keep, or permit the keeping of, bees that cause a nuisance.

(2) The local government may direct any person to remove any bees or beehives that in the opinion of the Principal Environmental Health Officer are causing a nuisance.

(3) A person shall comply with a direction under subsection (2) within the time specified.

Division 8 - Arthropod Vectors of Disease

6.31 Interpretation

In this Division, unless the context otherwise requires- "arthropod vectors of disease" includes -

(a) fleas *(Siphonaptera);*

(b) bedbugs *(Cimex lectularius);*

(c) crab lice *(Phthirus pubis);*

(d) body lice *(Pediculus humanus var. corporis);* and

(e) head lice *(Pediculus humanus var. cap itis)*.

6.32 Responsibility of the Owner or Occupier

The owner or occupier of premises shall -

(a) take reasonable precautions to keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report

An Environmental Health Officer -

(a) may visit and inspect any house, its occupants, fixtures and fittings; and

(b) who believes that there has been a breach of the Act, any Regulation made under the Act or these Local Laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the local government.

7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest

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(1) The Council or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest -

(a) the premises; or

(b) such things in or on the premises as are specified in the notice; or

both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under subsection (1).

7.3 Environmental Health Officer may Disinfect or Disinfest Premises

(1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.

(4) The Local government is not liable to pay compensation or damages of any kind 10 the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this section, other than compensation or damages for loss or damage suffered because the local government or any of its staffed acted negligently or in breach of duty.

7.4 Insanitary Houses, Premises and Things

(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an Environmental Health Officer believes that -

(a) a house or premises is not being maintained in a sanitary condition; or

(b) anything is insanitary,

the officer may, by notice in writing, direct, as the case may be -

(i) the owner or occupier of the house or premises to amend any insanitary condition; or

(ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.5 Medical Officer may Authorise Disinfecting

(1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical

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Officer.

(2) A person shall comply with any direction of the Medical Officer under this section.

7.6 Persons in Contact with an Infectious Disease Sufferer

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house-

(a) shall obey such instructions or directions as the Council or the Medical Officer may issue;

(b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and

(c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.7 Declaration of Infected House or Premises

(1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

7.8 Destruction of Infected Animals

(1) If the Principal Environmental Health Officer believes that an animal is or may be infected or is liable to be infected or to convey infection, he or she may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of-

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under subsection (1) shall comply with the terms of the notice.

7.9 Disposal of a Body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

7.10 Local Government may Carry out Work and Recover Costs

(1) Where -

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or

arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 - Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms

(1) An owner or occupier of premises on or from which used condoms are produced shall ensure that the condoms are –

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

7.12 Disposal of Used Needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

PART 8-LODGING HOUSES

Division 1 - Registration

8.1 Interpretation

(1) In this Part, unless the context otherwise requires-

"bed" means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

"bunk" means a sleeping berth comprising one of two arranged vertically;

"dormitory" means a building or room utilised for sleeping purposes at a short-term hostel or recreational campsite;

"keeper" means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

"lodger" means a person who obtains, for hire or reward, board or lodging in a lodging house; "lodging house" includes a recreational campsite, a serviced apartment and a short-term hostel but does not include a premises licensed under the *Liquor Act 1988*, a premises approved as a boarding school under the *School Education Act 1999*, and any building comprising of residential flats;

"manager" means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

"recreational campsite" means a lodging house-

(a) situated on a campsite principally used for-

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

"register of lodgers" means the register kept in accordance with Section 157 of the Act and this Part;

"resident" means a person, other than a lodger, who resides in a lodging house;

"serviced apartment" means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

"short term hostel" means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

"vector of disease" means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

8.2 Lodging House not to be Kept Unless Registered

A person shall not keep or cause, suffer or permit to be kept a lodging house unless -

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the local government under section 8.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either-

(i) the keeper; or

(ii) a manager who, with the written approval of the Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there are one or more lodgers in the lodging house.

8.3 Application for Registration

An application for registration of a lodging house shall be -

(a) in the form prescribed in Schedule 1;

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by -

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specifications of the lodging house.

8.4 Approval of Application

The Council may approve, with or without conditions, an application under section 8.3 by issuing to the applicant a certificate in the form of Schedule 2.

8.5 Renewal of Registration

A person who keeps a lodging house that is registered under this Part shall -

(a) during the month of December in each year apply to the local government for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed from time to time by Council under Section 344C of the Act at the time of making each application for renewal.

8.6 Notification upon Sale or Transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.7 Revocation of Registration

(1) Subject to subsection (3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the Council may revoke a registration upon any one or more of the following grounds -

(a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

(b) that the keeper has -

(i) been convicted of an offence against these Local Laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and Use Requirements

8.8 General Construction Requirements

The general construction requirements of a lodging house shall comply with the Building Code.

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8.9 Sanitary Conveniences

(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises -

(a) toilets; and

(b) bathrooms, each fitted with a shower and a hand basin or alternatively, a bath and a hand basin,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall -

(a) be so situated, separated and screened as to ensure privacy;

(b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(c) be provided with adequate electric lighting.

(6) Paragraphs (b) of subsection (5) does not apply to a serviced apartment.

8.10 Laundry

(1) A keeper shall -

(a) subject to subsection (2) -

(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and

(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

(b) at all times maintain each laundry in a proper sanitary condition and in good repair;

(c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section-

"laundry unit" means a group of facilities consisting of-

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

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(c) either an electric drying cabinet or not less than 30 metres of clothes line, and

(d) a hot water system that –

(i) is capable of delivering 136 litres of water per hour at a temperature of at least 75□C for each washing machine provided with the communal facilities; and

(ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.11 Kitchen

(1) The keeper of a lodging house shall provide in that lodging house a kitchen which-

(a) has a minimum floor area of-

(i) where lodgers prepare their own meals-0.65 square metres per person;

(ii) where meals are provided by the keeper or manager-0.35 square metres per person; or

(iii) where a kitchen and dining room are combined- 1 square metre per person, but in any case, not less than 16 square metres;

(b) has adequate -

(i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and

(ii) refrigerator space for storage of perishable goods;

(c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*;

(d) has a handbasin and a double bowl sink, each provided with an adequate supply of hot and cold water.

8.12 Cooking Facilities

(1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Principal Environmental Health Officer in accordance with the following table -

NO. OF LODGERS	OVENS	4 BURNER STOVES
1-15	1	1
16 - 30	1	2
31 - 45	2	3
46 - 60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof) over 60

(2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Principal Environmental Health Officer.

8.13 Dining Room

The keeper of a lodging house shall provide in that lodging house a dining room -

(a) located in close proximity to, or combined with, the kitchen;

(b) the floor area of which shall be not less than the greater of -

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(i) 0.5 square metres per person; or

(ii) 10 square metres; and

(c) which shall be -

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.14 Lounge Room

The keeper of a lodging house shall provide in that lodging house a lounge room -

(a) with a floor area of -

(i) where the lounge is not combined with the dining room-not less than 0.6 square metres per person or;

(ii) where the lounge room is combined with a dining room-not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

(b) which shall be -

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.15 Fire Prevention and Control

(1) A keeper shall-

(a) in each passage in the lodging house provide an emergency light -

(i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and

(c) ensure that each exit sign and firefighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by the local government.

8.16 Obstruction of Passages and Stairways

A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on -

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

8.17 Fitting of Locks

A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other

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device which prevents the door being opened from within a lodging house.

8.18 Restriction on Use of Rooms for Sleeping

(1) Subject to subsection (3) and section 8.32, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house -

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0. 1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.

(2) For the purposes of this section, two children under the age of 10 years shall be counted as one lodger.

(3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

8.19 Sleeping Accommodation-Short Term Hostels and Recreational Campsites

(1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than -

(a) 4 square metres per person in each dormitory utilising beds;

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1), shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short-term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2. 7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection (I) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short-term hostel or recreational campsite shall provide -

(a) fixed outlet ventilation at a ratio of 0. 15 square metres to each 10 square

metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(6) The keeper of any short-term hostel or recreational campsite shall provide-

(a) beds with a minimum size of -

(i) in short term hostels-800 millimetres x 1.9 metres;

(ii) in recreational campsites-750 millimetres x 1.85 metres;

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short-term hostel or recreational campsite shall -

(a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

(b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1 .35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short-term hostel or recreational campsite shall ensure that -

(a) materials used in dormitory areas comply with AS 1530.2 and AS 15 30.3 as follows -

drapes, curtains, blinds and bed covers

- a maximum Flammability Index of 6;

upholstery & bedding

- a maximum Spread of Flame Index of 6;
- a maximum Smoke Developed Index of 5;

floor coverings

- a maximum Spread of Flame Index of 7;
- a maximum Smoke Developed Index of 5;

Fire retardant coatings used to make a material comply with these indices must be –

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 200 1.5.4-1987, Procedure A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(b) emergency lighting is provided in accordance with the Building Code;

(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short-term hostel or

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recreational campsite;

(d) all mattresses are fitted with a mattress protector.

8.20 Furnishing etc. of Sleeping Apartments

(1) A keeper shall -

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed -

(i) has a bed head, mattress and pillow; and

(ii) is provided with, or can be rented, a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or mg;

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room or ensure that adequate storage faciilities such as lockers are available for use by lodgers in a separate room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

8.21 Ventilation

(1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.22 Numbers to be Placed on Doors

(1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that -

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be -

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3 - Management and Care

8.23 Keeper or Manager to Reside in the Lodging House

No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

8.24 Register of Lodgers

A keeper shall keep a register of lodgers in the form of Schedule 4. The register of lodgers shall be-

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kept in the lodging house; and

open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.25 Keeper Report

A keeper shall, whenever required by the local government, report to the local government, in the form of Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.26 Certificate in Respect of Sleeping Accommodation

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

(2) The certificate issued under subsection (I) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by the Principal Environ mental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

8.27 Duplicate Keys and Inspection

Each keeper and manager of a lodging house shall -

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

8.28 Room Occupancy

(1) A keeper shall not-

(a) cause, suffer or permit more than the maxi mum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;

(b) cause, suffer or permit to be placed or kept in any sleeping apartments-

(i) a larger number of beds; or

(ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that -

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

(2) For the purpose of this section, two children under 10 years of age shall be counted as one lodger.

8.29 Infectious Disease

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or

maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall -

(a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.30 Cleaning and Maintenance Requirements

(1) A keeper of a lodging house shall-

(a) maintain in a clean, sound and undamaged condition-

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order-

(i) All fixtures and fittings; and

(ii) windows, doors and door furniture;

(c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

(d) whenever there is one or more lodgers in a lodging house ensure that the laundry floor is cleaned daily;

(e) ensure that-

(i) all bed linen, towels and house linen in use are washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed that has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room that is not free from vectors of disease is not used as a sleeping apartment;

(f) when so directed by the Principal Environmental Health Officer, ensure that-

(i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

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(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

(2) In this section-

"bed linen" includes sheets and pillow cases and in the case of a short-term hostel or recreational campsite, mattress protectors.

8.31 Responsibilities of Lodgers and Residents

A lodger or resident shall not-

(a) use any room available to lodgers-

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are in flammable, obnoxious or offensive;

(c) use a bath or handbasin other than for ablutionary purposes;

(d) use a bathroom facility or fitting for laundry purposes;

(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;

(f) deposit rubbish or waste food other than into a proper rubbish receptacle;

(g) in a kitchen or other place where food is kept-

(i) wash or permit the washing of clothing or bedding; or

(ii) keep or permit to be kept any soiled clothing or bedding;

(h) Subject to section 8.32 -

(i) keep, store, prepare or cook food in any sleeping apartment; or

(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, which is infested with vectors of disease;

(j) store or keep such a quantity of furniture, material or goods within the lodging house-

(i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or

(ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;

(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and

(l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for Storage of Food

(1) The Principal Environmental Health Officer may -

(a) upon written application from a keeper, approve the storage of food within

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a refrigerator or sealed container in a sleeping apartment; and

(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9 - OFFENSIVE TRADES

Division 1 - General

9.1 Interpretation

In this Part, unless the context otherwise requires-

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 certificate of registration; and

"offensive trade" has the meaning ascribed to it by Section 186 of the Act, and includes all of those trades specified within Schedule 2 of the Act, and any other trade proclaimed to be offensive by the Governor from time to time; and

"premises" means those premises in or upon which an offensive trade is carried on and includes any house.

9.2 Consent to Establish an Offensive Trade

(1) A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall -

(a) advertise notice of his intention to apply for consent in accordance with section 9.3; and

(b) lodge with the Chief Executive Officer an application in the form of Schedule 10.

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

9.3 Notice of Application

A notice required under subsection 9.2(1)(a) shall -

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a locally or state-wide distributed newspaper, or be advertised in some other manner which is acceptable to the local government, at least two weeks but not more than one month before the application under sub section 9.2(1)(b) is lodged with the Chief Executive Officer.

9.4 Registration of Premises

An application for the registration of premises pursuant to Section 191 of the Act shall be -

(a) in the form of Schedule 11;

(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976;* and

(c) lodged with the Chief Executive Officer.

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9.5 Certificate of Registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 12.

9.6 Conditions of Consent for an Offensive Trade

In granting consent under Section 187 of the Act, the City of Bayswater may impose reasonable conditions of consent including, without limitation, conditions relating to -

(a) site requirements;

(b) building fit out specifications;

(c) ventilation;

(d) effluvia, vapours and gases;

(e) control of vectors of disease;

(f) sanitary convenience;

(g) effluent and rubbish disposal.

9.7 Directions

(a) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health;

(b) The occupier shall comply with any directions given under this section.

9.8 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

9.9 Change of Occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

9.10 Alterations to Premises

While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

9.11 Occupier Includes Employee

Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he or she were the occupier.

Division 2 - General Duties of an Occupier

9.12 Interpretation

In this Division, unless the context otherwise requires -

"occupier" means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

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"the premises" means those premises in or upon which an offensive trade is carried on.

9.13 Cleanliness

The occupier shall -

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, furniture, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and

(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.14 Rats and other Vectors of Disease

The occupier shall-

(a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and

(b) provide in and on the premises effective means and methods for the eradication and

prevention of rodents, cockroaches, flies and other vectors of disease.

9.15 Sanitary Conveniences and Wash Basins

The occupier shall provide on the premises in an approved position sufficient sanitary convenience and handbasins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

9.16 Painting of Walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

9.17 Effluvia, Vapours or Gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

9.18 Offensive Material

The occupier shall -

(a) provide on the premises approved impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

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(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;

(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such intervals as may be directed by the Principal Environmental Health Officer or an Environmental Health Officer or at such intervals negotiated with the local government; and

(e) cause all receptacles after being emptied to be immediately cleansed and sanitised.

9.19 Storage of Materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by odour or otherwise and so as to prevent the creation of a nuisance.

9.20 Specified Offensive Trades

(1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with, the following works or premises-

(a) fish processing establishments (not including retail fish shops);

(b) fat rendering premises;

(c) flock factories;

(d) laundries, dry cleaning premises and dye works;

(e) manure works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall-

(a) cause the floor of the premises to-

(i) be properly paved and drained with impervious materials;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be caved to a radius of not less than 25 millimetres.

(c) cause all liquid refuse to be-

(i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the Metropolitan Water Supply, Sewerage and Drainage By-laws 1981 before being discharged into any drain outlet from any part of the premises; and

(ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

9.21 Directions

(1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this section.

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9.22 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

Division 3 - Fish Processing Establishments

9.23 Interpretation

In this Division, unless the context otherwise requires-

"appliance" includes a utensil, instrument, cover, container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include -

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

"fish processing establishment" does not include a retail fish shop;

"fish processing" means a process whereby fish are cleaned, part cleaned, scaled or cut up;

"fish transport vehicle" includes -

(a) an appliance attached to, carried in or used in connection with a vehicle; and

(b) a trailer and a portable box,

used or designed to be used for the transport or storage of fish; and

"portable box" means a box for the transport or storage of fish and includes a fish transport vehicle.

9.24 Fish Preparation Room

(1) The occupier of a fish processing establishment shall provide a fish preparation room that shall comply with the following requirements -

(a) the room shall be provided with a stainless-steel bench for the handling of fish, hand wash basin with hot and cold water and soap and disposable towel dispensers and a cleaner's sink with hot and cold water;

(b) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement steel float finish or other approved material and shall be devoid of holes, cracks and crevices;

(c) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;

(d) the minimum floor area shall be 16 square metres;

(e) the room shall be provided with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises and connected to a piped supply of hot and cold water;

(f) tiling shall be provided above troughs, handwash basins and benches to a height of 450 millimetres;

(g) the room shall be fly-proofed and have a self-closing door; and

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(h) the room shall be provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that the room is used solely for that purpose.

9.25 Disposal of Waste

The occupier of a fish processing establishment shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be -

(a) placed in the receptacles referred to in section 9. 18 and disposed of in accordance with that section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.26 Fish Containers

The occupier of a fish processing establishment shall not allow any box, basket or other container used for the transport of fish to -

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

9.27 Cooking of Fish

Where cooking of fish is carried out in a fish processing establishment, the occupier shall provide and maintain -

(a) a hood as set out in the *Health (Food Hygiene) Regulations 1993*, which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

(b) an exhaust ventilation system -

(i) the point of discharge of which shall be at least I metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.28 Fly Screening

The occupier of a fish processing establishment shall ensure that each window, door way and other external opening in the premises is protected in such a manner as would exclude, as far as practicable, flies and other flying insects.

9.29 Use of an Approved Portable Box

The Principal Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

9.30 Fish Transport Vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that -

(a) the frame is made of wood or metal;

(b) all internal surfaces -

(i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, zinc anneal, fibre glass,

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or other material of similar strength and impermeable qualities;

(ii) are smoothly finished;

(iii) are rigidly secured with a solid backing; and

(iv) have floor and vertical angles caved with not Jess than a 25 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either -

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;

(d) the vehicle is effectively insulated with a stable insulating material;

(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;

(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;

(g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

Division 4 – Fat Rendering Premises

9.31 Interpretation

In this Division, unless the context otherwise requires-

"fat rendering premises" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

"the occupier" means the occupier of any premises on which the trade of fat rendering is carried on.

9.32 Exhaust Ventilation

The occupier shall provide and maintain -

(a) a hood which shall -

(i) be of an approved design and construction;

(ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and

(iii) extend a minimum of 150 millimetres beyond the length of each appliance; and

(b) an exhaust ventilation system -

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and

(ii) which shall discharge in such manner and in such a position that no nuisance

is created.

9.33 Covering of Apparatus

External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.34 Rendering of Walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 5 - Flock Factories

9.35 Interpretation

In this Division, unless the context otherwise requires -

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

"the occupier" means the occupier of a flock factory.

9.36 New and Used Material

(1) Subject to subsection (2), the occupier shall not use for the manufacture of flock any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 30 minutes.

9.37 Collection and Removal of Dust

The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.38 Building Requirements

The occupier shall cause each building on the premises to comply with the following requirements -

(a) the floor shall be of concrete;

(b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and

(c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

9.39 Unclean Rags

A person shall not -

(a) collect, deliver, offer for sale or sell for the manufacture of flock;

(b) receive, store or deliver for the manufacture of flock; or

(c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle or other container used for the storage or collection of refuse or rubbish.

9.40 Bedding and Upholstery

A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, re-tease, fill, refill or repair any -

(a) used bedding; or

(b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the -

(c) material of which the bedding is made; or

(d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

Division 6 - Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation

In this Division, unless the context otherwise requires **"dry cleaning establishment"** -

(a) means premises where clothes or other articles are cleaned by use of solvents without using water; but

(b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

"dye works" means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer; "exempt laundromat" means a premises in which -

(a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer; "laundromat" means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and "laundry" means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.42 Receiving Depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

9.43 Reception Room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall-

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer

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to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

9.44 Walls and Floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause -

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;

(b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.45 Laundry Floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

9.46 Escape of Dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.47 Precautions Against Combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

9.48 Trolleys

The occupier of a dry cleaning establishment shal l-

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is-

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

9.49 Sleeping on Premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 7 - Manure Works

9.50 Interpretation

"Fertiliser" in this Division means any fertiliser prepared by artificial processes;

"Manure" in this Division means any manure prepared by natural processes;

"Manure Works" means any premises upon which animal manure or fertiliser is

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received, stored, or prepared for sale.

9.51 Storage of Manure

The occupier of any manure works shall -

(a) cause all floors, walls and ceilings in areas where manure or fertiliser is kept or stored, to be constructed of durable, non-absorbent materials, finished internally with a smooth surface;

(b) cause all manure received or manufactured on the premises to be stored in such a manner as will prevent-

(i) emission of noxious or offensive odours;

(ii) breeding of flies and any other vectors of disease; or

(iii) any other nuisance.

9.52 Emission of Dust, Offensive Odours and Noxious Effluvia

The occupier shall cause every precaution to be taken to prevent at all times emission of dust, offensive odours or noxious effluvia, from the premises.

9.53 Prevention of Nuisances During Transit

The occupier shall cause all manure despatched from the premises to be packed in such a manner as to prevent any nuisance arising therefrom during transit.

PART 10 - OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences

A person who contravenes a provision of these Local Laws, commits an offence.

10.2 Penalties

A person who commits an offence under Section 10.1 is liable to -

(a) a penalty not exceeding $5,000; and

(b) if the offence is a continuing offence, a daily penalty not exceeding $500.

10.3 Fees

Wherever a fee is prescribed by these Local Laws, that fee shall-

(a) be fixed from time to time by Council pursuant to the provisions of Section 344C of the Act, unless otherwise prescribed; and

(b) all fees, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 31 December, each year.

10.4 Expenses

Any expense incurred by the local government in consequence of a breach or non-observance of these Local Laws, or in the execution of work directed to be executed by a person and not executed by that person, shall be paid by the person committing the breach or non-observance or failing to execute the work.

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The COMMON SEAL of THE CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

FILOMENA PIFFARETTI
MAYOR

Dated: (insert date)

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Schedule 1
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Bayswater

I/We,…….....
(Full name of Applicant/s)

of …….
(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at…….

……..
as a lodging house to be classified as -

- a lodging house;
- a short-term hostel;
- a recreational campsite; or
- serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of Storeys…….

Rooms for private use

Area	**Number**
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Room	
Other (Specify)	

Rooms for lodgers

Area	**Number**
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Room	
Other (Specify)	

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Sanitary Conveniences for male lodgers

Area	**Number**
Toilets	
Urinals	
Baths	
Showers	
Hand basins	

Sanitary Conveniences for female lodgers

Area	**Number**
Toilets	
Basins	
Showers	
Hand basins	

Laundry Facilities

Area	**Number**
Coppers	
Wash troughs	
Washing Machines	
Drying cabinets or clines lines	

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.
(b) The keeper will/will not reside continuously on the premises
(c) Name and occupation of proposed manager if keeper resides elsewhere……...

……..

(d) ……family members residing on the premises with the keeper/manager.

Application fee of $.....is attached.

……
(Signature of Applicant/s)

……
(Date)

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Schedule 2
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at ……..

……..

Are registered as a lodging house and classified a s-

- a lodging house
- a short-term hostel serviced apartments
- a recreational campsite

until 31 December…….., on the following conditions –

1. That …….., whose name is entered on the register of keepers of the City of Bayswater, continues to be the keeper of the lodging house;
2. that…….., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is ……; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of registration is issued subject to the Health Act and Health Local Laws of the City of Bayswater and is not transferable.

Dated ..... .

……..
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater Fee received: $.....

DRAFT

Schedule 3
CITY OF BAYSWATER
Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer City of Bayswater

I/We, ...
(Full name of Applicant/s)

of .....
(Residential Address of Applicant/s)

am/are the new owner/s of premises situated at

……..

which are registered in the name of

……..

for the carrying on of the lodging house business.

……
(Signature of Applicant/s)

……
(Date)

DRAFT

Schedule 4
CITY OF BAYSWATER
Health Act 1911

REGISTER OF LODGERS

Location of Lodging House:……..
Date of Arrival…….
Name……...
Previous address……...
Room No:……
Date of Departure:……

Signature:…….

Signed:…….
(Keeper)

Date…….....

DRAFT

Schedule 5
CITY OF BAYSWATER
Health Act 1911

LIST OF LODGERS

The Chief Executive Officer
City of Bayswater

The following is the name of every person who resided in the lodging house at…….

……..

on……day of ……..year……

Signed .....
(Keeper)

Date .....

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Schedule 6
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To…….
(Name of Keeper)

of .....
(Address of Keeper)

For the registered lodging house situated at: .....

....., can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than……persons at any one time.

……
ENVIRONMENTAL HEALTH OFFICER

Date .....

DRAFT

Schedule 7
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH MORE THAN 20 SLEEPING APARTMENTS

To …….....
(Name of Keeper)

of.....
(Address of Keeper)

for the registered lodging house situated at……...

……..

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

Room Number	Maximum Occupancy	Room Number	Maximum Occupancy

……...

ENVIRONMENTAL HEALTH OFFICER

Date……..…….

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Schedule 8
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer
City of Bayswater

I,……
(Full name in Block Letters)

Of……...

…….
(Full Residential Address)

Apply to licence the premises listed below as a Morgue

Address of Premises:……

Name of Premises:……

Dated this……day of ……..year…….

……..
(Signature of Applicant)

DRAFT

Schedule 9
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licenced as a morgue from the 1st January ….....until 31st December…….....

Address of premises:…….

Name of premises:…….

Dated this ……. day of …….. year …….

…….

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater

Date……..

DRAFT

Schedule 10
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer City of Bayswater

I/We,……
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade, being:

……..
(Description of Offensive Trade)

in or upon …….....

.....
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in:

.....

.....

.....

on.....
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

…….....
(Signature of Applicant/s)

……...
(Date)

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Schedule 11
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Bayswater

I/We, ...
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for registration, for the year ended .....

of.....
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely

.....
(Description of Offensive Trade)

under the business name of ……....

The prescribed registration fee of $..... is attached.

……..
(Signature of Applicant/s)

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Schedule 12
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

……..

of which……...

is the occupier, is registered for the carrying on of the trade of

……..

Trade Name……

This registration expires on 31 December ……..

Dated this …… day of …….. year ……

……

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater

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Western Australia

~~HEALTH ACT 1911~~

LOCAL GOVERNMENT ACT 1995

HEALTH LOCAL LAW 2022

CITY OF BAYSWATER

~~HEALTH LOCAL LAWS 2001~~

~~HEALTH EATING HOUSES 2001~~

~~HEALTH (ITINERANT FOOD VENDORS)~~

~~LOCAL LAWS 2001~~

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

~~HEALTH LOCAL LAWS 2001~~
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PART 10-0FFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences
10.2 Penalties
10.3 Fees
10.4 Expenses

SCHEDULES OF FORMS AND FEES

Schedule Number — Description

1. Application for Registration of a Lodging House
2. Certificate of Registration of a Lodging House
3. Notice of Change of Owner of a Lodging House
4. Register of Lodgers
5. List of Lodgers
6. Certificate of Sleeping Accommodation
7. Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments
8. Application for Licence of a Morgue
9. Certificate of Licence of a Morgue
10. Application for Consent to Establish an Offensive Trade
11. Application for Registration of Premises for Offensive Trade
12. Certificate of Registration of Premises for Offensive Trade

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

~~HEALTH LOCAL LAWS 2001~~ 2022

Made by the Council of the City of Bayswater under the *Local Government Act 1995*.

PART 1–PRELIMINARY

1.3 Citation

These local laws may be cited as the "City of Bayswater Health Local Law 2022 ~~Health Local Laws 2021~~".

1.2 Repeal

~~(1) The Health Local Laws adopted by the City of Bayswater and published in the Government Gazette on 24 January 1919, and amended from time to time, are repealed.~~

~~(2) The Health Local Laws adopted by the City of Bayswater and published in the Government Gazette on 20 April 1945, and amended from time to time, are repealed.~~

~~(3) The Health Local Laws adopted by the City of Bayswater on 29 October 1956 and published in the Government Gazette on 13 February 1957, and amended from time to time, are repealed.~~

~~(4) The Health Local Laws adopted by the City of Bayswater on 8 April 1964 and published in the Government Gazette on 21 July 1964, and amended from time to time, are repealed.~~

The Health Local Laws adopted by the City of Bayswater and published in the Government Gazette on 10 December 2001, and amended from time to time, are repealed.

1.3 Interpretation

(1) In these Local Laws, unless the context otherwise requires-

"Act" means the ~~*Health Act 1911*~~ *Health (Miscellaneous Provisions) Act 1911* and includes subsidiary legislation made under *the Health (Miscellaneous Provisions) Act Act 1911;*

"adequate supply of water" means a flow of water of not less than 4.56 litres per minute;

"approved" means approved by the Principal Environmental Health Officer;

"AS" means Australian Standard published by the Standards Association of Australia;

"Building Code" means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian ~~Building Codes Board~~National Construction Code , as amended from time to time, but not including explanatory information published with that Code;

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer;

"Council" means the Council of the City of Bayswater;

"district" means the district of the City of Bayswater and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

"dwelling house" means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

"Environmental Health Officer" means an Environmental Health Officer appointed by the local government under the Act;

"habitable room" means a room used for normal domestic activities, and-

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sunroom; but

(b) excludes a bathroom, laundry, water closet, pantry, walk in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

"house" in these Local Laws shall be the same as the definition given in Part 1 Section 3 of the

~~*Health Act 1911*~~ *Health (Miscellaneous Provisions) Act 1911*;

"hot water" means water at a temperature of at least 75 degrees Celsius;

"local government" means the City of Bayswater;

~~"Manager Environmental Health and Statutory Building" means;~~

~~an Environmental Health Officer appointed by the local government to the officer of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;~~

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the local government to the officer of Principal Environmental Health Officer, and includes Manager Environmental Health and Statutory Building. ~~and includes an Acting Principal Environmental Health Officer.~~

"public place" includes every place to which the public ordinarily have access, whether by payment of a fee or not;

"sanitary convenience" includes urinals, water-closets, latrines, sinks, baths, showers, wash troughs, apparatus for the treatment of sewage or other receptacle for the deposit of faecal matter and urine and all similar conveniences;

"sewage" means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;

"sewer" includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of a local government;

"street" includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"toilet" means a water closet, latrine or urinal and includes a room or cubicle in which one or more of these is located;

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality in Australia-1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister from time to time; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the "owner or occupier".

(3) Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

(4) These Local Laws shall be construed subject to the limits of the power of the Council of the City of Bayswater and so as not to exceed that power to the intent that where any provision of these Local Laws, but for this clause, would be construed as being in excess of that power, it shall nevertheless be valid to the extent to which it is not in excess of that power.

(5) Save where defined herein, where words and phrases used in these Local Laws are defined or used in the *Health (Miscellaneous Provisions) Act 1911,* those words and phrases have the same meaning unless the context otherwise requires.

PART 2-SANITATION

Division 1-Sanitary Conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires- "festival" includes a fair, function or event; "Organiser" means a person-

a) to whom approval has been granted by the Council or the local government to conduct the festival; or

b) responsible for the conduct of the festival;

"public sanitary convenience" means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by- (a) patrons in conjunction with a festival; or

(1) employees at construction sites or the like.

2.2 Dwelling House

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have lighting in accordance with the requirements of the Building Code.

2.3 Premises other than a Dwelling House

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless-

a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

c) the premises have handbasins—

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that— (a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

(c) each handbasin is provided with-

(i) an adequate supply of soap or other hand cleaning substances; and

(ii) hand drying facilities, situated adjacent to and visible from the hand basin.

2.4 Outdoor Festivals

(1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale-

(a) for the first 1,000 males-

(i) one water closet for each 333;

(ii) one urinal stall for each 100; and

(iii) one handbasin for each 500;

(b) for additional males-

(i) one water closet for each 500;

(ii) one urinal stall for each 100; and

(iii) one handbasin for each 500;

(c) for the first 1,000 females-

(i) one water closet for each 77; and

(ii) one handbasin for each 500; and

(d) for additional females-

(i) one water closet for each 100; and

(ii) one handbasin for each 500.

(2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

2.5 Toilets

Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements-

a) toilets for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling;

b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.6 Temporary Works

A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Tempor01y Sanitary Conveniences) Regulations 1997.*

2.7 Maintenance of Sanitary Convenience and Fittings and Fittings

(1) The occupier of premises shall-

(a) keep clean, in good condition and repair; and

(b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall-

(a)) keep or cause to be kept in good repair; and;

(b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

2.8 Ventilation of Toilets

A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

2.9 Public Sanitary Conveniences

(1) A person shall not-

(a) foul;

(b) damage or vandalise; or

(c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person using a public sanitary convenience shall where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.

(3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

2.11 Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage By-Laws 1981* and National Plumbing and Drainage Code AS 3500 and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997.*

Division 2-Bathroom, Laundries and Kitchens

2.12 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that-

(a)) is lined with an impervious material in accordance with the requirements of Part F 2.4.1 of the Building Code;

(b) complies with the *Health Act (Laundries and Bathrooms) Regulations;*

(c) is equipped with-

(i) a handbasin; and

(ii) either a shower in a shower recess or a bath; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) All baths, showers, handbasins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.13 Laundries

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that-

(a) is properly enclosed and roofed;

(b) is adequately lined with an impervious material;

(c) is not a room in which food is stored, prepared, served or consumed; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) In the case of a single occupancy dwelling, the laundry referred to in subsection (1) shall have- (a) either–

(i) two wash troughs and one copper; or

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.

(3) All wash troughs, sinks, coppers and washing machines shall be-

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) properly supported,

and all wash troughs and sinks shall have a capacity of at least 36 litres.

(4) Sole or multiple occupancy units, each being a separate dwelling, shall have-

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole

occupancy units that do not have their own laundry facilities.

(5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall-

(a) not be more than 1 220 millimeters wide; and

(b) have a door which when closed shall completely fill the opening.

2.14 Washing or Keeping of Clothes in Kitchens

A person shall not in any kitchen or other place where food is kept-

(a) wash or permit to be washed any clothing or bedding; or

(b) keep or permit to be kept any soiled clothing or bedding.

2.15 Kitchens

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with-

(a) an electric, gas, wood or other fuel burning stove;

(b) an oven of sufficient capacity for the cooking requirements of the usual occupants of the house and not less than a minimum capacity of 0.03 cubic metres; and

(c) a sink which shall-

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(3) A cooking facility shall-

(a) be installed in accordance with the requirements of the Office of Energy; and

(b) not be installed or used in any room other than a kitchen.

(4) (a) A kitchen shall be provided with mechanical exhaust ventilation directly above the cooking facility and the exhaust air shall be-

(i) carried to the outside air as directly as practicable; and

(ii) boxed throughout; or

(b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.

(5) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

2.16 Floor of Wet Areas

The floor of every bathroom, ensite, laundry, toilet and any other ablution area within the building shall be properly surfaced, impervious to water and evenly graded to an approved floor waste outlet.

PART 3-HOUSING AND GENERAL

Division 1 - Maintenance of Houses

3.1 Dwelling House Maintenance

The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall-

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps that are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even in surface and free from cracks;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof condition;

(k) retain all-natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage By-Laws,* National Plumbing Code, *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings so as to comply in all respects with the requirements of the Office of Energy.Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a house shall-

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from

obstruction; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2- Ventilation of Houses

3.2 Exemption for Short Term Hostels and Recreational Campsites

This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.3 Overcrowding

The owner or occupier of a house shall not permit-

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless-

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

3.4 Calculation of Sufficient Space

For the purpose of section 3.4, in calculating the space required for each person-

(a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

(b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

3.5 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code, including the provision of-

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS 1668.2.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is-

(a) maintained in good working condition and in accordance with AS3666-1989; and

(b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to-

(a) provide a different, or additional method of ventilation; or

(b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subsection (4).

3.6 Sub-Floor Ventilation

The owner or occupier of a house shall ensure that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3-Water Supply

3.7 Water Supply

(1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of the licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

3.8 Rain Water Tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall-

(a) maintain in a clean condition-

(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
(c) at least once in each year, thoroughly clean any tank from which water is used for human consumption;
(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, from which water is used for human consumption.

3.9 Wells

The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is-

(a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and
(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.10 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing that may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4-Second-hand Furniture, Bedding and Clothing

3.11 Prohibition on Sale

A person shall not offer for sale or sell any second-hand furniture, bedding or clothing that is filthy or infested with vectors of disease.

3.12 Prohibition of Possession

A dealer in second-hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Division 5-Morgues

3.13 Licensing of Morgues

(1) All morgues, except those conducted by a public hospital, local government or the Police Service, are required to be licensed.
(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is as fixed from time to time by Council under Section 344C of the Act.
(3) A licence shall-
(a) be applied for in the form set out in Schedule 8;
(b) be in the form set out in Schedule 9; and
(c) expire on 31 December next after the date of its issue.
(4) A licence shall not be granted in respect of any premises unless-
(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
(b) the walls are constructed of stone or brickwork or other approved material;
(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4-WASTE FOOD AND REFUSE

Division 1 -Liquid Refuse

4.1 Interpretation

In this division, unless the context otherwise requires-

"liquid refuse" includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and swimming pool discharges;

4.2 Deposit of Liquid Refuse

A person shall not deposit or cause or permit to be deposited liquid refuse-

(a) on a street;
(b) in a stormwater disposal system; or
(c) on any land or place other than a place or depot duly authorised for that purpose.

Division 2-Disposal of Refuse

4 .3 Interpretation

In this division, unless the context otherwise requires-
"building line" has the meaning given to it in and for the purposes of the Local Government (Miscellaneous Provisions) Act 1960;
"collection day" means the day of the week on which rubbish and refuse is collected and removed by the local government or its contractor;
"collection time", where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the local government or its contractor;
"commercial waste" means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;
"domestic waste" means refuse and other rubbish generated by or emanating from residential premises;
"public place" includes a street, way and place which the public are allowed to use, whether the street, way or place is or is not on private property;
"rubbish or refuse" includes any fi lth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse; "refuse disposal site" means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse; "receptacle", where used in connection with any premises, means- (a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 1 20 litres; or
a container provided by the local government or its contractor for the deposit, collection or recycling of specific materials;
or (c) other type of receptacle specified or approved by the local government; and supplied to the premises by the local government or its contractor;
"street" includes
highway; and a thoroughfare; which the public are allowed to use; and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;
"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the Local Government (Miscellaneous Provisions) Act 1960, means the new street alignment so prescribed; and
"waste" means commercial waste or domestic waste or both as the context requires.

4.4 Prescribed Area – Section 112A of the Health Act 1911

The whole of the district of the City of Bayswater as defined by the City of Bayswater Town Planning Scheme No.21 gazetted on 16 September 1988 and amended from time to time is the prescribed area for the purposes of Section 112A of the Act.

4.5 Receptacles
(1) An owner or occupier of premises shall -
(a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
(b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located -
(i) behind the building line and so as not to be visible from a street or public place; or
(ii) in such other position as is approved by the Principal Environmental Health Officer;
(c) within a reasonable period prior to collection time, place the receptacle as close as practicable to 0.5 metres from the street alignment of the premises and so that it does not obstruct any footpath, cycle way, right of way or carriage way;
(d) if the receptacle is lost, stolen, damaged or defective, notify the local government within 7 days after the event; and
(e) ensure that the premises is provided with an adequate number of receptacles;
(f) ensure that no rubbish, refuse, litter or recyelable materials are deposited on public or private property for collection by the local government staff or the local government's contractor unless authorised by the Principal Environmental Health Officer.
(2) Where receptacles or containers are to be serviced by the local government's Contractor on properties consisting of three or more residential units, a hard paved area of 1.5 metres by 1 .5 metres for each unit is to be provided immediately adjoining the street alignment.

4.6 Exemption
(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of subsections 4.5 (1) (b) or (e).

(2) The local government may grant or refuse, with or without conditions, an application for exemption from compliance under this section.
(3) An exemption granted under this section shall state(a) the premises to which the exemption applies; (b) the period during which the exemption applies; and (e) any conditions imposed by the local government.
(4) An exemption granted under this section shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

~~4. 7 Use of Receptacles~~
~~An owner or occupier of premises shall~~
~~(1) Not deposit or permit to be deposited in a receptacle~~
~~(a) more than 70 kilograms of rubbish or refuse;~~
~~(b) hot or burning ash;~~
~~(c) oil, motor spirit or other flammable liquid;~~
~~(d) liquid, liquid paint or other solvent;~~
~~(e) bricks, concrete, building rubble, asbestos, earth or other like substances;~~
~~(f) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;~~
~~(g) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed, impervious and leak-proof container;~~
~~(h) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed, impervious, leak-proof and impenetrable container;~~
~~(i)cytotoxics, radioactive substances and dangerous chemicals;~~
~~(j)sewage, manure, faeces or urine;~~
~~(k) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or~~
~~(J) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container.~~
~~(2) Unless authorised by the Principal Environmental Health Officer, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark.~~
~~(3) At all times keep the receptacle in a clean condition.~~
~~(4) Whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle.~~
~~(5) Take all reasonable steps to prevent~~
~~(a) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and~~
~~(b) the emission of offensive and noxious odours from the receptacle.~~
~~(6) Ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.~~

~~4.8 Damage to Receptacles~~
~~A person, other than the local government or its contractor, shall not~~
~~(a) damage, destroy or interfere with a receptacle; or~~
~~(b) except as permitted by these local laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the local government or its contractor.~~

4.4 Use of Other Containers

(1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall-

(a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subsection 4.9 (I);

(b) take all reasonable steps to prevent-

(i) fly breeding and keep the container free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive and noxious odours from the container;

(c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection;

(f) ensure that the container does not cause a nuisance to an occupier of adjoining or nearby premises; and

(g) ensure that rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

(3) An owner or occupier shall-

(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises-

(i) has a close-fitting lid;

(ii) is constructed of non-absorbent and non-corrosive material; and

(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover of each container closed except when it is necessary to place something in, or remove something from, it; and

(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

4.5 Suitable Enclosure

(I) An owner or occupier of premises-

(a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or

(b) used for commercial or industrial purposes or as a food premises;

(c) if required by the Principal Environmental Health Officer shall-

(i) provide a suitable enclosure for the storage and cleaning of receptacles or other containers on the premises; and

(ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a "suitable enclosure" means an enclosure-

(a) of sufficient size to accommodate all receptacles or other containers used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;

(b) having walls constructed of brick or concrete or other material of suitable thickness approved by the Principal Environmental Health Officer;

(c) having walls which will adequately screen the receptacles or containers and not less than 1 8 metres in height and having an access way of adequate width to allow the removal of receptacles or other containers for collection and not less than 1 metre in width and fitted with a self-closing gate;

(d) containing a smooth and impervious concrete floor-

(i) of not less than 1 00 millimetres in thickness; and

(ii) which is evenly graded to a liquid refuse disposal system approved by the Principal Environmental Health Officer; and

(e) which is easily accessible to allow for the removal, emptying and cleaning of the receptacles or other containers.

4.6 Deposit of Refuse

(1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except- (a) at such place on the site as may be directed by the person in charge of the site; or

(b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

~~4.12 Removal of Rubbish or Refuse from Refuse Disposal Site~~

~~(1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government or the local government's contractor managing the site.~~

~~(2) A person who obtains approval from the local government or the local government's contractor shall comply with any conditions imposed by the local government or its contractor and set out in the approval.~~

~~4.13 Removal of Rubbish from Premises or Receptacles~~

~~(1) A person shall not remove any rubbish or refuse from premises unless that person is-~~

~~(a) the owner or occupier of the premises;~~

~~(b) authorised to do so by the owner or occupier of the premises; or~~

~~(c) authorised in writing to do so by the local government.~~

~~(2) A person shall not, without the approval of the local government or the owner of a receptacle or~~

~~other container, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.~~

4.7 Burning Rubbish or Refuse

(1) A person shall not-

(a) without the written approval of the Principal Environmental Health Officer; and

(b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either in any incinerator, barbecue, wood fired stove or on the ground.

(2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions-

(a)) the material to be burnt-

(i) does not include any plastic, rubber, food scraps, green garden cuttings or other material that is offensive when burnt; and

(ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;

(b) there is no other appropriate means of disposal;

(c) burning shall not take place-

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 1 0.00 am to 3.00 pm;

(iii) at times designated by the Bureau of Meteorology as Very High or Extreme Fire Danger; and

(d) an incinerator used for fire must be located-

(i) at least 2 metres from a fence or building; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the provisions of the *Bush Fires Act 1954,* it is prohibited to clear by burning any fire breaks, vacant lots or other land of grass, straw, hay, undergrowth, herbage and other vegetation whether alive or dead and standing or not standing, without written approval of the local government.

~~4.15Removal of Rubbish from Building Sites~~

~~(1) During all periods of construction on any building site~~

~~(a) The builder shall provide and maintain on the site a rubbish disposal bin of sufficient capacity to enable all waste generated on site to be effectively disposed of;~~

~~(b) The builder shall keep the site free of rubbish and offensive material, whether temporary or otherwise;~~

~~(c) The builder shall maintain the street verge immediately adjacent to the site free of rubbish and offensive matter, whether temporary or otherwise;~~

~~(d) The builder shall on completion of construction immediately clear the site and the street verge adjacent thereto of all rubbish and offensive matter and shall remove therefrom all or any rubbish disposal bins thereon by the builder.~~

~~(2) In this section the word "rubbish" shall include stones, bricks, lime, timber, iron, tiles, bags, plasties and any broken, disused or discarded matter whatsoever.~~

Division 3-Transport of Butchers 'Waste

4.~~16~~ 8 Interpretation

In this Division, unless the context otherwise requires-

"butchers' waste" includes animal skeletons, rib cages and the products of a slaughterhouse or boning room.

4.~~17~~ 9 Restriction of Vehicles

A person shall not use, for the transport of butchers' waste-

(a) a vehicle used for the transport of food or drugs; or

(b) anything intended to be used for the packing or handling of food or drugs.

4.~~18~~ 10 Transport of Butchers' Waste

(l) A person shall not transport butchers' waste otherwise than in- (a) a compartment complying with the following specifications-

(i) the floor and 4 walls to be made of impervious materials and the walls to be not less than 910 millimetres high;

(ii) all joints to be made watertight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious sheet material.

approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a watertight durable container fitted with a lid that can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are-

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to-

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5-NUISANCES AND GENERAL

Division / Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires-

"fertiliser" includes manure.

5.2 Footpaths etc., to be Kept Clean

An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from their refuse and belongings.

5.3 Escape of Smoke etc.

(1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

5.4 Public Vehicles to be Kept Clean

The owner or person in control of a public vehicle shall-

(a) maintain the vehicle at all times-

(i) in a clean condition; and

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

5.5 Prohibition Against Spitting

A person shall not spit-

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

5.6 Transportation, Use and Storage of Offal or Blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterlised by steam and properly dried.

5.7 Use or Storage of Fertiliser

An owner or occupier of premises shall not use or keep for the purpose of use as fertiliser any- (a) pig manure;

(b) human faeces; or

(c) urine.

5.8 Storage and Despatch of Artificial Fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall- (a) keep all artificial fertiliser in a building-

(i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and

(ii) free from damp and properly ventilated;

(b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and

(c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to

prevent any nuisance arising during transit.

5.9 Storage of Fertiliser

(I) The owner or occupier of premises where fertiliser or compost is stored or used shall-

(b) (a) prevent the escape of odours, dust or particles of fertiliser or compost;

(c) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and

(d) store only such amounts of fertiliser or compost-

(i) as can be readily used within a reasonable period; or

(ii) as may be directed by the Principal Environmental Health Officer.

(2) No person shall store fertiliser or compost inside a dwelling house.

Division 2-Keeping of Animals

5.10 Cleanliness

An owner or occupier of premises in or on which a dug, cat or other animal or bird is kept shall-

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;

(b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

5.11 Animal Enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Principal Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

5.12 Slaughter of Animals

(1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons, slaughter of meat for pet or game meat and slaughter of animals for human consumption in local government approved abattoirs.

5.13 Disposal of Dead Animals

(1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3-Keeping of Large Animals

5.14 Interpretation

In this Division, unless the context otherwise requires-

"approved animal" means a horse, cow or large animal that is the subject of an approval by the local government under section 5. 15;

"cow" includes an ox, calf or bull;

"horse" includes an ass, mule, donkey or pony; and

"large animal" includes a pig, sheep or goat.

5.15 Stables

(1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises without the written approval of the Council.

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall-

(a) not be situated within 15 metres of a house or other premises;

(b) have a proper separate stall-

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) have a floor, the upper surface of which shall-

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of I in 100 to a drain that shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) The owner or occupier of premises on which a stable is located shall-

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

5.16 Proximity of Animals to a Dwelling House

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

5.17 Manure Receptacles

An owner or occupier of premises on which an approved animal is kept shall-

(a) provide in a position convenient to the stable a receptacle for manure constructed with a smooth, impervious, durable and easily cleanable surface and provided with a tight-fitting hinged lid;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and other vectors of disease;

(d) keep the receptacle so far as possible free from flies and other vectors of disease by spraying with a residual insecticide or other effective means; and

(e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4-Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation

In this Division, unless the context otherwise requires-

"Affiliated Person" means a person who is a member of a Pigeon Club or Cage bird Club which is an incorporated body *under the Associations Incorporation Act 1987*;

"cage-birds" include parrots, budgerigars, canaries, finches, quail, doves and other birds kept in cages on residential premises but does not include poultry;

"Code of Practice" means the Code of Practice – Pigeon Keeping and Pigeon Racing, published May l 994, amended from time to time and approved by the Pigeon Racing Federation of W A (Incorporated) and the Independent Racing Pigeon Federation Inc;

"pigeons" includes all breeds of domestic pigeon of the genus Columba Iivia domestica; "poultry" includes fowls, peafowl, turkeys, geese, ducks and other domestic fowls; "young birds" includes-

(a) pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;

(b) cage-birds under 24 days of age and recognised as confined to their nests.

5.18 Interpretation

In this Division, unless the context otherwise requires-

"Affiliated Person" means a person who is a member of a Pigeon Club or Cage-bird Club which is an incorporated body *under the Associations* Incorporation *Acr* / 987;

"cage-birds" include parrots, budgerigars, canaries, finches, quail, doves and other birds kept in cages on residential premises but does not include poultry;

"Code of Practice" means the Code of Practice – Pigeon Keeping and Pigeon Racing, published May l 994, amended from time to time and approved by the Pigeon Racing Federation of W A (Incorporated) and the Independent Racing Pigeon Federation Inc;

"pigeons" includes all breeds of domestic pigeon of the genus Columba livia domestica;

"poultry" includes fowls, peafowl, turkeys, geese, ducks and other domestic fowls;

"young birds" includes-

(c) pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;

(d) cage-birds under 24 days of age and recognised as confined to their nests.

~~5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds~~

~~(1) An owner or occupier of premises~~

~~(a) who is not an Affiliated Person, shall not keep more than 20 pigeons and 20 cage-birds, exclusive of young birds, and 9 poultry being a mixture of ducks or fowls on a residential lot which must have an area not less than 500 square metres.~~

~~(b) who is an Affiliated Person, shall not keep a total of more than 150 pigeons and 150 cage-birds exclusive of young~~

~~(c) shall not keep any of the following—~~

~~(i) a goose or gander;~~

~~(ii) a turkey;~~

(iii) a peacock or peahen

on any one lot of land.

(d) who has a lot size greater than 500 square metres. may keep additional ducks or fowls in a ratio of one duck and/orfowl per additional 100 square metres of lot area up toi a maximum of 24 ducks or 24 fowls. Or a combination of ducks and fowls up to a maximum of 24 in accordance with the following table —

MAXIMUM NUMBER OF POULTRY THAT CAN BE KEPT ON RESIDENTIAL LOTS	
LOT AREA (m2)	Poultry
Less than 500	0
500 to 599	9
600 to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14
1100 to 1199	15
1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19
1600 to 1699	20
1700 to 1799	21
1800 to 1899	22
1900 to 1999	23
2000 or greater	24

5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds

(1) An owner or occupier of premises-

(a) who is not an Affiliated Person shall not keep more than 20 pigeons and 20 cage birds exclusive of young birds;

(a) who is an Affiliated Person shall not keep a total of more than 150 pigeons and 150 cage birds. exclusive of young birds;

(b) (c) shall not keep any of the following—

(i) a goose or gander;

(ii) a turkey;

(iii) a peacock or peahen. on

any one lot of land.

(c) May keep ducks or fowls or a combination of ducks and fowls up to a maximum of 24 in accordance with the following table-

MAXIMUM NUMBER OF POULTRY THAT CAN BE KEPT ON RESIDENTIAL LOTS

LOT AREA (M2)	POULTRY
Up to 599	9
600 to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14
1100 to 1199	15
1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19
1600 to 1699	20
1700 to 1799	21
1800 to 1899	22
1900 to 1999	23
2000 or greater	24

(2) The Principal Environmental Health Officer, may either reduce the approved number of poultry, pigeons or cage-birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or cage-birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.

5.20 Conditions of Keeping Poultry

A person who keeps poultry or permits poultry to be kept shall ensure that-

(a) (i) subject to subparagraph (ii), no poultry is able to approach within 9 metres of a dwelling. public building or premises where people are employed or where food is stored, prepared. manufactured or sold:

(ii) the approval of the Principal EnvircH1mental Health Officer is to be obtained before any poultry is kept closer than 9 metres to dwellings. Such as approval is subject to dwelling being either on an adjacent property in the same ownership or a dwelling on the same property that is occupied by the keeper of the poultry. In any case. the minimum separation will not be reduced to less than 6 metres.

(b) all poultry are kept in an enclosure not closer than 1.2 metres to any property boundary within which is a properly constructed, weatherproof structure for roosting which shall-

(i) allow a minimum of 0.3 square metres of floor area per bird;

(ii) have an impervious concrete floor of 50 millimetre minimum thickness with 250 millimetre upstand around and graded to the front to facilitate easy cleaning;

(iii) be designed to allow easy access for cleaning; and

(iv) have the walls and roof constructed of galvanised iron or other approved material;

(c) all enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;

(d) the enclosure shall have an otherwise unobstructed area of at least 20 square metres;

(e) all wastes including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease; and

(f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer.

5.21 Roosters

An owner or occupier of premises shall not be permitted to keep a rooster on a residential lot in d1e City of Bayswater

5.22 Conditions of Keeping Pigeons and Other Cage-birds

A person who keeps, or permits to be kept, pigeons or other cage-birds shall ensure that-

(a) no pigeons or other cage-birds are able to approach witllin 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

(b) the approval of the Principal Environmental Health Officer is obtained before an aviary or loft is kept closer than 9 metres to their dwelling;

(c) except where registered homing pigeons are freed for exercise, the pigeons and other cage- birds are confined in a properly constructed pigeon cage, aviary or loft;

(d) no pigeon cage, aviary or loft shall be located nearer than 1.2 metres from the boundary of adjoining properties;

(e) all structures used to house pigeons and other cage-birds shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;

(f) all cages, aviaries, lofts, surrounds, food and water containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times;

(g) all waste, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease;

(h) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer;

(i) pigeons registered as homing pigeons may be released for daily exercise and may also be released for organised races and training;

(j) not more than sixty registered homing pigeons shall be released for exercise or training at any one time;

(k) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between the hours of 9.00 am and 3.30 p.m. if health or nuisance related problems become evident;

(I) where there is any discrepancy between this Section relating to the Keeping of Pigeons and other cage-birds and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

(m) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

5.23 Removal of Non-Conforming Structure or Enclosure

(1) If a structure or enclosure is used for the keeping of poultry, pigeons or cage-birds contrary to the provisions of sections 5.20 and 5.22, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this Section.

5.24 Restrictions on Pigeon Nesting, Perching and Feeding

(I) The local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the local government's order under this section.

(3) A person shall not feed a pigeon or other bird roaming at large, so as to cause, or contribute to, a nuisance or be injurious or dangerous to health.

Division j-Car Parks

5.25 Interpretation

In this Division, unless the context otherwise requires-

"attendant's booth" means a booth that is positioned inside a car park for the containment of a parking attendant;

"car park" means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and
"owner or occupier" means a person having the charge, management or control of a car park.

5.26 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either-
(a) natural ventilation; or
(b) mechanical means,

in accordance with ASI 668.2 Part 2 1991.

(2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the owner or occupier within a specified time to-
(a) provide a different or additional method of ventilation; and
(b) cease using the car park until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

5.27 8 Car Park Attendant Booths

(1) An owner or occupier shall ensure that an attendant's booth-
(a) is provided with a fresh air supply ventilation system-
(i) with air flow rates that give a minimum of 40 air changes per hour; and
(ii) which is in operation whenever the booth is occupied;
(b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;
(c) has a capacity of not Jess than 5 cubic metres;
(d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and
(e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If the Principal Environmental Health Officer believes an attendant's booth is not properly ventilated in accordance with subsection (1), the local government may by notice require the owner or occupier to cease using the booth until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

5.28 Car Park Attendant Booths

(4) An owner or occupier shall ensure that an attendant's booth-
(a) is provided with a fresh air supply ventilation system-
(i) with air flow rates that give a minimum of 40 air changes per hour; and
(ii) which is in operation whenever the booth is occupied;
(b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;
(c) has a capacity of not less than 5 cubic metres;
(d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and
(e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(5) If the Principal Environmental Health Officer believes an attendant's booth is not properly ventilated in accordance with subsection (1), the local government may by notice require the owner or occupier to cease using the booth until it is properly ventilated.

(6) An owner or occupier shall comply with a notice under subsection (2).

PART 6-PEST CONTROL

Division 1-Flies

6.1 Interpretation

In this Division, unless the context otherwise requires-
"flies" means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

6.2 Fly Breeding Matter not to be left on Premises Unless Covered or Treated

An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in, on, or about the premises any matter or thing which is liable to attract, or be a breeding place for, flies unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a

breeding place for flies.

6.3 Measures to be Taken by an Occupier

An owner or occupier of premises shall ensure that-

(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
(b) food scraps and uneaten animal and bird food are wrapped tightly and deposited in a rubbish receptacle without delay;
(c) lawn clippings used on gardens as mulch are raked out thinly;
(d) fertilisers are dug well into the soil;
(e) compost heaps are kept well covered;
(f) barbecues are kept clean and free from food scraps;
(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 300 millimetres of soil and compacted; and
(h) excrement from pets is collected and properly disposed of without delay.

6.4 Officer may Give Notice Directing Measures to be Taken

Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Officer are necessary to-

(a) control the prevalence;
(b) effect the eradication; or
(c) effectively prevent the breeding of flies.

6.5 Local Government may Execute Work and Recover Costs

(1) Where-

(a) a person is required under this Division or directed by a notice given under section 6.4, to execute any work; and
(b) that person fails or neglects to comply with the requirement,

the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages fen· loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2-Mosquitoes

6.6 Interpretation

In this Division, unless the context otherwise requires-

"mosquitoes" means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

6.7 Premises to be Kept Free of Mosquito Breeding Matter

An owner or occupier of premises shall keep the premises free of-

(a) refuse; and

(b) water located so as to be,

liable to become the breeding place of mosquitoes.

6.8 Measures to be Taken by an Owner or Occupier

An owner or occupier of premises-

(a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water–
(i) stocked with mosquito predatory fish; or

(b) covered with a film of petroleum oil or other larvicide; and where there is a water tank, well, cistern, vat or barrel, shall-
(i) keep it protected with a mosquito-proof cover; and
(ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.
(iii)

6.9 Measures to be Taken by Occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall-

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

6.10 Removal of Undergrowth or Vegetation

(1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.

6.11 Filling in Excavations etc.

Unless written permission to the contrary is obtained from the local government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

6.12 Drains, Channels and Septic Tanks

An owner or occupier of land shall-

(a)) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and

(b) where a septic tank is installed on the land-

(i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer;

(ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 milli metres covering any inlet vent to the tank.

6.13 Drainage of Land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall-

(a) make or provide drains on the land;

(b) remove all irregularities in the surface of the land;

(c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that-

(i) the water on the land may flow into the drains without obstruction; and

(ii) no water shall remain on any portion of the land other than the drains; and

(d) keep all drains in good order and free from obstruction.

6.14 Swimming Pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by an Environmental Health Officer-

(a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or

(b) chlorinate and adjust pH of the pool to-

(i) 4 milligrams per litre free chlorine; and

(ii) pH within the range 7.2 to 7.6; or

(c) empty or drain the pool; or

(d) pour up to 1 litre of paraffinn oil or kerosene onto the water surface of the pool; and

(e) maintain the pool water free of mosquito breeding;

Division 3-Rodents

6.15 Interpretation

In this Division, unless the context otherwise requires-

"rodents" means those animals belonging to the order *Rodentia* and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.16 Measures to be Taken to Eradicate Rodents

(I) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall-

(a) take effective measures to keep the premises free from rodents including—

(i) protecting food stuffs;

(ii) using a rodenticide bait or a properly baited trap; and

(iii) preventing rodents having access to water on the premises;

(b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall-

(i) if it is not already dead, kill it immediately; and

(ii) dispose of the carcass in such a manner as will not create a nuisance; and

(c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles

A person must not store, or allow to be stored, on any premises. any food. refuse 11r other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.18 Restrictions on Materials Affording Harbourage for Rodents

(1) An owner or occupier of premises shall cause-

(a) any part of the premises; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, harbourage, of rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

6.19 Food premises etc. to be Cleaned After Use

An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

6.20 Restrictions on the Sale or Keeping of Rats

(1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises- (a) keep or permit to be kept a rat; or

(b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by-

(a) a university or school;

(b) a person approved by the local government; or

(c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 192 7.*

(3) A person or body specified in subsection (2) which keeps rats for the purpose of scientific or medical research shall-

(a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and

(b) if a rat escapes, forthwith comply with the requirements of section 6.16 and ensure that all reasonable steps are taken to destroy the rat.

Division 4-Cockroaches

6.21 Interpretation

In this Division, unless the context otherwise requires-

"cockroach" means any of the various *orthopterous* insects commonly known as cockroaches.

6.22 Measures to be Taken to Eradicate Cockroaches

(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including-

(a) Washing and storing, immediately after use, cooking and eating utensils;

(b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

(c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and

(d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5-Argentine Ants

6.23 Interpretation

In this Division, unless the context otherwise requires-

"Argentine Ant" means an ant belonging to the species Jrdomyrmex humilis.

6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall-

(a) immediately notify the local government of any ant nest located on the premises suspected to be an Argentine Ant nest;

(b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(d) whenever required by an Environmental Health Officer-

(i) treat any area or infestation with an insecticide referred to in paragraph (c); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

Division 6-European Wasps

6.25 Interpretation

In this Division, unless the context otherwise requires-

"European Wasp" means a wasp *Vespula germ anica*

6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall-

(a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;

(b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and

(c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7-Bee Keeping

6.27 Interpretation

In this Division, unless the context otherwise requires-

"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

"footpath" includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

"hive" means a moveable or fixed structure, container or object in which a colony of bees is kept; "lot" has the meaning given to it in the Town Planning and Development Act 1928;

and "private street" means a street, court, alley, lane, yard, passage, or thoroughfare-

(a) which is not dedicated, whether under an Act or common law, to use as such by the public; and

(b) which forms a common access to lands, or premises, separately occupied; or

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

6.28 Limitation on Numbers of Hives

~~A person shall not keep bees on any land within the municipality of the City of Bayswater without first obtaining the written approval of the local government to do so~~.

(1) Subject to subsections (~~3~~2) and (~~4~~3), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(2) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot ~~which is not zoned or classified for residential purposes~~.

(3) A person shall comply with any conditions imposed by the Council under subsection ~~(3)~~(2)

6.29 Restrictions on Keeping of Bees in Hives

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times-

(a) an adequate and permanent supply of water is provided on the lot within 2 metres of each hive;

(b) the hive is kept-

(i) outside, and at least 10 metres from, any building other than a fence;

(ii) at least 10 metres from any footpath, street, private street or public place; and

(iii) at least 5 metres from the boundary of the lot; and

(c) the hive is enclosed on all sides by a fence, wall or other enclosure.

6.30 Bees which cause a Nuisance not to be Kept

(1) A person shall not keep, or permit the keeping of, bees that cause a nuisance.

(2) The local government may direct any person to remove any bees or beehives that in the opinion of the Principal Environmental Health Officer are causing a nuisance.

(3) A person shall comply with a direction under subsection (2) within the time specified.

Division 8-Arthropod Vectors ofDisease

6.31 Interpretation

In this Division, unless the context otherwise requires- "arthropod vectors of disease" includes-

(a} fleas (Siphonaptera);

(b) bedbugs (Cimex lectularius);

(c) crab lice (Phthirus pubis);

(d) body lice (Pediculus hum anus var. corporis); and

(e) head lice (Pediculus lwmanus var. cap itis).

6.32 Responsibility of the Owner or Occupier

The owner or occupier of premises shall-

(a) take reasonable precautions to keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7-INFECTIOUS DISEASES

Division 1-General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report

An Environmental Health Officer-

(a) may visit and inspect any house, its occupants, fixtures and fittings; and

(b) who believes that there has been a breach of the Act, any Regulation made under the Act or these Local Laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the local government.

7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest

(1) The Council or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest-

(a) the premises; or

(b) such things in or on the premises as are specified in the notice, or both, to

the satisfaction of an Environmental Health Officer.

An owner or occupier shall comply with a notice given under subsection (1).

7.3 Environmental Health Officer may Disinfect or Disinfest Premises

(1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).
(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.
(4) The Local government is nor liable to pay compensation or damages of any kind 10 the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this section, other than compensation or damages for loss or damage suffered because the local government or any of its staffed acted negligently or in breach of duty.

7.4 Insanitary Houses, Premises and Things

(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.
(3) Where an Environmental Health Officer believes that-

(a) a house or premises is not being maintained in a sanitary condition; or
(b) anything is insanitary,

the officer may, by notice in writing, direct, as the case may be-

(i) the owner or occupier of the house or premises to amend any insanitary condition; or
(ii) the owner or occupier of the thing to destroy or amend it, within the

time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.5 Medical Officer may Authorise Disinfecting

(1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.
(2) A person shall comply with any direction of the Medical Officer under this section.

7.6 Persons in Contact with an Infectious Disease Sufferer

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house-

(a) shall obey such instructions or directions as the Council or the Medical Officer may issue;
(b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and
(c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.7 Declaration of Infected House or Premises

(1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.
(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

7.8 Destruction of Infected Animals

(1) If the Principal Environmental Health Officer believes that an animal is or may be infected or is liable to be infected or to convey infection, he or she may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of–

(a) in the manner and within the time specified in the notice; and
(b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under subsection (1) shall comply with the terms of the notice.

7.9 Disposal of a Body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

7.10 Local Government may Carry out Work and Recover Costs

(1) Where-

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).

{3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2-Disposa/ of Used Condoms and Needles

7.1 1 Disposal of Used Condoms

(l) An owner or occupier of premises on or from which used condoms are produced shall ensure that the condoms are-

(a)) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection *(I)*.

7.12 Disposal of Used Needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

PART 8-LODGING HOUSES

Division]-Registration

8.1 Interpretation

(1) In this Part, unless the context otherwise requires-

"bed" means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

"bunk" means a sleeping berth comprising one of two arranged vertically;

"dormitory" means a building or room utilised for sleeping purposes at a short-term hostel or recreational campsite;

"keeper" means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

"lodger" means a person who obtains, for hire or reward, board or lodging in a lodging house; "lodging house" includes a recreational campsite, a serviced apartment and a short-term hostel but does not include a premises licensed under the *Liquor Act 1988,* a premises approved as a boarding school under the *School Education Act 1999,* and any building comprising of residential flats;

"manager" means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

"recreational campsite" means a lodging house-

(a) situated on a campsite principally used for-

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

"register of lodgers" means the register kept in accordance with Section 157 of the Act and this Part;

"resident" means a person, other than a lodger, who resides in a lodging house;

"serviced apartment" means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

"short term hostel" means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

"vector of disease" means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

8.2 Lodging House not to be Kept Unless Registered

A person shall not keep or cause, suffer or permit to be kept a lodging house unless-

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the local government under section 8.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either-

(i) the keeper; or

(ii) a manager who, with the written approval of the Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there are one or more lodgers in the lodging house.

8.3 Application for Registration

An application for registration of a lodging house shall be- (a) in

the form prescribed in Schedule 1 ;

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by-

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specifications of the lodging house.

8.4 Approval of Application

The Council may approve, with or without conditions, an application under section 8.3 by issuing to the applicant a certificate in the form of Schedule 2.

8.5 Renewal of Registration

A person who keeps a lodging house that is registered under this Part shall-

(a) during the month of December in each year apply to the local government for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed from time to time by Council under Section 344C of the Act at the time of making each application for renewal.

8.6 Notification upon Sale or Transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.7 Revocation of Registration

(1) Subject to subsection (3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the Council may revoke a registration upon any one or more of the following grounds-

(a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

(b) that the keeper has: –

(i) been convicted of an offence against these Local Laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2-Construction and Use Requirements

8.8 General Construction Requirements

The general construction requirements of a lodging house shall comply with the Building Code.

8.8 Sanitary Conveniences

(I) A keeper shall maintain in good working order and condition and in convenient positions on the premises-

(a) toilets; and

(b) bathrooms, each fitted with a shower and a hand basin or alternatively, a bath and a hand basin,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (I).

(3) Each bath, shower and hand basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level

(5) Each toilet and bathroom shall-

(a) be so situated, separated and screened as to ensure privacy;

(b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(c) be provided with adequate electric lighting.

(6) Paragraphs (b) of subsection (5) does not apply to a serviced apartment.

8.10 Laundry

(I) A keeper shall-

(a) subject to subsection (2)-

(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and

(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

(b) at all times maintain each laundry in a proper sanitary condition and in good repair;

(c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section-

"laundry unit" means a group of facilities consisting of-

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

(c) either an electric drying cabinet or not less than 30 metres of clothes line, and

(d) a hot water system that-

(i) is capable of delivering 136 litres of water per hour at a temperature of at least 75 degrees C for each washing machine provided with the communal facilities; and

(ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.11 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which-

(a) has a minimum floor area of-

(i) where lodgers prepare their own meals-0.65 square metres per person;

(ii) where meals are provided by the keeper or manager-0.35 square metres per person; or

(iii) where a kitchen and dining room are combined—1 square metre per person, but in any case, not less than 16 square metres;

(b) has adequate-

(i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and

(ii) refrigerator space for storage of perishable goods;

(c) complies with the requirements of the Health (Food Hygiene) Regulations 1993;

(d) has a handbasin and a double bowl sink, each provided with an adequate supply of hot and cold water.

8.12 Cooking Facilities

(1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Principal Environmental Health Officer in accordance with the following table—

NO. OF LODGERS	OVENS	4 BURNER STOVES
1-15	1	1
16 - 30	1	2
31 - 45	2	3
46 - 60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof) over 60

(2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Principal Environmental Health Officer.

8.13 Dining Room

The keeper of a lodging house shall provide in that lodging house a dining room- (a) located in close proximity to, or combined with, the kitchen;

(b) the floor area of which shall be not Jess than the greater of-

(i) 0.5 square metres per person; or

(ii) I 0 square metres; and

(c) which shall be-

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.14 Lounge Room

The keeper of a lodging house shall provide in that lodging house a lounge room- (a) with a floor area of-

(i) where the lounge is not combined with the dining room-not less than 0.6 square metres per person or;

(ii) where the lounge room is combined with a dining room-not less than 1 .2 square metres per person,

but in either case having a minimum of 13 square metres; and

(b) which shall be-

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.15 Fire Prevention and Control

(l) A keeper shall-

(a) in each passage in the lodging house provide an emergency light-

(i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and

(c) ensure that each exit sign and firefighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by the local government.

8.16 Obstruction of Passages and Stairways

A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on-

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

in such a manner as to form an obstruction to the free passage of lodgers, residents or persons m or occupying the lodging house.

8.17 Fitting of Locks

A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

8.18 Restriction on Use of Rooms for Sleeping

(1) Subject to subsection (3) and section 8.32, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house-

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0. 1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.

(2) For the purposes of this section, two children under the age of 10 years shall be counted as one lodger.

(3) Paragraphs (a), (b) and (c) of subsection (I) shall not apply to a serviced apartment.

8.19 Sleeping Accommodation-Short Term Hostels and Recreational Campsites

(1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than-

(a) 4 square metres per person in each dormitory utilising beds;

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1), shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short-term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short-term hostel or recreational campsite shall provide-

(a) fixed outlet ventilation at a ratio of 0. 15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(6) The keeper of any short-term hostel or recreational campsite shall provide- (a) beds with a minimum size of–

(i) in short term hostels-800 millimetres x 1.9 metres;

(ii) in recreational campsites-750 millimetres x 1.85 metres;

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short-term hostel or recreational campsite shall-

(a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

(b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short-term hostel or recreational campsite shall ensure that-

(a) materials used in dormitory areas comply with AS 1530.2 and AS 15 30.3 as follows- drapes, curtains, blinds and bed covers

— a maximum Flammability Index of 6;

upholstery & bedding

— a maximum Spread of Flame Index of 6;

— a maximum Smoke Developed Index of 5;

floor coverings

- a maximum Spread of Flame Index of 7;
- a maximum Smoke Developed Index of 5;

Fire retardant coatings used to make a material comply with these indices must be- certified by the

(i) manufacturer as approved for use with the fabric to achieve the required indices;

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(b) emergency lighting is provided in accordance with the Building Code;

(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short-term hostel or recreational campsite;

(d) all mattresses are fitted with a mattress protector.

8.20 Furnishing etc. of Sleeping Apartments

(1) A keeper shall-

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed-

(i) has a bed head, mattress and pillow; and

(ii) is provided with, or can be rented, a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or mg;

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room or ensure that adequate storage facilities such as lockers are available for use by lodgers in a separate room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

8.21 Ventilation

(1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.22 Numbers to be Placed on Doors

(1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that-

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be-

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3-Management and Care

8.23 Keeper or Manager to Reside in the Lodging House

No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

8.24 Register of Lodgers

(1) A keeper shall keep a register of lodgers in the form of Schedule 4. The register

(2) of lodgers shall be-

(a) kept in the lodging house; and

(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.25 Keeper Report

A keeper shall, whenever required by the local government, report to the local government, in the form of Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.26 Certificate in Respect of Sleeping Accommodation

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

(2) The certificate issued under subsection (I) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

8.27 7 Duplicate Keys and Inspection

Each keeper and manager of a lodging house shall-

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

8.28 Room Occupancy

(I) A keeper shall not-

(a) cause, suffer or permit more than the maxi mum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;

(b) cause, suffer or permit to be placed or kept in any sleeping apartments-

(i) a larger number of beds; or

(ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that-

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

(2) For the purpose of this section, two children under 10 years of age shall be counted as one lodger.

8.29 Infectious Disease

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall- (a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.30 Cleaning and Maintenance Requirements

(1) A keeper of a lodging house shall-

(a) maintain in a clean, sound and undamaged condition-

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order-

(i) all fixtures and fittings; and

(ii) windows, doors and door furniture;

(c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

(d) whenever there is one or more lodgers in a lodging house ensure that the laundry floor is cleaned daily;

(e) ensure that-

(i) all bed linen, towels and house linen in use are washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed that has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room that is not free from vectors of disease is not used as a sleeping apartment;

(f) when so directed by the Principal Environmental Health Officer, ensure that-

(i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

(2) In this section-

"bed linen" includes sheets and pillow cases and in the case of a short-term hostel or recreational campsite, mattress protectors.

8.31 Responsibilities of Lodgers and Residents

A lodger or resident shall not-

(a) use any room available to lodgers-

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;

(c) use a bath or handbasin other than for ablutionary purposes;

(d) use a bathroom facility or fitting for laundry purposes;

(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;

(f) deposit rubbish or waste food other than into a proper rubbish receptacle;

(g) in a kitchen or other place where food is kept-

(i) wash or permit the washing of clothing or bedding; or

(ii) keep or permit to be kept any soiled clothing or bedding;

(h) subject to section 8.3 –

(i) keep, store, prepare or cook food in any sleeping apartment; or

(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, which is infested with vectors of disease;

(j) store or keep such a quantity of furniture, material or goods within the lodging house-

(i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or

(ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;

(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and

(I) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for Storage of Food

(1) The Principal Environmental Health Officer may-

(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and

(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9-0FFENSIVE TRADES

Division /-General

9.1 Interpretation

In this Part, unless the context otherwise requires-

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 certificate of registration; and

"offensive trade" has the meaning ascribed to it by Section 186 of the Act, and includes all of those trades specified within Schedule 2 of the Act, and any other trade proclaimed to be offensive by the Governor from time to time; and

"premises" means those premises in or upon which an offensive trade is carried on and includes any house.

9.2 Consent to Establish an Offensive Trade

(1) A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall-

(a) advertise notice of his intention to apply for consent in accordance with section 9.3; and

(b) lodge with the Chief Executive Officer an application in the form of Schedule 10.

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

9.3 Notice of Application

A notice required under subsection 9.2(1)(a) shall-

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a locally or state-wide distributed newspaper, or be advertised in some other manner which is acceptable to the local government, at least two weeks but not more than one month before the application under sub section 9.2(1)(b) is lodged with the Chief Executive Officer.

9.4 Registration of Premises

An application for the registration of premises pursuant to Section 191 of the Act shall be-

(a) in the form of Schedule II;

(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976;* and

(c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 12.

9.6 Conditions of Consent for an Offensive Trade

In granting consent under Section 187 of the Act, the City of Bayswater may impose reasonable conditions of consent including, without limitation, conditions relating to-

(a) site requirements;

(b) building fit out specifications;

(c) ventilation;

(d) effluvia, vapours and gases;

(e) control of vectors of disease;

(f) sanitary convenience;

(g) effluent and rubbish disposal.

9.7 Directions

(a) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health;

(b) The occupier shall comply with any directions given under this section.

9.8 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

9.9 Change of Occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

9.10 Alterations to Premises

While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

9.11 Occupier Includes Employee

Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he or she were the occupier.

Division 2-Genera/ Duties of an Occupier

9.12 Interpretation

In this Division, unless the context otherwise requires-

"occupier" means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

"the premises" means those premises in or upon which an offensive trade is carried on.

9.13 Cleanliness

The occupier shall-

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, furniture, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and

(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.14 Rats and other Vectors of Disease

The occupier shall-

(a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and

(b) provide in and on the premises effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

9.15 Sanitary Conveniences and Wash Basins

The occupier shall provide on the premises in an approved position sufficient sanitary convenience and handbasins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

9.16 Painting of Walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

9.17 Effluvia, Vapours or Gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

9.18 Offensive Material

The occupier shall-

(a) provide on the premises approved impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;

(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such intervals as may be directed by the Principal Environmental Health Officer or an Environmental Health Officer or at such intervals negotiated with the local government; and

(e) cause all receptacles after being emptied to be immediately cleansed and sanitised.

9.19 Storage of Materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by odour or otherwise and so as to prevent the creation of a nuisance.

9.20 Specified Offensive Trades

(1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with, the following works or premises-

(a) fish processing establishments (not including retail fish shops);

(b) fat rendering premises;

(c) flock factories;

(d) laundries, dry cleaning premises and dye works;

(e) manure works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall- (a) cause the floor of the premises to-

(i) be properly paved and drained with impervious materials;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be caved to a radius of not less than 25 millimetres.

(c) cause all liquid refuse to be-

(i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and

(ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

9.21 Directions

(I) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
(2) The occupier shall comply with any directions given under this section.

9.22 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

Division 3-Fish Processing Establishments

9.23 Interpretation

In this Division, unless the context otherwise requires-

"appliance" includes a utensil, instrument, cover, container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include-

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

"fish processing establishment" does not include a retail fish shop;

"fish processing" means a process whereby fish are cleaned, part cleaned, scaled or cut up; "fish transport vehicle" includes-

(a) an appliance attached to, carried in or used in connection with a vehicle; and

(b) a trailer and a portable box,

used or designed to be used for the transport or storage of fish; and

"portable box" means a box for the transport or storage of fish and includes a fish transport vehicle.

9.24 Fish Preparation Room

(1) The occupier of a fish processing establishment shall provide a fish preparation room that shall comply with the following requirements-

(a) the room shall be provided with a stainless-steel bench for the handling of fish, hand wash basin with hot and cold water and soap and disposable towel dispensers and a cleaner's sink with hot and cold water;

(b) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement steel float finish or other approved material and shall be devoid of holes, cracks and crevices;

(c) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;

(d) the minimum floor area shall be 16 square metres;

(e) the room shall be provided with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises and connected to a piped supply of hot and cold water;

(f) tiling shall be provided above troughs, handwash basins and benches to a height of 450 millimetres;

(g) the room shall be fly-proofed and have a self-closing door; and

(h) the room shall be provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that the room is used solely for that purpose.

9.25 Disposal of Waste

The occupier of a fish processing establishment shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to

be-

(a) placed in the receptacles referred to in section 9. 18 and disposed of in accordance with that section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.26 Fish Containers

The occupier of a fish processing establishment shall not allow any box, basket or other container used for the transport of fish to-

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

9.27 Cooking of Fish

Where cooking of fish is carried out in a fish processing establishment, the occupier shall provide and maintain-

(a) a hood as set out in the *Health (Food Hygiene) Regulations 1993,* which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

(b) an exhaust ventilation system-

(i) the point of discharge of which shall be at least I metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.28 Fly Screening

The occupier of a fish processing establishment shall ensure that each window, door way and other external opening in the premises is protected in such a manner as would exclude, as far as practicable, flies and other flying insects.

9.29 Use of an Approved Portable Box

The Principal Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

9.30 Fish Transport Vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that-

(a) the frame is made of wood or metal;

(b) all internal surfaces-

(i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, zinc anneal, fibre glass, or other material of similar strength and impermeable qualities;

(ii) are smoothly finished;

(iii) are rigidly secured with a solid backing; and

(iv) have floor and vertical angles caved with not Jess than a 25 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either–

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;

(d) the vehicle is effectively insulated with a stable insulating material;

(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;

(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;

(g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

Division 4 - Fat Rendering Premises

9.31 Interpretation

In this Division, unless the context otherwise requires-

"fat rendering premises" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

"the occupier" means the occupier of any premises on which the trade of fat rendering is carried on.

9.32 Exhaust Ventilation

The occupier shall provide and maintain-

(a) a hood which shall-

(i) be of an approved design and construction;

(ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and

(iii) extend a minimum of 150 millimetres beyond the length of each appliance; and

(b) an exhaust ventilation system-

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9 .33 Covering of Apparatus

External parts of the fat rendering apparatus shall be con structed or covered with a smooth, non- corrosive and impervious material, devoid of holes, cracks and crevices.

9.34 Rendering of Walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 5-Flock Factories

9.35 Interpretation

In this Division, unless the context otherwise requires-

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

"the occupier" means the occupier of a flock factory.

9.36 New and Used Material

(I) Subject to subsection (2), the occupier shall not use for the manufacture of flock any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 30 minutes.

9.37 Collection and Removal of Dust

The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.38 Building Requirements

The occupier shall cause each building on the premises to comply with the following requirements-

(a) the floor shall be of concrete;

(b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2metres; and

(c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

9.39 Unclean Rags

A person shall not-

(a) collect, deliver, offer for sale or sell for the manufacture of flock;

(b) receive, store or deliver for the manufacture of flock; or

(c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle or other container used for the storage or collection of refuse or rubbish.

9.40 Bedding and Upholstery

A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, re-tease, fill, refill or repair any-

(a) used bedding; or

(b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the- (c) material of which the bedding is made; or

(d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

Division 6-Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation

In this Division, unless the context otherwise requires-

"dry cleaning establishment"-

(i) means premises where clothes or other articles are cleaned by use of solvents without using water; but

(ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

"dye works" means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer;

"exempt laundromat" means a premises in which-

(a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

"laundromat" means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and

"laundry" means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.42 Receiving Depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

9.43 Reception Room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall-

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

9.44 Walls and Floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause-

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;

(b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.45 Laundry Floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 9 1 0 millimetres, so constructed as to prevent any person from standing in water on the floor.

9.46 Escape of Dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.47 Precautions Against Combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

9.48 Trolleys

The occupier of a dry cleaning establishment shall-

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is-

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

Division 7-Manure Works

9.50 Interpretation

"Fertiliser" in this Division means any fertiliser prepared by artificial processes; "Manure" in this Division means any manure prepared by natural processes;

"Manure Works" means any premises upon which animal manure or fertiliser is received, stored, or prepared for sale.

9.51 Storage of Manure

The occupier of any manure works shall-

(a) cause all floors, walls and ceilings in areas where manure or fertiliser is kept or stored, to be constructed of durable, non-absorbent materials, finished internally with a smooth surface;

(b) cause all manure received or manufactured on the premises to be stored in such a manner as will prevent-

(i) emission of noxious or offensive odours;

(ii) breeding of flies and any other vectors of disease; or

(iii) any other nuisance.

9.52 Emission of Dust, Offensive Odours and Noxious Effluvia

The occupier shall cause every precaution to be taken to prevent at all times emission of dust, offensive odours or noxious effluvia, from the premises.

9.53 Prevention of Nuisances During Transit

The occupier shall cause all manure despatched from the premises to be packed in such a manner as to prevent any nuisance arising therefrom during transit.

PART *10* -OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Penalties

10.2 Offences

A person who contravenes a provision of these Local Laws, commits an offence.

10.3 Penalties

A person who commits an offence under Section 10.1 is liable to-

(a) a penalty which is not exceeding $5,000; and~~more than $1 ,000 and not less than-~~

~~(i) in the case of a first such offence, $1 00;~~

~~(ii) in the case of a second such offence, $200; and~~

~~(iii) in the case of a third or subsequent such offence, $500; and~~

(b) if the offence is a continuing offence, a daily penalty which is not exceeding $500~~more than $1 00 and not less than $50.~~

A person who commits an offence under Section 10.1 is liable to-

(c) a penalty not exceeding $5,000;

(d) if the offence is a continuing offence, a daily penalty not exceeding $500.

10.4 Fees

Wherever a fee is prescribed by these Local Laws, that fee shall-

(a) be fixed from time to time by Council pursuant to the provisions of Section 344C of the Act, unless otherwise prescribed; and

(b) all fees, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 31 December, each year.

10.5 Expenses

Any expense incurred by the local government in consequence of a breach or non-observance of these Local Laws, or in the execution of work directed to be executed by a person and not executed by that person, shall be paid by the person committing the breach or non-observance or failing to execute the work.

The COMMON SEAL of THE
CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

CHIEF EXECUTIVE OFFICER

FILOMENA PIFFARETTI
MAYOR

Dated: (insert date)

Schedule 1

CITY OF
BAYSWATER

Health Act 191 1

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Bayswater

I/We, ...

.....

.....

(Full name of Applicant/s)

of- - - -

Hand basins

Laundry Facilities

Coppers Area

Wash troughs
Washing Machines
Drying cabinets or clines lines

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.

(b) The keeper will/will not reside continuously on the premises

(c) Name and occupation of proposed manager if keeper resides elsewhere .....

.....

.....family members residing on the premises with the keeper/manager.

Application fee of $ ..... is attached.

- - - -

Schedule 3

CITY OF BAYSWATER

Health Act 19I I

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer City of Bayswater

I/We, ...

(Full name of Applicant/s)

of..... .....

(Residential Address of Applicant/s)

am/are the new owner/s of premises situated at

.....

which are registered in the name of

.....

.....

for the carrying on of the lodging house business.

(Signature of Applicant/s)

(Date)

Schedule 4

CITY OF BAYSWATER

Health Act 1911

REGISTER OF LODGERS

Location of Lodging House: .....

Date of Arrival .....

Name .....

Previous Address .....

.....

Rooln No: .....

Date of Departure.....

Signature.....

Signed .....

(Keeper)

Date.....

Schedule 5

CITY OF BAYSWATER

Health Act 191 I

LIST OF LODGERS

The Chief Executive Officer City of Bayswater

The following is the name of every person who resided in the lodging house at ..... - -

.....

"-..... day of..... year.....

Signed .....
(Keeper)

Date .....

Schedule 6

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To.....
(Name of Keeper)

of .....
(Name of Keeper)

For the registered lodging house situated at: .....

.....

----------, can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than persons at any one time.

Environmental Health Officer

Date .....

Schedule 7

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH MORE THAN 20 SLEEPING APARTMENTS

To.....
(Name of Keeper)

of

.....
(Address of Keeper)

for the registered lodging house situated at

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

Room Number	Maximum Occupancy	Room Number	Maximum Occupancy

Environmental Health Officer

Date……

Schedule 8

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR LICENSE OF A MORGUE

To: Chief Executive

I ……
(FILL IN BLOCK LETTERS)

of.. ……
(Full Residential Address)

apply to license the premises listed below as a Morgue

Address of premises: ……

Name of premises: ……

Dated this …… day of …… year ……

……
Officer City of Bayswater

(Signature of Applicant)

Schedule 9

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the 1 st January.. …… until 31 st December... ……

Address of premises: ……

Name of premises: ……

Dated this …… day of …… year ……

……

Principal Environmental Health Officer

Schedule 10
City of Bayswater

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
City of Bayswater

1/We, ...

(Full Name of Applicant/s)

of.....

(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being.....

.

(Description of Offensive Trade) .....

In or upon .....

(Location of the House or Premises)

Notice of my/our intention to make this application was advertised.....

in.....

on -
- - - - - - - - - - - - - - - - - - - -

under the business name of……

The prescribed registration fee of $..... is attached.

- - - -

Schedule 1 2

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

.....

of which .....

is the occupier, is registered for the carrying on of the trade of

.....

Trade Name ....

This registration expires on 31 st December .....

Dated this ..... day of..... year .....

.....

Principal Environmental Health Officer

City of Bayswater

~~Passed by resolution at an Ordinary Meeting of the Council of the City of Bayswater held on 24th day of July 2001.~~

~~The Common Seal of the City of Bayswater was hereunto affixed in the presence of~~

~~LOUIE J. MAGRO, Mayor.~~

~~MARIO J. CAROSELLA, Chief Executive Officer.~~

~~On this 7th day of August 2001.~~

~~Consented to~~

~~Dr VIRGINIA A. McLAUGHLIN, MB ChB, MApp Epid, FAFPHM,~~
~~delegate of Executive Director Public Health.~~

~~Dated this 30th day of October 2001.~~

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH (EATING-HOUSES) LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act* 1911 in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act* 1995.

Citation

1. These local laws may be cited as the "*City of Bayswater Health (Eating-Houses) Local Laws* 2001".

Repeal

2. The Health Local Laws Eating Houses of the City of Bayswater made by the City of Bayswater on 28 April 1987 and published in the *Government Gazette* on 18 March 1988 and amended from time to time, are repealed.

Interpretation

3. In these local laws, unless the context otherwise requires-

"Act" means the *Health Act* 1911 (as amended) and includes any subsidiary legislation made under the *Health Act* 1911.

"certificate of registration" means a registration certificate issued pursuant to the provisions of these local laws by the local government.

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer.

"Council" means the Council of the City of Bayswater.

"eating house" means an eating house as defined in Division 3, Section 160, of the *Health Act* 1911 (as amended).

"Environmental Health Officer" means an Environmental Health Officer appointed under the Act.

"local government" means the City of Bayswater.

"licence" means a licence to conduct the business of an eating house granted pursuant to the provisions of these local laws by the local government.

"proprietor" means the person having the management or control of premises.

"registered premises" means any premises that are registered as an eating house under these local laws.

Requirement for Registration and Licensing

4. No person shall occupy or use any premises as an eating house unless-

(a) the premises are registered under these local laws as an eating house;

(b) the proprietor of the said premises is the holder of a licence issued by the local government authorising him to conduct on the premises the business of an eating house; and

(c) the premises and the operations conducted within the premises comply with the requirements of the *Health (Food Hygiene) Regulations* 1993.

Registration of an Eating House

5. (1) An application for registration of an eating house shall be forwarded to the Chief Executive Officer together with-

(i) the fee as fixed from time to time by Council under Section 344C of the Act;

(ii) in relation to an eating house which is not currently registered, detailed plans and specifications of the eating house which shall include the following details-

(a) the use of each room;

(b) the structural finish of each wall, floor and ceiling;

(c) the position and type of each fitting and fixture;

(d) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal; and

(e) the proposed number of persons, including the proprietor or proprietors expected to be engaged in the preparation, manufacture, processing, cooking or serving of meals.

(2) Before any premises are registered as an eating house, the site intended to be used for such purpose shall be subject to the approval of the local government;

(3) The local government may attach such conditions as it deems necessary to ensure compliance with the requirements of the Act, to the registration of an eating house, and these conditions shall be set out in the certificate of registration.

(4) If the application is approved, the local government shall issue to the applicant a certificate of registration.

Prescribed Date

6. (1) For the purposes of section 162 of the Act, the prescribed date after which no person shall establish or carry on the business of an eating house unless the eating house is registered and the proprietor thereof is licensed is the 18 March 1988.

(2) For the purpose of section 163 of the Act, the 31 5[1] day of December in each year is prescribed as the date on or before which the annual application for registration of an eating house and licence for the proprietor of an eating house shall be made.

Licence to Conduct an Eating House

7. Before any licence to conduct an eating house is issued to any proprietor by the local government under these local laws, the proprietor shall make an application in writing and shall

(i) include the full name and address of the applicant;

(ii) specify the location for which the licence is sought;

(iii) specify the proposed goods, wares, merchandise or services in respect of which the trading will be carried on;

(iv) include details of any previous experience in the operations of eating-houses; and

the applicant shall forward the application, together with the fee as fixed from time to time by Council under Section 344C of the Act, to the local government and if the application is approved, the local government shall issue to the proprietor a licence.

Register of Registrations and Licences

8. Every certificate of registration of premises registered as an eating house and every licence issued to a proprietor shall be entered in a register maintained by the local government for that purpose.

Licence conditions

9. A licence shall be issued upon and subject to the condition that the holder of the licence shall

(a) display the licence and certification of registration of the eating- house in a conspicuous place in the eating house;

(b) notify the local government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house prior to the commencement of such alteration, addition or other work;

(c) notify the local government in writing of any proposed increase in staff numbers;

(d) prevent public access to the food preparation and storage areas at all times.

Certificate of Registration and Licences

10. Every proprietor of registered premises shall keep the certificate of registration and the licence on the registered premises in a position visible to the general public and shall, when requested to do so by an Environmental Health Officer, produce the certificate of registration and the licence issued to the proprietor in respect of such premises

Period of Registration and Licence

11. Every certificate of registration and every licence shall be in force from the day of issue to the next 31 st day of December, inclusive, unless the same is cancelled in the meantime in accordance with the provisions of the Act.

Renewal Applications

12. Applications for renewal of certificates of registration and licences shall be made annually during the month of November.

Fees

13. The fees payable to the local government on the registration of premises, the issue of a licence and on the renewal of any registration or licence shall be the fee as fixed from time to time by Council under section 344C of the Act.

Change of Address

14. Whenever any person identified as the proprietor on a certificate of registration and/or a licence issued pursuant to these local laws, changes his or her place of abode he or she shall, within seven days of such a change, give notice in writing to the local government specifying his or her new place of abode and he or she shall, at the same time, produce such certificate of registration and/or licence to the local government, and the amendment shall be endorsed thereon.

Licence Personal to Holder

15. Any licence issued under the provisions of these local laws to any proprietor to conduct an eating house, shall not be transferable to any other person except as specified in section 168 subsection 2 of

~~the Act.~~

New Proprietors to apply for Licence

16. If the licenced proprietor of any premises registered as an eating house ceases to be the proprietor, as defined under these local laws then any person wishing to become the proprietor of such premises must make application to the local government for a licence to conduct an eating house as required by Section 6 of these local laws.

Power to Grant or Refuse an Application or Cancel a Registration or Licence

17. Where application is made to the local government either for-

(a) an eating house to be registered; or

(b) a licence to be issued to conduct the business of an eating house, then-

(i) such application may be issued or refused subject to sections 165 and 166 of the Act;

(ii) any such registration or licence, if allowed and issued, may be cancelled at any time for any one of the reasons described in subsections 165(3) and 166(3) of the Act.

Offences and Penalties

18. Any person who commits a breach of any of the provisions of these local laws shall be guilty of an offence and upon conviction shall be liable to-

a fine that is not more than $2,500 and not less than-

(i) in the case of a first offence $250;

(ii) in the case of a second offence $500; and

(iii) in the case of a third or subsequent offence, $1,250; and

if that offence is a continuing offence, a daily penalty which is not more than $250 and not less than $125.

Passed at a meeting of the Council of the City of Bayswater held on the 24th day of July, 2001.

The Common Seal of the City of Bayswater was hereunto affixed in the presence of-

LOUIE J. MAGRO, Mayor.

MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August, 2001.

Consented to-

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

On this 30th day of October, 2001.

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH (ITINERANT FOOD VENDORS) LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the "*City of Bayswater Health (itinerant Food Vendors) Local Laws 2001*".

Interpretation

2. In these local laws, unless the context otherwise requires-

"Act" means the *Health Act 1911* (as amended) and includes any subsidiary legislation made under the *Health Act 1911*.

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer.

"Council" means the Council of the City of Bayswater.

"itinerant food vendor" means a person who travels along the road looking for customers and who sells food from a vehicle temporarily parked on, or beside, the street to customers who stop him while he is so parked.

"licence" means a licence to operate as an Itinerant Food Vendor granted pursuant to the provisions of these local laws by the Council.

"Principal Environmental Health Officer" means the Principal Environmental Health Officer appointed under the Act

Licence

3. (1) An itinerant food vendor shall not offer for sale or sell food unless the person-

(a) is the holder of an itinerant food vendor's licence issued by Council under this Clause; and

(b) complies with any conditions to which the licence is subject.

(2) An application for an itinerant food vendor's licence shall be-

(a) made by the proprietor or where there is more than one proprietor, by each proprietor;

(b) made in the form prescribed in Schedule *1*; and

(c) forwarded to the Chief Executive Officer together with the fee as fixed from time to time by Council under Section 344C of the *Health Act 1911*.

(3) An application for a licence under this clause shall be determined by Council which, may approve the application, with or without conditions, or reject the application.

(4) Where Council approves, with or without conditions, an application under this clause, an itinerant food vendor's licence-

(a) signed by the Principal Environmental Health Officer; and

(b) in the form of Schedule 2,

shall be issued by Council.

(5) A licence issued under this clause shall be valid until 31st December next following the date of issue of the licence by Council.

(6) A person who makes a false statement in an application under this clause, commits an offence.

(7) A person issued with an itinerant food vendors licence shall, whilst plying his/her trade, carry the licence and produce the same to an Environmental Health Officer on demand.

(8) A food vehicle used for the purpose of conducting a business as an itinerant food vendor shall be presented for inspection by an Environmental Health Officer prior to annual licensing.

(9) A person issued with a licence to operate as an itinerant food vendor must comply with relevant requirements of the *Food Hygiene Regulations 1993*.

Offences and Penalties

4. (1) A person who contravenes a provision of these local laws commits an offence.

(2) A person who commits an offence under sub clause (1) is liable to—

(a) a penalty which is not more than $2,500 and not less than-

~~(i) 1n the case of a first such offence, $250;~~

(ii) In the case of a second such offence, $500; and

(iii) in the case of a third and subsequent such offence $1250; and

(b) if the offence is a continuing offence, a daily penalty which is not more than $250 and not Jess than $125.

Schedule 1

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR LICENCE AS AN ITINERANT FOOD VENDOR

To Chief Executive Officer

City of Bayswater

Name (in full) of Applicant

Place of Residence

.....

.....

Postal Address

.....

Type of Food for sale

.....

Place where vehicle, food and trade utensils are stored-

.....

Details of vehicle or means of carriage-

.....

.....

Dated this ..... day of..... ..... year .....

.....

Signature of Applicant Telephone ..

Schedule 2

CITY OF BAYSWATER

Health Act 1911

LICENCE AS AN ITINERANT FOOD VENDOR

This is to certify that

.....

(Name)

of

.....

(Address)

is hereby licensed as an Itinerant Food Vendor within the Health District of the City of Bayswater. This licence expires on the 31 st day of December following the date of issue, unless this licence is previously cancelled.

Date of issue: .. .. day of..... ..... year ....

.....

Principal Environmental Health Officer

Passed at a meeting of the Council of the City of Bayswater held on the 24th day of July, 2001.

The Common Seal of the City of Bayswater was hereunto affixed in the presence of-

LOUIE J. MAGRO, Mayor.

MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August, 2001.

6330 GOVERNMENT GAZETTE, WA 10 December 2001

Consented to

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

On this 30th day of October, 2001.

10.2 Corporate And Strategy Directorate Reports

10.2.1 Financial Reports for the Period Ended 31 July 2022

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Monthly Financial Statement Snapshot [**10.2.1.1** - 1 page] 2. Executive Summary and Financial Activity Statement Significant Variances [**10.2.1.2** - 4 pages] 3. Financial Activity Statement [**10.2.1.3** - 2 pages] 4. Net Current Assets [**10.2.1.4** - 1 page] 5. Cash Backed Reserve Report [**10.2.1.5** - 1 page] 6. Capital Acquisitions Non-Operating Grants Report [**10.2.1.6** - 13 pages]

SUMMARY

This report details the financial reports for the period ended 31 July 2022 including, Monthly Financial Statements with supporting information (**Attachments 1 to 4**), Cash Backed Reserve Report (**Attachment 5**) and Capital Acquisitions & Non-Operating Grants Report (**Attachment 6**).

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the financial reports for the period ended 31 July 2022, comprising:

1. **Monthly Financial Statements with supporting information (Attachments 1 to 4).**
2. **Cash Backed Reserve Report Reserve Fund (Attachment 5).**
3. **Capital Acquisitions & Non-Operating Grants Report (Attachment 6).**

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The *Local Government Act 1995* in conjunction with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement to be presented to Council. This Statement is to include:

(a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the *Local Government Act 1995;*

(b) Budget estimates to the end of the month to which the statement relates;

(c) Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;

(d) The material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) The net current assets at the end of the month to which the statement relates.

At its meeting on 18 July 2022, Council adopted the Annual Budget for the 2022/23 financial year. The figures in this report are compared to the adopted budget and subsequent amendments as approved by Council throughout the financial year.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as part of the monthly report. It also requires Council to adopt a 'percentage or value' for what it will consider to be material variances on an annual basis. The material variance adopted by the Council for the 2022/23 Budget is $50,000 or 10% of the appropriate base, whichever is the higher.

EXTERNAL CONSULTATION

In accordance with section 6.2 of the *Local Government Act 1995,* the adopted budget was prepared having regard to the Community Strategic Plan, prepared under section 5.56 of the *Local Government Act 1995,* which was made available for public comment.

OFFICER'S COMMENTS

The financial statements for the reporting period are submitted in the form of:

- Monthly Financial Statements with supporting information **(Attachments 1 to 4);**
- Cash Backed Reserve Report **(Attachment 5);** and
- Capital Acquisitions & Non-Operating Grants Report **(Attachment 6).**

The Monthly Financial Statement Snapshot (**Attachment 1**) summarises total capital and operating expenditure. Details of the material variances are outlined in the Executive Summary and Financial Activity Statement Significant Variances Report (**Attachment 2**).

The Financial Activity Statement (**Attachment 3**) reported the financial position of the City by program level up to 30 June 2022. It is now being reported by Nature and Type following the amendments to the *Financial Management Regulations* in order to align to the Annual Budget. It discloses the current liquidity position of the City after adjustment for non-cash items (depreciation, provisions, etc.).

Due to the above change, the Statement of Comprehensive Income by Nature and Type Classification is no longer provided due to its similarity with Financial Activity Statement (**Attachment 3**).

The City's net current assets are outlined in **Attachment 4** with details of any adjustments.

All of the reserve accounts are cash-backed and supported by funds held in financial institutions as set out in the City's Investment Policy (**Attachment 5**).

The projects summarised in the Capital Acquisitions & Non-Operating Grants Report (**Attachment 6**) detail the capital (actual and committed) expenditure for the period ended 31 July 2022.

The opening balances contained within the financial reports (**Attachments 1-6**) are subject to end of financial year adjustments, with the final June 2022 to be presented in the City's 2021/22 Annual Financial Report.

LEGISLATIVE COMPLIANCE

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed. Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended

requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

RISK ASSESSMENT

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.

Officer's Recommendation	**That Council receives the financial reports for the period ended 31 July 2022, comprising:** **1. Monthly Financial Statements with supporting information (Attachments 1 to 4).** **2. Cash Backed Reserve Report Reserve Fund (Attachment 5).** **3. Capital Acquisitions & Non-Operating Grants Report (Attachment 6).**		
Risk Category		**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction		Moderate	Low
Reputation		Low	Low
Governance		Low	Low
Community and Stakeholder		Moderate	Low
Financial Management		Low	Low
Environmental Responsibility		Low	Low
Service Delivery		Low	Low
Organisational Health and Safety		Low	Low
Conclusion	The financial reports have been compiled in accordance with the relevant provisions of the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996.		

FINANCIAL IMPLICATIONS

All amounts quoted in this report are exclusive of GST.

STRATEGIC IMPLICATIONS

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

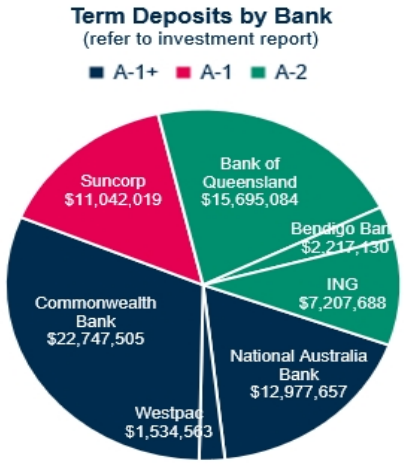
Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

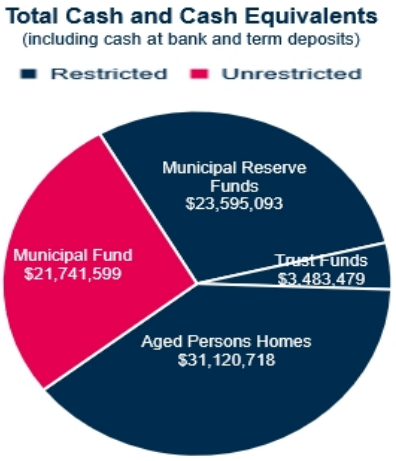
CONCLUSION

In light of the above, it is recommended that Council receives the financial reports for the period ended 31 July 2022.

Monthly Financial Statement Snapshot

July 2022





	Debtor				Trade Creditors
	Sundry	Infringement	Recreation	Total	
Total Outstanding	$716,169	$502,688	$438,257	$1,657,114	$1,243,652
Not yet due	0%	0%	76%	18%	0%
Current	99%	7%	11%	40%	59%
Over 30 days	0%	8%	7%	3%	41%
Over 60 days	1%	85%	6%	39%	0%

Rates & Charges	
Collected	96.16%
Total Outstanding	$1,830,561
Deferred Rates	$1,182,248

Payment Options	YTD 2021/22 **	2020/21
Payment in Full	TBC	19,692 by 30/06/21
Instalment	TBC	9,145
Rates Smoothing	TBC	1,691
Arrangement	TBC	625
None Selected	TBC	1,639

Capital

	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure	$35,028,956	$408,457	$75,852	19%
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue	$11,827,498	$448,550	$0	0%

Operating

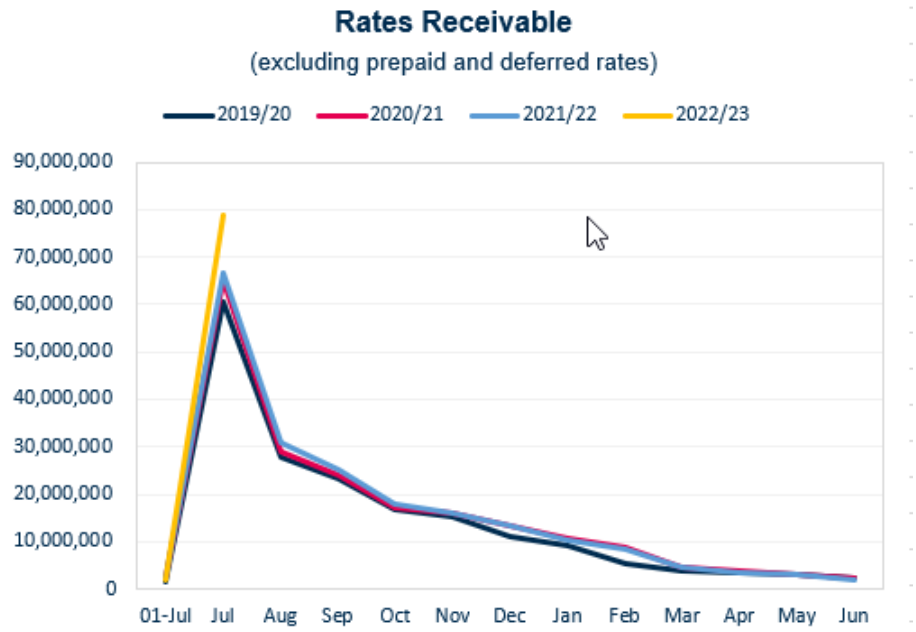
	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure	$98,109,039	$7,680,432	$4,749,485	62%
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue *excludes rates	$28,347,552	$13,948,887	$13,805,687	99%

** Rate notices were issued on 29 July 2022 therefore no information is available as at 30 July 2022.

City of Bayswater
Executive Summary
for the period 1 July 2022 to 31 July 2022

Revenue

The annual rate notices were issued on 29 July with a due date of 2 September for full payment or 1st instalment with the last instalment due in March 2023. To date 1.17% of the total rate revenue raised has been received. However, with a 2 September due date, it is anticipated that revenue will significantly increase by the end of August 2021.



Debtors

Currently there is a total of $1.66m of outstanding debts of which $716k relates to sundry debtors, 99% of which are at current; $503k to Infringement debts and $438k to Recreation debts.

Capital

Capital revenue is recognised once the expenditure has been incurred. Revenue has not yet been realised for a number of projects, including Gibney Reserve Park ($212k), Road Resurfacing-Wylde Road ($132k) and Low Cost Urban Access ($132k).

The capital expenditure variance is due to projects such as Low Cost Urban Safety Program ($133k); building upgrade such as Morley Noranda Recreation Club ($80k), Grand Prom toilet ($40k) are lower than anticipated due to current weather conditions and high demand in building construction industries. Since the budget adopted few weeks later than expected, expenditure is expected to be in line with budget in the coming months.

Operating

Year-to-date operating revenue is 99% in comparison to the year-to-date budget with grants and subsidies are yet to receive and fees and charges expected to be in line with budget in the coming months.

Operating expenditure is also 99% in comparison to the year-to-date budget. In particular, expenditure on materials and contracts are lower than the budget as some projects are yet to be commenced and some projects are yet to be finalised including the insurance premiums. However, it is anticipated that expenditure to be in line with budget in the coming months.

City of Bayswater
Financial Activity Statement
Significant Variances
for the period 1 July 2022 to 31 July 2022

Operating activities
Revenue from operating activities (excludes rates)

Nature or Type	YTD Amended Budget $	YTD Actual $	Variance Positive/ (Negative) $
Operating grants, subsidies and contributions • The variance is due to budget timing. Some of the projects from sustainable environment, contribution/grant expected to be received in the coming month.	102,239	6,008	(96,230)
Fees and charges • The variance is due to budget timing for revenue such as Waves' fees and domestic refuse charges.	13,579,860	13,687,510	107,650
Interest earnings • Rate notices issued later than expected. Interest rates expected to increase in the coming months.	127,958	52,521	(75,437)
Other revenue • The variance is due to project such as Morley Drive Median ($30k), Noranda Primary School Oval ($18k) are yet to be recognised.	101,803	59,647	(42,156)
Profit/(Loss) on asset disposal • The variance is due to minor fleet items waiting to be auctioned or traded off. Variance expected to reduce next month.	37,027	0	(37,027)
Total	**13,948,887**	**13,805,687**	**(143,200)**

Expenditure from operating activities

Program	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Employee costs • Expenditure is lower than budget due vacant positions, staff on leave due to COVID plus off-peak time at recreation centre. • Workers Compensation premium under budget due to timing of the invoice being received.	(3,088,631)	(2,344,141)	744,490
Material and contracts • Expenditure is lower than anticipated for: • ICT – due to timing of invoices receive for system licencing • Refuse disposal lower than anticipated for July. • Building and garden maintenance due to the program not commencing until after the 2022/23 budget was adopted.	(2,358,904)	(1,094,173)	1,264,731
Utility charges • Immaterial variance.	(228,801)	(222,769)	6,032
Depreciation and amortisation • Immaterial variance.	(1,031,895)	(1,022,271)	9,624
Insurance expenses			

Program	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
• Variance due to budget timing for LGIS insurance and revised invoice received from LGIS in August. Payment remitted first week of August.	(610,195)	(5,711)	604,484
Other expenditure • Budget timing difference, expected to be in line in the coming months.	(53,410)	(46,479)	6,930
Interest expenses • Immaterial variance.	(13,919)	(13,942)	(23)
Profit/(Loss) on asset disposal • The variance is due to fleet items not disposed off. Variance expected to reduce next month.	(294,678)	0	294,678
Total	**(7,680,432)**	**(4,749,485)**	**2,930,947**

Discontinued operations

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
• Revenue and Expenditure are under budget pending Juniper's accounts finalisation.	(45,690)	(7,711)	37,929

Non-cash operating activities excluded from the budget

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Non-cash operating activities • Movements in depreciation, Aged liability adjustment and leave provision.	1,291,316	1,041,573	(249,743)

Investing activities

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Non-operating grants, subsidies and contributions • Spending to the projects such as Gibbney Reserve East - park redevelopment ($212k), Arterial Road New Dual-Use Path Program ($100k) have not occurred to the extent of expending based on grants' terms and conditions before recognising grant funds.	448,550	0	(448,550)
Purchase of property, plant and equipment • Expenditure is lower than the year-to-date budget for projects such as Building Morley Noranda Recreation Club and Grand Prom toilet upgrade are in initial stage.	(190,987)	(10,306)	180,681
Purchase of construction and infrastructure • Expenditure is below the year-to-date budget for project such as Low Cost Urban Safety Program in initial stage, it is expected to incur costs in the coming months.	(217,470)	(65,547)	151,923

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Proceeds from disposal of assets • Variance on asset disposal has occurred due to budget timing as projects are yet to be commenced.	662,000	537,273	(124,727)
Proceeds from self-supporting loans • Immaterial variance.	1,329	1,330	1

Financing activities

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Proceeds from loans • Loan application in progress for Bayswater Waves, anticipated to receive loan in the coming months.	6,857,665	0	(6,857,665)
Repayment of borrowings • Immaterial variance.	(1,329)	(1,330)	(1)
Transfer to reserves • Transfers to reserves which included General Waste Reserve and FOGO Waste transfers have not occurred. Fund are yet to be transferred.	(158,337)	0	158,337
Transfer from reserves • Recoup of funds from reserve has been processed for expenditure incurred. Funds are only transferred from the reserve account once the expenditure has been incurred.	184,932	0	(184,932)
Rates • No Variance.	54,040,610	54,040,610	0

City of Bayswater
Financial Activity Statement
for the period 1 July 2022 to 31 July 2022

	Budget	Amended Budget	YTD Amended Budget	YTD Actual	Variance	Variance
	$	$	$	$	$	%
Net current assets at start of year - surplus/(deficit)	7,405,952	7,405,952	7,405,952	10,217,456	2,811,504	38%
Operating activities						
Revenue from operating activities (excludes rates)						
Operating grants, subsidies and contributions	3,534,328	3,534,328	102,239	6,008	(96,230)	(94%)
Fees and charges	22,594,704	22,594,704	13,579,860	13,687,510	107,650	1%
Interest earnings	1,356,062	1,356,062	127,958	52,521	(75,437)	(59%)
Other revenue	821,431	821,431	101,803	59,647	(42,156)	(41%)
Profit/(Loss) on asset disposal	41,027	41,027	37,027	0	(37,027)	(100%)
	28,347,552	28,347,552	13,948,887	13,805,687	(143,200)	(1%)
Expenditure from operating activities						
Employee costs	(39,054,059)	(39,054,059)	(3,088,631)	(2,344,141)	744,490	(24%)
Materials and contracts	(41,386,144)	(41,386,144)	(2,358,904)	(1,094,173)	1,264,731	(54%)
Utility charges	(3,387,856)	(3,387,856)	(228,801)	(222,769)	6,032	(3%)
Depreciation and amortisation	(11,853,404)	(11,853,404)	(1,031,895)	(1,022,271)	9,624	(1%)
Insurance expenses	(1,055,300)	(1,055,300)	(610,195)	(5,711)	604,484	(99%)
Other expenditure	(665,425)	(665,425)	(53,410)	(46,479)	6,930	(13%)
Interest expenses	(353,690)	(353,690)	(13,919)	(13,942)	(23)	0%
Profit/(Loss) on asset disposal	(353,161)	(353,161)	(294,678)	0	294,678	(100%)
	(98,109,039)	(98,109,039)	(7,680,432)	(4,749,485)	2,930,947	(38%)
Discontinued operations	1,506,368	1,506,368	(45,640)	(7,711)	37,929	(83%)

	Budget	Amended Budget	YTD Amended Budget	YTD Actual	Variance	Variance
	$	$	$	$	$	%
Operating activities excluded from budget						
Depreciation and amortisation	11,853,404	11,853,404	1,031,895	1,022,271	(9,624)	(1%)
(Profit) on asset disposals	(41,027)	(41,027)	(37,027)	0	37,027	(100%)
Loss on asset disposals	353,161	353,161	294,678	0	(294,678)	(100%)
Movement in non-current assets	0	0	0	20,375	20,375	No Budget
Movement in liabilities associated with restricted cash	21,240	21,240	1,770	7,711	5,941	336%
Movement in non-current leave provisions	30,000	30,000	0	(8,784)	(8,784)	No Budget
	12,216,778	12,216,778	1,291,316	1,041,573	(249,743)	(19%)
Amount attributable to operating activities	(48,632,389)	(48,632,389)	14,920,083	20,307,519	5,387,436	36%
Investing activities						
Non-operating grants, subsidies and contributions	11,827,498	11,827,498	448,550	0	(448,550)	(100%)
Purchase of property, plant and equipment	(16,770,092)	(16,770,092)	(190,987)	(10,306)	180,681	(95%)
Purchase and construction of infrastructure	(16,458,864)	(16,458,864)	(217,470)	(65,547)	151,923	(70%)
Purchase of intangible assets	(800,000)	(800,000)	0	0	0	No Budget
Purchase of assets held for sale	(1,000,000)	(1,000,000)	0	0	0	No Budget
Proceeds from disposal of assets	2,350,700	2,350,700	662,000	537,273	(124,727)	(19%)
Proceeds from self-supporting loans	1,329	1,329	1,329	1,330	1	0%
Amount attributable to investing activities	(20,849,429)	(20,849,429)	703,422	462,750	(240,672)	(34%)
Financing activities						
Proceeds from loans	14,140,000	14,140,000	6,857,665	0	(6,857,665)	(100%)
Repayment of borrowings	(571,259)	(571,259)	(1,329)	(1,330)	(1)	0%
Payment for principal portion of lease liability	(126,595)	(126,595)	0	0	0	No Budget
Transfer to reserves	(4,582,278)	(4,582,278)	(158,337)	0	158,337	(100%)
Transfer from reserves	6,231,340	6,231,340	184,932	0	(184,932)	(100%)
Amount attributable to financing activities	15,091,208	15,091,208	6,882,931	(1,330)	(6,884,261)	(100%)
Budget deficiency before general rates	(54,390,610)	(54,390,610)	22,506,436	20,768,939	(1,737,497)	(8%)
Estimated amount to be raised from general rates	54,390,610	54,390,610	54,040,610	54,040,610	(0)	(0%)
Adjusted net current assets at the end of the year - surplus/(deficit)	(0)	(0)	76,547,046	74,809,549	(1,737,497)	(2%)

City of Bayswater
Net Current Assets
as at 31 July 2022

Municipal and Aged Persons Homes	Opening Balance	Closing Balance
	$	$
Current assets		
Cash and cash equivalents	79,315,430	74,960,072
Trade and other receivables	5,620,210	80,628,135
Inventories	193,459	175,876
Prepayments	233,571	233,571
Total	85,362,671	155,997,654
Current liabilities		
Trade and other payables	(30,494,741)	(36,448,832)
Other financial liabilities at amortised costs	(288,925)	(287,595)
Lease liabilities	(33,581)	(33,581)
Provisions	(6,537,988)	(6,611,971)
Grant Liabilities	(3,409,116)	(3,460,999)
Contract Liabilities	(706,443)	(706,443)
Clearing accounts	(1,868)	26,156
Total	(41,472,662)	(47,523,264)
Net current assets	43,890,008	108,474,390
Restricted - Reserves	(42,769,386)	(42,769,386)
Cash backed employee provisions	1,578,638	1,578,638
Restricted - Aged Persons Homes	7,517,584	7,525,295
Current Portion of Lease Liabilities	612	612
	10,217,456	74,809,549

City of Bayswater
Cash Backed Reserves
for the period 1 July 2022 to 31 July 2022

	Budget Amended				Actual			
	Opening Balance	Transfer to	Transfer (from)	Closing Balance	Opening Balance	Transfer to	Transfer (from)	Closing Balance
	$	$	$	$	$	$	$	$
Aged Persons Homes - General Reserve	17,591,030	1,604,478	(1,098,110)	18,097,399	16,257,732	0	0	16,257,732
Aged Persons Homes - Prudential Requirements Reserve	2,914,732	0	0	2,914,732	2,916,560	0	0	2,916,560
Bayswater Bowling Club Capital Improvements Reserve	10,345	139	0	10,484	10,356	0	0	10,356
Bayswater Tennis Club Reserve	138,648	1,867	0	140,515	138,806	0	0	138,806
Bayswater Waves Aquatic Centre Reserve	122,247	1,646	0	123,893	338,974	0	0	338,974
Bore and Reticulation Reserve	9,945	134	0	10,079	9,957	0	0	9,957
Building Furniture and Equipment Reserve	144,867	1,951	0	146,818	145,035	0	0	145,035
Cash in Lieu - Public Open Space	575,026	7,365	(28,174)	554,217	66,729	0	0	66,729
City Buildings and Amenities Reserve	749,114	9,394	(51,600)	706,908	827,454	0	0	827,454
Civic Centre Reserve	63,568	856	0	64,424	63,694	0	0	63,694
Economic Stimulus Reserve	893,383	7,126	(364,321)	536,188	2,093,014	0	0	2,093,014
Emission Reduction Energy Plan Reserve	0	120,956	(49,033)	71,923	0	0	0	0
Eric Singleton Bird Sanctuary Reserve	1,225,789	16,509	0	1,242,298	1,227,148	0	0	1,227,148
FOGO Reserve	4,587,426	48,931	(954,409)	3,681,948	4,600,168	0	0	4,600,168
Footpath and Cycleway Reserve	45,553	102	(37,985)	7,670	50,386	0	0	50,386
General Waste Management Reserve	4,896,942	448,574	(1,730,228)	3,615,288	3,384,701	0	0	3,384,701
Golf Courses Reserve	1,461,498	19,684	0	1,481,182	1,463,217	0	0	1,463,217
Information Technology Reserve	212,713	2,865	0	215,578	220,622	0	0	220,622
Landfill Restoration Reserve	383,741	3,148	(150,000)	236,889	372,064	0	0	372,064
Les Hansman Community Centre Development Reserve	2,631,849	32,080	(250,000)	2,413,929	2,984,217	0	0	2,984,217
Long Service Leave and Entitlements Reserve	1,576,892	21,240	0	1,598,132	1,578,638	0	0	1,578,638
Major Capital Works Reserve	1,038,470	546,729	(1,375,163)	210,036	995,576	0	0	995,576
Maylands Lakes Reserve	4,730	64	0	4,794	4,735	0	0	4,735
Maylands Waterland Reserve	429,755	5,788	0	435,543	430,231	0	0	430,231
Morley City Centre Reserve	542,670	7,309	0	549,979	543,272	0	0	543,272
Morley Sport and Recreation Centre Reserve	503,140	6,777	0	509,917	503,717	0	0	503,717
Noranda Netball Courts Reserve	69,499	936	0	70,435	69,586	0	0	69,586
Plant and Works Equipment Reserve	2,752	37	0	2,789	2,756	0	0	2,756
Playground and Parks Reserve	49,241	663	0	49,904	51,029	0	0	51,029
River Restoration Reserve	78,791	74	(73,282)	5,583	121,516	0	0	121,516
Roads and Drainage Reserve	12,891	174	0	13,065	13,026	0	0	13,026
Senior Citizens Building Reserve	25,520	344	0	25,864	25,605	0	0	25,605
Strategic Land Acquisition Reserve	11,963	1,650,727	0	1,662,690	11,977	0	0	11,977
Streetscapes Reserve	196,167	1,712	(69,035)	128,844	216,208	0	0	216,208
Sustainable Environment Reserve	30,931	417	0	31,348	30,795	0	0	30,795
The RISE Reserve	224,903	3,029	0	227,932	371,562	0	0	371,562
Workers' Compensation Reserve	627,625	8,453	0	636,078	628,320	0	0	628,320
Total	44,084,356	4,582,278	(6,231,340)	42,435,295	42,769,386	0	0	42,769,386

City of Bayswater
Capital Acquisitions & Non-Operating Grants
for the period 1 July 2022 to 31 July 2022

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Non-operating grants, subsidies and contributions - summary							
1622	Buildings	(1,552,855)	(1,552,855)	0	0	0	(1,552,855)
1632	Furniture and equipment	(2,300)	(2,300)	0	0	0	(2,300)
1702	Roads	(5,859,079)	(5,859,079)	(264,828)	0	0	(5,859,079)
1712	Footpath	(332,830)	(332,830)	100,000	0	0	(332,830)
1722	Drainage	(21,826)	(21,826)	0	0	0	(21,826)
1732	Park development	(3,532,946)	(3,532,946)	(283,722)	0	5,646	(3,538,592)
1742	Other infrastructure	(525,662)	(525,662)	0	0	0	(525,662)
		(11,827,498)	(11,827,498)	(448,550)	0	5,646	(11,833,144)
Capital acquisitions - summary							
Purchase of asset held for sale							
1912	Assets Held for Sale	1,000,000	1,000,000	0	0	0	1,000,000
		1,000,000	1,000,000	0	0	0	1,000,000
Purchase of property, plant and equipment							
1622	Buildings	13,284,488	13,284,488	190,987	10,076	795,936	12,478,476
1632	Furniture and equipment	912,833	912,833	0	0	99,771	813,062
1652	Plant and equipment	2,572,771	2,572,771	0	230	1,183,513	1,389,029
		16,770,092	16,770,092	190,987	10,306	2,079,219	14,680,567
Purchase and construction of infrastructure assets							
1702	Roads	8,581,562	8,581,562	133,224	8,266	198,023	8,375,273
1712	Footpath	788,175	788,175	0	0	43,691	744,484
1722	Drainage	473,669	473,669	0	0	122,710	350,959
1732	Park development	5,566,411	5,566,411	69,246	53,548	2,385,134	3,127,729
1742	Other infrastructure	1,049,047	1,049,047	15,000	3,732	75,466	969,849
		16,458,864	16,458,864	217,470	65,547	2,825,024	13,568,294
Purchase of intangible assets							
1852	Intangible assets	800,000	800,000	0	0	57,148	742,852
		800,000	800,000	0	0	57,148	742,852
		35,028,956	35,028,956	408,457	75,852	4,961,391	29,991,713

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Buildings							
Building major capital works							
80800	Riverside Gardens Toilet Upgrade	0	0	0	7,995	9,920	(17,915)
80809	Depot Electrical Door Upgrade	0	0	0	237	0	(237)
80810	Depot Store Room Upgrades	27,030	27,030	0	1,049	0	25,981
80823	Bayswater Bowling Club - toilet upgrade	92,105	92,105	0	0	125	91,980
80824	Bayswater Waves - refurbishment	0	0	0	0	134,033	(134,033)
80827	Ellis House - new studio design	49,103	49,103	0	0	0	49,103
80829	Maylands Peninsula Hotel - roof restoration	280,296	280,296	0	0	0	280,296
80830	Maylands Yacht Club - flooring upgrade	8,413	8,413	8,413	0	9,995	(1,582)
80831	Moojebing Reserve - Club Rooms - internal upgrade	0	0	0	0	26	(26)
80832	Morley Community Centre - toilet upgrade	0	0	0	0	350	(350)
80833	Morley Noranda Recreation Club - refridgeration unit renewal	46,065	46,065	46,065	0	0	46,065
80837	Paddy Walker Depot - improvements	105,302	105,302	0	0	350	104,952
80838	Roxy Theatre - switchboard upgrade	0	0	0	0	295	(295)
80840	Upper Hillcrest Reserve - transportable changeroom	200,000	200,000	0	0	0	200,000
80841	Waste Disposal Facility - weighbridge	80,000	80,000	0	0	0	80,000
80975	Bedford Bowling Club - roof replacement	92,130	92,130	0	0	0	92,130
80982	Les Hansman Centre - roof upgrade	92,130	92,130	0	0	0	92,130
80984	Maylands Hall - roof renewal	57,581	57,581	0	0	0	57,581
80990	Pat O'Hara Rugby Club - roof renewal	28,791	28,791	0	0	0	28,791
81064	Lightning Park - facility upgrades	750,000	750,000	0	0	0	750,000
81065	Morley Noranda Recreation Club - facility upgrades	750,000	750,000	0	0	0	750,000
		2,658,946	2,658,946	54,478	9,281	155,093	2,494,572
Building minor capital works							
80360	Civic Centre - roof replacement and box gutter	103,646	103,646	0	0	0	103,646
80482	Wotton Reserve - sewer connection	284,416	284,416	0	0	0	284,416
80845	Bayswater Family Centre - floor renewal	0	0	0	0	1,773	(1,773)
80851	Maylands Yacht Club - flooring renewal	0	0	0	0	7	(7)
80855	Morley Community Centre - security system	0	0	0	0	1,273	(1,273)
80953	Bayswater Morley Cricket Club - gazebo	15,000	15,000	0	0	0	15,000
80955	AP Hinds Reserve - electrical upgrade	94,786	94,786	0	0	54,954	39,832
80969	Maylands Yacht Club - bathroom renewal	10,237	10,237	2,047	0	9,548	689
80974	Waste Transfer Facility - fire suppression system	200,000	200,000	0	0	0	200,000
80977	Embleton Toy Library - renew electricial	26,487	26,487	0	0	17,185	9,302
80978	Halliday House - security system renewal	8,637	8,637	0	0	0	8,637

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
80979	Hampton Park Infant Health - air-conditioner renewal	6,910	6,910	0	0	0	6,910
80980	Houghton Park Pavilion - flooring upgrade	57,581	57,581	0	0	0	57,581
80981	Jade Lewis Office - 96 Slade Street - renew roof	13,820	13,820	0	0	0	13,820
80983	Maylands Hall - air-conditioner renewal	80,614	80,614	0	0	0	80,614
80985	Maylands Sport & Recreation - box gutters renewal	11,516	11,516	0	0	0	11,516
80988	Morley Sport and Recreation Centre - LED light retrofit	75,000	75,000	0	0	0	75,000
80989	Pat O'Hara Rugby Club - new access ramp	5,758	5,758	0	0	0	5,758
80991	Maylands Golf Course - depot renewal	37,045	37,045	0	0	0	37,045
80992	Waste Transfer Station - upgrade office, showers & toilets	161,228	161,228	0	0	0	161,228
81057	Carramar Community Ctr - repoint ridge caps and roof tiles	11,516	11,516	0	0	0	11,516
81058	Environment House - reseal ridge capping and repoint roof	11,516	11,516	0	0	0	11,516
81059	Maylands Yacht Club - roof renewal	109,405	109,405	0	0	0	109,405
81060	Men Shed - 21 Raymond Avenue - expansion	34,549	34,549	0	0	0	34,549
		1,359,667	1,359,667	2,047	0	84,741	1,274,926
Aquatic facilities							
80365	Bayswater Waves - refurbishment tender design	0	0	0	0	2,900	(2,900)
80972	Bayswater Waves - upgrade roof access system	17,275	17,275	0	0	0	17,275
80973	Bayswater Waves - refurbishment	7,460,847	7,460,847	0	0	0	7,460,847
		7,478,122	7,478,122	0	0	2,900	7,475,222
Community capital requests							
80637	Bayswater Elderly Community Help Org - new accessible toilet	36,364	36,364	0	0	0	36,364
80959	Bayswater State Emergency Services - New Storage Shed	0	0	0	0	13,594	(13,594)
81070	Hillcrest Pre School - install wall and door	6,724	6,724	0	0	0	6,724
81071	Frank Drago Res - Bayswater Bowling Club - kitchen renewal	55,100	55,100	0	0	0	55,100
81073	Bayswater Family Centre - fence replacement	13,585	13,585	0	0	0	13,585
81074	Bayswater Family Centre - doorway upgrade	16,962	16,962	0	0	0	16,962
81075	Wotton Reserve - bar area flooring renewal	25,730	25,730	0	0	0	25,730
81078	Upper Hillcrest Reserve - storeroom refurbish	6,393	6,393	0	0	0	6,393
81079	Frank Drago Reserve - LED lighting upgrade	5,363	5,363	0	0	0	5,363
		166,221	166,221	0	0	13,594	152,627
Building upgrade							
80860	The RISE - non-slip floor on balcony	15,000	15,000	15,000	0	0	15,000
		15,000	15,000	15,000	0	0	15,000

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Building new							
80821	Waste Disposal Facility - hazardous household waste shed	18,000	18,000	0	0	26,951	(8,951)
		18,000	18,000	0	0	26,951	(8,951)
Plant and equipment							
80976	Civic Centre - renew air-conditioning	230,326	230,326	0	0	0	230,326
80987	Morley Noranda Recreation Club - renew cool room	172,744	172,744	79,462	0	0	172,744
80999	The RISE - Unplanned Capital	10,000	10,000	0	0	0	10,000
		413,070	413,070	79,462	0	0	413,070
Sustainable environment							
80936	Solar PV installation program	22,843	22,843	0	0	0	22,843
		22,843	22,843	0	0	0	22,843
COVID-19 $5m Stimulus Package Projects							
80613	Morley Sport & Recreation Ctre - basketball court extension	450,000	450,000	0	0	0	450,000
80614	Bayswater Waves - Refurbish 25m pool, pool hall, plant room	290,000	290,000	0	795	436,942	(147,737)
80619	Energy Efficiency Projects	20,190	20,190	0	0	2,044	18,146
		760,190	760,190	0	795	438,985	320,409
Water Facilities							
80787	Bayswater Waves - Unplanned capital expenditure	50,000	50,000	0	0	0	50,000
		50,000	50,000	0	0	0	50,000
Sport & Recreation Facilities							
80646	Grand Prom Self Cleaning Toilet - Upgrade external façade	85,251	85,251	40,000	0	73,673	11,578
80670	The RISE - Replacement of Air con units	115,163	115,163	0	0	0	115,163
80690	The RISE - Disability access ramp construction	112,015	112,015	0	0	0	112,015
80764	Lightning Park Recreation Centre - Spectator shelter	30,000	30,000	0	0	0	30,000
		342,429	342,429	40,000	0	73,673	268,756
Total Buildings		13,284,488	13,284,488	190,987	10,076	795,936	12,478,476
Furniture and equipment							
Community capital requests							
81072	Bayswater Waves - storage and display cabinets	9,200	9,200	0	0	0	9,200
		9,200	9,200	0	0	0	9,200

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Furniture and equipment							
80861	Bayswater Waves - equipment renewal	87,120	87,120	0	0	9,100	78,020
80997	The RISE - Function Equipment renewal	20,200	20,200	0	0	0	20,200
81000	Morley Library - Public Seating renewal	8,500	8,500	0	0	0	8,500
		115,820	115,820	0	0	9,100	106,720
IT capital							
80088	Virtual Infrastructure Server Replacement Program	127,595	127,595	0	0	0	127,595
80091	Workstation replacement program	72,995	72,995	0	0	11,569	61,426
		200,590	200,590	0	0	11,569	189,021
IT renewal							
80067	Enhanced tree management	0	0	0	0	924	(924)
80387	General IT Equipment Replacement Program	58,140	58,140	0	0	3,976	54,164
80388	Plant Replacement Program - lge. format scanner and printer	22,000	22,000	0	0	0	22,000
80872	Spatial Virtual Machine hosts	71,442	71,442	0	0	71,442	(0)
80873	Spatial Virtual Machine storage	66,934	66,934	0	0	0	66,934
		218,516	218,516	0	0	76,342	142,174
CCTV Renewal							
80274	CCTV Infrastructure replacement program	28,841	28,841	0	0	2,760	26,081
80489	CCTV Servers - replacement	29,120	29,120	0	0	0	29,120
		57,961	57,961	0	0	2,760	55,201
Plant and equipment							
80874	City-wide - traffic counter program	15,735	15,735	0	0	0	15,735
80995	Bayswater Waves - Floor Scrubber	10,011	10,011	0	0	0	10,011
80996	Bayswater Waves - Health Club - Strength Equipment renewal	150,000	150,000	0	0	0	150,000
80998	The RISE - Sports Court Netting renewal	20,000	20,000	0	0	0	20,000
81001	Spatial Services - Geodetic Surveying Equipment renewal	115,000	115,000	0	0	0	115,000
		310,746	310,746	0	0	0	310,746
Total Furniture and equipment		912,833	912,833	0	0	99,771	813,062

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Plant and equipment							
Building major capital works							
80808	Depot Chemical Mixing Facility Upgrade	0	0	0	230	0	(230)
		0	0	0	230	0	(230)
Plant and equipment							
80257	Plant and Fleet Replacement Program	2,186,471	2,186,471	0	0	794,265	1,392,206
80956	New FTE Plant and Equipment	386,300	386,300	0	0	389,247	(2,947)
		2,572,771	2,572,771	0	0	1,183,513	1,389,258
Total Plant and equipment		2,572,771	2,572,771	0	230	1,183,513	1,389,029
Roads							
Road construction							
80198	Resurface Right of Ways	109,141	109,141	0	0	0	109,141
80245	Traffic management - general	84,861	84,861	0	5,370	32,561	46,930
80247	Traffic management - paving	20,980	20,980	0	0	0	20,980
80426	Design of slip lane at 60 Russell Street corner Walter Road	50,000	50,000	0	0	0	50,000
80960	Low Cost Urban Safety Prog Area 1-Design & Construction	630,045	630,045	0	2,023	3,044	624,978
80961	Low Cost Urban Safety Prog Area 2-Design & Construction	651,047	651,047	0	0	5,773	645,274
81063	Low Cost Urban Safety Program	1,332,204	1,332,204	133,224	0	0	1,332,204
		2,878,278	2,878,278	133,224	7,393	41,378	2,829,507
Road renewal							
81020	Roads Program - Kerbing Renewal	10,490	10,490	0	0	0	10,490
81021	Slip lane - 60 Russell Street corner Walter Road	1,085,694	1,085,694	0	0	0	1,085,694
81022	Road Resurfacing - Wylde Rd - McGilvray to Cul-de-sac	132,624	132,624	0	0	0	132,624
81023	Road Resurfacing - Rokeford Way - Wylde to Boxhill	149,899	149,899	0	0	0	149,899
81024	Road Resurfacing - Boxhill St - Wylde to Cul-de-sac	100,912	100,912	0	0	0	100,912
81025	Road Resurfacing - Tillingdon Way - Boxhill to Wolseley	143,815	143,815	0	0	0	143,815
81026	Road Resurfacing - Cheam Place - Boxhill to Cooper	45,054	45,054	0	0	0	45,054
81027	Road Resurfacing - Cooper Rd - Wylde to Wolseley	136,053	136,053	0	0	0	136,053
81028	Road Resurfacing - Wolseley Rd - McGilvray to Camboon	185,145	185,145	0	0	0	185,145
81029	Road Resurfacing - Cooper Rd - Wolseley to Lincoln	156,822	156,822	0	0	0	156,822
81030	Road Resurfacing - Crowhurst Way - Wolseley to McGilvray	172,033	172,033	0	0	0	172,033
81031	Road Resurfacing - Holilond Way - Lincoln W to Lincoln E	175,180	175,180	0	0	0	175,180
81032	Road Resurfacing - Lincoln Rd - McGilvray to Camboon	299,735	299,735	0	0	0	299,735

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
81033	Road Resurfacing - Ballan Court - Challenger to Cul-de-sac	11,539	11,539	0	0	0	11,539
81034	Road Resurfacing - Viscount Rd - Lincoln to Cul-de-sac	25,490	25,490	0	0	0	25,490
81035	Road Resurfacing - Robann Way - Lincoln to McGilvray	219,237	219,237	0	0	0	219,237
81036	Road Resurfacing - Brand Place - Lincoln to Cul-de-sac	68,184	68,184	0	0	0	68,184
81037	Road Resurfacing - Jennifer Rd - Robann to Morley	12,588	12,588	0	0	0	12,588
81038	Road Resurfacing - Challenger Ave - Bottlebrush to Cassia	86,331	86,331	0	0	0	86,331
81039	Road Resurfacing - Vista Crt - Challenger to Cul-de-sac	10,804	10,804	0	0	0	10,804
81040	Road Resurfacing - Niagara Place - Challenger to Cul-de-sac	27,693	27,693	0	0	0	27,693
81041	Road Resurfacing - Doonside Place - Challenger to Cul-de-sac	14,686	14,686	0	0	0	14,686
81042	Road Resurfacing - Discovery Drv - Telstar to Wheatstone	40,910	40,910	0	0	0	40,910
81043	Road Resurfacing - Wentworth Grove - Discovery to Cul-de-sac	26,224	26,224	0	0	0	26,224
81044	Road Resurfacing - Fisk Place - Wentworth to Cul-de-sac	10,490	10,490	0	0	0	10,490
81045	Road Resurfacing - St George Grove - Discovery to Cul-de-sac	22,553	22,553	0	0	0	22,553
81046	Road Resurfacing - Wheatstone Drv - Solas Place to LGA Bdy	82,869	82,869	0	0	0	82,869
81047	Road Resurfacing - Brunel Place - Wheatstone to Cul-de-sac	27,063	27,063	0	0	0	27,063
81048	Road Resurfacing - Barnes Wy - Solas to Morley	104,898	104,898	0	0	0	104,898
81049	Road Resurfacing - Aussat Drv - Barnes to LGA Bdy	104,898	104,898	0	0	0	104,898
81050	Road Resurfacing - Cornwall Close - Barnes to Cul-de-sac	27,273	27,273	0	0	0	27,273
81051	Road Resurfacing - Todd Crt - Cornwall to Cul-de-sac	7,343	7,343	0	0	0	7,343
81052	Traffic Management - Wotton St - Cul-de-sac	15,735	15,735	0	0	0	15,735
81053	Arterial Roads - Benara Rd/Beechboro Rd - Intersection	146,857	146,857	0	0	0	146,857
81054	Arterial Roads - Broun Ave/Russell St - Intersection	73,429	73,429	0	0	0	73,429
81055	Arterial Roads - Coode St - Beaufort St to Walter Rd W	769,935	769,935	0	0	0	769,935
81056	Arterial Roads - Beaufort St - The Strand To Grand Prom	342,934	342,934	0	0	0	342,934
		5,073,419	5,073,419	0	0	0	5,073,419
Black spot state							
80748	Benara Road / Camboon Road	0	0	0	0	5,197	(5,197)
80881	Camboon Road & Wolseley Rd - install island/street lighting	110,000	110,000	0	0	7,001	102,999
80882	Walter Road West and Coode St - install right turn signal	129,700	129,700	0	0	118,182	11,518
		239,700	239,700	0	0	130,380	109,320
Black spot federal							
80883	Crimea St and Westlake Rd - splitter islands/street lighting	0	0	0	0	4,315	(4,315)
		0	0	0	0	4,315	(4,315)

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Base road grant							
80317	Drainage kerb renewal	0	0	0	64	3,636	(3,701)
80318	Carpark Resurfacing Program	62,965	62,965	0	0	0	62,965
		62,965	62,965	0	64	3,636	59,264
Traffic management							
80291	City-wide traffic implementation	0	0	0	0	275	(275)
80297	Traffic Management - Disability Access Committee	20,980	20,980	0	0	8,636	12,344
80752	Riverside Gardens - Carpark extension	0	0	0	260	0	(260)
		20,980	20,980	0	260	8,911	11,809
Other road construction							
80745	Clarkson to Tranby - Resurface Cycleway	39,887	39,887	0	0	0	39,887
80747	Towns Development Program - Various	0	0	0	549	1,018	(1,567)
80909	Baigup to Riverside Gardens - resurface cycleway	90,374	90,374	0	0	0	90,374
80912	Vernon Street, Noranda - Right of Way reconstruction	20,399	20,399	0	0	0	20,399
		150,660	150,660	0	549	1,018	149,093
Arterial road construction							
80913	Beaufort Str/Grand Promenade - 4-way intersection resurface	112,308	112,308	0	0	0	112,308
		112,308	112,308	0	0	0	112,308
Other infrastructure construction							
80918	Hamilton Street Carpark - construction	17,000	17,000	0	0	0	17,000
80922	Verge Paving - paving of small areas under traffic	26,252	26,252	0	0	5,447	20,805
		43,252	43,252	0	0	5,447	37,805
Metropolitan Regional Road Group Projects							
80923	Widgee Road, Noranda - resurface	0	0	0	0	2,937	(2,937)
		0	0	0	0	2,937	(2,937)
Total Roads		8,581,562	8,581,562	133,224	8,266	198,023	8,375,273

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Footpath							
Other road construction							
80910	Drake Street - Bay View Street - train station - new pathway	129,556	129,556	0	0	24,773	104,783
80911	Drake Street - Broun Avenue/Rothbury Road - new pathway	39,234	39,234	0	0	0	39,234
		168,790	168,790	0	0	24,773	144,017
Footpath construction							
80063	New footpath construction and Local Bike Plan	212,057	212,057	0	0	18,918	193,139
80924	Crimea Street - Morley Drive to Fedders St - pathway	192,790	192,790	0	0	0	192,790
80926	Robann Way - Lincoln Road to Jennifer Road - pathway	66,425	66,425	0	0	0	66,425
80927	Timms Place - Halvorson Road to Morley Drive - pathway	47,411	47,411	0	0	0	47,411
80994	Crimea St - Fedders St to Deschamp Rd - new path	100,702	100,702	0	0	0	100,702
		619,385	619,385	0	0	18,918	600,467
Total Footpath		788,175	788,175	0	0	43,691	744,484
Drainage							
Drainage construction							
80248	Urban water sensitive design	192,542	192,542	0	0	78,529	114,013
80697	Nora Hughes Park - living stream	32,200	32,200	0	0	0	32,200
80928	City-wide - optimise drainage amenity	94,029	94,029	0	0	37,080	56,949
		318,771	318,771	0	0	115,609	203,162
Drainage renewal							
80929	City-wide - drainage grates renewal	73,429	73,429	0	0	7,101	66,328
81080	Drainage Program - Upgrade	31,469	31,469	0	0	0	31,469
		104,898	104,898	0	0	7,101	97,797
Sustainable environment							
80993	Bowden St Res - Bayswater Brook & water design initiatives	50,000	50,000	0	0	0	50,000
		50,000	50,000	0	0	0	50,000
Total Drainage		473,669	473,669	0	0	122,710	350,959

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Park development							
Entry statement							
80534	Bayswater Library/Bert Wright Sculpture	10,000	10,000	10,000	0	0	10,000
		10,000	10,000	10,000	0	0	10,000
Other infrastructure construction							
80916	Bardon Park - Malgamongup - signage	0	0	0	0	6,083	(6,083)
80919	Maylands Brickworks - signage	10,000	10,000	10,000	0	0	10,000
		10,000	10,000	10,000	0	6,083	3,917
Park development construction							
80242	Riverbank restoration	73,282	73,282	0	0	19,010	54,272
80757	Golf Course Development Program	0	0	0	0	970	(970)
80775	Dog Exercise Area - construction	7,993	7,993	0	0	0	7,993
80930	Arbor Park - park redevelopment (Our Park - Our Place)	20,000	20,000	0	0	22,913	(2,913)
80931	Bert Wright Park - implement concept plan	47,996	47,996	0	0	31,694	16,302
80933	Gibbney Reserve East - park redevelopment	368,871	368,871	0	14,110	298,368	56,393
80943	Claughton Reserve - excersie equipment	25,000	25,000	0	0	22,132	2,868
81004	Birkett Street Reserve - redevelopment	185,224	185,224	0	0	0	185,224
81005	Feredy Street Reserve - redevelopment	114,222	114,222	21,722	0	0	114,222
81007	Frank Drago - 2023 Womens World Cup upgrades	100,000	100,000	0	0	0	100,000
81009	Upper Hillcrest Reserve - cricket net fencing replacement	25,000	25,000	0	0	0	25,000
		967,588	967,588	21,722	14,110	395,087	558,391
Sustainable environment							
80269	Baigup Wetland Stage 1 - activity centre and interpretation	0	0	0	0	85,547	(85,547)
80273	Maylands Lakes restoration Stage 2	134,000	134,000	27,524	24,898	18,531	90,571
80622	Russell St Living Stream Link Agreement	10,000	10,000	0	0	0	10,000
80696	Arbor Park upgrade - Greening Australia project	53,961	53,961	0	0	0	53,961
81018	Arbor Park - stage 3	50,000	50,000	0	0	0	50,000
81061	Maylands Lakes bank renaturalisation & improve water quality	450,000	450,000	0	0	0	450,000
		697,961	697,961	27,524	24,898	104,078	568,985
Tree management							
81019	Riverside Gardens Urban Forest	650,000	650,000	0	0	0	650,000
		650,000	650,000	0	0	0	650,000

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Drink fountains							
80380	Drinks Fountains Replacement Program	0	0	0	10	0	(10)
80971	Lake Bungana - drink fountain	15,000	15,000	0	2,125	3,524	9,351
		15,000	15,000	0	2,135	3,524	9,341
Playground							
81010	Kelvin Street/Sherwood Street Reserve - play space renewal	30,000	30,000	0	0	290	29,710
81011	Lower Hillcrest Reserve - play space renewal	60,000	60,000	0	0	0	60,000
81012	Waltham Reserve - rubber pitching base renewal	10,000	10,000	0	0	0	10,000
81013	Crimea Reserve - skate park surface renewal	100,000	100,000	0	0	0	100,000
		200,000	200,000	0	0	290	199,710
Floodlights							
81003	RA Cook Reserve - upgrade LED floodlights	264,000	264,000	0	0	0	264,000
81006	Upper Hillcrest Reserve - upgrade lighting	75,000	75,000	0	0	0	75,000
81067	Frank Drago Reserve - floodlight relamp	7,500	7,500	0	0	0	7,500
81068	Grand Prom Reserve - floodlight relamp	7,500	7,500	0	0	0	7,500
81069	Noranda Sporting Complex - Soccer - floodlight relamp	10,000	10,000	0	0	0	10,000
		364,000	364,000	0	0	0	364,000
Other infrastructure construction							
80595	Hinds Reserve - construction of a multi-user access ramp	21,076	21,076	0	0	0	21,076
80940	Bayswater Morley Cricket Club - shade shelter	9,091	9,091	0	0	4,900	4,191
80941	Bedford Bowling Club - synthetic surface	232,373	232,373	0	0	0	232,373
80944	Morley Bowling Club - synthetic surface	272,727	272,727	0	0	0	272,727
80945	Natural Environment Improvement Program	0	0	0	0	49,467	(49,467)
80946	Wotton Skate Park and surrounding facilities	500,000	500,000	0	0	1,213,032	(713,032)
81062	Tranby House Reserve Foreshore - rehab and revegetation	1,000,000	1,000,000	0	0	0	1,000,000
		2,035,267	2,035,267	0	0	1,267,399	767,868
Other infrastructure renewal							
80753	Bore and Pump Maintenance Program	0	0	0	0	25,122	(25,122)
80755	Critical Asset Renewal Program	375,854	375,854	0	10,227	36,820	328,808
		375,854	375,854	0	10,227	61,942	303,685

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
COVID-19 $5m Stimulus Package Projects							
80235	Bore and pump maintenance program	61,741	61,741	0	0	0	61,741
80364	Maylands Waterland redevelopment	179,000	179,000	0	2,179	546,731	(369,909)
		240,741	240,741	0	2,179	546,731	(308,168)
Total Park development		5,566,411	5,566,411	69,246	53,548	2,385,134	3,127,729
Other infrastructure							
Street lights							
80250	Street light upgrade	57,694	57,694	0	0	1,297	56,397
80805	Street Lighting Upgrades	356,312	356,312	0	0	5,084	351,228
80915	Decorative street light replacement	20,980	20,980	0	0	0	20,980
		434,986	434,986	0	0	6,381	428,605
Other infrastructure construction							
80251	PAW gates and reserve lighting	0	0	0	0	5,745	(5,745)
80801	Noranda Netball Court Carpark	29,766	29,766	0	0	4,149	25,617
80917	Doyle Street and Linton Place - public access	20,000	20,000	0	0	7,282	12,718
81002	Bus Shelters - Upgrade program	15,735	15,735	0	0	0	15,735
		65,501	65,501	0	0	17,176	48,325
Footpath construction							
80431	Footpath - Bookham Street and Boag Place	40,939	40,939	0	0	0	40,939
		40,939	40,939	0	0	0	40,939
Sustainable environment							
80935	Emmission reduction and rewable energy implementation	50,292	50,292	0	0	0	50,292
		50,292	50,292	0	0	0	50,292
Floodlights							
80939	RA Cook Reserve - floodlight renewal	50,000	50,000	0	0	0	50,000
		50,000	50,000	0	0	0	50,000
Other infrastructure construction							
80252	Bus shelters	20,991	20,991	0	0	0	20,991
80392	Maylands Town Centre - City-led infrastructure activation	15,000	15,000	15,000	0	0	15,000
80393	Bayswater Town Centre City-led Infrastructure Activation	10,000	10,000	0	0	0	10,000

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
80693	Bedford Shopping Precincts Regeneration Project	60,000	60,000	0	0	0	60,000
80954	Claughton Reserve - passive lighting	0	0	0	0	9,104	(9,104)
80957	Morley Activity Centre - streetscape improvement (RAC Grant)	0	0	0	0	9,162	(9,162)
80967	Grand Prom - Shopping Precinct Regeneration (RAC Grant)	30,000	30,000	0	0	21,235	8,765
81066	Street light - LED replacement	200,000	200,000	0	0	0	200,000
		335,991	335,991	15,000	0	39,501	296,490
Other infrastructure renewal							
80704	Drainage Sump Fencing Program	50,358	50,358	0	3,732	8,665	37,961
		50,358	50,358	0	3,732	8,665	37,961
COVID-19 $5m Stimulus Package Projects							
80617	Passive Light Replacement Program	20,980	20,980	0	0	0	20,980
80618	Town Centre Streetscape Works	0	0	0	0	3,743	(3,743)
		20,980	20,980	0	0	3,743	17,237
Total Other infrastructure		1,049,047	1,049,047	15,000	3,732	75,466	969,849
Intangible assets							
IT capital							
80870	ERP implementation	750,000	750,000	0	0	32,258	717,742
		750,000	750,000	0	0	32,258	717,742
Software							
80950	Website development for online bookings	50,000	50,000	0	0	24,890	25,110
		50,000	50,000	0	0	24,890	25,110
Total Intangible assets		800,000	800,000	0	0	57,148	742,852
Assets Held for Sale							
Aged Persons Homes							
80794	Aged Persons Homes - Capital works	1,000,000	1,000,000	0	0	0	1,000,000
		1,000,000	1,000,000	0	0	0	1,000,000
Total Assets Held for Sale		1,000,000	1,000,000	0	0	0	1,000,000
Total capital projects		35,028,956	35,028,956	408,457	75,852	4,961,391	29,991,713

10.2.2 Investment Report for the Period Ended 31 July 2022

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Investment Register [**10.2.2.1** - 1 page] 2. Investment Summary [**10.2.2.2** - 1 page] 3. Investment Portfolio [**10.2.2.3** - 1 page]

SUMMARY

This report presents the City's Investment Portfolio for the period ended 31 July 2022.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the financial reports for the period ended 31 July 2022, comprising:

1. **Monthly Financial Statements with supporting information (Attachments 1 to 4).**
2. **Cash Backed Reserve Report Reserve Fund (Attachment 5).**
3. **Capital Acquisitions & Non-Operating Grants Report (Attachment 6).**

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The purpose of this report is for Council to note the Investment Portfolio detailed in **Attachments 1, 2 and 3**.

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996,* a monthly report on the City's Investment Portfolio is to be presented to Council.

The City's Investment Policy details the manner in which the City is to manage the investment portfolio ensuring:

- a high level of security;
- an adequate level of diversification to spread risk; and
- sufficient liquidity to meet all reasonably-anticipated cash flow requirements (ready access to funds for daily requirements).

The City's investment portfolio (**Attachments 1, 2 and 3**) is spread across several financial institutions in accordance with the risk management guidelines as contained in the policy.

- Maximum Risk Exposure - The City policy sets a portfolio credit framework which limits the credit exposure of the City's investment to the following Standard & Poor's (S&P) rated banking institutions.

S&P Long-Term Rating	S&P Short-Term Rating	Maximum Risk Limit % Credit Rating
AAA	A-1+	100%
AA	A-1	100%
A	A-2	80%

This report is intended to not only meet the City's regulatory and policy obligations, but also to summarise how the City's funds have been invested and with which financial institution.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

Total investments for the period ended 31 July 2022 were $73,421,646.22

Of the total investment portfolio, $51,894,914.46 is internally restricted and $3,723,626.79 externally restricted, to satisfy the City's legislative responsibilities and to set aside funds for future projects. The balance of the investment funds represents working capital and funding required for the City's 2022/23 operating and capital expenditure requirements.

LEGISLATIVE COMPLIANCE

Investment Policy applies. It is noted that the City currently has 24% in fossil fuel free investments.

RISK ASSESSMENT

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.

Officer's Recommendation	**That Council receives the Investment Portfolio Report for the period ended 31 July 2022 with investments totalling $73,421,646.22**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Funds have been invested in accordance with the City's Investment Policy.	

FINANCIAL IMPLICATIONS

Income earned from investments is recognised in the City's financial statements.

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

That Council receives the Investment Portfolio Report for the period ended 31 July 2022 with investments totalling $73,421,646.22.

City of Bayswater
Investment Register
Balance as at 31 July 2022

Investment Number	Bank	Lodgement Date	Maturity Date	Rate %	Principal $	Accrued Interest $	Maturity Interest $	Maturity Amount $
200700	Bank of Queensland	12/04/22	02/08/22	0.75	1,548,300.87	3,499.58	3,563.21	1,551,864.08
200717	National Australia Bank	21/06/22	02/08/22	1.35	1,002,067.40	1,482.51	1,556.64	1,003,624.04
200707	Commonwealth Bank	04/05/22	09/08/22	1.45	800,000.00	2,796.71	3,082.74	803,082.74
200708	Commonwealth Bank	11/05/22	09/08/22	1.47	1,705,457.15	5,563.53	6,181.70	1,711,638.85
200711	National Australia Bank	31/05/22	16/08/22	1.38	1,500,000.00	3,459.45	4,366.85	1,504,366.85
200715	Commonwealth Bank	15/06/22	23/08/22	1.85	3,463,979.00	8,076.29	12,114.44	3,476,093.44
200718	National Australia Bank	21/06/22	30/08/22	1.97	1,001,227.40	2,161.55	3,782.72	1,005,010.12
200723	Bank of Queensland	28/06/22	30/08/22	1.80	800,000.00	1,301.92	2,485.48	802,485.48
200726	ING Bank	05/07/22	06/09/22	1.89	800,000.00	1,077.04	2,609.75	802,609.75
200731	National Australia Bank	12/07/22	06/09/22	1.80	730,000.00	684.00	2,016.00	732,016.00
200691	ING Bank	15/03/22	13/09/22	0.80	2,200,000.00	6,654.25	8,775.89	2,208,775.89
200732	National Australia Bank	12/07/22	20/09/22	2.10	1,152,073.15	1,259.39	4,639.86	1,156,713.01
200735	Commonwealth Bank	19/07/22	27/09/22	2.55	1,100,000.00	922.19	5,379.45	1,105,379.45
Muni General Funds Total					**17,803,104.97**	**38,938.42**	**60,554.72**	**17,863,659.69**
200667	National Australia Bank	04/01/22	16/08/22	0.56	5,144,375.79	16,416.90	17,679.74	5,162,055.53
200696	Bank of Queensland	29/03/22	30/08/22	0.80	1,856,084.16	5,044.48	6,264.92	1,862,349.08
200727	Suncorp Bank	06/07/22	01/11/22	2.45	2,539,042.96	4,260.72	20,110.61	2,559,153.57
200712	Commonwealth Bank	09/06/22	13/12/22	2.85	3,106,954.31	12,615.09	45,365.79	3,152,320.10
200737	Commonwealth Bank	19/07/22	17/01/23	3.58	2,631,038.48	3,096.70	46,966.56	2,678,005.04
200716	Commonwealth Bank	15/06/22	14/02/23	3.60	5,366,044.08	24,345.67	129,137.89	5,495,181.97
200719	Bank of Queensland	23/06/22	21/02/23	3.72	1,017,921.54	3,942.28	25,209.87	1,043,131.41
200739	Bendigo Bank	26/07/22	28/03/23	3.71	1,616,386.43	821.48	40,252.45	1,656,638.88
Muni Reserve Total					**23,277,847.75**	**70,543.32**	**330,987.84**	**23,608,835.59**
200662	Bendigo Bank	14/12/21	16/08/22	0.48	600,743.84	1,809.14	1,935.55	602,679.39
200733	National Australia Bank	13/07/22	04/10/22	2.30	781,375.20	886.27	4,086.70	785,461.90
200720	Suncorp Bank	23/06/22	20/12/22	3.35	812,637.06	2,834.21	13,425.21	826,062.27
200724	ING Bank	28/06/22	28/02/23	3.60	504,791.58	1,642.99	12,197.98	516,989.56
200736	Commonwealth Bank	19/07/22	11/04/23	3.91	1,024,079.11	1,316.43	29,180.92	1,053,260.03
Trust Specific Total					**3,723,626.79**	**8,489.05**	**60,826.36**	**3,784,453.15**
200682	ING Bank	17/02/22	02/08/22	0.47	1,677,478.49	3,542.47	3,585.67	1,681,064.16
200690	Suncorp Bank	08/03/22	16/08/22	0.57	1,431,339.95	3,241.10	3,598.74	1,434,938.69
200695	Bank of Queensland	22/03/22	23/08/22	0.70	1,279,464.24	3,214.43	3,778.80	1,283,243.04
200698	National Australia Bank	05/04/22	13/09/22	1.01	531,797.99	1,721.71	2,369.20	534,167.19
200705	Suncorp Bank	03/05/22	04/10/22	1.68	2,251,423.85	9,222.82	15,958.59	2,267,382.44
200728	Westpac Bank	05/07/22	13/12/22	2.62	1,534,563.43	2,863.96	17,734.51	1,552,297.94
200734	Bank of Queensland	13/07/22	14/03/23	3.61	1,143,434.18	2,035.63	27,594.04	1,171,028.22
Aged General Funds Total					**9,849,502.13**	**25,842.12**	**74,619.54**	**9,924,121.67**
200729	National Australia Bank	05/07/22	13/12/22	2.82	43,763.51	87.91	544.37	44,307.88
Aged Mertome Gardens Total					**43,763.51**	**87.91**	**544.37**	**44,307.88**
200725	ING Bank	28/06/22	10/01/23	3.22	1,073,391.67	3,124.89	18,559.97	1,091,951.64
200721	Bank of Queensland	23/06/22	21/02/23	3.72	1,244,247.21	4,818.82	30,815.06	1,275,062.27
Aged Prudential Requirements Reserve Total					**2,317,638.88**	**7,943.71**	**49,375.03**	**2,367,013.91**
200661	National Australia Bank	09/12/21	09/08/22	0.56	1,090,976.71	3,916.76	4,067.40	1,095,044.11
200692	ING Bank	15/03/22	06/09/22	0.63	952,026.07	2,267.65	2,875.64	954,901.71
200706	Suncorp Bank	03/05/22	04/10/22	1.68	4,007,574.79	16,416.78	28,406.57	4,035,981.36
200713	Commonwealth Bank	09/06/22	08/11/22	2.62	2,049,952.98	7,651.66	22,366.39	2,072,319.37
200722	Bank of Queensland	22/06/22	21/02/23	3.72	2,927,077.19	11,634.53	72,790.40	2,999,867.59
200730	Bank of Queensland	06/07/22	28/03/23	3.60	3,878,554.45	9,563.56	101,373.72	3,979,928.17
200738	Commonwealth Bank	19/07/22	11/04/23	3.91	1,500,000.00	1,928.22	42,742.19	1,542,742.19
Aged General Reserve Total					**16,406,162.19**	**53,379.16**	**274,622.31**	**16,680,784.50**
Total					**73,421,646.22**	**205,223.69**	**851,530.17**	**74,273,176.39**

City of Bayswater
Investment Summary
Balance as at 31 July 2022

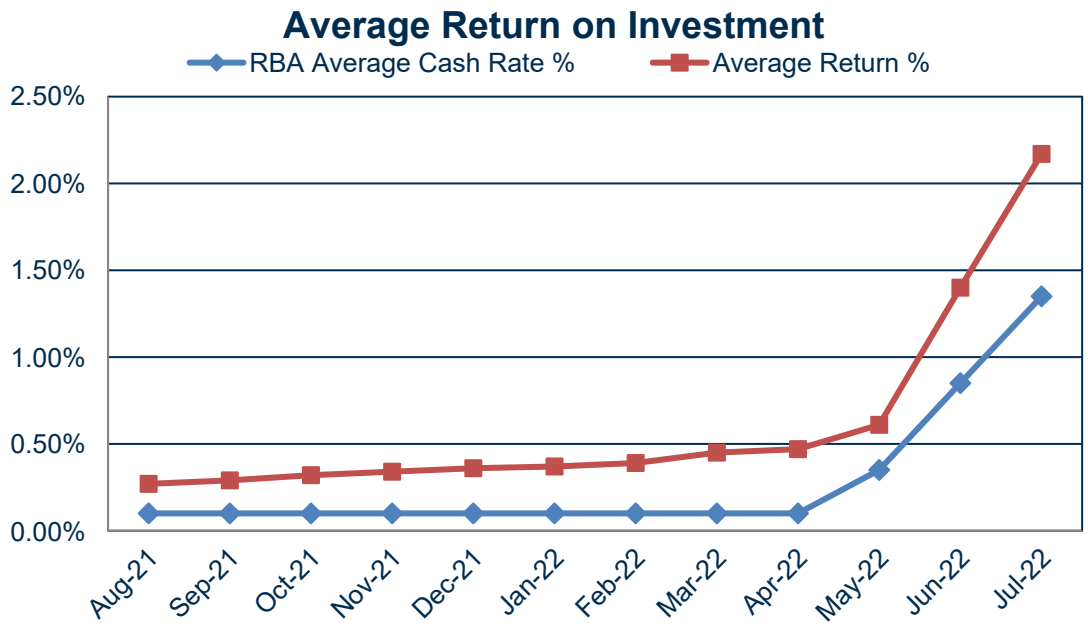
Investments By Maturity Date

Maturity Dates	Principal	Portfolio %	Number of Investments
Less than 30 days	$21,244,183.44	29%	12
Between 30 days and 60 days	$11,123,208.77	15%	10
Between 61 days and 90 days	$7,040,373.84	10%	3
Between 91 days and 180 days	$13,791,344.40	19%	8
Between 181 days and 1 year	$20,222,535.77	28%	10
Total	$73,421,646.22	100%	43

Allocation of Investments

S&P Rating (Short-term)	Bank	Amount Invested	Amount Invested %	Threshold %
A-1+	National Australia Bank	$12,977,657.15	18%	45%
A-1+	Westpac	$1,534,563.43	2%	45%
A-1+	Commonwealth Bank	$22,747,505.11	31%	45%
A-1	Suncorp	$11,042,018.61	15%	35%
A-2	Bank of Queensland **	$15,695,083.84	21%	30%
A-2	Bendigo Bank **	$2,217,130.27	3%	30%
Total		$73,421,646.22	100%	

** Fossil fuel free investment



City of Bayswater
Investment Portfolio
Balance as at 31 July 2022

Source	Description	Total $	Internally restricted $	Externally restricted $
Municipal	Investment - CoB General Funds	17,803,104.97	-	-
	Investment - CoB Reserve	23,277,847.75	23,277,847.75	-
	Investment - Trust	3,723,626.79	-	3,723,626.79
Sub Total		**44,804,579.51**	**23,277,847.75**	**3,723,626.79**
Aged	Investment - Aged General Funds	9,893,265.64	9,893,265.64	-
	Investment - Prudential Requirements Reserve	2,317,638.88	2,317,638.88	-
	Investment - Aged General Reserve	16,406,162.19	16,406,162.19	-
Sub Total		**28,617,066.71**	**28,617,066.71**	**-**
Grand Total		**73,421,646.22**	**51,894,914.46**	**3,723,626.79**

10.2.3 List of Payments for the Month of July 2022

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Schedule of Accounts Municipal Fund [**10.2.3.1** - 11 pages] 2. Schedule of Accounts Trust Fund [**10.2.3.2** - 1 page] 3. Schedule of Accounts Aged Persons Home Account [**10.2.3.3** - 1 page] 4. Summary of Corporate Credit Card Expenses [**10.2.3.4** - 1 page] 5. Electronic Fund Transfers [**10.2.3.5** - 1 page]

SUMMARY

This report presents the list of payments, comprising **Attachments 1, 2, 3 4 and 5** made under delegated authority for the month of July 2022 in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the list of payments for the month of July 2022 made under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* comprising:

1. **Schedule of Accounts – Municipal Fund (Attachment 1);**
2. **Schedule of Accounts – Trust Fund (Attachment 2);**
3. **Schedule of Accounts – Aged Persons Homes Account (Attachment 3);**
4. **Summary of Corporate Credit Card Expenses (Attachment 4); and**
5. **Electronic Fund Transfers (Attachment 5).**

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust Funds in addition to Aged Care accounts in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

A list of accounts paid is to be provided to Council where such delegation is made.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

A list of payments is presented to Council each month for noting in accordance with the *Local Government (Financial Management) Regulations 1996*.

Payments drawn from the Municipal Account for the month of July 2022 are included in **Attachment 1**.

Payments drawn from the Trust Account for the month of July 2022 are included in **Attachment 2**.

Payments drawn from the Aged Persons Homes Account for the month of July 2022 are included in **Attachment 3**.

Payments made via credit cards are included in **Attachment 4**.

All other payments of a direct debit nature made from the Municipal and Aged Persons Homes Accounts including: bank fees; payroll payments; and other direct payment arrangements, are represented in **Attachment 5**.

All payments are summarised in **Table 1**.

Table 1

Payment Type	***Reference***	***Amount $***
Municipal Account BPay Direct Credits Electronic Fund Transfers (EFTs)	BP000157-61, DC000298 DC000300-307 EF068981-068991, EF068993-069147, EF069149-069298, EF069302-069474 Ef069478-069659	**$5,681,516.31**
Trust Account Electronic Fund Transfers (EFTs)	EF069299, EF069475-069477, EF069660	**$33,131.78**
Aged Persons Homes Electronic Fund Transfers (EFTs)	EF068992, EF069148, EF069300-069301	**$57,070.73**
Credit Card Transactions	29 June 2022 to 28 July 2022	**$10,109.14**
Electronic Fund Transfers	01 July 2022 to 31 July 2022	**$3,258,394.79**
	Total	**$9,040,222.75**

The following payments from previous months were cancelled in July 2022.

- Municipal Account:
  - EF068881 - $1,400.00
  - EF068998 - $500.00

LEGISLATIVE COMPLIANCE

Council Policy – Procurement.

Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds and the Aged Care Homes accounts. Therefore, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is prepared each month showing each account paid since the list was prepared.

RISK ASSESSMENT

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

Option 1	**That Council receives the list of payments for the month of July 2022 made under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* comprising:** **1. Schedule of Accounts – Municipal Fund (Attachment 1);** **2. Schedule of Accounts – Trust Fund (Attachment 2);** **3. Schedule of Accounts – Aged Persons Homes Account (Attachment 3);** **4. Summary of Corporate Credit Card Expenses (Attachment 4); and** **5. Electronic Fund Transfers (Attachment 5).**		
Risk Category		**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction		Moderate	Low
Reputation		Low	Low
Governance		Low	Low
Community and Stakeholder		Moderate	Low
Financial Management		Low	Low
Environmental Responsibility		Low	Low
Service Delivery		Low	Low
Organisational Health and Safety		Low	Low
Conclusion	The schedule of accounts outlines all the payment made by the City in accordance with legislation.		

FINANCIAL IMPLICATIONS

All accounts are for goods and services that have been duly incurred and authorised for payment in accordance with the budget allocation and statutory obligations. This provides for the effective and timely payment of the City's contractors and other creditors.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater's 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

That Council notes the List of Payments for the month of July 2022 comprising **Attachments 1, 2, 3,4 and 5**.

City of Bayswater

List of Payment - Municipal

for the period 1 July 2022 to 31 July 2022

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
BP000157	04/07/22	Department of Local Government Sport & Cultural Industries	Functions and events supplies	700.00
BP000158	13/07/22	Water Corporation	Water usage charges	26,323.60
BP000159	20/07/22	Water Corporation	Water usage charges	1,027.55
BP000160	27/07/22	Department of Transport	Licence and permit renewal	53,620.15
BP000161	27/07/22	Water Corporation	Water usage charges	2,125.10
DC000298	04/07/22	Superchoice	Payroll payment	175,694.92
DC000300	14/07/22	Easisalary Pty Ltd	Payroll payment	9,031.94
DC000301	14/07/22	Superchoice	Payroll payment	187,548.93
DC000302	14/07/22	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	81.00
DC000303	27/07/22	Superchoice	Payroll payment	191,045.15
DC000304	27/07/22	Easisalary Pty Ltd	Payroll payment	9,902.68
DC000305	20/07/22	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	810.00
DC000306	20/07/22	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	1,377.00
DC000307	28/07/22	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	729.00
EF068981	01/07/22	Assunta Meleca	Councillor allowances and reimbursements	2,881.15
EF068982	01/07/22	Catherine Ehrhardt	Councillor allowances and reimbursements	5,006.20
EF068983	01/07/22	Daniel Bull	Councillor allowances and reimbursements	2,881.15
EF068984	01/07/22	Elli Petersen-Pik	Councillor allowances and reimbursements	2,881.15
EF068985	01/07/22	Filomena Piffaretti	Councillor allowances and reimbursements	11,560.00
EF068986	01/07/22	Giorgia Johnson	Councillor allowances and reimbursements	2,881.15
EF068987	01/07/22	Joshua Eveson	Councillor allowances and reimbursements	2,881.15
EF068988	01/07/22	Lorna J Clarke	Councillor allowances and reimbursements	2,881.15
EF068989	01/07/22	Michelle Louise Sutherland	Councillor allowances and reimbursements	2,881.15
EF068990	01/07/22	Sally Palmer	Councillor allowances and reimbursements	2,881.15
EF068991	01/07/22	Steven George Ostaszewskyj	Councillor allowances and reimbursements	2,881.15
EF068993	06/07/22	Alexander Cliff Frewing	Staff allowances and reimbursements	135.00
EF068994	06/07/22	AlintaGas Sales Pty Ltd	Gas usage charges	945.55
EF068995	06/07/22	Austin Homes	Refund residential verge deposit	1,400.00
EF068996	06/07/22	Bayswater State Emergency Services	Grants & funding	8,923.20
EF068997	06/07/22	Ben Ingram	Refund health centre memberships	100.92
EF068998	06/07/22	Berringa Park Friends Group	Donation	500.00
EF068999	06/07/22	Black Swan Health Ltd	Refund bond	1,418.00
EF069000	06/07/22	Buckby Contracting P/L	Refund commercial verge deposit	780.00
EF069001	06/07/22	Candace James	Refund infringement	104.80
EF069002	06/07/22	Chelsea Beavington	Staff allowances and reimbursements	632.28
EF069003	06/07/22	Cleanaway Pty Ltd	Waste collection and hygiene services	136,059.12
EF069004	06/07/22	Cycle Touring Association of WA	Refund bond	147.00
EF069005	06/07/22	DBD Developments Pty Ltd	Refund development application fee	295.00
EF069006	06/07/22	DCLM Perth	Refund bond	1,315.00
EF069007	06/07/22	Doug Pearson	Staff allowances and reimbursements	179.00
EF069008	06/07/22	Essential First Choice Homes Pty Ltd	Refund building application fee	96.00
EF069009	06/07/22	FE Technologies	Software Maintenance	14,099.80
EF069010	06/07/22	International Practical Shooting Confede	Refund bond	98.00
EF069011	06/07/22	J Cernjul	Refund rates overpayment	714.87
EF069012	06/07/22	Janet Lopez	Refund bond	528.00
EF069013	06/07/22	Kingscrest Holdings Pty Ltd	Refund development application fee	241.00
EF069014	06/07/22	Lighthouse Property No.2 Pty Ltd	Refund residential verge deposit	1,400.00
EF069015	06/07/22	Nadia Sharmiv	Refund bond	500.00
EF069016	06/07/22	Nous Group Pty Ltd	Refund bond	72.00
EF069017	06/07/22	Rarewood Super Fund (Richard Zawada)	Refund residential verge deposit	1,400.00
EF069018	06/07/22	Rarewood Super Fund (Richard Zawada)	Crossover subsidy	587.88
EF069019	06/07/22	Saint Peter's Primary School	Refund bond	350.00
EF069020	06/07/22	Siiri Clausitzer	Staff allowances and reimbursements	300.00
EF069021	06/07/22	Simsai Construction Pty ltd	Refund building application fee	664.22
EF069022	06/07/22	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	1,839.95
EF069023	06/07/22	Synergy	Electricity charges (other than street lighting)	6,409.98
EF069024	06/07/22	Telstra	Office telephone and communication expenses	7,399.29
EF069025	06/07/22	Trio Home Builders Wa Pty Ltd	Refund development application fee	295.00
EF069026	06/07/22	Wesfarmers Kleenheat Gas Pty Ltd	Electricity charges (other than street lighting)	1,209.97
EF069027	06/07/22	Yorganop Association Incorporated	Refund bond	96.00
EF069028	04/07/22	AAAC Towing Pty Ltd	Vehicle towing	132.00
EF069029	04/07/22	Acclaimed Catering Pty Ltd	Functions and events catering expenses	3,712.50

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069030	04/07/22	Advance Vacuumed Gutters	Building maintenance and services	1,283.00
EF069031	04/07/22	Advanced Netting Pty ltd	Parks & gardens contract payments	23,360.70
EF069032	04/07/22	Adventure Kids Entertainment	Functions and events marketing expenses	5,737.50
EF069033	04/07/22	ALS Library Services Pty Ltd	Book purchases	653.26
EF069034	04/07/22	Alyka Pty Ltd	IT systems licensing fees and support	17,710.00
EF069035	04/07/22	AMS Technology Group Pty Ltd	Aquatic maintenance and services	1,150.30
EF069036	04/07/22	Animal Care Equipment & Services (Australia) Pty Ltd	Animal supplies & services	3,655.02
EF069037	04/07/22	Apace Aid Incorporated	Parks & gardens plants and trees	10,211.13
EF069038	04/07/22	Arbor West Pty Ltd T/A Classic Tree Services	Parks & gardens contract payments	2,194.50
EF069039	04/07/22	ATC Work Smart	Trainee	234.30
EF069040	04/07/22	Australia and New Zealand Recycling Platform Ltd	Waste collection and hygiene services	969.41
EF069041	04/07/22	Australia Pacific Valuers Pty Ltd	Asset Valuation Fees	968.00
EF069042	04/07/22	Australian Services Union	Payroll payment	282.90
EF069043	04/07/22	Australian Taxation Office	Payroll payment	290,448.00
EF069044	04/07/22	Axiis Contracting Pty Ltd	Parks & gardens contract payments	2,463.27
EF069045	04/07/22	Baysie Rollers	Donation	10,000.00
EF069046	04/07/22	Be Media Group Pty Ltd	Marketing and promotional material	3,355.00
EF069047	04/07/22	Belinda Evonne Cox	Functions and events marketing expenses	1,000.00
EF069048	04/07/22	Best Programs 4 Kids Pty Ltd	Environmental Health Services & Supplies	3,283.50
EF069049	04/07/22	Blackwoods Atkins	Staff uniforms and protective equipment	274.56
EF069050	04/07/22	Boyan Electrical Services	Electrical Installation & Repair	191,755.58
EF069051	04/07/22	Brolly Australiasia Pty Ltd	Marketing and promotional material	5,266.80
EF069052	04/07/22	Brownes Foods Operations Pty Ltd	Kiosk stock	65.64
EF069053	04/07/22	Bucher Municipal Pty Ltd	Parks & gardens contract payments	210.65
EF069054	04/07/22	Buggy Buddys Pty Ltd	Advertising public notices	275.00
EF069055	04/07/22	Bunnings Group Ltd	Minor Equipment Purchase	2,445.93
EF069056	04/07/22	Ceiling Manufacturers of Australia	Building supplies and hardware	415.29
EF069057	04/07/22	Cherry Court Vet Clinic	Animal supplies & services	55.00
EF069058	04/07/22	Child Support Agency	Payroll payment	1,384.17
EF069059	04/07/22	Citec Confirm	Vehicle searches	19.00
EF069060	04/07/22	City of Perth	Staff leave and entitlement	9,673.54
EF069061	04/07/22	City of Stirling	Waste collection and hygiene services	15.00
EF069062	04/07/22	Cleanaway Equipment Services Pty Ltd	Waste collection and hygiene services	496.34
EF069063	04/07/22	Clearasound Pty Ltd	Equipment purchases	4,275.00
EF069064	04/07/22	CNW Pty Ltd	Building supplies and hardware	168.29
EF069065	04/07/22	COB - Sundowner Club	Payroll payment	80.00
EF069066	04/07/22	Contra-flow Pty Ltd	Traffic management	1,684.96
EF069067	04/07/22	Crossland & Hardy Pty Ltd	Various Survey	1,452.00
EF069068	04/07/22	Datafuel Financial Systems Pty Ltd	Fuel and oil	366.30
EF069069	04/07/22	Deborah Jane Fitzpatrick	Youth and seniors community activities	380.00
EF069070	04/07/22	Department of Finance	Staff training, development and support	1,320.00
EF069071	04/07/22	DJL Services Pty Ltd	Aquatic maintenance and services	5,376.80
EF069072	04/07/22	E Fire & Safety	Electrical Installation & Repair	2,505.25
EF069073	04/07/22	E.P. Draffin Manufacturing Pty Ltd	Equipment purchases	10,619.73
EF069074	04/07/22	Maylands Park Lottery Centre & Newsagency	Memberships and subscriptions	264.62
EF069075	04/07/22	Eastern Metropolitan Regional Council	Waste collection and hygiene services	355,013.29
EF069076	04/07/22	Elite Pool & SPA Covers	Aquatic maintenance and services	495.00
EF069077	04/07/22	Fleet Fitness	Equipment Maintenance	280.50
EF069078	04/07/22	Foundation for Indigenous Sustainable Health Ltd	Library book stock and materials	306.83
EF069079	04/07/22	Fuel Distributors of WA Pty Ltd	Fuel and oil	27,527.62
EF069080	04/07/22	Gabriel Evans	Youth and seniors community activities	200.00
EF069081	04/07/22	Galaxy 42 Pty Ltd T/A Atturra Business Applications	Professional consultancy services	8,800.00
EF069082	04/07/22	Galvins Plumbing Supplies	Building supplies and hardware	68.37
EF069083	04/07/22	GFG Temporary Assist	Labour hire and temporary replacement	21,762.57
EF069084	04/07/22	Grainne Wray	Youth and seniors community activities	320.00
EF069085	04/07/22	Hare & Forbes Pty Ltd	Minor Equipment Purchase	4,867.00
EF069086	04/07/22	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	5,367.93
EF069087	04/07/22	Health Insurance Fund of WA	Payroll payment	330.60
EF069088	04/07/22	Hip Pocket Workwear	Office stationery and consumables	58.74
EF069089	04/07/22	Hospital Benefit Fund of WA	Payroll payment	1,224.86
EF069090	04/07/22	Hydrodynamic Pumps Pty Ltd	Building maintenance and services	4,321.90
EF069091	04/07/22	International Solutions Group (ISG) Pty Ltd	Functions and events catering expenses	481.65
EF069092	04/07/22	IRP Pty Ltd	Labour hire and temporary replacement	2,095.83
EF069093	04/07/22	Jackson McDonald	Legal expenses and court costs	6,683.93
EF069094	04/07/22	JB Hi-Fi Group Pty Ltd	Minor Equipment Purchase	4,630.00
EF069095	04/07/22	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens reticulation repairs & upgrades	1,285.86
EF069096	04/07/22	KeepCup Pty Ltd	Marketing and promotional material	3,932.50

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069097	04/07/22	Kresta Blinds Ltd	Building supplies and hardware	404.00
EF069098	04/07/22	Kustom Klaws	Grants & funding	3,000.00
EF069099	04/07/22	Kylie Van Der Zee	Photography / Video Production	367.50
EF069100	04/07/22	Less Egos More Amigos Pty Ltd	Grants & funding	3,000.00
EF069101	04/07/22	Life Active Podiatry	Medical services and materials	405.00
EF069102	04/07/22	Main Roads Western Australia	Grants & funding	15,546.30
EF069103	04/07/22	Marketforce Pty Ltd	Advertising public notices	1,187.37
EF069104	04/07/22	Martins Trailer Parts	Plant and vehicle repairs	38.53
EF069105	04/07/22	Michael Page	Labour hire and temporary replacement	3,379.43
EF069106	04/07/22	Morley Flooring Centre	Aquatic maintenance and services	9,995.00
EF069107	04/07/22	Natural Area Holdings Pty Ltd	Parks & gardens contract payments	5,157.41
EF069108	04/07/22	NOMA Pty Ltd	Civil works design and technical support	495.00
EF069109	04/07/22	Octagon Lifts Pty Ltd	Building maintenance and services	665.15
EF069110	04/07/22	Officeworks	Office stationery and consumables	379.65
EF069111	04/07/22	Olistico Pty Ltd	Youth and seniors community activities	1,563.25
EF069112	04/07/22	PAV Sales & Installation	Equipment Maintenance	2,498.21
EF069113	04/07/22	Philip Gresley	Sitting Fee	1,400.00
EF069114	04/07/22	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	3,767.29
EF069115	04/07/22	Poolshop Online Pty Ltd	Aquatic chemicals and consumables	1,256.64
EF069116	04/07/22	Prestige Property Maintenance Pty Ltd	Parks & gardens materials	35,253.90
EF069117	04/07/22	Provincien Pty Ltd trading as Lyric's Bar	Grants & funding	2,500.00
EF069118	04/07/22	Quality Press	Signage and banners	2,392.50
EF069119	04/07/22	Rentokil Initial Pty Ltd	Building maintenance and services	1,943.70
EF069120	04/07/22	Repco	Plant and vehicle parts and materials	26.96
EF069121	04/07/22	Site Skills Training	Staff training, development and support	350.00
EF069122	04/07/22	Sonic Health Plus Pty Ltd	Medical services and materials	143.00
EF069123	04/07/22	St John Ambulance Western Australia Ltd	Staff training, development and support	120.00
EF069124	04/07/22	Statewide Cleaning Supplies Pty Ltd	Cleaning supplies	488.83
EF069125	04/07/22	Sunny Industrial Brushware Pty Ltd	Cleaning supplies	246.84
EF069126	04/07/22	Technology One Limited	Software Maintenance	4,462.19
EF069127	04/07/22	TekNet Pty Ltd T/A Loftus IT	Software Maintenance	6,919.00
EF069128	04/07/22	The Forever Project	Construction and civil works payments	16,500.00
EF069129	04/07/22	The Goods Australia	Cleaning supplies	937.85
EF069130	04/07/22	The O'Grady Family Trust T/A Efficient Site Services	Parks & gardens contract payments	2,651.00
EF069131	04/07/22	The Trust for Moore trust	Functions and events supplies	2,772.00
EF069132	04/07/22	The Trustee for the S & S Carrick Family Trust	Sitting Fee	550.00
EF069133	04/07/22	Total Tools Malaga	Tools and minor plant	1,964.00
EF069134	04/07/22	T-Quip	Plant and vehicle purchasing	71,676.00
EF069135	04/07/22	Traffic Logistics Australia	Traffic management	10,270.00
EF069136	04/07/22	Urbaqua Ltd	Maylands Waterland Maintenance	4,855.40
EF069137	04/07/22	WA Local Government Association	Councillor Training	612.00
EF069138	04/07/22	WA Ranger Association Inc.	Conference expenses	2,500.00
EF069139	04/07/22	LGRCEU	Payroll payment	902.00
EF069140	04/07/22	Walcott Industries Pty Ltd	Building maintenance and services	5,583.33
EF069141	04/07/22	Western Australia Treasury Corporation	Loan repayments	1,137.67
EF069142	04/07/22	Western Resource Recovery	Building maintenance and services	925.90
EF069143	04/07/22	Westworks Group	Professional consultancy services	22,985.60
EF069144	04/07/22	Winc Australia Pty Ltd	Office stationery and consumables	156.86
EF069145	04/07/22	WOMA (Australia) Pty Ltd	Construction and civil works tools and materials	880.00
EF069146	04/07/22	Work Clobber	Staff uniforms and protective equipment	584.80
EF069147	04/07/22	Zettanet Pty Ltd	IT network maintenance	539.00
EF069149	13/07/22	AMS Technology Group Pty Ltd	Building maintenance and services	1,355.61
EF069150	13/07/22	Aveen M Keating	Cloth Nappy Rebate	100.00
EF069151	13/07/22	Berringa Park Friends Group	Donation	500.00
EF069152	13/07/22	Blueprint Homes (WA) Pty Ltd	Refund residential verge deposit	1,400.00
EF069153	13/07/22	Boyan Electrical Services	Electrical Installation & Repair	70,559.89
EF069154	13/07/22	Brammer Constructions	Refund residential verge deposit	1,400.00
EF069155	13/07/22	Cleanaway Pty Ltd	Waste collection and hygiene services	318.12
EF069156	13/07/22	Cleantex Pty Ltd	Cleaning services	734.50
EF069157	13/07/22	Desmond Abel	Staff allowances and reimbursements	437.00
EF069158	13/07/22	Eastern Metropolitan Regional Council	Commission	50,547.53
EF069159	13/07/22	GJ Allen & RM Allen	Refund residential verge deposit	1,400.00
EF069160	13/07/22	Inglewood Primary School	Refund bond	550.00
EF069161	13/07/22	Jeff Torabi	Refund residential verge deposit	1,400.00
EF069162	13/07/22	JL Cockrane & MK Poller	Refund residential verge deposit	1,400.00
EF069163	13/07/22	June R Graham	Refund rates overpayment	353.38
EF069164	13/07/22	Lightbase Pty Ltd	Construction and civil works payments	8,965.00

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069165	13/07/22	Luxury Living WA Pty Ltd	Refund residential verge deposit	1,400.00
EF069166	13/07/22	Maia Financial Pty Ltd	Recreation and gymnasium equipment	23,058.10
EF069167	13/07/22	Mark and Sonia Koroll	Donation	200.00
EF069168	13/07/22	Novacorp Property	Refund residential verge deposit	1,400.00
EF069169	13/07/22	Novacorp Property	Refund residential verge deposit	1,400.00
EF069170	13/07/22	Paul Kinnarney	Crossover subsidy	619.83
EF069171	13/07/22	Paul Kinnarney	Refund crossover	1,674.00
EF069172	13/07/22	Perth Junior Roller Derby	Refund bond	150.00
EF069173	13/07/22	Prestige Powdercoaters WA Pty Ltd	Plant and vehicle parts and materials	4,334.00
EF069174	13/07/22	Prime Projects Construction	Refund residential verge deposit	1,400.00
EF069175	13/07/22	Pump Control Systems	Parks & gardens contract payments	719.62
EF069176	13/07/22	Redfish Technologies Pty Ltd	Licence and permit renewal	462.00
EF069177	13/07/22	Sameer Morar	Refund bond	250.00
EF069178	13/07/22	Sarah Blackford	Cloth Nappy Rebate	100.00
EF069179	13/07/22	SCTY Events	Refund bond	250.00
EF069180	13/07/22	Settland Pty Ltd	Refund residential verge deposit	1,400.00
EF069181	13/07/22	Sketch My Event	Building maintenance and services	13,640.00
EF069182	13/07/22	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	175.10
EF069183	13/07/22	Synergy	Electricity charges - Street lighting	3,603.79
EF069184	13/07/22	Telstra	Office telephone and communication expenses	2,960.49
EF069185	13/07/22	Walcott Industries Pty Ltd	Building maintenance and services	8,738.40
EF069186	13/07/22	Wesfarmers Kleenheat Gas Pty Ltd	Gas usage charges	16,892.06
EF069187	13/07/22	Winifred Pulse Pty Ltd	Refund residential verge deposit	1,400.00
EF069188	13/07/22	Y Khan & D J King	Grants & funding	2,000.00
EF069189	13/07/22	Zainabu Mohammed	Refund bond	250.00
EF069190	13/07/22	Access Icon Pty Ltd T/A Cascada Group	Construction and civil works payments	5,923.50
EF069191	13/07/22	Acclaimed Catering Pty Ltd	Functions and events catering expenses	3,217.50
EF069192	13/07/22	Acurix Networks Pty Ltd	Software Maintenance	1,821.60
EF069193	13/07/22	Adelphi Tailoring Co	Staff uniforms and protective equipment	410.25
EF069194	13/07/22	Adventure Kids Entertainment	Environmental Health Services & Supplies	4,500.00
EF069195	13/07/22	Ahern Australia Pty Ltd	Plant and vehicle parts and materials	357.50
EF069196	13/07/22	ALS Library Services Pty Ltd	Book purchases	93.46
EF069197	13/07/22	Amgrow Australia Pty Ltd	Parks & gardens materials	4,468.75
EF069198	13/07/22	Andrew Jesse Teo	Youth and seniors community activities	140.00
EF069199	13/07/22	Anton & Jo Pty Ltd T/A Bayswater News & Lotteries	Memberships and subscriptions	194.67
EF069200	13/07/22	Arbor West Pty Ltd T/A Classic Tree Services	Parks & gardens contract payments	8,065.00
EF069201	13/07/22	ATC Work Smart	Trainee	100.83
EF069202	13/07/22	Australia Post / Commission	Postage and courier charges	272.70
EF069203	13/07/22	Axiis Contracting Pty Ltd	Construction and civil works payments	5,621.04
EF069204	13/07/22	Bedford Bowling Club Inc	Grants & funding	16,388.70
EF069205	13/07/22	Benara Nurseries	Parks & gardens plants and trees	379.90
EF069206	13/07/22	Bent Logic	Kiosk stock	759.00
EF069207	13/07/22	Bepassey Nominees Pty Ltd T/A Beacon Equipment	Minor Equipment Purchase	679.20
EF069208	13/07/22	BGC (Australia) Pty Ltd T/A BGC Concrete	Parks & gardens materials	193.60
EF069209	13/07/22	BOC Ltd	Medical services and materials	7.34
EF069210	13/07/22	Boya Equipment Pty Ltd	Plant and vehicle parts and materials	616.13
EF069211	13/07/22	Bridgestone Aust Ltd	Plant and vehicle repairs	213.75
EF069212	13/07/22	Brownes Foods Operations Pty Ltd	Kiosk stock	164.68
EF069213	13/07/22	Bunnings Group Ltd	Parks & gardens materials	1,779.18
EF069214	13/07/22	Ceiling Manufacturers of Australia	Building supplies and hardware	488.38
EF069215	13/07/22	Charter Plumbing and Gas	Building maintenance and services	1,114.18
EF069216	13/07/22	Cleverpatch Pty Ltd	Youth and seniors community activities	499.29
EF069217	13/07/22	CNW Pty Ltd	Building supplies and hardware	236.23
EF069218	13/07/22	Contra-flow Pty Ltd	Traffic management	1,919.09
EF069219	13/07/22	Culture Counts (Australia) Pty Ltd	Memberships and subscriptions	2,200.00
EF069220	13/07/22	D Higgins & K.A Thomsen	Grants & funding	1,720.00
EF069221	13/07/22	David Gray & Co Pty Ltd	Pest control	602.25
EF069222	13/07/22	Diana Kudsee	Youth and seniors community activities	160.00
EF069223	13/07/22	DS Workwear & Safety	Staff uniforms and protective equipment	382.10
EF069224	13/07/22	E Fire & Safety	Fire suppression and alarm monitoring	1,166.00
EF069225	13/07/22	Easisalary Pty Ltd	Staff superannuation & other deductions	2,059.69
EF069226	13/07/22	Maylands Park Lottery Centre & Newsagency	Memberships and subscriptions	47.30
EF069227	13/07/22	Educational Art Supplies Company	Library book stock and materials	220.00
EF069228	13/07/22	Ellenby Tree Farm	Parks & gardens plants and trees	43,875.15
EF069229	13/07/22	Enspec Pty Ltd	Parks & gardens contract payments	3,630.00
EF069230	13/07/22	Environment House Inc	Environmental services & supplies	7,255.00
EF069231	13/07/22	Finespun Pty Ltd	Sitting Fee	467.50

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069232	13/07/22	Fleet Fitness	Aquatic maintenance and services	187.00
EF069233	13/07/22	Flexi Staff	Labour hire and temporary replacement	3,519.43
EF069234	13/07/22	Foundation for Indigenous Sustainable Health Ltd	Book purchases	333.92
EF069235	13/07/22	Galaxy 42 Pty Ltd T/A Atturra Business Applications	Professional consultancy services	3,520.00
EF069236	13/07/22	Growise Pty Ltd	Parks & gardens materials	3,668.50
EF069237	13/07/22	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	8,964.39
EF069238	13/07/22	Heritage Way Pty Ltd	Parks & gardens plants and trees	13,448.60
EF069239	13/07/22	International Solutions Group (ISG) Pty Ltd	Functions and events catering expenses	152.90
EF069240	13/07/22	IP Trading Pty Ltd	Minor Equipment Purchase	225.50
EF069241	13/07/22	IPEC Pty Ltd	Postage and courier charges	211.68
EF069242	13/07/22	IRP Pty Ltd	Labour hire and temporary replacement	1,228.69
EF069243	13/07/22	Jill Marie Brazil	Sitting Fee	250.00
EF069244	13/07/22	Johnson Professional Cleaning Services	Cleaning services	440.00
EF069245	13/07/22	Kristal Alice McGlew	Grants & funding	5,000.00
EF069246	13/07/22	Bedford-Dianella Vet Centre	Animal supplies & services	55.00
EF069247	13/07/22	Landgate	Gross rental valuation charges	392.92
EF069248	13/07/22	Leebong Holdings Pty /Ltd	Grants & funding	3,000.00
EF069249	13/07/22	Lucy Griffiths	Staff allowances and reimbursements	750.00
EF069250	13/07/22	Major Motors Pty Ltd	Plant and vehicle repairs	310.35
EF069251	13/07/22	Marketforce Pty Ltd	Signage and banners	15,596.91
EF069252	13/07/22	McIntosh Holdings Pty Ltd	Plant and vehicle purchasing	75,892.84
EF069253	13/07/22	Message Media	Memberships and subscriptions	33.00
EF069254	13/07/22	Millreef Holdings Pty Ltd T/A Classic Hire	Equipment hire	1,557.51
EF069255	13/07/22	Morley Mower Centre	Plant and vehicle parts and materials	374.00
EF069256	13/07/22	Natural Area Holdings Pty Ltd	Parks & gardens plants and trees	979.00
EF069257	13/07/22	Officeworks	Office stationery and consumables	165.00
EF069258	13/07/22	Orbit Health & Fitness Solutions	Recreation and gymnasium equipment	18,856.20
EF069259	13/07/22	Paragon Constructions Solutions Pty Ltd	Aquatic maintenance and services	761.64
EF069260	13/07/22	Pharmacy 777 Bayswater	Grants & funding	3,000.00
EF069261	13/07/22	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	7,410.32
EF069262	13/07/22	Poolshop Online Pty Ltd	Aquatic chemicals and consumables	4,298.80
EF069263	13/07/22	Powervac Pty Ltd	Equipment Maintenance	1,179.92
EF069264	13/07/22	Promolab	Staff uniforms and protective equipment	4,445.43
EF069265	13/07/22	Provincien Pty Ltd trading as Lyric's Bar	Medical services and materials	3,000.00
EF069266	13/07/22	Quality Press	Signage and banners	2,217.60
EF069267	13/07/22	RDMP Investments Pty Ltd T/A Seats Plus	Furniture purchases	2,505.00
EF069268	13/07/22	Redman Solutions Pty Ltd	Memberships and subscriptions	16,500.00
EF069269	13/07/22	Rentokil Initial Pty Ltd	Pest control	1,748.42
EF069270	13/07/22	Repco	Plant and vehicle parts and materials	979.74
EF069271	13/07/22	Richgro Garden Products	Parks & gardens materials	385.00
EF069272	13/07/22	Ross's Discount Home Centre	Building maintenance and services	1,450.00
EF069273	13/07/22	Royal Life Saving Society	Marketing and promotional material	325.00
EF069274	13/07/22	Rubek Automatic Doors	Building maintenance and services	29,759.40
EF069275	13/07/22	Sonic Health Plus Pty Ltd	Medical services and materials	71.50
EF069276	13/07/22	Sports Turf Technology Pty Ltd	Garden Maintenance	10,809.98
EF069277	13/07/22	St John Ambulance Western Australia Ltd	Medical services and materials	37.00
EF069278	13/07/22	Statewide Cleaning Supplies Pty Ltd	Cleaning supplies	315.59
EF069279	13/07/22	T J Depiazzi & Sons	Parks & gardens materials	7,250.38
EF069280	13/07/22	The Book Cover Co	Office stationery and consumables	355.55
EF069281	13/07/22	The Deiana Family Trust	Grants & funding	3,000.00
EF069282	13/07/22	The Fruit Box Group Pty Ltd	Staff Amenities	55.80
EF069283	13/07/22	The Trustee for Blackwood Services Unit Trust	Minor Equipment Purchase	11,053.01
EF069284	13/07/22	The Trustee for NatMir Family Trust WT Design Studio	Marketing and promotional material	1,575.00
EF069285	13/07/22	The Trustee for Rabblement Trust	Library book stock and materials	800.63
EF069286	13/07/22	The Trustee for the Dzodzos Family Trust	Parks & gardens contract payments	22,965.25
EF069287	13/07/22	Three Chillies Design Pty Ltd	Professional consultancy services	2,200.00
EF069288	13/07/22	TPG Telecom	IT network maintenance	8,627.30
EF069289	13/07/22	T-Quip	Plant and vehicle parts and materials	1,500.20
EF069290	13/07/22	Travis Hayto Photography	Functions and events marketing expenses	745.25
EF069291	13/07/22	Twins (WA) Pty Ltd	Functions and events catering expenses	220.00
EF069292	13/07/22	Veridian Trust T/A Magoo IT	IT systems licensing fees and support	300.00
EF069293	13/07/22	WA Hino Sales and Service	Plant and vehicle parts and materials	250.80
EF069294	13/07/22	WC Convenience Management Pty Ltd T/A WC Innovations	Building maintenance and services	4,062.34
EF069295	13/07/22	West Build Products Pty Ltd	Construction and civil works tools and materials	948.79
EF069296	13/07/22	Western Power	Electrical Installation & Repair	8,776.00
EF069297	13/07/22	Western Resource Recovery	Waste collection and hygiene services	2,355.76
EF069298	13/07/22	Zenien	Equipment Maintenance	11,613.73

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069302	20/07/22	101 Residential Pty Ltd	Refund residential verge deposit	1,400.00
EF069303	20/07/22	101 Residential Pty Ltd	Refund residential verge deposit	780.00
EF069304	20/07/22	101 Residential Pty Ltd	Refund residential verge deposit	1,400.00
EF069305	20/07/22	Alexander Cliff Frewing	Staff allowances and reimbursements	225.72
EF069306	20/07/22	Australia Network on Disability Ltd	Memberships and subscriptions	7,623.00
EF069307	20/07/22	Axiom Design Partners	Grants & funding	8,591.00
EF069308	20/07/22	Baysie Rollers Inc	Refund bond	1,360.00
EF069309	20/07/22	Blueprint Homes (WA) Pty Ltd	Refund residential verge deposit	1,400.00
EF069310	20/07/22	Burgon T & Fletcher D	Refund crossover	455.24
EF069311	20/07/22	Cocos Eco Resort Pty Ltd	Refund residential verge deposit	1,400.00
EF069312	20/07/22	Department of Finance	Refund rates overpayment	132.97
EF069313	20/07/22	Dorothy Bagshaw & Norma Smith	Professional consultancy services	195.80
EF069314	20/07/22	Eastern Metropolitan Regional Council	Waste collection and hygiene services	180,342.60
EF069315	20/07/22	Gaye Wise	Refund health centre memberships	49.30
EF069316	20/07/22	Housing Logistics Association	Refund residential verge deposit	1,400.00
EF069317	20/07/22	Ivan Sapungan	Refund bond	1,000.00
EF069318	20/07/22	Jag Demolition	Refund residential verge deposit	1,400.00
EF069319	20/07/22	LRA Contracting	Refund residential verge deposit	1,400.00
EF069320	20/07/22	LRA Contracting	Refund residential verge deposit	1,400.00
EF069321	20/07/22	Madeleine McGinnis	Cloth Nappy Rebate	100.00
EF069322	20/07/22	Mundaring Christian College	Refund entry fee	1,156.40
EF069323	20/07/22	Paul Pisano	Refund health centre memberships	299.00
EF069324	20/07/22	Paul Young & Rebecca Yee Shien Young	Refund residential verge deposit	1,400.00
EF069325	20/07/22	Philip Andrus	Refund bond	5,000.00
EF069326	20/07/22	Q Cao	Refund residential verge deposit	1,400.00
EF069327	20/07/22	South West Aboriginal Land & Sea Council	Refund bond	500.00
EF069328	20/07/22	Synergy	Electricity charges - Street lighting	117,019.38
EF069329	20/07/22	Tangent Nominees Pty Ltd T/A Summit Homes	Refund residential verge deposit	1,400.00
EF069330	20/07/22	Telstra	Office telephone and communication expenses	39,599.69
EF069331	20/07/22	Tom Khuu	Refund residential verge deposit	1,400.00
EF069332	20/07/22	Vespoli Constructions Pty Ltd	Refund commercial verge deposit	1,400.00
EF069333	20/07/22	Victor L Popescu	Refund residential verge deposit	780.00
EF069334	20/07/22	WPC Group Ltd	Labour hire and temporary replacement	2,773.90
EF069335	20/07/22	ADT Security	Fire suppression and alarm monitoring	52.00
EF069336	20/07/22	Advance Press (2013) Pty Ltd	Marketing and promotional material	671.00
EF069337	20/07/22	Advance Vacuumed Gutters	Building maintenance and services	418.91
EF069338	20/07/22	ALS Library Services Pty Ltd	Book purchases	25.07
EF069339	20/07/22	Alyka Pty Ltd	Software Maintenance	3,905.00
EF069340	20/07/22	Amalgam Recruitment	Labour hire and temporary replacement	453.02
EF069341	20/07/22	Anthony Mckenna T/A Tonys Auto Electrics	Plant and vehicle repairs	2,222.00
EF069342	20/07/22	Arbor West Pty Ltd T/A Classic Tree Services	Parks & gardens contract payments	27,413.65
EF069343	20/07/22	ATC Work Smart	Trainee	351.45
EF069344	20/07/22	Australia and New Zealand Recycling Platform Ltd	Waste collection and hygiene services	2,305.14
EF069345	20/07/22	Australia Post	Postage and courier charges	3,362.94
EF069346	20/07/22	Australian Services Union	Payroll payment	257.00
EF069347	20/07/22	Australian Taxation Office	Payroll payment	271,275.00
EF069348	20/07/22	Axiis Contracting Pty Ltd	Construction and civil works tools and materials	2,640.00
EF069349	20/07/22	Bavrix Pty Ltd T/A Custom Cars	Plant and vehicle parts and materials	385.00
EF069350	20/07/22	Beaver Tree Services Australia Pty Ltd	Parks & gardens tree pruning & assoc. services	154.00
EF069351	20/07/22	BGC (Australia) Pty Ltd T/A BGC Concrete	Construction and civil works tools and materials	822.58
EF069352	20/07/22	Bluefity Pty Ltd	Venue hire	621.00
EF069353	20/07/22	BOC Ltd	Medical services and materials	203.62
EF069354	20/07/22	Boya Equipment Pty Ltd	Plant and vehicle repairs	871.78
EF069355	20/07/22	Boyan Electrical Services	Building maintenance and services	1,701.57
EF069356	20/07/22	BP Australia Pty Ltd	Fuel and oil	666.91
EF069357	20/07/22	BP Medical	Medical services and materials	80.55
EF069358	20/07/22	Bridgestone Aust Ltd	Plant and vehicle parts and materials	2,539.41
EF069359	20/07/22	Briskleen Supplies Pty Ltd	Cleaning supplies	1,977.21
EF069360	20/07/22	Brownes Foods Operations Pty Ltd	Kiosk stock	205.65
EF069361	20/07/22	Bruce L Russell	Youth and seniors community activities	250.00
EF069362	20/07/22	Bunnings Group Ltd	Aquatic maintenance and services	1,305.42
EF069363	20/07/22	Burswood Investments Pty Ltd T/A Maylands IGA	Kiosk stock	179.16
EF069364	20/07/22	Carol Foley	Youth and seniors community activities	150.00
EF069365	20/07/22	CEI Pty Ltd T/A Raeco	Office stationery and consumables	261.25
EF069366	20/07/22	Ceiling Manufacturers of Australia	Building supplies and hardware	488.38
EF069367	20/07/22	Charter Plumbing and Gas	Building maintenance and services	407.00
EF069368	20/07/22	Chemwest	Parks & gardens materials	824.45

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069369	20/07/22	Child Support Agency	Payroll payment	1,748.10
EF069370	20/07/22	City Dry Cleaners	Staff uniforms and protective equipment	408.00
EF069371	20/07/22	Civiq Pty Ltd	Construction and civil works payments	16,236.00
EF069372	20/07/22	Cleanaway Pty Ltd	Waste collection and hygiene services	420,237.47
EF069373	20/07/22	CNW Pty Ltd	Building supplies and hardware	4,732.31
EF069374	20/07/22	COB - Sundowner Club	Payroll payment	88.00
EF069375	20/07/22	Colleaguesnagels Pty Ltd	Signage and banners	458.48
EF069376	20/07/22	Comspark	Building maintenance and services	37,379.73
EF069377	20/07/22	Contra-flow Pty Ltd	Traffic management	1,316.71
EF069378	20/07/22	Danish Patisserie	Functions and events catering expenses	399.92
EF069379	20/07/22	Department of Justice (Equal Opportunity Commission)	Staff training, development and support	402.00
EF069380	20/07/22	Detail West	Plant and vehicle repairs	330.00
EF069381	20/07/22	Diana Kudsee	Youth and seniors community activities	180.00
EF069382	20/07/22	Dymocks Morley	Youth and seniors community activities	610.00
EF069383	20/07/22	E Fire & Safety	Fire suppression and alarm monitoring	198.00
EF069384	20/07/22	Elite Pool & SPA Covers	Aquatic maintenance and services	528.00
EF069385	20/07/22	Ellenby Tree Farm	Parks & gardens plants and trees	41,956.42
EF069386	20/07/22	Environment House Inc	Parks & gardens materials	5,035.25
EF069387	20/07/22	Expo Signage and Digital Pty Ltd T/A Bokay Signage	Minor Equipment Purchase	2,462.43
EF069388	20/07/22	Fuel Distributors of WA Pty Ltd	Fuel and oil	24,300.76
EF069389	20/07/22	Galaxy 42 Pty Ltd T/A Atturra Business Applications	Professional consultancy services	13,158.75
EF069390	20/07/22	GFG Temporary Assist	Labour hire and temporary replacement	2,225.25
EF069391	20/07/22	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	5,757.20
EF069392	20/07/22	Health Insurance Fund of WA	Payroll payment	330.60
EF069393	20/07/22	Hospital Benefit Fund of WA	Payroll payment	961.29
EF069394	20/07/22	Inst of Public Works Engineering Australasia Ltd	Memberships and subscriptions	1,650.00
EF069395	20/07/22	Instant Fence Hire	Fencing	1,253.95
EF069396	20/07/22	IPEC Pty Ltd	Postage and courier charges	264.61
EF069397	20/07/22	IRP Pty Ltd	Labour hire and temporary replacement	6,142.95
EF069398	20/07/22	IWM (PBH) Pty Ltd T/A Perth Bin Hire	Waste collection and hygiene services	2,239.44
EF069399	20/07/22	Ixom Operations Pty Ltd	Aquatic chemicals and consumables	3,490.78
EF069400	20/07/22	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens reticulation repairs & upgrades	1,050.63
EF069401	20/07/22	Kee Surfacing Pty Ltd	Construction and civil works payments	7,921.55
EF069402	20/07/22	Kennards Hire - Malaga	Equipment hire	319.36
EF069403	20/07/22	Kmart Australia Limited	Functions and events supplies	111.00
EF069404	20/07/22	Bedford-Dianella Vet Centre	Animal supplies & services	55.00
EF069405	20/07/22	Lady Language Consultancy Services	Youth and seniors community activities	895.00
EF069406	20/07/22	Landfill Gas and Power Pty Ltd	Electricity charges (other than street lighting)	1,529.53
EF069407	20/07/22	LGConnect Pty Ltd	Professional consultancy services	1,540.00
EF069408	20/07/22	Life Active Podiatry	Podiatry services and materials	360.00
EF069409	20/07/22	M P Rogers & Associates Pty Ltd	Professional consultancy services	3,715.41
EF069410	20/07/22	Marketforce Pty Ltd	Signage and banners	12,785.84
EF069411	20/07/22	Martins Trailer Parts	Plant and vehicle parts and materials	111.29
EF069412	20/07/22	McInerney Ford	Plant and vehicle purchasing	52,889.32
EF069413	20/07/22	McIntosh Holdings Pty Ltd	Plant and vehicle parts and materials	669.32
EF069414	20/07/22	McLeods	Legal expenses and court costs	10,809.85
EF069415	20/07/22	MicroWay	Memberships and subscriptions	1,952.16
EF069416	20/07/22	Morley Mower Centre	Plant and vehicle parts and materials	463.83
EF069417	20/07/22	Move & Nourish with Kasse	Youth and seniors community activities	650.00
EF069418	20/07/22	Natural Area Holdings Pty Ltd	Parks & gardens contract payments	4,007.03
EF069419	20/07/22	Office Line	Minor Equipment Purchase	698.50
EF069420	20/07/22	Officeworks	Office stationery and consumables	683.12
EF069421	20/07/22	Orbit Health & Fitness Solutions	Recreation and gymnasium equipment	5,271.90
EF069422	20/07/22	Orianna Pty Ltd T/A Colonial Brands	Marketing and promotional material	1,933.80
EF069423	20/07/22	Pet City Morley	Animal supplies & services	358.88
EF069424	20/07/22	Philip Gresley	Sitting Fee	500.00
EF069425	20/07/22	Powervac Pty Ltd	Equipment Maintenance	1,060.24
EF069426	20/07/22	Prestige Property Maintenance Pty Ltd	Parks & gardens tree pruning & assoc. services	21,486.89
EF069427	20/07/22	Programmed Skilled Workforce Ltd	Labour hire and temporary replacement	1,466.90
EF069428	20/07/22	Promolab	Marketing and promotional material	305.25
EF069429	20/07/22	Quality Press	Printing and graphic design expenses	13,723.60
EF069430	20/07/22	Red Spear Pty Ltd	Professional consultancy services	4,963.00
EF069431	20/07/22	Relationships Australia Western Australia	Staff training, development and support	880.00
EF069432	20/07/22	Repco	Plant and vehicle parts and materials	351.59
EF069433	20/07/22	Right Metal Fencing Pty Ltd	Fencing	8,635.00
EF069434	20/07/22	Ruth Kilpatrick	Youth and seniors community activities	567.00
EF069435	20/07/22	Safemaster Safety Products Pty Ltd	Minor Equipment Purchase	567.35

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069436	20/07/22	Schindler Lifts Australia Pty Ltd	Building maintenance and services	6,354.22
EF069437	20/07/22	Security Management Australasia Pty Ltd	Equipment Maintenance	7,496.50
EF069438	20/07/22	Services Australia	Fees and charges	68.31
EF069439	20/07/22	SirsiDynix Pty Ltd	Memberships and subscriptions	17,215.00
EF069440	20/07/22	Sonic Health Plus Pty Ltd	Medical services and materials	518.10
EF069441	20/07/22	South East Regional Centre For Urban Landcare	Environmental services & supplies	4,004.00
EF069442	20/07/22	Southern Cross Protection Pty Ltd	Fees and charges	1,529.04
EF069443	20/07/22	Southern Wire Industrial Pty Ltd	Aquatic maintenance and services	536.00
EF069444	20/07/22	Sportsworld of WA	Aquatic chemicals and consumables	422.95
EF069445	20/07/22	St John Ambulance Western Australia Ltd	Staff training, development and support	37.00
EF069446	20/07/22	Stratco (WA) Pty Ltd	Building supplies and hardware	1,440.72
EF069447	20/07/22	Sussex Industries Pty Ltd	Parks & gardens materials	729.85
EF069448	20/07/22	T J Depiazzi & Sons	Parks & gardens materials	1,492.51
EF069449	20/07/22	The Goods Australia	Aquatic chemicals and consumables	3,185.35
EF069450	20/07/22	The O'Grady Family Trust T/A Efficient Site Services	Parks & gardens contract payments	22,077.00
EF069451	20/07/22	The Trustee for Barons Industries Trading Trust	Building maintenance and services	8,695.90
EF069452	20/07/22	The Trustee for McCartney Famity Trust T/A Kerb Doctor	Construction and civil works tools and materials	6,118.48
EF069453	20/07/22	The Trustee for the Bird Family trust	Photography / Video Production	665.00
EF069454	20/07/22	The Trustee for the Dzodzos Family Trust	Parks & gardens contract payments	22,965.25
EF069455	20/07/22	Totally Workwear Malaga	Staff uniforms and protective equipment	4,818.00
EF069456	20/07/22	T-Quip	Plant and vehicle repairs	975.35
EF069457	20/07/22	Travis Hayto Photography	Photography / Video Production	2,222.00
EF069458	20/07/22	Twins (WA) Pty Ltd	Functions and events catering expenses	80.00
EF069459	20/07/22	Urbaqua Ltd	Professional consultancy services	17,820.00
EF069460	20/07/22	Veolia Water Operations Pty Ltd	Construction and civil works payments	4,644.75
EF069461	20/07/22	Vorgee Pty Ltd	Kiosk stock	282.15
EF069462	20/07/22	WA Assett Pty Ltd	Building supplies and hardware	2,050.13
EF069463	20/07/22	WA Hino Sales and Service	Plant and vehicle parts and materials	400.46
EF069464	20/07/22	WA Local Government Association	Staff training, development and support	739.50
EF069465	20/07/22	LGRCEU	Payroll payment	902.00
EF069466	20/07/22	Walkers Pest Management Lawn & Garden Services	Building maintenance and services	242.00
EF069467	20/07/22	Wanneroo Agricultural Machinery	Plant and vehicle parts and materials	1,823.50
EF069468	20/07/22	Wattleup Tractors	Plant and vehicle parts and materials	183.03
EF069469	20/07/22	Weskerb Pty Ltd	Construction and civil works tools and materials	3,757.60
EF069470	20/07/22	West Coast Turf	Parks & gardens contract payments	8,276.95
EF069471	20/07/22	Westworks Group	Parks & gardens contract payments	11,880.00
EF069472	20/07/22	Work Clobber	Staff uniforms and protective equipment	150.00
EF069473	20/07/22	Workpower Inc	Parks & gardens contract payments	12,013.34
EF069474	20/07/22	Zircodata Pty Ltd	Transport and storage charges	280.92
EF069478	27/07/22	A M Mayor	Refund residential verge deposit	1,400.00
EF069479	27/07/22	Australian Timber Flooring Association	Refund bond	500.00
EF069480	27/07/22	Bondai Society of Western Australia	Grants & funding	1,500.00
EF069481	27/07/22	Caitlin Bell	Cloth Nappy Rebate	87.25
EF069482	27/07/22	Clare Trevaskis	Grants & funding	500.00
EF069483	27/07/22	Dale Alcok Homes Pty Ltd	Refund residential verge deposit	1,400.00
EF069484	27/07/22	Department of Finance	Refund rates overpayment	782.71
EF069485	27/07/22	Doug Pearson	Staff allowances and reimbursements	157.59
EF069486	27/07/22	H.R. Chalson	Grants & funding	200.00
EF069487	27/07/22	Hong Tran	Refund health centre memberships	119.60
EF069488	27/07/22	Jackson McDonald	Legal expenses and court costs	6,962.54
EF069489	27/07/22	Jol Construction	Refund residential verge deposit	1,400.00
EF069490	27/07/22	K Sootarsing & S Turner	Grants & funding	500.00
EF069491	27/07/22	Kelly Norris & Michael Leach	Refund residential verge deposit	1,400.00
EF069492	27/07/22	Paul Ryder	Staff allowances and reimbursements	3,000.00
EF069493	27/07/22	Petrisija Benic	Refund application fee	307.00
EF069494	27/07/22	Premium Development	Refund residential verge deposit	1,400.00
EF069495	27/07/22	Pure Homes T/A B1 Homes	Refund residential verge deposit	1,400.00
EF069496	27/07/22	Roy Hipfner	Refund development application fee	36.75
EF069497	27/07/22	RP & GA Williams	Grants & funding	250.00
EF069498	27/07/22	Sketch My Event	Building maintenance and services	13,640.00
EF069499	27/07/22	Synergy	Electricity charges (other than street lighting)	64,685.84
EF069500	27/07/22	Telstra	Office telephone and communication expenses	1,458.53
EF069501	27/07/22	Travis Styles	Grants & funding	200.00
EF069502	27/07/22	Warwick G Hall	Refund development application fee	122.00
EF069503	27/07/22	Woolworths Ltd (WA)	Functions and events catering expenses	341.95
EF069504	27/07/22	Zen Building Company Pty Ltd	Refund residential verge deposit	1,400.00
EF069505	27/07/22	3 Monkeys Audiovisual	Minor Equipment Purchase	3,849.26

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069506	27/07/22	A1 Locksmiths	Key / Lock Services	1,794.25
EF069507	27/07/22	AAAC Towing Pty Ltd	Vehicle towing	132.00
EF069508	27/07/22	Abco Products	Depot stores and consumables	2,028.40
EF069509	27/07/22	Action Glass & Aluminium	Building maintenance and services	1,108.69
EF069510	27/07/22	Adele Leahy T/A Aesthetica Services	Functions and events entertainment expenses	5,376.25
EF069511	27/07/22	Adelphi Tailoring Co	Staff uniforms and protective equipment	382.50
EF069512	27/07/22	Advance Press (2013) Pty Ltd	Advertising public notices	4,136.00
EF069513	27/07/22	Advanced Netting Pty ltd	Parks & gardens contract payments	962.50
EF069514	27/07/22	AFL Sports Ready Ltd	Trainee	1,301.21
EF069515	27/07/22	AlintaGas Sales Pty Ltd	Gas usage charges	859.60
EF069516	27/07/22	ALS Library Services Pty Ltd	Book purchases	75.16
EF069517	27/07/22	Amalgam Recruitment	Labour hire and temporary replacement	1,387.39
EF069518	27/07/22	AMS Technology Group Pty Ltd	Electrical Installation & Repair	197,205.57
EF069519	27/07/22	Anton & Jo Pty Ltd T/A Bayswater News & Lotteries	Memberships and subscriptions	648.13
EF069520	27/07/22	Asphaltech Pty Ltd	Parks & gardens materials	30,506.62
EF069521	27/07/22	ATC Work Smart	Trainee	199.54
EF069522	27/07/22	Auslan (WA) Pty Ltd T/A Vital Interpreting Personnel	Language Interpretative Service	1,309.00
EF069523	27/07/22	Australia and New Zealand Recycling Platform Ltd	Waste collection and hygiene services	652.08
EF069524	27/07/22	Australian Defence Apparel Pty Ltd T/as One Source Solutions	Minor Equipment Purchase	366.43
EF069525	27/07/22	Barden Glass Co Pty Ltd T/A A Grade Glass & Aluminum	Building supplies and hardware	12,650.00
EF069526	27/07/22	Battery King Australia Pty Ltd	Plant and vehicle parts and materials	398.20
EF069527	27/07/22	Bellfort Services Pty Ltd	Building supplies and hardware	4,204.20
EF069528	27/07/22	Beverage Not Pty Ltd T/A TheMorley Local	Grants & funding	3,000.00
EF069529	27/07/22	BGC (Australia) Pty Ltd T/A BGC Concrete	Parks & gardens contract payments	1,318.68
EF069530	27/07/22	Blackwoods Atkins	Parks & gardens materials	589.92
EF069531	27/07/22	Bridgestone Aust Ltd	Plant and vehicle repairs	57.21
EF069532	27/07/22	Briskleen Supplies Pty Ltd	Cleaning supplies	215.56
EF069533	27/07/22	Bronson Safety Pty Ltd	Traffic management	649.00
EF069534	27/07/22	Brownes Foods Operations Pty Ltd	Kiosk stock	74.39
EF069535	27/07/22	Bucher Municipal Pty Ltd	Plant and vehicle parts and materials	1,051.06
EF069536	27/07/22	Bunnings Group Ltd	Plant and vehicle parts and materials	3,225.32
EF069537	27/07/22	Cai Fences	Fencing	5,544.00
EF069538	27/07/22	Capital Recycling	Tipping Fee	4,791.60
EF069539	27/07/22	Carol Foley	Youth and seniors community activities	150.00
EF069540	27/07/22	Carramar Resource Industries	Parks & gardens materials	1,498.61
EF069541	27/07/22	Cat Haven	Animal supplies & services	2,983.00
EF069542	27/07/22	Ceiling Manufacturers of Australia	Building supplies and hardware	680.72
EF069543	27/07/22	CNW Pty Ltd	Building supplies and hardware	434.78
EF069544	27/07/22	Cohesis Pty Ltd	Professional consultancy services	14,524.40
EF069545	27/07/22	Contra-flow Pty Ltd	Traffic management	2,838.13
EF069546	27/07/22	Cornerstone Legal	Legal expenses and court costs	1,650.00
EF069547	27/07/22	Corsign WA Pty Ltd	Signage and banners	6,421.47
EF069548	27/07/22	C-Wise	Parks & gardens contract payments	3,960.00
EF069549	27/07/22	DA Christie Pty Ltd	Building supplies and hardware	7,903.50
EF069550	27/07/22	Daniel T Markey	Staff allowances and reimbursements	349.00
EF069551	27/07/22	David Gray & Co Pty Ltd	Environmental Health Services & Supplies	1,948.65
EF069552	27/07/22	Deadly Denim	Youth and seniors community activities	1,800.00
EF069553	27/07/22	Dean's Autoglass	Plant and vehicle parts and materials	236.50
EF069554	27/07/22	Decipha Pty Ltd	Postage and courier charges	1,247.77
EF069555	27/07/22	Downer Edi Engineering Power Pty Ltd	Building maintenance and services	663.96
EF069556	27/07/22	DS Group	Parks & gardens contract payments	5,390.00
EF069557	27/07/22	Dymocks Morley	Library book stock and materials	645.43
EF069558	27/07/22	E Fire & Safety	Fire suppression and alarm monitoring	3,208.15
EF069559	27/07/22	Echo Newspaper	Advertising public notices	4,800.00
EF069560	27/07/22	Environment House Inc	Refund sundry debtor	3,950.45
EF069561	27/07/22	Environmental Industries Pty Ltd	Parks & gardens contract payments	5,175.66
EF069562	27/07/22	Es2 Pty Ltd	Professional consultancy services	58,389.38
EF069563	27/07/22	Europcar WA	Vehicle & plant hire	1,418.34
EF069564	27/07/22	Fenstra Pty Ltd T/A Centurion Temporary Fencing	Fencing	4,456.38
EF069565	27/07/22	Galvins Plumbing Supplies	Construction and civil works tools and materials	10,948.35
EF069566	27/07/22	GFG Temporary Assist	Labour hire and temporary replacement	4,721.20
EF069567	27/07/22	Graffiti Force Pty Ltd	Parks & gardens contract payments	1,210.00
EF069568	27/07/22	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	5,815.45
EF069569	27/07/22	Heavy Automatics Pty Ltd	Plant and vehicle parts and materials	412.76
EF069570	27/07/22	Hydro Flow Pty Ltd	Building maintenance and services	365.07
EF069571	27/07/22	Hydroquip Pumps	Parks & gardens contract payments	26,862.00
EF069572	27/07/22	ID Fleet Hire	Equipment hire	300.00

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				$
EF069573	27/07/22	Insight Dental Ceramics Pty Ltd	Grants & funding	1,919.00
EF069574	27/07/22	Intelife Group Limited	Parks & gardens contract payments	5,343.12
EF069575	27/07/22	IPEC Pty Ltd	Postage and courier charges	264.61
EF069576	27/07/22	IRP Pty Ltd	Labour hire and temporary replacement	3,538.04
EF069577	27/07/22	Ixom Operations Pty Ltd	Aquatic chemicals and consumables	163.01
EF069578	27/07/22	Jade Cooper	Staff allowances and reimbursements	437.00
EF069579	27/07/22	JB Hi-Fi Group Pty Ltd	Minor Equipment Purchase	26,030.45
EF069580	27/07/22	JLT Risk Solutions Pty Ltd	Insurance premium	6,282.33
EF069581	27/07/22	Joshua Luke Walkers T/A JLW Turf Services	Parks & gardens materials	1,452.00
EF069582	27/07/22	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens reticulation repairs & upgrades	861.13
EF069583	27/07/22	KLMedia Pty Ltd T/A All Access Australasia	Library book stock and materials	2,063.51
EF069584	27/07/22	Bedford-Dianella Vet Centre	Animal supplies & services	55.00
EF069585	27/07/22	Landgate	Title Search	408.00
EF069586	27/07/22	Les Mills Australia	Memberships and subscriptions	975.99
EF069587	27/07/22	LGConnect Pty Ltd	Professional consultancy services	4,620.00
EF069588	27/07/22	Linemarking WA Pty Ltd	Construction and civil works payments	3,325.30
EF069589	27/07/22	Living Turf	Parks & gardens materials	4,180.00
EF069590	27/07/22	Luke Riley Creative	Photography / Video Production	200.00
EF069591	27/07/22	Mader Contracting Pty Ltd	Labour hire and temporary replacement	17,391.00
EF069592	27/07/22	Marawar Pty Ltd	Building maintenance and services	11,765.60
EF069593	27/07/22	Marketforce Pty Ltd	Advertising public notices	2,041.10
EF069594	27/07/22	Masonry Management Services Pty Ltd	Environmental services & supplies	2,013.00
EF069595	27/07/22	Maylands Wellness Centre Pty Ltd	Grants & funding	2,500.00
EF069596	27/07/22	McIntosh Holdings Pty Ltd	Plant and vehicle parts and materials	50.61
EF069597	27/07/22	McLeods	Waste collection and hygiene services	24,014.73
EF069598	27/07/22	Millreef Holdings Pty Ltd T/A Classic Hire	Equipment hire	2,097.33
EF069599	27/07/22	Morley Canvas	Parks & gardens materials	1,584.00
EF069600	27/07/22	Morley Mower Centre	Plant and vehicle parts and materials	144.93
EF069601	27/07/22	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & gardens tree pruning & assoc. services	52,639.40
EF069602	27/07/22	Multispares Ltd	Plant and vehicle parts and materials	271.10
EF069603	27/07/22	Natural Area Holdings Pty Ltd	Parks & gardens plants and trees	29,778.63
EF069604	27/07/22	NEC Australia Pty Ltd	IT network maintenance	20,236.48
EF069605	27/07/22	Nestle Australia Ltd	Staff Amenities	588.02
EF069606	27/07/22	Office Line	Equipment repairs	523.60
EF069607	27/07/22	Officeworks	Office stationery and consumables	111.22
EF069608	27/07/22	Pinnacle Height Safety Pty Ltd	Staff training, development and support	239.00
EF069609	27/07/22	Plantrite	Parks & gardens plants and trees	1,909.49
EF069610	27/07/22	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	8,420.08
EF069611	27/07/22	Product Recovery Industries Pty Ltd	Tipping Fee	246.40
EF069612	27/07/22	Pump Control Systems	Parks & gardens contract payments	869.95
EF069613	27/07/22	Quality Press	Signage and banners	1,342.00
EF069614	27/07/22	Rebecca Cooper	Staff allowances and reimbursements	552.00
EF069615	27/07/22	Repco	Plant and vehicle parts and materials	407.81
EF069616	27/07/22	Robange Trading Pty Ltd T/A Fully Promoted Morley	Staff uniforms and protective equipment	14,873.57
EF069617	27/07/22	Robyn Brown	Parks & gardens contract payments	720.00
EF069618	27/07/22	Roof Safety Solutions Pty Ltd	Building maintenance and services	11,833.99
EF069619	27/07/22	ServiceFM Pty Ltd	Building maintenance and services	21,889.67
EF069620	27/07/22	Sigma Chemicals	Aquatic maintenance and services	5,922.40
EF069621	27/07/22	Sonic Health Plus Pty Ltd	Medical services and materials	71.50
EF069622	27/07/22	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	20.00
EF069623	27/07/22	St John Ambulance Western Australia Ltd	Medical services and materials	173.88
EF069624	27/07/22	State Library of WA	Library book stock and materials	5,368.00
EF069625	27/07/22	Steam Haus	Youth and seniors community activities	960.00
EF069626	27/07/22	Stratagreen	Parks & gardens plants and trees	9,276.80
EF069627	27/07/22	Stratco (WA) Pty Ltd	Building supplies and hardware	535.84
EF069628	27/07/22	Structerre Consulting Engineers	Parks & gardens contract payments	1,307.90
EF069629	27/07/22	Studio 281	Grants & funding	3,000.00
EF069630	27/07/22	Suez Environmental Recycling & Waste Recovery	Waste collection and hygiene services	3,564.53
EF069631	27/07/22	Sussex Industries Pty Ltd	Depot stores and consumables	904.64
EF069632	27/07/22	Syme Marmion & Co	Professional consultancy services	43,208.00
EF069633	27/07/22	T J Depiazzi & Sons	Parks & gardens materials	15,933.59
EF069634	27/07/22	The Goods Australia	Aquatic chemicals and consumables	528.00
EF069635	27/07/22	The Nappy Guru	Functions and events marketing expenses	470.00
EF069636	27/07/22	The Trustee for Blackwood Services Unit Trust	Electrical Installation & Repair	8,032.45
EF069637	27/07/22	The Trustee for Rabblement Trust	Youth and seniors community activities	350.00
EF069638	27/07/22	The Trustee for The LM Trading Trust T/A Tempfence WA	Fencing	693.00
EF069639	27/07/22	The Turst for the Brand Connect Unit Trust	Signage and banners	907.50

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				**$**
EF069640	27/07/22	Tool Kit Depot	Minor Equipment Purchase	2,658.10
EF069641	27/07/22	Total Packaging (WA) Pty Ltd	Animal supplies & services	16,107.52
EF069642	27/07/22	Total Tools Malaga	Tools and minor plant	1,230.00
EF069643	27/07/22	T-Quip	Plant and vehicle purchasing	55,640.95
EF069644	27/07/22	Tyre and Tube Specialists	Plant and vehicle repairs	666.60
EF069645	27/07/22	Tyrecycle Pty Ltd	Waste collection and hygiene services	2,650.40
EF069646	27/07/22	Urbaqua Ltd	Professional consultancy services	5,038.00
EF069647	27/07/22	Veolia Water Operations Pty Ltd	Construction and civil works payments	1,163.25
EF069648	27/07/22	Veris Australia Pty Ltd	Parks & gardens contract payments	2,530.00
EF069649	27/07/22	Viking Rentals	Equipment hire	627.00
EF069650	27/07/22	WA Hino Sales and Service	Plant and vehicle repairs	277.75
EF069651	27/07/22	WA Local Government Association	Staff training, development and support	1,156.00
EF069652	27/07/22	WA Premix	Parks & gardens contract payments	522.50
EF069653	27/07/22	Walkers Pest Management Lawn & Garden Services	Building maintenance and services	17,259.00
EF069654	27/07/22	Wattleup Tractors	Plant and vehicle repairs	1,511.94
EF069655	27/07/22	Webb & Brown-Neaves Pty Ltd	Refund residential verge deposit	1,400.00
EF069656	27/07/22	Wesfarmers Kleenheat Gas Pty Ltd	Electricity charges (other than street lighting)	1,308.99
EF069657	27/07/22	Winc Australia Pty Ltd	Office stationery and consumables	7,225.03
EF069658	27/07/22	Work Clobber	Staff uniforms and protective equipment	150.00
EF069659	27/07/22	Workpower Inc	Parks & gardens contract payments	7,866.43
				5,681,516.31
Cancelled Payments				
EF068881	12/07/22	Payment - EF068881		-1,400.00
EF068998	13/07/22	Payment - EF068998		-500.00
EF069181	26/07/22	Payment - EF069181		-13,640.00
				-15,540.00

City of Bayswater

List of Payment - Trust

for the period 1 July 2022 to 31 July 2022

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				**$**
EF069299	13/07/22	Andrew P Garbett and Sereena Jane Garbet	Refund Services Levy	61.65
EF069475	20/07/22	Construction Training Fund	Construction Training Fund Levy	12,150.48
EF069476	20/07/22	Department of Mines, Industry Regulation and Safety	Building Services Levy	20,636.26
EF069477	20/07/22	Forte Builders	Refund Services Levy	221.74
EF069660	27/07/22	Aveling Homes	Refund Services Levy	61.65
				33,131.78
Cancelled Payments				
				0.00
				0.00

City of Bayswater

List of Payment - Aged

for the period 1 July 2022 to 31 July 2022

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF068992	04/07/22	Fresh Fields Management (Mertome Village) Pty Ltd	Management fee	35,385.36
EF069148	08/07/22	Naja Business Consulting Services	Asset Valuation Fees	9,405.00
EF069300	20/07/22	Fresh Fields Management (Mertome Village) Pty Ltd	Management fee	7,202.22
EF069301	20/07/22	Jackson McDonald	Professional consultancy services	5,078.15
				57,070.73
Cancelled Payments				
				0.00
				0.00

City of Bayswater
Corporate Credit Card Transactions
For the period: 29 June 2022 to 28 July 2022

Date	Supplier	Description		Amount
Chief Executive Officer				
05/07/22	Createsend.com	Memberships and subscriptions		273.90
07/07/22	Trello.com	Memberships and subscriptions		130.73
12/07/22	Woolworths Ltd	Food & Drinks		49.30
13/07/22	Facebook	Marketing and promotional material		414.62
19/07/22	Hootsuite	Memberships and subscriptions		273.90
21/07/22	West Australian Newspapers Ltd	Memberships and subscriptions		28.00
26/07/22	Creative Market	Memberships and subscriptions		24.13
			Card total	**1,194.58**
Director Community and Development				
12/07/22	Porter Consulting Engineers	Professional consultancy services		2,200.00
			Card total	**2,200.00**
Director Major Projects				
29/06/22	City of Perth Parking	Parking fees		7.07
30/06/22	Bunnings Group	Minor equipment purchase		206.95
01/07/22	Harvey Norman Malaga	Minor equipment purchase		199.00
01/07/22	TuckerFox	Food & Drinks		110.98
04/07/22	Officeworks	Office stationery		59.00
08/07/22	Sendgrid	Memberships and subscriptions		134.35
28/07/22	Local Government Professionals Australia WA	Staff training, development and support		40.00
			Card total	**757.35**
Director Corporate and Strategy				
04/07/22	Enterprise Architect	Memberships and subscriptions		1,457.68
04/07/22	Amazon	Memberships and subscriptions		168.57
04/07/22	Amazon	Memberships and subscriptions		162.98
05/07/22	Zoom	Memberships and subscriptions		24.52
07/07/22	Dropbox	Memberships and subscriptions		544.50
14/07/22	DigiCert Inc.	IT network maintenance		3,574.51
			Card total	**5,932.76**
Director Works and Infrastructure				
04/07/22	Engineers Australia	Memberships and subscriptions		574.00
04/07/22	IPWEA WA	Memberships and subscriptions		319.00
			Card total	**893.00**
			Grand Total	**10,109.14**

City of Bayswater
Electronic Fund Transfers
for the period 01 July 2022 to 31 July 2022

Date	Description	Amount
		$
Municipal Account		
01/07/22	NAB Merchant Fee	63.13
01/07/22	NAB Merchant Fee	146.26
01/07/22	NAB Merchant Fee	886.89
01/07/22	NAB Merchant Fee	1,003.28
01/07/22	NAB Merchant Fee	1,168.73
05/07/22	NAB Transact Fee	0.20
05/07/22	NAB Transact Fee	11.00
05/07/22	NAB Transact Fee	37.10
05/07/22	NAB Transact Fee	43.70
06/07/22	New Term Deposit	800,000.00
08/07/22	NAB Bpay Batch Fee	0.21
13/07/22	Wages	877,831.90
15/07/22	NAB Bpay Batch Fee	4.41
20/07/22	NAB Account Fees	36.41
21/07/22	NAB Bpay Batch Fee	1.05
27/07/22	Wages	888,099.27
28/07/22	NAB Bpay Batch Fee	0.42
28/07/22	NAB Connect Fee	225.03
29/07/22	NAB Merchant Fee	60.00
29/07/22	NAB Merchant Fee	140.71
29/07/22	NAB Merchant Fee	789.91
29/07/22	NAB Merchant Fee	831.44
29/07/22	NAB Merchant Fee	1,110.74
		2,572,491.79
Aged Persons Homes Account		
05/07/22	Aged care subsidies to Juniper	685,902.65
20/07/22	NAB Account Fees	0.35
		685,903.00
Total		3,258,394.79

10.3 Works And Infrastructure Directorate Reports

Nil.

10.4 Community And Development Directorate Reports

10.4.1 Proposed Alterations and Additions to Concrete Batching Plant - State Administrative Tribunal Section 31 Reconsideration - Lot 2, 277-279 Collier Road, Bayswater

Applicant/Proponent:	CDP Town Planning and Urban Design (Director: Frank Arangio)
Owner:	Ransberg Pty Ltd (Directors: David D Bona and Steven D Bona)
Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Quasi-Judicial
Voting Requirement:	Simple Majority Required
Attachments:	1. Development Plans [**10.4.1.1** - 3 pages] 2. Additional Information [**10.4.1.2** - 5 pages] 3. CONFIDENTIAL - CONFIDENTIAL - Submissions Map [**10.4.1.3** - 1 page]
Refer:	Item 10.4.2: OCM 28.6.2022 Item 11.1.16: OCM 22.9.2015

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA) - personal affairs of any person.

CR FILOMENA PIFFARETTI, MAYOR DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Filomena Piffaretti, Mayor declared an impartial interest in this item as she attended a site visit at the concrete batching plant. Cr Piffaretti, Mayor remained in the Council Chambers and voted on this item.

CR STEVEN OSTASZEWSKYJ DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Steven Ostaszewskyj declared an impartial interest in this item as he attended a site visit at the concrete batching plant. Cr Ostaszewskyj remained in the Council Chambers and voted on this item.

CR ASSUNTA MELECA DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Assunta Meleca declared an impartial interest in this item as she attended a site visit at the concrete batching plant. Cr Meleca remained in the Council Chambers and voted on this item.

CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Sally Palmer declared an impartial interest in this item as she attended a site visit to the concrete batching plant. Cr Palmer remained in the Council Chambers and voted on this item.

SUMMARY

The application for alterations and additions to concrete batching plant at Lot 2, 277-279 Collier Road, Bayswater was previously presented to the 28 June 2022 Ordinary Meeting of Council where a motion to conditionally approve the application was lost.

The City subsequently received notice on 13 July 2022 that an application for appeal/ review has been submitted to the State Administrative Tribunal (SAT), based on the deemed refusal of the development application in terms of Clause 75(1)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, given the application was not determined by the City within 90 days of acceptance. Following mediation held on 2 August 2022, the SAT has invited Council to reconsider its deemed refusal of the application pursuant to Section 31(1) of the *State Administrative Tribunal Act 2004.*

The proposed alterations and additions are considered relatively minor in nature and will generally improve the operation of the plant in accordance with environmental impact mitigation requirements. Amended plant operating hours more in accordance with current industry needs are supported, however in order to protect residential amenity it is considered that fixed operating hours should be retained instead of the more flexible hours proposed. It is considered that the application can be supported subject to the proposed conditions.

OFFICER'S RECOMMENDATION

That Council grants planning approval for the proposed alterations and additions to concrete batching plant at Lot 2, 277-279 Collier Road, Bayswater in accordance with the development application dated 15 November 2021 and plans dated 27 May 2022, subject to the following conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan, including any plan approved as a component of the updated Environmental Management Plan (EMP) required by Condition 6.
2. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site is to be left in an orderly and tidy condition.
3. All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells, approved by the City of Bayswater. The soakwells must deal with the entire land area and be designed to contain a 24 hour storm duration and 100 year average recurrence interval.
4. Unless otherwise approved by the City of Bayswater, the area at the rear of the lot, depicted as 'Grassed Area' on the approved plans is not to be used for the storage of materials or vehicles.
5. Activities associated with the use of Lot 2, 277-279 Collier Road, Bayswater for a concrete batching plant shall not cause the concentration of particulate matter as PM10 at the location referred to in Condition 6(a)(i), to exceed:
   (a) 12.4µg/m³ as a 24 hour average on any day when the ambient concentration (inclusive of the contribution from emissions from the land) exceeds 50µg/m³ of particulate matter as PM10 as a 24 hour average; or
   (b) 500µg/m³ as a 15 minute average.
6. Amended documentation for the Environmental Management System (EMS) compliant with AS/NZS ISO 14001:1996 shall be submitted to the City of Bayswater for approval prior to the issue of a building permit. The EMS shall incorporate an updated EMP addressing the amended plant operating hours, waste and water recycling management, dust monitoring and additional crossover to the satisfaction of the City of Bayswater. The EMP shall address the following issues to the satisfaction of the City of Bayswater:
   (a) Dust and Particulate Management, including:

i. The use of Beta Gauge (PM10) monitor at a second location sited in accordance with AS/NZS 3580.1.1 (as far as practical) and within the location of the previous TEOM, to allow the incremental PM10 concentrations to be determined;

ii. The Beta Gauge monitor is to be operated in accordance with AS/NZS 3580.9.11;

iii. The owner/operator is to formalise the approach and procedures for:

- Determining any dust emissions from the site;
- Deriving modelled incremental PM10 concentrations at the nearest sensitive premises; and
- Associated thresholds which could trigger site management alerts and responses;

iv. The Beta Gauge monitors are to be maintained by an organisation accredited by the National Association of Testing Authorities (NATA) in respect to the operation of those monitors;

v. The use of an anemometer with a 10m pole, unless a lower pole is approved by the City of Bayswater;

vi. PM10 concentrations from the Beta Gauge monitors, and wind speed and wind direction from the anemometer, shall be averaged over a time period of not more than 15 minutes and electronically recorded;

vii. All dust incidents in which a criterion set in Condition 5 is exceeded shall be reported to the City of Bayswater within 24 hours after the incident. The report shall explain what action was taken to address the exceedance;

viii. Summaries of the results of monitoring including each 24 hour average PM10 concentration are to be provided quarterly to the City of Bayswater by no more than 30 days after each quarter. The quarterly summary must identify and highlight the date and time on which the monitoring showed the PM10 concentration exceeded:

- 50µg/m³ as a 24 hour average; and
- 500µg/m³ as a 15 minute average; and

ix. An annual report prepared by the body carrying out the dust monitoring, which reviews whether the dust received at the nearest sensitive premises has been compliant with the NEPM PM10 standard, the extent to which the development contributed to any exceedances of 24 hour average PM10 concentrations greater than 50µg/m³ and whether the development has complied with the requirements of Condition 5.

The annual report referred to above shall be submitted by no more than 30 days after each calendar year to which the date relates.

Dust monitoring shall be continued indefinitely, or until the City of Bayswater is satisfied that the operating experience of cumulative air quality has shown that the risk of exceeding the NEPM standard for annual particulates has abated. The requirement for continued dust monitoring may be reviewed by the City of Bayswater at the request of the applicant following the provision of an EMS audit required by Condition 8.

(b) Noise management, including the use of appropriate acoustic barriers and low noise front end loaders;

(c) Surface water management;

(d) Landscaping;

(e) Visual amenity;

(f) Waste management;

(g) Light overspill;

(h) Traffic management;

(i) Storage of hazardous and/or dangerous goods;

(j) Complaints management;

(k) Contingency measures to be adopted in the event of potential or actual unacceptable emissions from the site; and

(l) Checklists and personnel responsibilities for actions assigned by the EMP.

7. The amended EMS and EMP approved by the City of Bayswater shall be implemented, and the development must at all times comply with the approved EMS and EMP.

8. The EMS must be audited by an independent appropriate body at least every three years from the date of this approval, and the results of the audit must be provided to the City of Bayswater.

9. The plant is to be equipped with audible and/or visual alarms together with supporting microprocessor hardware and software capable of determining and logging incremental concentrations and background concentrations, utilising the monitoring data collected from the monitoring equipment required by Condition 6 (a), such equipment to automatically alert site management in real-time should the PM10 limits in Condition 5 be, or be likely to be exceeded. The logged data shall be made available to the City of Bayswater as soon as practicable upon request.

10. Any portion of the site to be used for movement or parking of vehicles and/or onsite storage of empty bins, must be sealed and drained to the satisfaction of the City of Bayswater.

11. Uncovered parking bays shall be a minimum of 5.5m x 2.5m.

12. Truck parking bays are to conform to the relevant Australian Standards.

13. A bin area is to be provided of not less than 10m² and with a permanent water supply and drainage facility for washdown. The bin area is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m.

14. Bins are to be washed only in the washdown facility within the bin area, drained to a silt trap and disposed of via the Water Corporation sewer system or if this is not available, a leach drain soakwell system which is separate to the stormwater disposal system, or approved system, to the satisfaction of the City of Bayswater.

15. Two driveways are permitted onto Collier Road. The driveways shall be constructed to the City of Bayswater standards for commercial driveways.

16. No storage of materials outside the approved buildings is permitted.

17. A copy of an approval issued by the Department of Water and Environmental Regulation – Licensing Section for the operation of the facility shall be submitted to the City of Bayswater prior to operations commencing.

18. A copy of an approval to discharge issued by the Water Corporation shall be submitted to the City of Bayswater prior to operations commencing.

19. A truck washdown area is to be provided in accordance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* (WA) and in a location approved by the City of Bayswater. Trucks may only be washed down in the approved washdown area.

20. Operating hours are to be restricted to 4:00am – 4:00pm Monday to Saturday (public holidays excluded); however, no front end loader may operate, nor may any raw materials be delivered to the site prior to 7:00am.
21. All dust emission controls including bag filters on the building ventilation systems, water sprays and sprinklers shall be well maintained to ensure optimal performance at all times.
22. The cement silo filters shall be well maintained to ensure optimal performance at all times.
23. All conveyors and transfer stations are to be covered and belt cleaners maintained to ensure no escape of materials and dust from containers.
24. Any stored aggregate or sand outside the building is to be either wetted at all times or covered to prevent wind driven dust erosion.
25. Any material spills outside the buildings are to be immediately wetted prior to removal of the materials.
26. Continuous monitoring of ambient dust levels and wind conditions in accordance with the approved Environmental Management Plan is required for reactive dust management.
27. A detailed landscape plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:

    (a) The location and species of all trees and shrubs to be retained or removed;

    (b) The size and number of new plants to be planted;

    (c) The location of any lawn areas to be established;

    (d) Those areas to be reticulated or irrigated; and

    (e) Landscaping of the street verge in front of the property.

    Landscaping and reticulation shall be completed in accordance with the approved landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.
28. That part of the 'Grassed Area' depicted on the approved plans which is not subject to the approved landscape plan shall be vegetated (grassed) and reticulated, and the vegetation shall be maintained in a healthy and neat condition throughout the life of the development.
29. The concrete produced at the facility shall not include fly ash as an ingredient without further approval from the City of Bayswater and the Department of Water and Environmental Regulation.
30. All vehicles carrying materials from the site must be loaded and transported in a manner which prevents spillage of materials onto a public road. Any spillage shall be cleared as soon as possible by the plant operator, to the satisfaction of the City of Bayswater.
31. The access roads into the site shall be sealed from the edge of Collier Road surface to at least 50m into the property.
32. No earthworks shall encroach onto the Collier Road road reserve.
33. The concrete batching plant is not permitted to increase its current production capacity.

Advice Notes:

1. To active the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.

2. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
3. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961.*
4. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
5. Noise emissions from the property must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
6. Advice provided by the Department of Water and Environmental Regulation:
   (a) The application will need to demonstrate compliance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.
   (b) The proposed improvements to waste and wastewater management will trigger Section 53 of the *Environmental Protection Act 1986* and will require a works approval. The proponent is advised to submit an application which is available on the Department's website at https://www.der.wa.gov.au/our-work/licences-and-works-approvals. For any queries relating to works approvals and licences, contact the Department of Water and Environmental Regulation at info@dwer.wa.gov.au or 6364 7000.
   (c) In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department of Water and Environmental Regulation should be notified to enable the implications to be assessed.

COUNCIL RESOLUTION

That Council grants planning approval for the proposed alterations and additions to concrete batching plant at Lot 2, 277-279 Collier Road, Bayswater in accordance with the development application dated 15 November 2021 and plans dated 27 May 2022, subject to the following conditions:

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2. **On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site is to be left in an orderly and tidy condition.**
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4. **Unless otherwise approved by the City of Bayswater, the area at the rear of the lot, depicted as 'Grassed Area' on the approved plans is not to be used for the storage of materials or vehicles.**
5. **Activities associated with the use of Lot 2, 277-279 Collier Road, Bayswater for a concrete batching plant shall not cause the concentration of particulate matter as PM10 at the location referred to in Condition 6(a)(i), to exceed:**

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vegetation shall be maintained in a healthy and neat condition throughout the life of the development.

29. **The concrete produced at the facility shall not include fly ash as an ingredient without further approval from the City of Bayswater and the Department of Water and Environmental Regulation.**
30. **All vehicles carrying materials from the site must be loaded and transported in a manner which prevents spillage of materials onto a public road. Any spillage shall be cleared as soon as possible by the plant operator, to the satisfaction of the City of Bayswater.**
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32. **No earthworks shall encroach onto the Collier Road road reserve.**
33. **The concrete batching plant is not permitted to increase its current production capacity.**

Advice Notes:

1. **To active the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.**
2. **Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.**
3. **This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961.***
4. **This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**
5. **Noise emissions from the property must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.**
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   - **(a) The application will need to demonstrate compliance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.**
   - **(b) The proposed improvements to waste and wastewater management will trigger Section 53 of the *Environmental Protection Act 1986* and will require a works approval. The proponent is advised to submit an application which is available on the Department's website at https://www.der.wa.gov.au/our-work/licences-and-works-approvals. For any queries relating to works approvals and licences, contact the Department of Water and Environmental Regulation at info@dwer.wa.gov.au or 6364 7000.**
   - **(c) In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department of Water**

and Environmental Regulation should be notified to enable the implications to be assessed.

In relation to the notification(s), the City of Bayswater is to be copied in or provided with a copy of the notification(s).

Cr Sally Palmer Moved, Cr Steven Ostaszewskyj Seconded

CARRIED: 9/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Giorgia Johnson.***

Against: ***Cr Dan Bull.***

REASON FOR CHANGE

Council changed Condition 20 of the Officer's Recommendation to reflect the current approved operating hours of the concrete batching plant as the proposal to extend the operating hours does not satisfy the matters to be considered under Clause 67 (2) (a, b, n, x and y) of Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015, as:

1. ***It will have an undue and unreasonable impact on the amenity of the area by virtue of noise disturbance to nearby residences;***
2. ***It is inconsistent with the orderly and proper planning of the locality; and***
3. ***It is inconsistent with the aims and provisions of the Scheme.***

Council also changed the recommended Advice Note 6 to ensure the City of Bayswater is informed on modifications to the proposal at the same time as the Department of Water and Environmental Regulation.

BACKGROUND

Application Number:	DA21-0707
Address:	Lot 2, 277-279 Collier Road, Bayswater
Town Planning Scheme Zoning:	General Industry
Use Class:	Noxious Industry - 'D'; Discretionary Use
Lot Area:	12,324 m
Existing Land Use:	Concrete Batching Plant
Surrounding Land Use:	Industrial (East, West, South), Residential (North)
Proposed Development:	Concrete Batching Plant: • Replacement of the aggregate reclaimer for recycling concrete with two wash out bins and installation of a sediment trap. • Upgrading of existing dust monitoring equipment. • Creation of a second crossover to the site from Collier Road. • Amendment to operating hours.

The application was presented to the 28 June 2022 Ordinary Meeting of Council where a motion to conditionally approve the application was lost, and no subsequent motion relating to the application was moved. The City subsequently received notice on 13 July 2022 that an application for appeal/review has been submitted to SAT, based on the deemed refusal of the development

application in terms of Clause 75(1)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, given the application was not determined by the City within 90 days of acceptance.

Mediation was undertaken on site and at the City's Civic Centre on 2 August 2022. As a result of the mediation, the applicant provided the attached additional information summarising each subject part of the development application and discussing the related amenity considerations (**Attachment 2**). The SAT also invited the City to reconsider the application under Section 31 of the *State Administrative Tribunal Act 2004*.

In reconsidering the matter, should Council determine to refuse the application or apply conditions not acceptable to the applicant, the applicant may then choose to have the application determined at a full hearing of the SAT. The SAT would then make a final decision on the matter.

The initial development application for the WA Premix concrete batching plant was refused by Council at its Ordinary Meeting held on 28 June 2011, for various reasons including appropriateness of use, loss of amenity and significant objections. However, the development application was subsequently conditionally approved on review by the State Administrative Tribunal (SAT) on 15 July 2014.

A subsequent, amended development application entailing modifications to the existing approval to improve the design outcome and environmental management of the site was also refused by Council, at its Ordinary Meeting held on 22 September 2015. The amended application was also subsequently approved on review by SAT, on 14 December 2016. This approval is currently applicable and includes 38 conditions which, in addition to standard development requirements, include additional requirements aimed at ensuring the plant operations do not unduly impact on the environment and the amenity of the surrounding area in accordance with relevant legislation. The focus of the conditions is on specifying plant operating standards, management measures and ongoing monitoring requirements relating to dust emissions, noise, groundwater quality, waste, traffic, landscaping and visual amenity. In particular there are stringent conditions relating to dust and noise.

Further, SAT made an order for the applicant to be awarded costs of $112,772.73 on 21 July 2017. In considering the matter, SAT found that the Council *'...took the view it would always oppose a concrete batching plant at the subject site regardless of any professional advice or previous decision...'* and *'...acted unreasonably in refusing to approve the superior design...'.*

Current Land Use and Operations

The concrete batching plant is classified as a 'prescribed premises' which is subject to licensing under the *Environmental Protection Act 1986* and it has been operating, pursuant to its conditions of development approval and its licence issued by the Department of Water and Environmental Regulation (DWER), since 2017. The plant is required to be managed and operated in accordance with an *Environmental Management Plan* (EMP) approved by the City.

The EMP addresses the following issues: Dust and particulate management, noise management, surface water management, landscaping, visual amenity, waste management, light overspill, traffic management, storage of hazardous and/or dangerous goods, complaints management, contingency measures to be adopted in the event of potential or actual unacceptable emissions from the site, and checklists and personnel responsibilities for actions assigned by the EMP.

Since commencing its operation, the plant has commissioned the undertaking of necessary internal audits, accreditation audits and external audits as required by relevant regulatory agencies and in accordance with conditions of the existing development approval.

The DWER is responsible for monitoring and enforcing compliance of the plant with the EMP and with relevant environmental legislation including the *Environmental Protection Act 1986* and the

Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998. The City's compliance role is focused on the conditions of development approval. The City's records indicate that since the plant commenced operations, compliance action has been undertaken once in respect of non-compliance with dust requirements and once in respect of non-compliance with the stipulated plant operating hours. City officers are not aware of any direct communication from residents to date regarding noise other than the abovementioned concern about plant operating times, which was loosely linked to noise. The City's records indicate that to date the City has not identified any non-compliances relating to noise emissions from the plant and no compliance matter has been formally registered in this respect. Other potential compliance issues identified have been concerns regarding groundwater pollution and concrete spill from vehicles on Grey Street and Collier Road.

The applicant has provided the below description of the current plant and activities. The concrete batching plant operates between 6:00am and 6:00pm Monday to Saturday (excluding public holidays), with no deliveries, dispatches or yard works occurring prior to 7:00am. Two personnel are present on-site to operate the plant. In addition, the site is serviced by a fleet of 10-15 concrete agitator trucks to deliver the prepared concrete to customers. As part of the operations conducted on the site, a loader is used for general cleaning, transfer of palletised products and the transfer of reclaimed sand and aggregate from the aggregate reclaimer to the loading hopper.

The applicant advises the operations conducted on site are notably superior in nature to those undertaken by other plants. The plant incorporates the latest best practice features, exceeding industry standards for dust emission control. The 'wet-mix' concrete manufacturing process, as opposed to traditional 'dry-mix' processes, is a more water efficient process, with substantially lower dust emissions. These superior operating outcomes are achieved through a process which includes combining all dry ingredients and water into a central mixer, which mixes the concrete before loading into an agitator truck.

Concrete Batching Process

Aggregates are delivered to the subject site by covered road trucks. The material contained within the trucks is delivered in a dampened state to mitigate dust. In addition, the following processes and procedures are in place to mitigate the generation and disturbance of dust within the subject site:

- Upon delivery, sand and aggregates are unloaded into drive-over bins enclosed within a shed and transferred to fully enclosed overhead storage bins via an enclosed conveyor and bucket elevator.
- Cement is delivered by sealed tankers and pneumatically transferred to sealed storage silos attached to the batching plant.
- Sand and aggregates are transferred from the overhead storage bins to the aggregate holding hopper and mixer via the main conveyor, which is also enclosed.
- Cement is transferred from the cement storage silos to the cement weigh hopper via sealed auger conveyors.
- The cement and aggregates are transferred into the mixer where water is added, then batch mixed and then discharged into the agitator truck via a rubber chute.
- The agitator truck then moves from the loading area to the slump stand where the load and truck, and cleanliness of the vehicle are inspected prior to departing the site to the customer.

The applicant advises the concrete batching plant utilises the latest and best practice technologies internationally to help mitigate the generation and disturbance of dust and noise emissions. The major plant components and benefits are as follows:

Wet Mix Concrete Manufacturing Process

Wet-mixing is a more water efficient process, with substantially lower dust emissions. It also provides substantial noise reductions, as well as significant fuel and carbon emissions savings because it eliminates the need for agitator trucks to spin its bowl at full speed on-site. Instead, it allows trucks to depart the plant immediately.

Drive Over Aggregate Delivery Bins

Two side-by-side drive-over bins for the delivery of sand and aggregates are enclosed within a shed to reduce noise and dust emissions. This system allows a road train to unload without having to unhitch trailers thereby substantially reducing unloading time and noise generated from an idling road train.

Overhead Aggregate Storage Bins

The concrete batching plant has 6 x 200m3 storage bins for standard aggregate and sand materials, and 8 x 20.6m3 storage bins for 'premium' aggregate and sand materials. The structures are completely enclosed with a dust extraction system and filter to mitigate dust emissions.

Emergency Storage Bins

Three 4m x 8m storage bins are provided for the emergency storage of aggregate to prevent open air stockpiling. Sprinklers are used to store aggregate materials in a dampened state to minimise dust emissions. These storage bins are not used under normal operating conditions and are only provided as a contingency.

Aggregate Reclaimer and Water Recycling Unit/Manual Washdown Area

An aggregate concrete reclaimer and water recycling unit (*EcoFrog RE_X 24*) was originally used at the plant to recycle any returned concrete and wastewater. However, the unit did not operate to the standard anticipated and an alternative temporary washdown area is currently being used for this purpose at the rear of the plant.

Proposed Development

The current application relates to the following:

- Modified waste and water recycling management;
- Upgrade of dust monitoring equipment;
- Addition of a second driveway and crossover; and
- Amended plant operating hours.

Waste and Water Recycling Management

The applicant advises the aggregate concrete reclaimer has not operated to the standard anticipated since installation and an alternative temporary manual washdown area is being used at the rear of the plant. Environmental inspections conducted by City and DWER officers have identified issues including discharge of concrete wash near the rear stormwater basin. Accordingly, application is being made to replace the existing aggregate concrete reclaimer and water recycling unit with two wash out bins in the centre of the site. In addition, a wedge pit is proposed to be installed adjacent to the rear stormwater basin, to act as a sediment trap for any other material from the plant.

Dust Monitoring Equipment

There are two existing dust monitors in use on the site. The applicant advises that annual air quality reporting has demonstrated that the existing *TEOM (PM10)* dust monitor is prone to error whereas the other, *Beta Gauge (PM10)* monitor on site is more reliable. Accordingly, application

is being made to replace the *TEOM* monitor with a second *Beta Gauge* monitor which will improve current dust monitoring standards.

Second Driveway and Crossover

There is currently a single access point to the site from Collier Road, located on the eastern side of the lot. Application is being made for a second access point, on the western side. The applicant advises it is proposed to create separate entry and exit driveways, in order to improve vehicle circulation and safety within the site by minimising the need for vehicles to cross paths.

Operating Hours

The operating hours of the plant are currently restricted to 6:00am – 6:00pm Monday to Saturday (excluding public holidays); however, no front end loader may operate, nor may any raw materials be delivered to the site prior to 7:00am. Application is being made to amend the hours so that the plant may operate for any 12-hour period within a 24-hour working day. The applicant advises that the intention is to primarily operate between 4:00am and 4:00pm Monday to Saturday (excluding public holidays), with no front end loader to operate, or any raw materials to be delivered to the site prior to 7:00am. Subject to prior notice to the City, the applicant also seeks flexibility to move the 12-hour operating period as required (e.g. 8:00am to 8:00pm).

The applicant advises the proposed amendment does not seek to extend the length of operations, but rather seeks flexibility in which 12-hour period the plant operates, and will be subject to relevant noise regulation requirements. The applicant advises the flexible operating hours will facilitate competitive advantage and allow for the efficient supply of materials to the building industry.

EXTERNAL CONSULTATION

The application was referred by the City to the DWER for comment. DWER advised that while there is no objection to the proposal, the proposed improvements to waste and wastewater management will trigger Section 53 of the *Environmental Protection Act 1986* and will require a works approval. In addition, the application will need to demonstrate compliance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.*

The application was also referred by the City to Main Roads WA for comment. Following the submission of further information by the applicant to Main Roads WA regarding the impact of traffic generated by the concrete batching plant on the surrounding road network, Main Roads WA advised no objection to the proposal subject to standard conditions.

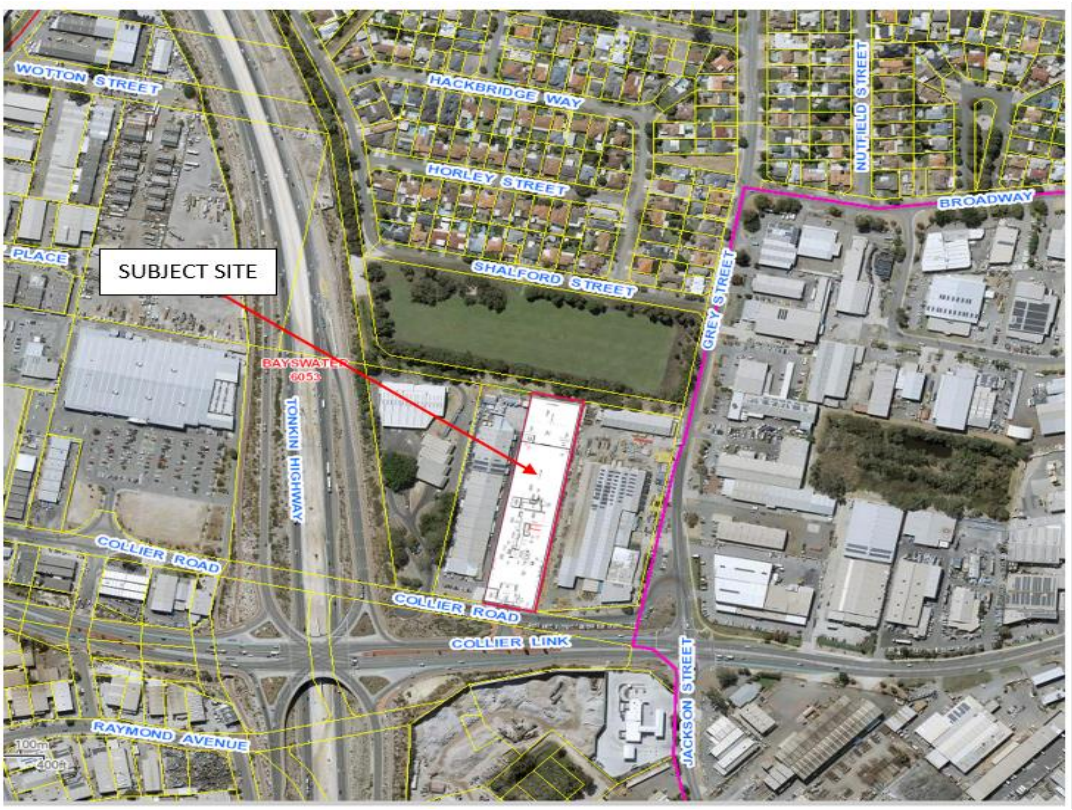
The City also sought comment on the proposed development from the owners and occupants of nearby affected properties for a period of 14 days. The advertising period ended on 16 March 2022 and 15 objections were received, including three late objections. Details of the submissions, applicant's response and officer's comments are stated below.

ISSUE	NATURE OF CONCERN	APPLICANT'S RESPONSE	OFFICER'S COMMENTS
Noise disturbance	There is existing noise disturbance to local residents arising from the operations at the site. The noise disturbance to residents will only increase with the proposed extended operating hours	*'None of the proposed elements of this DA amendment will create noise. Current hours are 6am to 6pm, with no delivery, dispatches or yard works before 7am as per the Noise Regs. The requirements for no front end loaders or raw materials delivery prior to 7am will remain in keeping with the Noise Regs. The application does not seek to extend the length of*	Refer to the 'Officer' Comments' section of the report.

	especially into the night.	*operation (being 12 hours), but only to allow it to be flexible and it is noted that the operations will still need to comply with Noise Regulations. WA Premix has not received any noise complaints. Noise monitoring found the plant to be complaint with the noise regulations at all times. Noise monitoring additionally found the operation of the front end loader and materials deliveries would be compliant prior to 7am however WA Premix has not sought to alter the hours of these activities.'*	
	There is existing noise disturbance to local residents arising from heavy vehicles regularly using local residential streets (including Grey Street and Shalford Street) instead of the major roads Collier Road and Tonkin Highway. The noise disturbance to residents will only increase with the proposed extended operating hours especially into the night.	*'The changes proposed by this amendment to the development application will not increase vehicle movements or alter the routes taken.* *'No complaints have been received by WA Premix in relation to noise or vehicles travelling along Shalford or Grey Street. All our large heavy vehicles (semi-trailers & road trains) use Tonkin Highway and Collier Road only. It is extremely unlikely that any WA Premix vehicle would ever travel along Shalford Street unless specifically delivering concrete to a residence on that street. Unless delivering concrete to the local area it is highly unlikely that concrete agitator trucks would travel along Grey Street. Whilst we don't have traffic count data for Grey Street we are highly confident that any vehicle movements by WA Premix on Grey Street would be an extremely low proportion of daily vehicle movements. The City would be able to make this assessment from their vehicle count data and the WA Premix vehicle movement information provided.* *However, it should be noted there may currently be increased use of Grey Street by WA Premix as we are currently supplying concrete to the Tonkin Gap project. This requires the delivery of concrete a number of local locations, in particular the Broun Avenue - Tonkin Highway overpass which cannot be accessed from Tonkin Highway and must be accessed from Grey Street. Again this is a local*	Refer to the 'Officer' Comments' section of the report.

		project that will deliver benefit to the local community, and the volume of WA Premix vehicles would still represent an extremely small proportion of traffic on Grey Street.'	
Loss of residential amenity	The plant is of no community value and corporate profit for industry is taking precedence over residential amenity for local residents.	*'This DA Amendment is seeking to* ***improve*** *the accuracy of dust monitoring standards that will allow the operator to better respond to and remediate any adverse impacts on the residential amenity. In addition, the Dust Impact Assessment predicts an* ***improvement*** *in dust levels as a result of a change in operating hours to 4am-4pm. In addition, dust impacts at the nearest residential area to the north will also be reduced as the new wash-out bins proposed as part of this DA Amendment are further away from residences, behind the main conveyor and less exposed to prevailing winds. The Dust Impact Assessment predicts lower dust concentration, a significant decrease in dust concentrations and improved dust mitigation measure from the new wash-out bins. In summary, the proposed DA Amendment has been submitted to improve residential amenity.* *In addition, it is noted that concrete has a short workable life and can only supply to the local area. The plant has supplied concrete to many public and infrastructure projects, schools, hospitals, etc. as well as local residences. The concrete plant is within an existing industrial area that predates the construction of the residential area.'*	Refer to the 'Officer' Comments' section of the report.
Health impact	This noxious industry backing on to the local park is contaminating Joan Rycroft Reserve which is being used by the plant as a private buffer zone and is a health violation for local residents. The plant should leave the area as soon as possible.	*'This DA Amendment seeks to enhance the waste management process and implementing improved wastewater management procedures. The application seeks install two new 'Wash Out Bins' and it will still be ensured that all excess water is sent back into the plant. As outlined above, this application is predicted to result in less dust and better responses to dust issues. In addition, it is noted that the concrete plant is located in an existing appropriately zoned industrial area that pre-dates the construction of Joan Rycroft Reserve and the residential area.'*	Refer to the 'Officer' Comments' section of the report.

Illegal use	The State Administrative Tribunal and the Environmental Protection Authority did not have the relevant expertise and erroneously/illegally granted the current operating licence/approvals despite objections from residents. The plant is accordingly operating illegally and it also already regularly breaches its conditions of operating without any enforcement action being undertaken. The proposal to expand and extend the hours of operation should not be approved given the illegalities and the increased disturbance that will occur to residents in the evening/overnight. The plant will likely continue to operate during the day to serve normal clients if it is allowed to operate through the night as proposed, leading to a 24 hour/day operation.	*'The current approval is valid. The plant operates within all of the approvals and endorsed management plans. It is not proposed to extend operating hours, only to provide flexibility in when the 12 hours operation period can occur. The plant was subject to the most rigorous and onerous assessment process of any concrete plant in Western Australian history. No complaints from residents have been received by WA Premix.'*	The plant is operating in terms of a valid development approval granted by the SAT and a licence issued by the DWER. Where non-compliance matters relating to the plant have been identified, these have been investigated and compliance action taken where necessary by the City.
Property value	The proposed amendments including increased noise disturbance will affect the resale value of properties.	*'This is not a planning consideration. Nevertheless, the proposed DA amendments will not result in increased noise or dust and in fact will result in improvements to current operations. No complaints have been received from residents regarding noise disturbance, noise monitoring found the plant to be compliant, and noise modelling predicts the proposed changes will not result in any significant increase in noise.'*	The impact on property value is considered speculative and is not considered to be relevant to the planning assessment of the application.





OFFICER'S COMMENTS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front	13.5m	93.0m	Compliant
Side [east]	6.0m	10.8m	Compliant

Side [west]	6.0m	28.9m	Compliant
Rear	3.0m	147.6m	Compliant
Maximum Building Height	2 storeys/12m	12.5m	Variation*
Maximum Plot Ratio	0.5 (6,162.5m^2)	0.1 (1,276m^2)	Compliant
Maximum Coverage	50%	10.3%	Compliant
Minimum Parking	4 bays	8 bays	Compliant
Minimum Landscaping:			
Total	10% (1,232 m^2)	19% (2,398 m^2)	Compliant
2m wide strip	To street frontage	To available street frontage	Compliant

* Previously-approved variation

Planning Assessment

Key Issues

The key issues raised in relation to this matter are as follows:

- Despite Council's previous concerns and refusal of a concrete batching plant at the subject site, the SAT has approved this use at the site and the plant is currently operating.
- Should Council refuse the current application, the concrete batching plant can continue to operate regardless, in accordance with the current conditions of approval.
- The proposed alterations and additions are considered relatively minor in nature and will generally improve the operation of the plant in accordance with environmental impact mitigation requirements.

Noise

Concern has been expressed by local residents in submissions received in response to the public consultation of the development application, that the concrete batching plant operations are a noise disturbance to the area particularly in the evening. The plant site is situated approximately 200m from the closest residences on Shalford Road to the north, separated from them by Joan Rycroft Reserve as well as an area reserved for landscaping at the north end of the plant site.

The concrete batching plant is required to comply with noise management measures specified in the EMP. The objectives in respect of noise management are as follows:

- Ensure noise levels meet the requirements of the *Environmental Protection (Noise) Regulations 1997* and are managed in accordance with the approval conditions set by the SAT; and
- Minimise the noise impact of activities and to protect the amenity of residents and other sensitive receptors surrounding the concrete batching plant.

The operating hours of the plant are currently restricted to 6:00am – 6:00pm Monday to Saturday (excluding public holidays); however, no front end loader may operate, nor may any raw materials be delivered to the site prior to 7:00am. Application is being made to amend the hours so that the plant may operate for any 12-hour period within a 24-hour working day. The applicant advises that the intention is to primarily operate between 4:00am - 4:00pm however subject to prior notice to the City, the applicant seeks flexibility to move the 12-hour operating period as required (e.g. 8:00am - 8:00pm).

The proposed amendment does not seek to extend the length of operations, but rather seeks flexibility in which 12-hour period the plant operates, and will be subject to relevant noise regulation requirements. However, the proposed amended operating hours will allow the plant to operate earlier in the morning or later in the evening, therefore extending the potential noise disturbance periods for local residents.

The applicant advises that it is rare for concrete batching plants in Western Australia to have restrictions on operating hours. There are two other existing plants in Bayswater and one in Bassendean and there are no restrictions on their operating hours. While the plant situated at 2-8 Clune Street, Bassendean originally had restricted operating hours similar to the current restrictions at the subject site as a condition of development approval, the restrictions were deleted in 2019 following submission of a development application wherein the applicant demonstrated that potential amenity issues could be managed via management plans. It is noted however that the Bassendean plant is situated in a less sensitive location being more centrally-positioned within an existing industrial area and further from sensitive residential uses being approximately 440m from the closest residential area and separated from it by the Midland rail line and Guildford Road.

The applicant has provided an acoustic report prepared by Herring Storer Acoustics dated September 2021 which assesses compliance of the plant with the *Environmental Protection (Noise) Regulations 1997* based on the proposed operating hours amendment. The report findings are as follows:

"Assessment of the current operations for the WA Premix batch plant shows that compliance at the residential locations is achieved with the criteria stipulated in the Environmental Protection (Noise) Regulations 1997, for all hours of operations.

The current operating times for the WA Premix Batch Plant are 06:00 to 18:00 weekdays and Saturdays.

An acoustic assessment conducted as a condition of the Works Approval, (post commissioning) of the batch plant showed compliance was achieved for all time periods at the nearest highly noise sensitive premises.

As the most stringent time period for compliance is the night period, prior to 07:00, the commissioned plant was measured and assessed as being in compliance with night period.

The application to amend the operating times to an earlier start time would still be within this same criterion of night-time, hence the level of compliance remains unchanged.

The change of the operating hours to an earlier start time would not impact the level of compliance at the highly noise sensitive receivers and based on the measured noise levels for background, would likely have no perceived difference for the batch plant noise emissions."

City officers consider the report findings to be acceptable, provided the plant is operated in accordance with the noise management measures specified in the EMP and in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Concern has also been expressed by local residents that heavy vehicles from the concrete batching plant use local residential roads including Grey Street and Shelford Street which creates a noise disturbance, and that earlier or later operating hours will lead to increased traffic noise disturbance.

The plant is required to comply with traffic management measures specified in the EMP. The objectives in respect of traffic management are to ensure the safe and environmentally responsible operation of vehicles in and around the site, and to ensure that all vehicle drivers are appropriately informed about the impacts of heavy vehicle use and related impacts of dust and noise on site and on the surrounding community. The applicant advises that the batching plants' large heavy

vehicles only use Tonkin Highway and Collier Road and that a concrete agitator truck would only use Grey Street if it was delivering concrete to the local area, or Shelford Street if it was delivering to a property in that street. The applicant has acknowledged that concrete agitator trucks have needed to use Grey Street recently, however this is a temporary requirement related to the current local Tonkin Gap highway upgrading project.

There are no conditions of the current development approval restricting the use of any particular vehicles on the surrounding road network. Main Roads WA manage access on all public roads, whether they are State or local roads. Generally, vehicles that are 19m or less are considered "as-of-right" vehicles and can operate on any public road, unless there is a specific condition restricting access through a condition of a development approval, or a general prohibition to a class of vehicle through the Local Government Act. Vehicles greater than 19m in length are considered Restricted Access Vehicles and require a permit from Main Roads WA to be able to operate on specific roads. Main Roads WA mapping indicates that Restricted Access Vehicles are not permitted on Grey Street north of Shalford Street. Concrete agitator trucks are likely to be "as-of-right" vehicles, which would be allowed to operate on any part of Grey Street without the prior approval of the City or Main Roads WA.

Given the above, it is considered that amendment of the current plant operating hours is supportable provided a noise management plan and a traffic management plan is in place as currently required, to ensure noise amelioration measures are implemented at all times. However, given the close proximity of the residential area to the north and the need to protect residential amenity, it is considered that limits should be retained to operating hours which will limit potential noise disturbance from the plant and related heavy vehicle traffic in the vicinity. A starting time of 4:00am and a finishing time of 4:00pm which reflects the applicant's proposed primary operating hours is considered appropriate and a condition in this regard is included in the officer's recommendation. The applicant has indicated during discussions of alternative operating hours that these recommended hours are acceptable, however the current approved operating hours of 6.00am to 6.00pm or another alternative time such as 5:00am to 5:00pm would not be acceptable. Further the applicant's agreement to operating hours of 4:00am to 4:00pm is 'without prejudice', so that if Council resolves not to change the approved hours, the applicant may still seek variable operating hours with a 12-hour limit, as per the development application.

Waste and Water Recycling Management

The plant is required to comply with waste and water recycling management measures specified in the EMP. The objectives in respect of waste management are to minimise waste quantities generated from operational activities, to prevent contamination of soil, stormwater and groundwater quality and to recycle waste. The objective in respect of surface water management is to ensure that no stormwater or contaminated water is discharged off-site. The details regarding how the objectives are to be met including the required standards, processes to be followed, equipment to be used as well as monitoring requirements, are contained in the EMP.

The applicant advises it has become evident during operation of the plant that the aggregate concrete reclaimer and water recycling unit has not been performing as anticipated and an alternative temporary manual washdown area located at the rear of the plant is instead being used. The proposed replacement of the mechanical unit with two permanent manual wash out bins in the centre of the site is intended to provide an alternative waste and water recycling method. City officers consider the alternative manual process can be accepted and it needs to be implemented in such a manner that the waste management and surface water management objectives are still being met. The EMP would accordingly require updating to include and detail the alternative process, to the satisfaction of the City.

Plant Dust Emission

The concrete batching plant is required to comply with dust management measures specified in the EMP. The objectives in respect of dust management are as follows:

- To minimise the impact of cement and raw material dust generated from the operations activities;
- Protect the amenity of residents surrounding the concrete batching plant by ensuring dust levels are compliant with the requirements of the SAT, DWER and City; and
- Ensure the dust levels are managed in accordance with the approval conditions set by the development approval.

The details regarding how the objectives are to be met including the required standards, processes to be followed, equipment to be used as well as monitoring and reporting requirements, are contained in the EMP. A report dated May 2021 assessing the impact of the proposed new wash out bins and flexible operating hours on dust emissions at the plant has been prepared for the applicant by Environmental Alliances Pty Ltd.

The report noted that:

"The construction of the new wash stand and wash-out bins will effectively shift the location of the waste concrete spillages/run-off to immediately adjacent to the new wash-out bins at the centre of the site. The dust impacts at the nearest residential area to the north will therefore be reduced, for the following fundamental reasons:

- *the new wash-out bins and adjacent paved area are further away from the residences;*
- *the new wash-out bins and adjacent paved area are further away and behind the main conveyor enclosure - approximately 12 m high and 21 m wide, which will increase the dispersion of any dust plumes when winds are towards the residences; and*
- *the new wash-out bins and adjacent paved area are less exposed to prevailing winds than the paved area adjacent to the temporary storage bins, hence wind-generated dust lift-off will be less."*

The report found that:

"In summary, for the proposed new wash-out bins flexible hours "worst case" scenario, irrespective of which 12-hour time block on any day was selected for operation:

- *the maximum predicted 24-hour average PM10 concentration is-*
    - *less than that for the current operation over 2020; and*
    - *3.4% of the NEPM Standard.*
- *the annual average predicted PM10 concentration of 0.25 µg/m3 is-*
    - *less than that for the current operation over 2020.*
    - *1% of the NEPM Standard."*

City officers consider the report findings to be acceptable and there is no objection to the proposals from a dust emission viewpoint. The plant is required to comply with the existing specified dust emission limits and standards.

Dust Monitoring Equipment

Two different types of dust monitors are currently used on the site in accordance with the EMP, specifically a TEOM (PM10) dust monitor is used as the primary monitoring method and a second, Beta Gauge (PM10) monitor is also used.

The applicant advises that annual air quality reporting has demonstrated that the existing TEOM (PM10) dust monitor is prone to error whereas the other, Beta Gauge (PM10) monitor on site is more reliable. Accordingly, application is being made to replace the TEOM monitor with a second Beta Gauge monitor which will improve current dust monitoring standards. City officers have no

objection to the proposed dust monitor replacement. The EMP would accordingly require updating to include the change, to the satisfaction of the City.

Traffic Safety

The plant is required to comply with traffic management measures specified in the EMP. The objectives in respect of traffic management are to ensure the safe and environmentally responsible operation of vehicles in and around the site, and to ensure that all vehicle drivers are appropriately informed about the impacts of heavy vehicle use and related impacts of dust and noise on site and on the surrounding community.

There is currently a single access point to the site from Collier Road as specified in the EMP, located on the eastern side of the lot. Application is now being made for a second access point, on the western side of the lot where there is an existing redundant crossover situated in the verge.

The applicant advises it is proposed to create separate entry and exit driveways for the plant, in order to improve vehicle circulation and safety within the site by minimising the need for vehicles to cross paths. To support the proposal, the applicant submitted a Transport Impact Statement prepared by GTA Consultants dated 2 February 2018 and a Technical Note prepared by Stantec dated 22 April 2022, which conclude that the external road network and site access arrangements are considered acceptable. City officers agree that a second access point can be provided as proposed without unduly impacting on traffic safety in Collier Road, and Main Roads WA also has no objection to the proposal. The EMP would accordingly require updating to include the amended access arrangements, to the satisfaction of the City.

Other Matters

The submitted site plan indicates areas reserved for landscaping with the bulk of the landscaping being along the northern end of the site facing Joan Rycroft Reserve and residential areas to the north. Visual inspection indicates there is existing landscaping in these areas.

The proposed additional crossover and driveway result in substantial hardstand within the verge and front setback area of the site. There are already limited opportunities for landscaping in the front setback area given the existing electricity substation and dust monitoring station, and the only substantial area available is that around the existing artwork, comprising approximately 22m². There is also approximately 120m² of the verge area in front of the site available for landscaping. Further, City officers consider trees should not be planted in this area given the risk of reducing the accuracy of the nearby dust monitoring equipment. Given the limited landscaping opportunities in the front setback area of the site, it is considered appropriate for the verge area to also be landscaped and maintained by the applicant.

Following the SAT mediation, the applicant confirmed it is willing to landscape the road reserve at the front of the property to increase the quantity of low shrubbery in accordance with the City's *Verge Greening Guidelines* and *Street Verges Policy*, noting that vegetation will need to be low in height to avoid interfering with the dust monitor and the electricity substation.

An appropriate condition of approval addressing the above landscaping requirements is already included in the officer's recommendation.

Ongoing concrete spill from vehicles in the vicinity of Grey Street, Collier Road and the Tonkin Highway on-ramps has been identified as an issue. In terms of the concrete batching plant EMP traffic management measures, all vehicles carrying materials from the site must be loaded and transported in a manner which prevents spillage of materials onto a public road. In order to focus more attention on addressing this matter it is recommended that a specific condition in this respect also be included in the development approval. An appropriate condition is accordingly included in the officer's recommendation.

While the current development application is only for alterations and additions to the existing concrete batching plant, given the potential environmental impact of the plant it is considered appropriate to include the conditions of the original SAT approval in this development approval, thereby ensuring adequate focus remains on the stringent environmental impact management requirements. These conditions are accordingly included in the officer's recommendation.

The proposed amended operating hours do not extend the length of operations at the concrete batching plant and as such it is considered the plant's current production capacity is not proposed to be increased. In order to address this aspect, it is recommended that a specific requirement in this regard be included in the development approval, and an appropriate condition is accordingly included in the officer's recommendation.

LEGISLATIVE COMPLIANCE

- *City of Bayswater Town Planning Scheme No. 24;*
- *Environmental Protection Act 1986;*
- *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998; and*
- *Environmental Protection (Noise) Regulations 1997.*

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be reduced due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

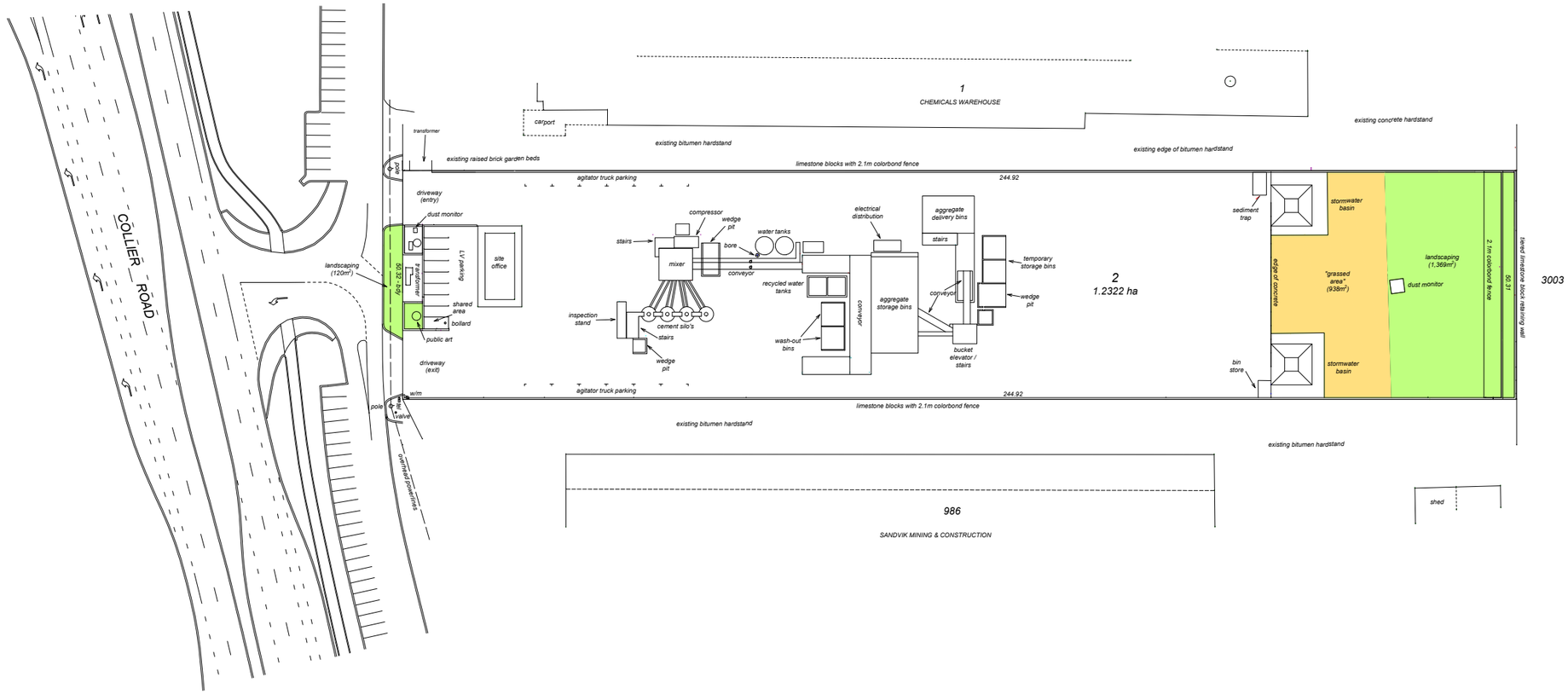
In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

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

The proposed development will facilitate the more efficient and effective operation of the concrete batching plant in accordance with market needs and its specified environmental standards and applicable environmental legislation.

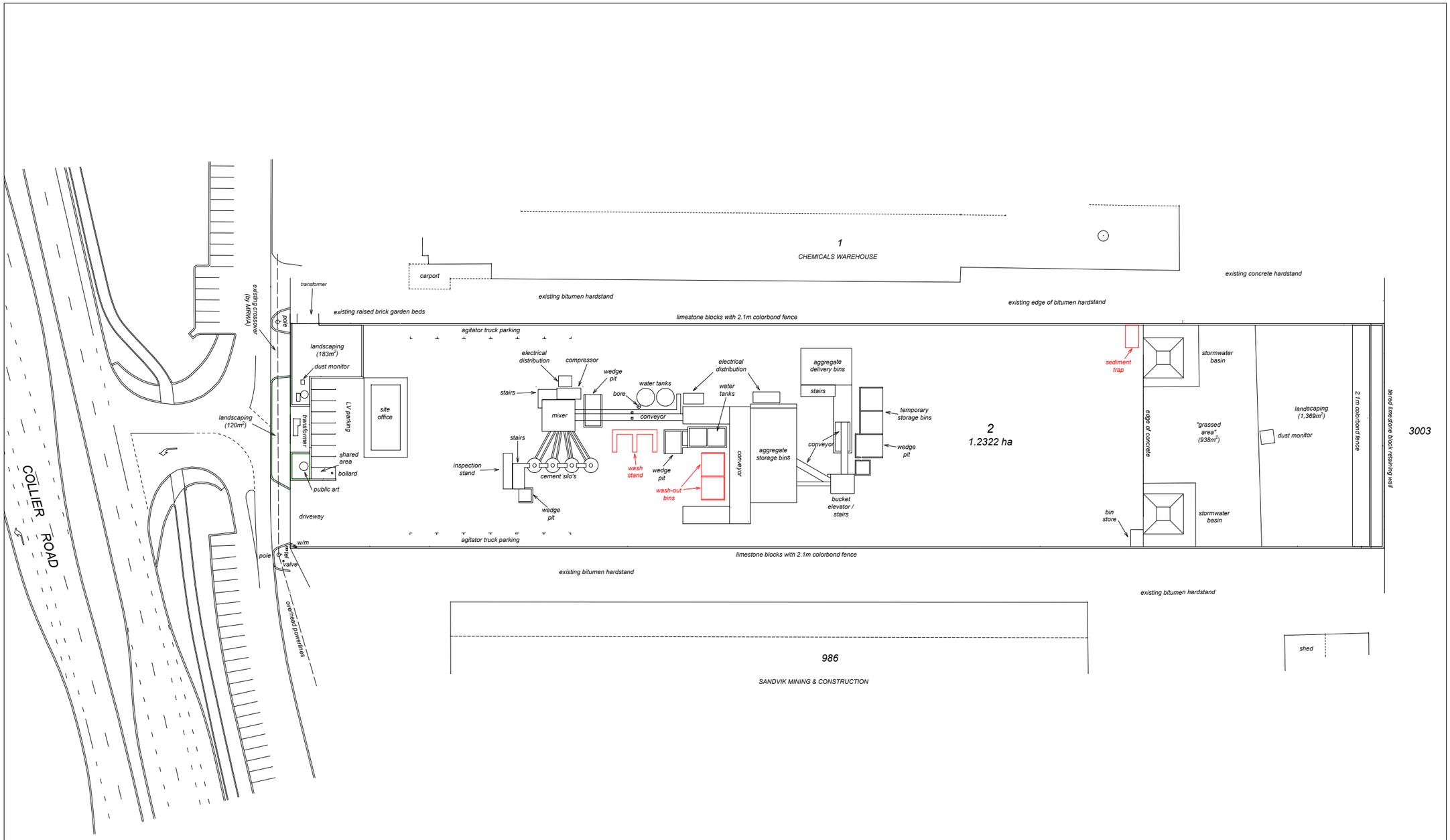
CONCLUSION

Given the aforegoing assessment, the officer's recommendation for conditional approval remains unchanged.

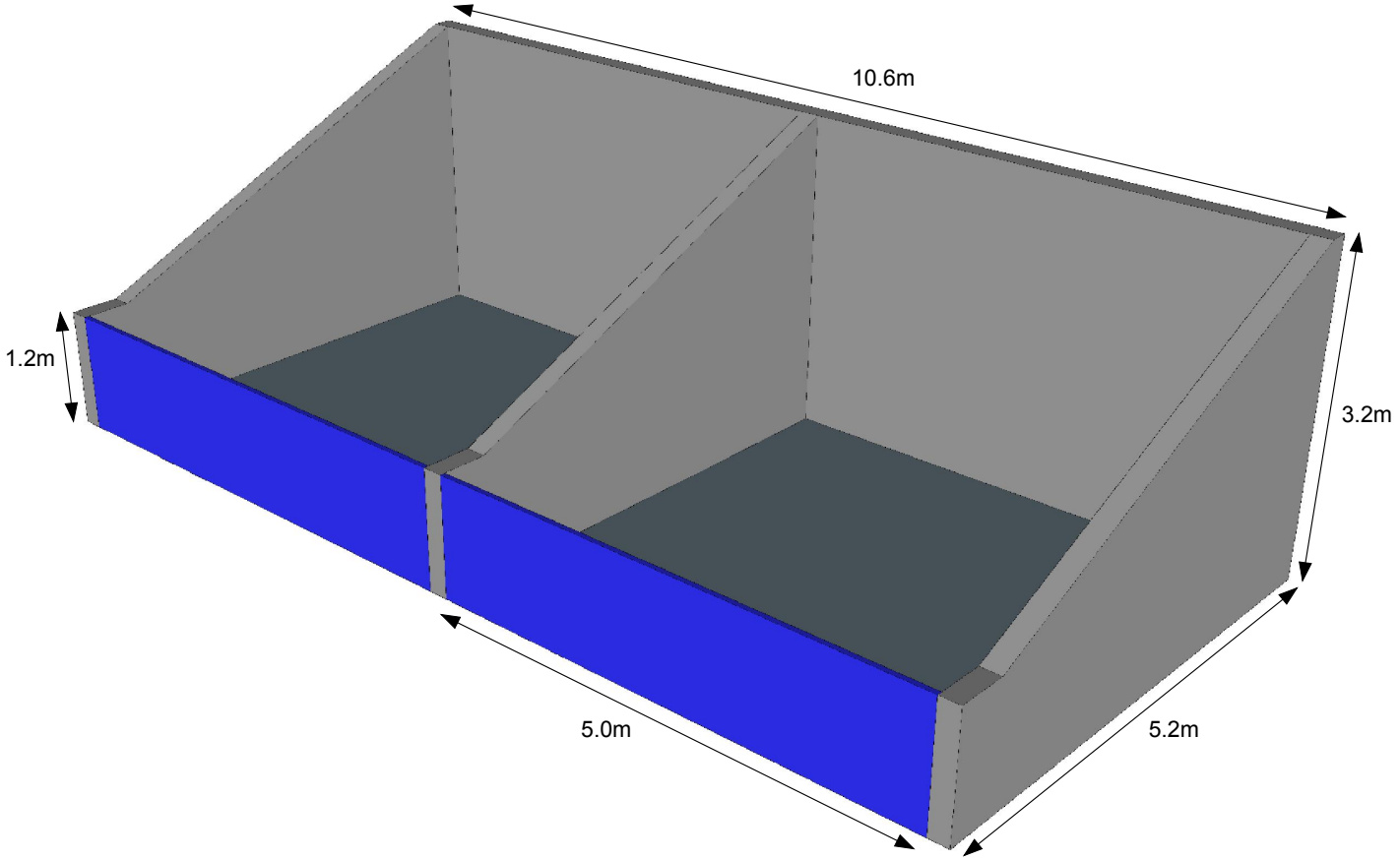


TITLE: WA PREMIX BAYSWATER CONCRETE BATCHING PLANT PROPOSED SITE PLAN	DISCLAIMER: This Drawing has been prepared for the purpose of designing new constructions on the land and should not be used for any other purpose. Boundaries on this plan were not re-established as part of this survey. This plan does not therefore guarantee their accuracy. For any proposed works on or near existing boundaries, cadastral boundaries should be re-established. Certificate of Title should be referred to re: encumbrances prior to design. Only visible services have been located. Prior to any demolition, construction, or excavation a Dial Before You Dig must be completed. The position of the sewer lines is indicative ONLY. Users of this plan should verify plan accuracy PRIOR to use. This plan should not be used for any financial dealings related to this land. This note forms an integral part of this plan.	*REVISION:*	*SCALE @ A3:* 1:1,000			*DATE:* 27/05/2022
CLIENT: WA PREMIX			*LOT NUMBER:* 2	*C/T: VOL / FOL* 1513 / 683		*DATUM H:* PCG94
			PLAN / DIAGRAM: D 55129	*LOCATION:*		*DATUM V:* AHD

W.A. PREMIX



TITLE: WA PREMIX BAYSWATER CONCRETE BATCHING PLANT WATER MANAGEMENT CHANGES	DISCLAIMER: This Drawing has been prepared for the purpose of designing new constructions on the land and should not be used for any other purpose. Boundaries on this plan were not re-established as part of this survey. This plan does not therefore guarantee their accuracy. For any proposed works on or near existing boundaries, cadastral boundaries should be re-established. Certificate of Title should be referred to re: encumbrances prior to design. Only visible services have been located. Prior to any demolition, construction, or excavation a Dial Before You Dig must be completed. The position of the sewer lines is indicative ONLY. Users of this plan should verify plan accuracy PRIOR to use. This plan should not be used for any financial dealings related to this land. This note forms an integral part of this plan.	*REVISION:*	*SCALE @ A3:* 1:800		*DATE:* 25/02/2021	
CLIENT: WA PREMIX			*LOT NUMBER:* 2	*C/T: VOL / FOL* 1513 / 683	*DATUM H:* PCG94	**W.A. PREMIX**
			PLAN / DIAGRAM: D 55129	*LOCATION:*	*DATUM V:* AHD	



Proposed Wash-out Bins

Memo

WA LIMESTONE
277-279 COLLIER ROAD, BAYSWATER
DEVELOPMENT APPLICATION

Town Planning & Urban Design

p. 08 6333 1888
e. info@cdpaus.com.au
a. 2/464 Murray St,
Perth WA 6000
PO Box 8002
Cloisters Square 6850

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To. Lavan
From. CDP
Date. 02/08/2022
Job Code. WALBADEV

The development application proposes 4 amendments to the current development approval:

- Improved waste and wastewater management system;
- Upgrade of dust monitoring equipment;
- Use of a second driveway and crossover; and
- Modification to operating hours.

The below table summarises each part of the DA amendment and discusses the amenity considerations for each.

DA Amendment Item	Reasons for seeking DA amendment	Details	Amenity Considerations *
Improved waste and wastewater management system	• Discharge of concrete wash near the rear stormwater basin requires immediate remediation due to mechanical faults in the existing aggregate concrete reclaimer which has not operated to the standard the proponent anticipated.	• Proponent seeks to decommission the aggregate concrete reclaimer and install two 'Wash Out Bins' in the centre of the site (south of the 'Aggregate Storage Bins' and 'Conveyor'), replacing the existing 'Recycling Unit'	• The dust impacts at the nearest residential area to the north will be reduced due to the new wash-out bins and adjacent paved area being: o further away from the residences; o behind the main conveyor (measuring approximately 12

		• The alternative procedure still ensures that there will be no discharge of water, as well as the continued recycling of water and solids.	metres high x 21 metres wide), which will increase the dispersion of any dust plumes when winds are towards residences; and o less exposed to prevailing winds which reduces wind-generated dust lift off. • Dust Impact Assessment indicates predicted maximum 24-hour average PM10 concentrations for the new wash-out bins are lower than current concentrations by a 37% decrease. • Dust Impact Assessment indicates predicts lower PM10 concentrations for the new wash-out bins for all days of the year by a 64% decrease. • This element of the DA will reduce the environmental and social impacts of the plant on amenity. • This element of the DA will have no impact on the character of the area as it relates to internal equipment upgrades.
Upgrade of dust monitoring equipment	• Annual reporting has demonstrated that the TEOM 15-minute average measurements are prone to be erroneous. Regular observation of the dust monitors has identified periodic negative PM10 concentrations, which are not possible.	• The proponents seek to improve the accuracy of current dust monitoring standards by replacing the TEOM monitor with a second, more reliable Beta Gauge monitor.	• This enhanced accuracy of 15-minute average measurements will allow the proponent to better respond to and remediate any adverse impacts on adjacent landowners as a result of dust emissions.

	• Technical Note, prepared by Envall (March 2021) submits that these negative recordings are attributable to rapid increases in the moisture content of the air (humidity).		• This element of the DA will reduce the environmental and social impacts of the plant on amenity. • This element of the DA will have no impact on the character of the area as it relates to internal equipment upgrades.
Use of a second driveway and crossover	• A second driveway will improve traffic flow within the site and improve the safety for all vehicles by minimising the need for vehicles to cross paths.	• The proponent seeks to create an additional entry driveway at the western boundary of the property, using the existing crossover. • It is proposed that the additional driveway at the western boundary of the site is used for entry only and the existing driveway on the eastern boundary of the site is use for exit only.	• The inclusion of a second driveway, using the existing crossover, will **NOT** generate additional traffic movements to or from the subject site. • Both crossovers are existing, having been constructed to the property boundary by Main Roads as part of the Northlink Project and Collier Road upgrades. • Therefore, the additional driveway will **not** reduce the area of verge landscaping and there will be an insignificant impact on the character of the industrial area. • There will be no adverse environmental or social impacts on amenity as a result of the construction of a second driveway within the site using an existing crossover.
Modification to operating hours	• The current approval allows operation between 6:00am to 6:00pm Monday to Saturday (excluding public holidays), with no front end loader to operate, or	• The proponent seeks flexibility to move the 12-hour operating period as required subject to prior notice being given to the City.	• The change in operating hours will not increase dust emissions. • The plant will still comply with all required noise regulations.

	any raw materials to be delivered prior to 7:00am.
	• Greater flexibility operating hours is sought to:
	  ○ facilitate competitive advantage,
	  ○ allow for the efficient supply of materials to the building industry at times they require it to meet customer requirements and
	  ○ to respond to COVID and the current construction boom issues.
	• It is unusual for concrete plants in WA to have restrictions on operating hours (including the other plants in Bayswater and Bassendean) and it is submitted that this creates an unfair competitive advantage.
		• **It is not sought to extend the permitted 12 operating hours.**
		• **It is not sought to increase production.**
		• Primarily, they seek to operate between 4:00am to 4:00pm Monday to Saturday (excluding public holidays), with no front end loader to operate, or any raw materials to be delivered to the site prior to 7:00am.
		• The proponent also seeks that operations outside of 4am – 4pm are permitted where the operator notifies the City at least 24 hours in advance, and where the altered operating hours do not exceed 12 hours within a 24 hour period.
		• Notably, it is **NOT** proposed that any front-end loader may operate, nor any raw materials be delivered to the site prior to 7 am and no operations are to occur at any time on Sundays or Public Holidays.
			• The closest dwelling is 339m from the mixer.
			• There will be no adverse environmental impacts on amenity from the change to operating hours.
			• Any perceived social impacts and impacts on the character of the area resulting from the change in operating hours can be further managed via noise management plans and traffic management plans.

* Clause 67 (2)(n) of the Deemed Provisions at Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* outlines that local government is to have due regard to the amenity of the locality including the following:

- Environmental impacts of the development
- The character of the locality
- Social impacts of the development


SHALFORD STREET
339m
GREY STREET
COLLIER ROAD
COLLIER LINK
CONTEXT PLAN
Lot 2 (277-279) Collier Road, BAYSWATER
A WA Limestone Project
DRAFT
NORTH
Scale: 1:1500 @ A3
0 15 30 45m
PLAN: CDP-1-082
DATE: 02/08/2022
PROJECTION: MGA 50
DATUM: AHD
REVISION:
DRAWN: JP
PLANNER: CH
CHECK: KB
cdp
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Perth WA 6000
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10.4.2 Proposed 10 Grouped Dwellings and 6 Aged or Dependent Persons' Dwellings - Lot 242, 7-9 Wright Crescent, Bayswater

Applicant/Proponent:	Niche Living Development (Director: Ronnie Michel – Elhaj)
Owner:	Cocos Eco Resort Pty Ltd (Director: Ronnie Michel – Elhaj)
Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Quasi-Judicial
Requirement:	Simple Majority Required
Attachments:	1. Development Plans [**10.4.2.1** - 34 pages] 2. CONFIDENTIAL - Submission Map [**10.4.2.2** - 1 page]
Refer:	N/A

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA): personal affairs of any person

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Dan Bull declared an impartial interest in this item as he lives nearby the development. Cr Bull remained in the Council Chambers and voted on this item.

SUMMARY

A planning application has been received for the construction of 10 grouped dwellings and six aged or dependent persons dwellings at Lot 242, 7-9 Wright Crescent, Bayswater. The development proposes variations to primary and communal street setbacks, lot boundary setbacks, open space, outdoor living area and aged or dependent persons' dwellings. Two objections from the same property were received during community consultation. Given the cost of development is more than $2,000,000, officers do not have delegation to determine the application, hence the application is referred to Council for determination. The application is recommended for approval subject to appropriate conditions.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council grants planning approval for proposed 10 grouped dwellings and six aged or dependent persons dwellings at Lot 242, 7-9 Wright Crescent, Bayswater in accordance with planning application dated 2 February 2022 and amended plans dated 20 July 2022, subject to the following conditions:

1. **The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.**
2. **Revised plan(s) and details addressing the following matters shall be submitted to, and to the satisfaction of the City of Bayswater prior to the lodgment of a building permit application, and not result in any greater variation to the requirements of the Residential Design Codes and the City's policies:**
   - **(a) Revised elevations and/or written certification demonstrating that the external surfaces of all roofs are cool roofs in accordance with the City's Sustainability in Design Policy.**
   - **(b) Further investigation to be carried out for drainage connection within the Wright Crescent road reserve, and detailed plans and specifications of the works required as a result of this investigation.**
   - **(c) Lighting plan which demonstrates the lighting being designed, baffled and located to prevent light spill onto the adjoining properties. Floodlights shall not be illuminated after 10:00pm.**

(d) Kerbing is to be provided to all landscaping areas that adjoin the vehicle accessway and/or car parking bays within the site to protect the landscaping/trees from vehicular movement.

(e) Kerbing is to be provided to the City's road verge adjacent to the lot.

3. Details of the brick-paved hard stand area adjacent to the road verge for bin collection are to be provided to the satisfaction of the City of Bayswater.

4. The approved boundary walls and footings abutting the boundaries must be constructed wholly within the subject allotment. The external surface of the boundary walls shall be finished to a professional standard, to the satisfaction of the City of Bayswater.

5. Landscaping, reticulation and the tree(s) required to be planted on the property, shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.

6. Prior to occupation, a total of four street trees are to be planted on the Wright Crescent verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater. The City's tree list can be found at:

   https://www.bayswater.wa.gov.au/CityOfBayswater/media/Documents/Environment/201027-CoB-Tree-Planting-Guideline.pdf

7. The three trees (two *Erythrina indica* and one *Corymbia calophylla*) worthy of retention as denoted on the plans and in accordance with the Arborology WA report dated 14 July 2022 are to be retained on the lot, and shall have measures consistent with AS 4970-2009 undertaken to ensure its protection during construction of the subject development. The recommendations for tree surgery works detailed in the report shall be carried out by the applicant and implemented to the satisfaction of the City of Bayswater.

8. A detailed 'Schedule of Colours and Materials' shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.

9. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area including dust management, shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.

10. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater unless an alternative external drainage disposal is approved by the City of Bayswater.

11. Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where Wright Crescent meets road reserve.

12. The vehicle parking areas shall be constructed in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, and thereafter maintained to the satisfaction of the City of Bayswater.

13. The proposed crossover and driveways being constructed with brick paving or concrete with grades in accordance with AS 2890.1 to the satisfaction of the City of Bayswater.

14. Any external services and utilities including air conditioning units shall be integrated into the design of the building and shall be located so as not to be visually obtrusive to the street and/or adjoining properties to the satisfaction of the City of Bayswater.

15. **Appropriate directional signage or line marking is to be installed within the site for passing vehicle movement to the satisfaction of the City of Bayswater.**

16. **All vehicle parking to be line marked, and visitor car parking spaces shall be clearly signposted as dedicated for visitor use only, to the satisfaction of the City of Bayswater.**

17. **The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development.**

18. **Any existing redundant septic system is to be decommissioned in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations) 1974* (as amended) to the satisfaction of the City of Bayswater.**

19. **The footpath, visitors car parking and accessway shall be delineated by varying colours or materials to the satisfaction of the City of Bayswater.**

20. **A detailed schedule of design features demonstrating how dwellings 2, 3, 4, 5, 6 and 7 meets AS4299 - Adaptable Housing (as amended) shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application, and thereafter implemented to the satisfaction of the City of Bayswater.**

21. **The development shall comply with the geotechnical report dated 16 December 2021 prepared by Prompt Engineering. A post-geotechnical report is to be prepared by qualified geotechnical personnel, and certification is to be included that the works have been completed in full compliance with the pre-geotechnical report recommendations to the satisfaction of the City of Bayswater.**

22. **The front fence/wall being visually permeable in accordance with the Residential Design Codes above a height of 1.2m, to the satisfaction of the City of Bayswater.**

23. **On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.**

24. **The owner shall execute and provide to the City of Bayswater, a notification pursuant to section 70A of the *Transfer of Land Act* to be registered on the titles of dwelling properties as notification to proprietors and/or (prospective) purchasers of the property of the following:**

    (a) The lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.
    (b) For dwellings 2,3,4,5,6 and 7 at least one occupant is required to be a person with disability or physically dependent person or aged person as defined by the Residential Design Codes, or is the surviving spouse of such a person and the owner of the land.
    (c) This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.

    The Section 70A Notification shall be prepared by the City's solicitors to the satisfaction of the City of Bayswater. All costs of, and incidental to, the preparation of and registration of the Section 70A Notification, including the City's Solicitor's costs, shall be met by the applicant/owner of the land. This notification shall be lodged and registered in accordance with the *Transfer of Land Act* prior to the first occupation of the respective grouped dwellings.

Advice Notes:

1. **To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval**

notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.

2. **Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any verge trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.**
3. **This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.**
4. **This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.**
5. **This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

Application Number:	DA22-0038
Address:	7-9 Wright Crescent Bayswater
Town Planning Scheme Zoning:	Medium – High Density Residential - R25
Use Class:	Grouped Dwellings – ‘P’ (Permitted)
Lot Area:	5307 m2
Existing Land Use:	Single House
Surrounding Land Use:	Residential & Public Open Space (Gobba Lake and Riverside Gardens)
Proposed Development:	10 Grouped Dwellings and Six Aged or Dependent Persons’ Dwellings

The subject site at Lot 242, 7-9 Wright Crescent, Bayswater is bounded by residential development and on the northern side opposite the site is Gobba Lake. The site has a sloping topography, with the highest point of the site located at the rear of the property to its south-eastern boundary.

On 11 May 2022, the Western Australian Planning Commission conditionally approved subdivision of the site into 16 lots. One of the conditions of approval is for the applicant to pay the City of Bayswater the sum equivalent to the value of 10 per cent of the land, being that portion of the land that would otherwise be provided as public open space. The applicant has not yet applied for the clearance of the subdivision conditions for the creation of the lots.

On 25 May 2022 a demolition permit was issued for the site. It was confirmed via a site visit that an existing single dwelling has been demolished, the required trees have been retained on the site and the existing crossover has been removed.

The 10 grouped dwellings consist of nine single storey and one two storey dwellings. The six aged or dependent persons' dwellings are single storey buildings. This development application is being referred to Council for determination as the cost of development is more than $2,000,000 which exceeds officer delegation.





EXTERNAL CONSULTATION

The City sought comment for the proposal from the owners and occupants of the adjacent affected properties for a period of 14 days. At the completion of the advertising period two submissions were received from the same property which is considered as one objection.

ISSUE	NATURE OF CONCERN	APPLICANT'S RESPONSE	OFFICER'S COMMENTS
Lot Boundary Setback	Unit 10- setback of 0.98m to the south-western boundary is too close which is exacerbated by the density of the development.	*"The variation is considered to be minor and the impact on the adjoining neighbour is negligible as the bulk and scale of the facade has been stepped back along the fence line."*	Refer to Officer's Comments section of the report. It is noted that unit 10 complies with the required lot boundary setbacks facing the south-western boundary.
	The eave to unit 10 does not comply with the required setback. There is concern it does not comply with Building Code of Australia and about the	*"The proposed eaves of Unit 10 are in accordance with the relevant Building Regulations. Please refer to the drainage plan which outlines how this will be*	Refer to Officer's Comments section of the report. It is noted that the eaves of unit 10 comply with the required lot boundary setbacks

	drainage of water from the eave. Unit 11 alfresco backs onto a ~~zero~~ nil boundary wall which is a bedroom.	*managed (i.e., roof drainage).”* *“The proposed development meets the relevant performance criteria of the R-Codes. The proposed setbacks variations are considered to be minor and will not be detrimental to the adjoining neighbour. The bulk and scale proposed is in accordance with the surrounding* development.”	facing the south-western boundary. The eaves can comply with the Building Code of Australia. The applicant is required to comply with the City’s requirement for drainage within the property. Unit 11’s alfresco is open and will not impact on the adjoining south-western property in terms of sunlight and ventilation. The occupiers of the alfresco area are required to comply with the noise regulations applicable for residential areas.
Retaining Walls	The retaining walls proposed along the south-western boundary is 1m in height which will impact on the adjoining property in terms of overshadowing and visual privacy.	*“Retaining walls comply with the R-Codes requirements*.”	The proposed retaining walls are not higher than 0.5m above the natural ground levels. Therefore, they comply with the requirements of the Residential Design Codes (R-Codes) and there is no issue of overshadowing and visual privacy. It is noted that as per Local Law a fence is required to be constructed on the retaining wall on the higher side.
Construction	The soil is generally sandy/clay which can result in	A geotechnical report has been submitted which	As per the geotechnical report submitted

	movement and cracking of the dwellings.	confirms the sites capability to sustain the proposed development.	construction can be carried out on the site to the satisfaction of the City.

Design Review Panel (DRP) advice

The proposal was first considered by the DRP at its meeting held on 21 April 2022 and via a one panel member review on 7 July 2022.

The DRP's comments on 21 April 2022 are summarised as follows:

"This is a challenging deep site and the proposal does a good job in resolving this as a grouped housing development and is a significant improvement over typical typologies of this nature. The Panel acknowledges the diversity of units provided, good spatial planning of the proposal, and the aesthetic of development is satisfactory with north facing outdoor living areas provided to most dwellings.

The development however is seen to be too compact and it is suggested that the applicant consider removing one lot or incorporating more two storey dwellings so as to have more generous outdoor living areas, landscaping, communal area and possibly enable better configured visitor parking. Landscaping and sustainability require further consideration.

The panel is supportive pending further attention to the items noted in the report below and recommends an additional one panel-member review."

The second DRP review was undertaken by one panel member and his comments on 7 July 2022 are summarised below:

"It appears there a number of previous comments that have not yet been addressed. These include the site coverage being "too compact" and also details on sustainable initiatives. Landscaping appears to have only minor changes, although a justification for trees and deep soil has been provided. We would recommend more effort be made to address the remaining concerns listed by the Panel."

Following the above DRP comments the City Officers had a meeting with the applicant and the following response is provided:

- With regard to the development being too compact, the Western Australian Planning Commission (WAPC) has already approved sixteen lots for residential development for this site. Therefore, the City cannot request the modification of the subdivision layout.

- With regard to sustainability the applicant has agreed for condition for cool roof to be provided which will meet the City's Sustainability Design Policy. The amended landscaping plan submitted is to satisfaction of the City's Park Services. In addition, the applicant will have to satisfy the NATHERs requirement for energy efficiency as part of the Building Permit application.

OFFICER'S COMMENTS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks			
Primary street Setback			

Unit 1	Minimum-3m	Building = 2.4m, Alfresco = 1.1m	Variation
	Average-6m	4.4m	Compliant
Communal Street Setback			
Units 2-10	Minimum-2.5m	1.5m-2.03m	Variation
Lot Boundary Setback:			
Unit 9 –			
South-eastern (rear)	Wall = 1.5m	Wall = 1.09m	Variation
	Eave = 0.75m	Eave = 0.3m	Variation
Unit 10-			
South-eastern (rear)	Wall = 1.5m	Wall = 0.98m	Variation
	Eave = 0.75m	Eave = 0.2m	Variation
Maximum Building Height			
Unit 16			
Wall Height	7m	5.3m	Compliant
Roof Pitched Height	10m	6.9m	Compliant
Minimum Open Space			
Unit 2	50%(130m²)	48.8%(127m²)	Variation
Unit 9	50%(183m²)	49.8%(182m²)	Variation
Unit 10	50%(181m²)	47.5 (172m²)	Variation
Unit 15	50% (181 m²)	48.5%(175m²)	Variation
Minimum Outdoor Living Area			
Unit 1	Behind the street setback	Within the street setback	Variation
Unit 2	Open area = 20 m²	17.8m²	Variation
Unit 3	Open area = 20 m²	19.3 m²	Variation
Car Parking	Residents = 26 car bays	26 car bays	Compliant
	Visitors= 4 car bays	4 car bays	Compliant
Dependent Persons' Dwellings:			
Maximum Plot Ratio	100 m²	Unit 2= 104.4 m² Units 3-4= 100.4 m²	Variation
Minimum width of visitor parking	3.8m	3.2m	Variation

*Please note that the above table identifies key considerations and areas of non-compliance only given the number of dwellings proposed.

Street Setback

As outlined in the assessment table above, Unit 1 does not comply with the required minimum primary street setback. As the minimum street setback proposed do not meet the deemed-to-comply requirement, the variation is assessed against the design principles which state the following:

"P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors.*

P2.2 Buildings mass and form that:

- *uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework."*

The minimum street setbacks for the dwelling and alfresco are 2.4m and 1.1m. It is noted that the adjoining existing dwelling at 11 Wright Street is setback 1.5m to 2m to the street. The front boundary is at an angle to the lot which results in part of the dwelling not complying with the street setback and the other part of the dwelling being compliant with the street setback. The alfresco is open and the walls facing the street are articulated and have major openings facing the street. Therefore, it is considered there will be no undue impact on the existing streetscape.

For units 2-10, the setbacks to the communal street are 1.5m-2.03m in lieu of 2.5m. It is noted that the setbacks are not dissimilar to the existing adjoining development at 11 Wright Street which is setback 1.5m to the communal street. The setbacks are to the internal common accessway and do not impact the Wright Crescent streetscape. In addition, there is landscaping being provided along the driveway which will contribute to minimise the impact on the communal streetscape. Therefore, it is considered there will be no undue impact on the communal accessway streetscape.

Rear Boundary Setbacks

Units 9 and 10 do not comply with the required rear setbacks. As the lot boundary setbacks do not meet the deemed-to-comply requirement, the variations are assessed against the relevant design principles which state the following:

"P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties."*

Unit 9

The wall and eave have setbacks to the south-eastern boundary (rear) of 1.09m and 0.3m in lieu of 1.5m and 0.75m respectively. The walls face the open backyard of the adjoining rear property (24 Duchess Street). The proposed development complies with overshadowing requirement and therefore it is considered there will be no undue impact on the adjoining dwelling in terms of sunlight and ventilation. The walls of the dwellings facing the rear property are articulated and single storey only which will result in no undue impact of bulk on the adjoining rear property. No objection was received from the south-eastern neighbour.

Unit 10

The wall and eave have setbacks to the south-eastern boundary (rear) of 0.98m and 0.2m in lieu of 1.5m and 0.75m respectively. The walls face the open backyard of the adjoining rear property (24 Duchess Street). The proposed development complies with overshadowing requirement and therefore it is considered there will be no undue impact on the adjoining dwelling in terms of sunlight and ventilation. The walls of the dwellings facing the rear property are articulated and single storey only which will result in no undue impact of bulk on the adjoining rear property. No objection was received from the south-eastern neighbour.

Open Space

The application proposes the following open space variations:

- Unit 2 - 48.8% (127m²) in lieu of 50% (130m²)
- Unit 9 - 49.8% (182m²) in lieu of 50% (183m²)
- Unit 10 - 47.5% (172m²) in lieu of 50% (181m²)
- Unit 15 - 48.5% (175m²) in lieu of 50% (181m²)

The design principles to consider for open space are as follows:

"P4 Development incorporates suitable open space for its context to:

- *reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *provide access to natural sunlight for the dwelling;*
- *reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *provide space for external fixtures and essential facilities."*

The overall open space for the development is 53% which exceeds the required 50%. In addition, the development is directly opposite public open space (Gobba Lake) which affords the development a biophilic outlook and an added level of amenity for its surroundings.

Outdoor Living Area

The application proposes the following variations to the outdoor living area requirements:

- Unit 1 - The outdoor living area is located within the front setback area in lieu behind the street setback area.
- Unit 2 - Open area is 17.8m² in lieu of 20m²
- Units 3-7 - Open area is 19.3m² in lieu of 20m²

The design principles to consider for outdoor living area are as follows:

"*P1.1 A consolidated outdoor living area is provided to each single house and grouped dwelling which provides space for entertaining, leisure and connection to the outdoors that is:*

- *of sufficient size and dimension to be functional and usable;*
- *capable of use in conjunction with a primary living space of the dwelling;*
- *sufficient in uncovered area to allow for winter sun and natural ventilation into the dwelling;*
- *sufficient in uncovered area to provide for landscaping, including the planting of a tree(s); and*
- *optimises use of the northern aspect of the site.*"

It is considered that the outdoor living areas are sufficient in size to accommodate outdoor furniture and are oriented to allow for winter sun and natural ventilation into the dwellings and landscaping has been provided. In regard to the Unit 1 outdoor living area being located within the street setback area, the alfresco is open sided and the structure is of minimal bulk and scale and it is considered there will be no undue impact on the streetscape. In addition, the outdoor living area will provide an activated space that provides passive surveillance overlooking the street and public open space.

Aged or Dependent Persons' Dwellings

The application proposes the following variations to the aged or dependent person dwellings requirements:

Plot Ratio

- Unit 2 - 104.4m² in lieu of 100m²
- Units 3-4 - 100.4m² in lieu of 100m²

It is considered the plot ratio variations are minimal and therefore there will be no undue impact on the adjoining properties in terms of bulk given the dwellings are single storey only. The dwellings also comply with the boundary setbacks and boundary walls requirements.

Car Parking

- The width of the visitor bay is 3.2m in lieu of 3.8m

The visitor bay has been designed to AS 2890.6 which provides specifications for off-street parking for people with disabilities. In this instance the visitors bay is parallel to the pedestrian footpath with a shared (footpath) within the development which can be used as additional space to get in and out of vehicles. The footpath will be level with the car parking paving and will be delineated by the use of different coloured paving which is considered to be satisfactory.

Sustainability in Design Policy

Given the application was received in February 2022 and the above policy came into effect in May 2022, it is applicable to this development. The applicant has agreed for a condition to be imposed for cool roofs which will be addressed as part of the Building Permit application.

With regard to incorporating biophilic design, the development is oriented towards the existing reserve (Gobba Lake) and units 1 and 16 have major openings facing Gobba Lake. The applicant has submitted a landscaping plan which is to the satisfaction of the City's Landscape Architect and Trees Services with appropriate species incorporated into the design consistent with the policy requirements.

Trees on Private Land and Street Verges and Landscaping Policies

The City's Trees on Private Land and Street Verges Policy encourages mature trees within a site to be retained. Three existing trees along the north-eastern boundary are proposed to be retained as part of this development. Two trees are *Erythrina indica* which are 17.3m and 16.4m in height, and one tree is *Corymbia calophylla* which is 16.7m in height. The applicant submitted an arborist report on these trees to be retained which is to the satisfaction of the City's Tree Services.

The landscaping plan includes 49 trees (existing and proposed) across the development/lots and the common accessway. Each lot has been provided with a standard tree in line with the City's Trees on Private Land and Street Verges Policy. The landscaping plan proposes deep soil areas and structural soil to enable trees to be planted along the driveway which meets the objectives of the City's Landscaping Policy. To protect the landscaping and trees from vehicle movement within the site it is recommended that a condition be imposed for kerbing to be provided where landscaping areas abut vehicle access and parking areas.

Design Review Panel

The City's Design Review Panel is generally supportive of the proposal and acknowledges the development has good spatial planning and aesthetic. With regard to the DRP's comments about the development being too compact the WAPC has approved the subdivision and the City cannot request the applicant to change the layout of the subdivision. The DRP's comments on sustainability, landscaping and cool roofs have been provided in the context of the City's Sustainability in Design Policy.

LEGISLATIVE COMPLIANCE

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Bayswater Town Planning Scheme No.24;
- Trees on Private Land and Street Verges Policy;
- Sustainability in Design Policy;
- Landscaping Policy; and
- *State Planning Policy 7.3- Residential Design Codes Volume 1.*

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be reduced due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, 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.
Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.

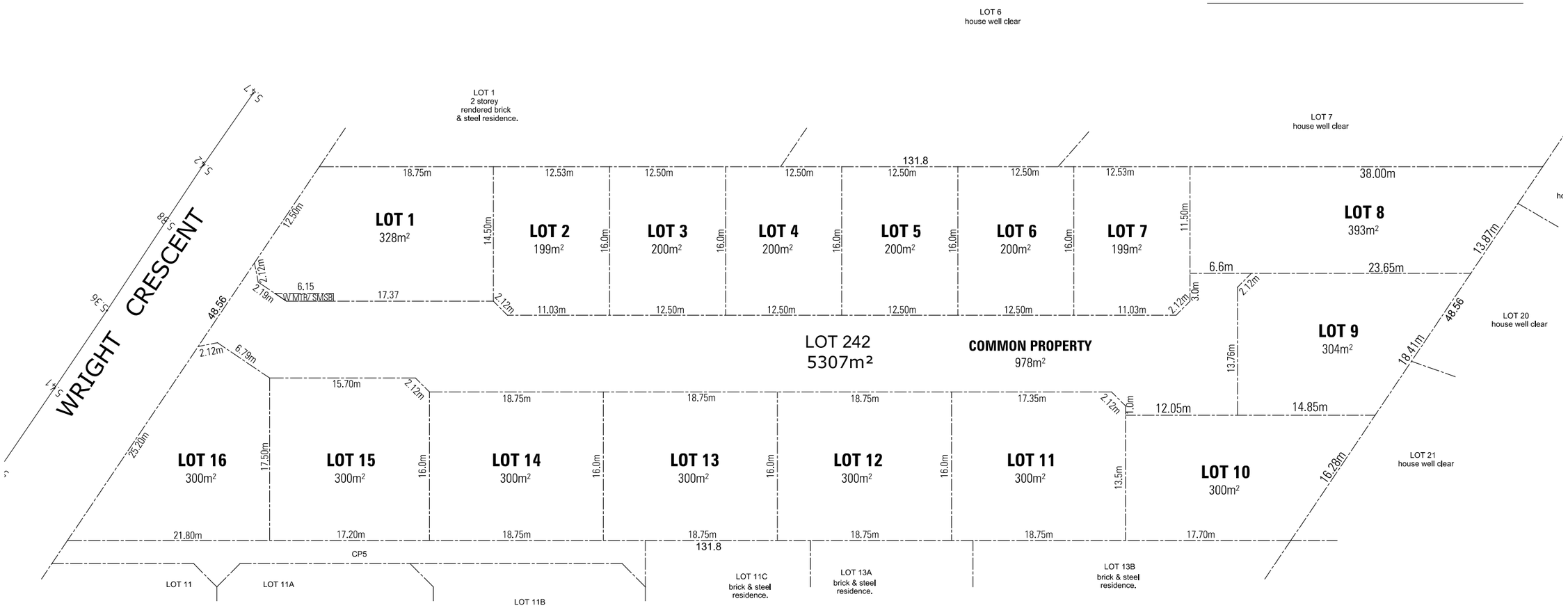
The proposed development is compatible with the context and character of the existing neighbourhood and is generally supported by the City's Design Review Panel. The development has provided trees and landscaping in excess of the minimum requirements, and it is considered the development will make a positive contribution to the streetscape and tree canopy for the area.

CONCLUSION

In view of the above the proposed development is recommended for approval subject to the proposed conditions.

GENERAL NOTES

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SUBDIVISION PLAN
SCALE 1:400

PROJECT TITLE / CLIENT			
NICHELIVING - BAYSWATER			
7-9 WRIGHT CRESCENT, BAYSWATER			
DRAWING TITLE			
SUBDIVISION PLAN			

REV	DATE	DESCRIPTION	DWN
D	30.03.22	DA SUBMISSION	ZMH
C	25.01.22	DA SUBMISSION	ZMH
B	17.01.22	DA SUBMISSION	ZMH
A	02.11.21	PRELIMINARY	ZMH

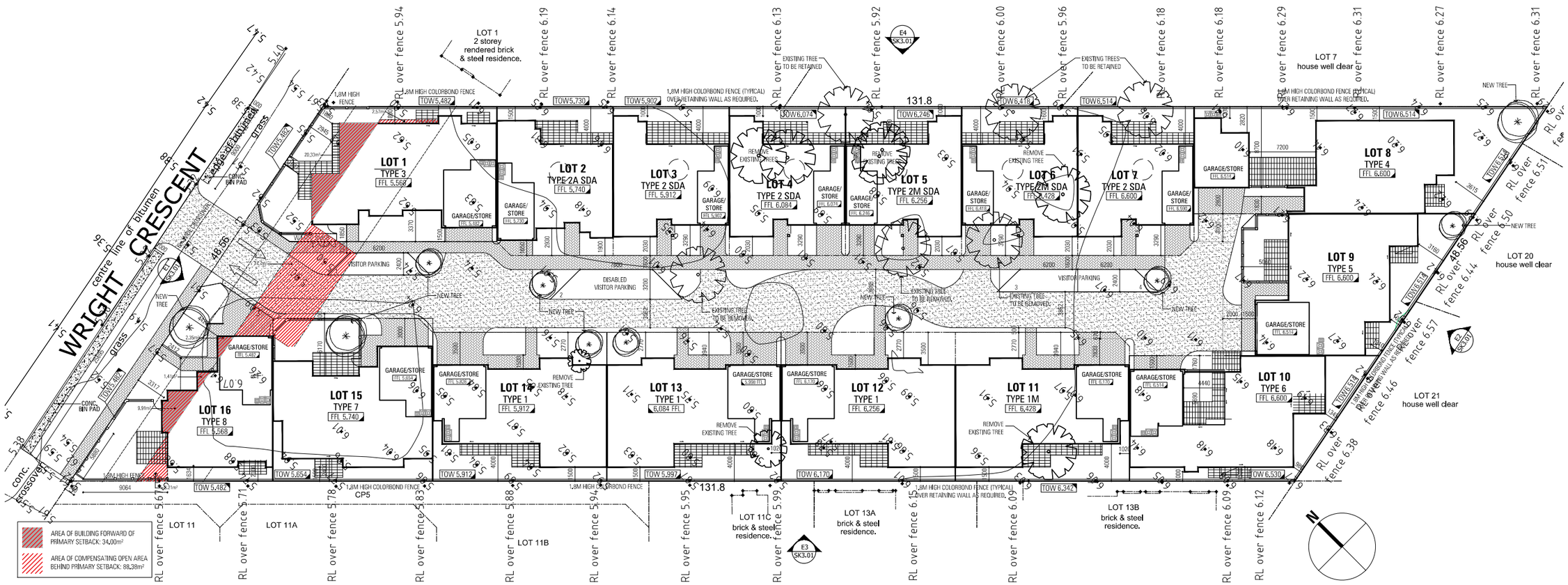
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SITE GROUND FLOOR PLAN

SCALE 1:400

PROJECT TITLE / CLIENT			
16 GROUPED DWELLINGS			
7-9 WRIGHT CRESCENT, BAYSWATER			
DRAWING TITLE			
SITE PLAN			

Nicheliving

REV	DATE	DESCRIPTION	DWN
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H	10.06.22	DA SUBMISSION UPDATE	MG
G	23.05.22	DA SUBMISSION	MG

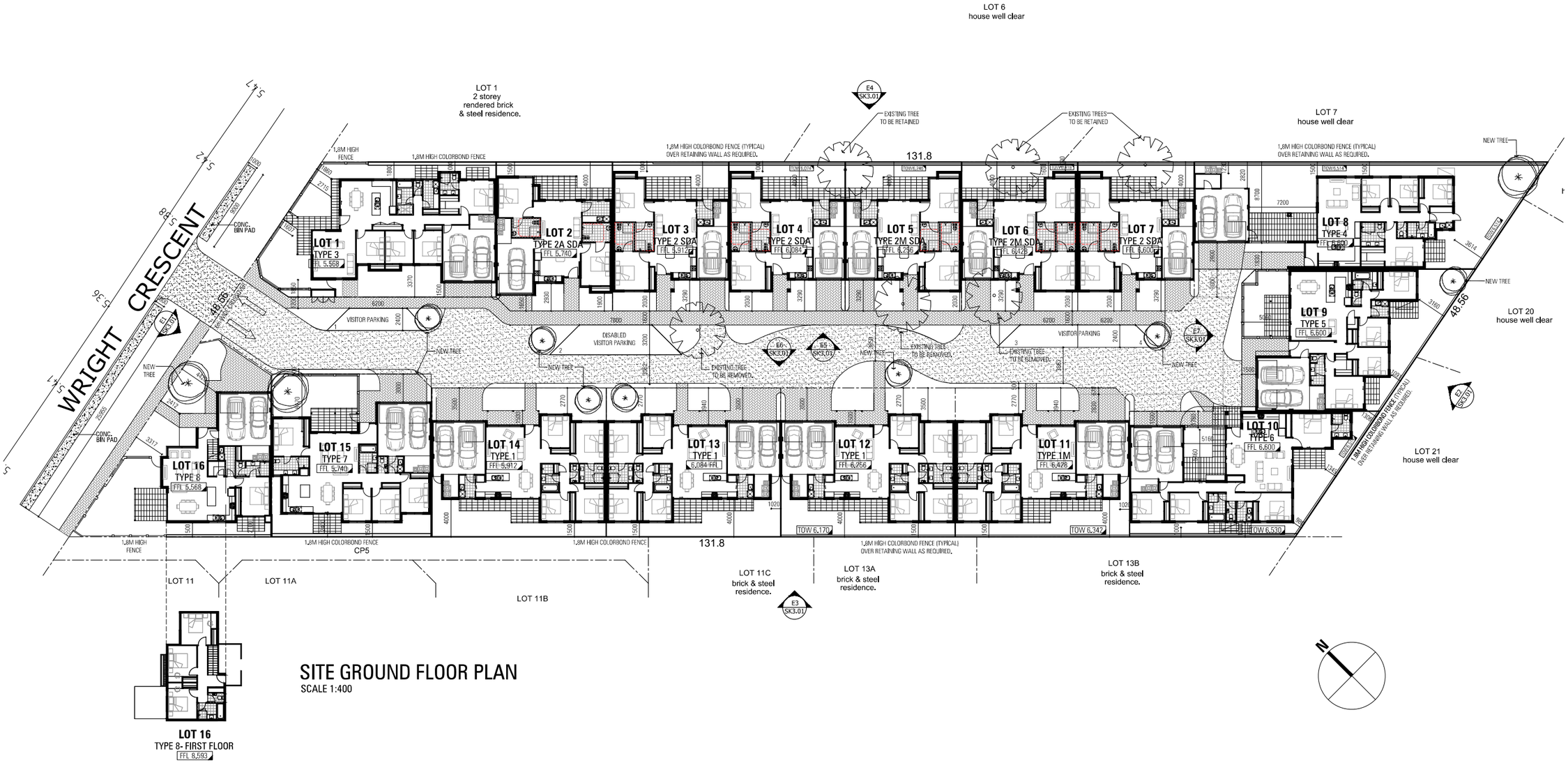
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SITE GROUND FLOOR PLAN
SCALE 1:400

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
SITE GROUND FLOOR PLAN

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REV	DATE	DESCRIPTION	DWN
I	15.07.22	DA AMENDMENT	JB
H	10.06.22	DA AMENDMENT	MG
G	24.05.22	DA AMENDMENT	MG
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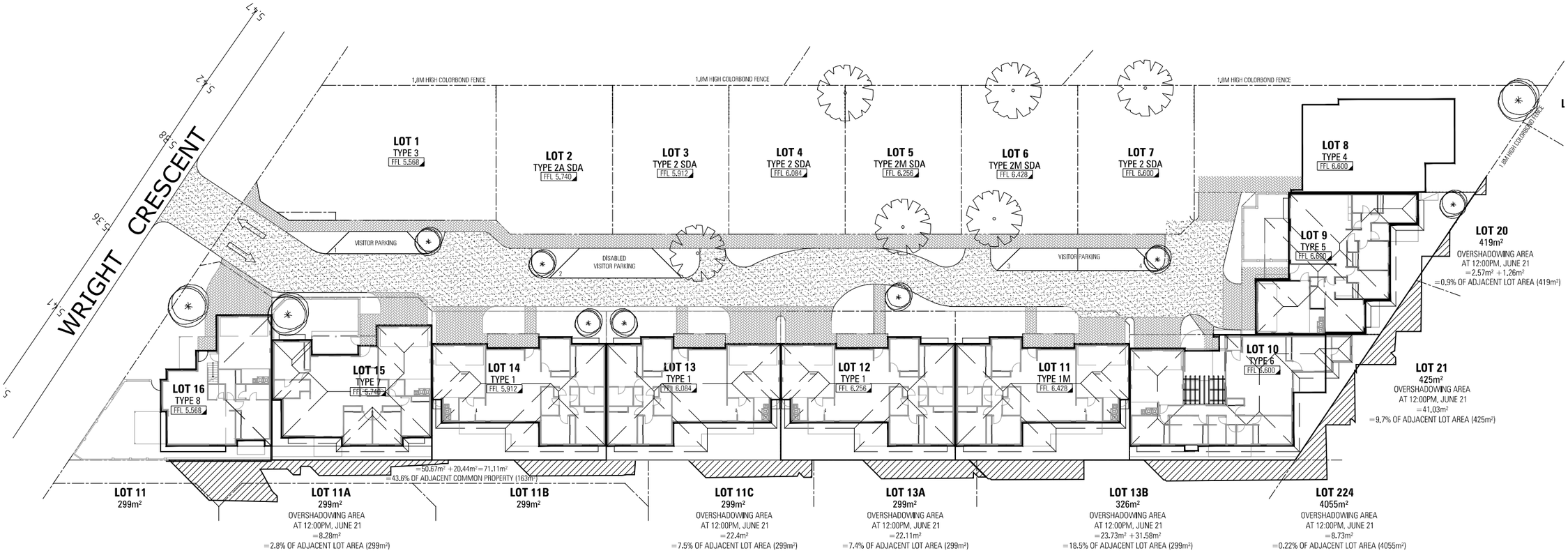
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OVERSHADOWING DIAGRAM
SCALE 1:400

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
OVERSHADOWING DIAGRAM

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REV	DATE	DESCRIPTION	DWN
D	30.03.22	DA SUBMISSION	ZMH
C	25.01.22	DA SUBMISSION	ZMH
B	17.01.22	DA SUBMISSION	ZMH
A	02.11.21	PRELIMINARY	ZMH

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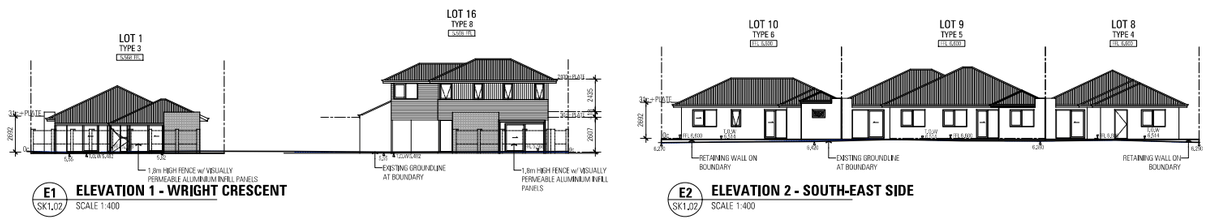
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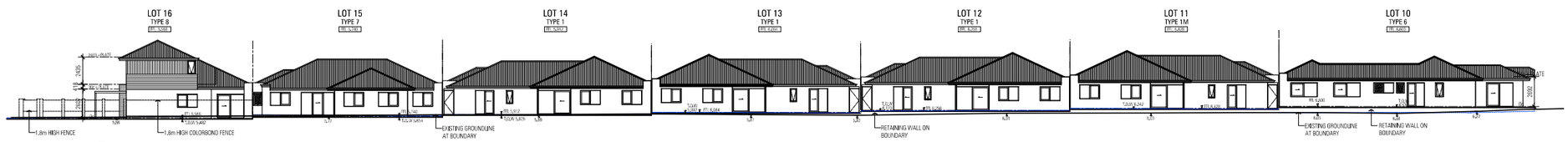
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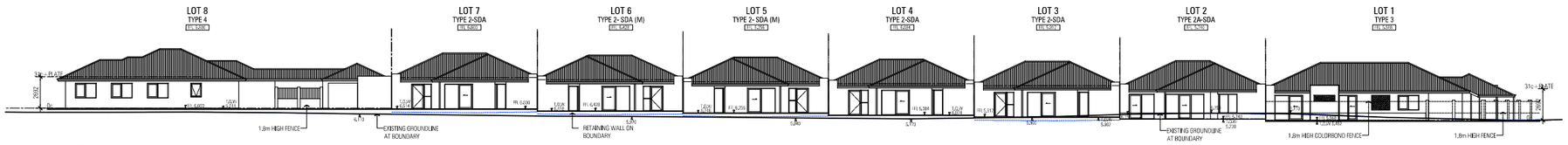


E1 SK1.02 **ELEVATION 1 - WRIGHT CRESCENT**
SCALE 1:400

E2 SK1.02 **ELEVATION 2 - SOUTH-EAST SIDE**
SCALE 1:400



E3 SK1.02 **ELEVATION 3 - SOUTH-WEST SIDE**
SCALE 1:400



E4 SK1.02 **ELEVATION 4 - NORTH-EAST SIDE**
SCALE 1:400

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
SITE ELEVATIONS

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REV	DATE	DESCRIPTION	DWN
F	23.05.22	DA SUBMISSION	ZMH

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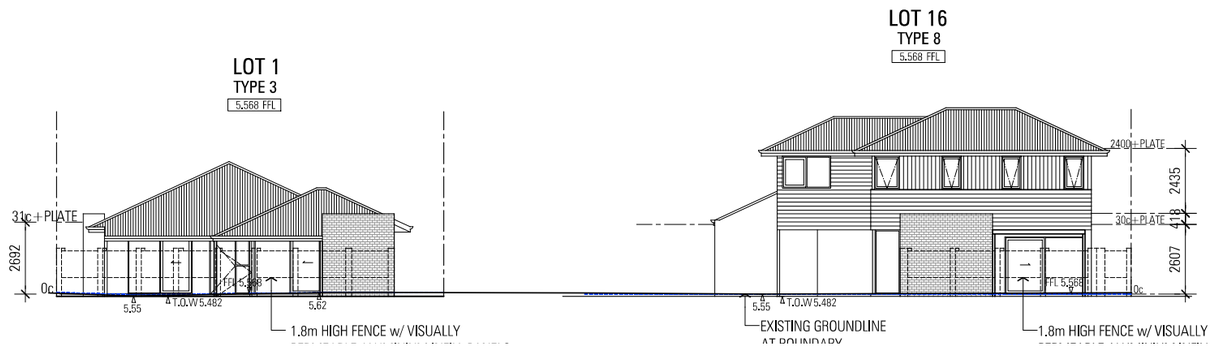
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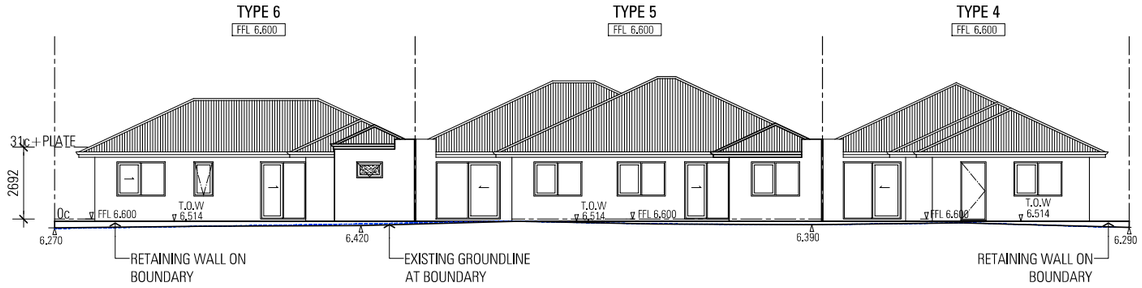
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E4 SK1.02 **ELEVATION 1 - WRIGHT CRESCENT**
SCALE 1:200



E2 SK1.02 **ELEVATION 2 - SOUTH-EAST SIDE**
SCALE 1:200

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
PART SITE ELEVATIONS 1

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REV	DATE	DESCRIPTION	DWN
B	26.05.22	DA AMENDMENTS	ZMH
A	07.02.22	DA SUBMISSION	ZMH

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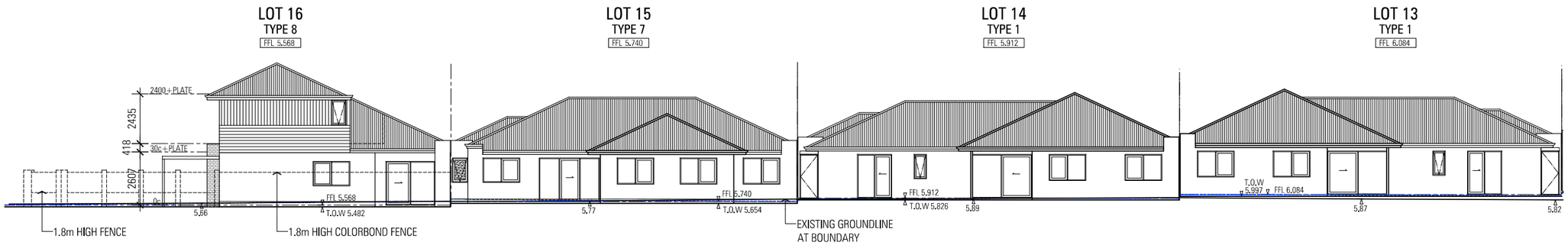
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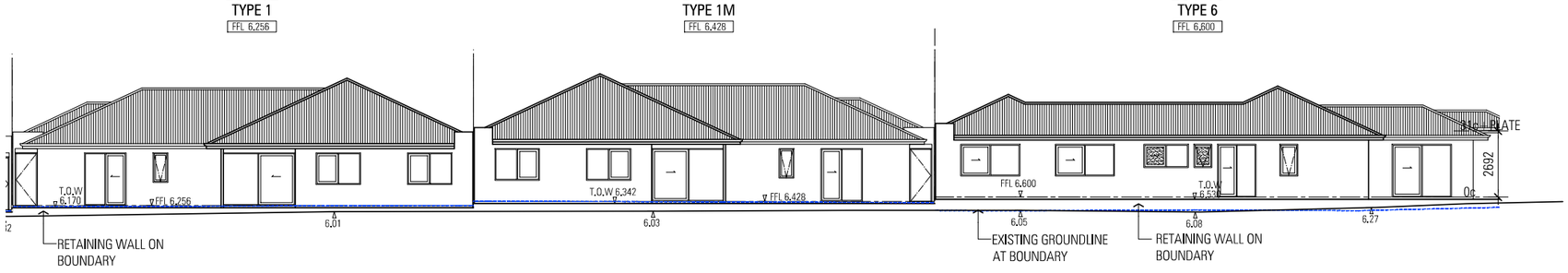
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E3 SK1.02 **ELEVATION 3 - SOUTH-WEST SIDE**
SCALE 1:200



PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
PART SITE ELEVATIONS 2

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REV	DATE	DESCRIPTION	DWN
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A	07.02.22	DA SUBMISSION	ZMH

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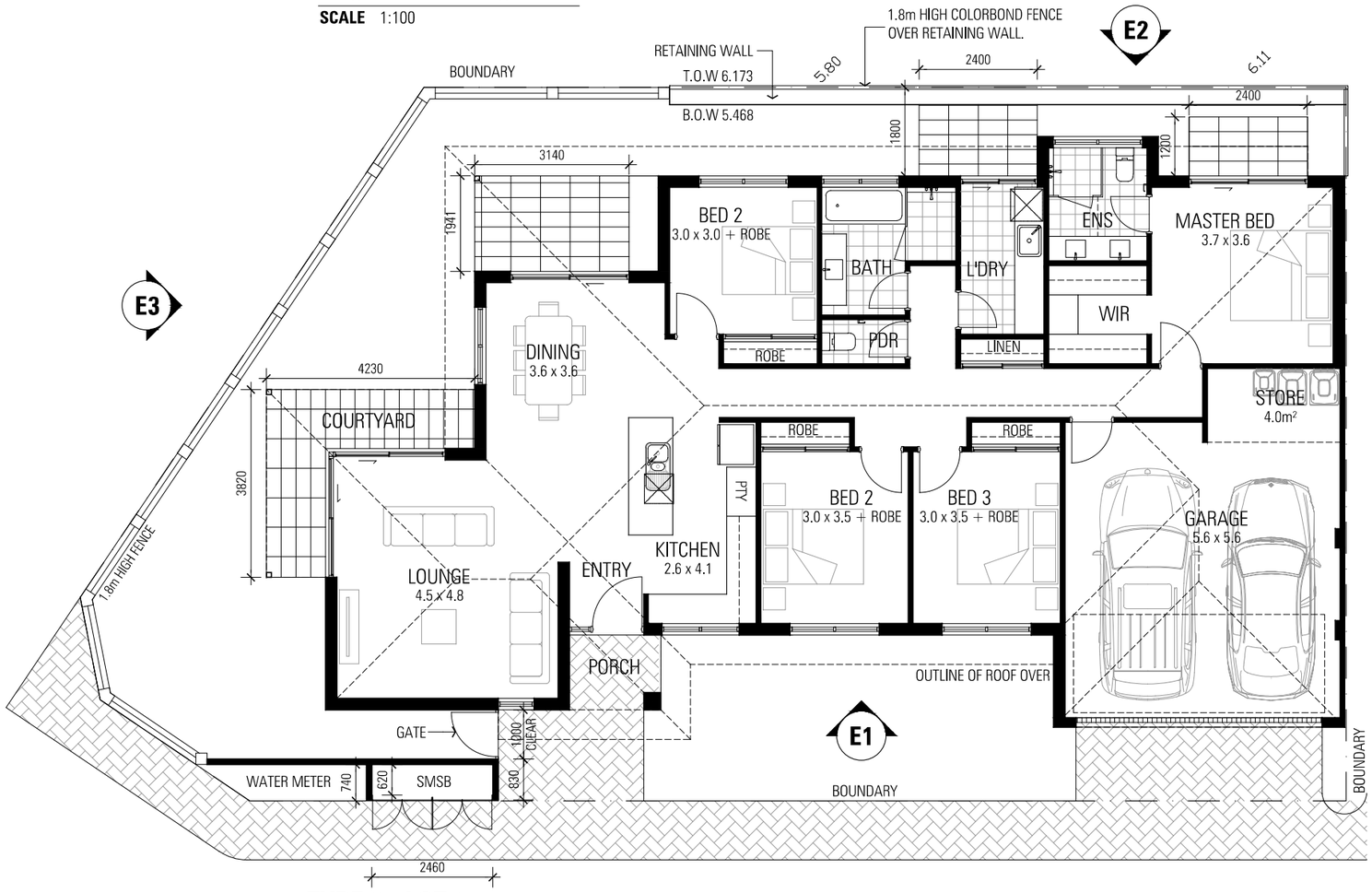
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CAD FILE	SCALE	REVISION
	1:200	B

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FRONT ELEVATION E1

SCALE 1:100



TYPE 3 - LOT 1

SCALE 1:100

AREAS

GROUND FLOOR	-	150.95 m²
GARAGE + STORE	-	38.75m²
TOTAL	-	189.70 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 3 ON LOT 1

REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISSION	ZMH	ZMH

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ZMH	20.04.22	1:100
CHECKED ..... (ZMH)		CAD FILE
DRAWING NUMBER		REVISION
T3-SK2.01 - C.ELEV		A



REAR ELEVATION E2

SCALE 1:100



ELEVATION E3

SCALE 1:100

PROJECT TITLE / CLIENT 16 GROUPED DWELLINGS 7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE TYPE 3 ON LOT 1	A	20.04.22	DA SUBMISSION	ZMH	ZMH
	REV	DATE	DESCRIPTION	DWN	APPR

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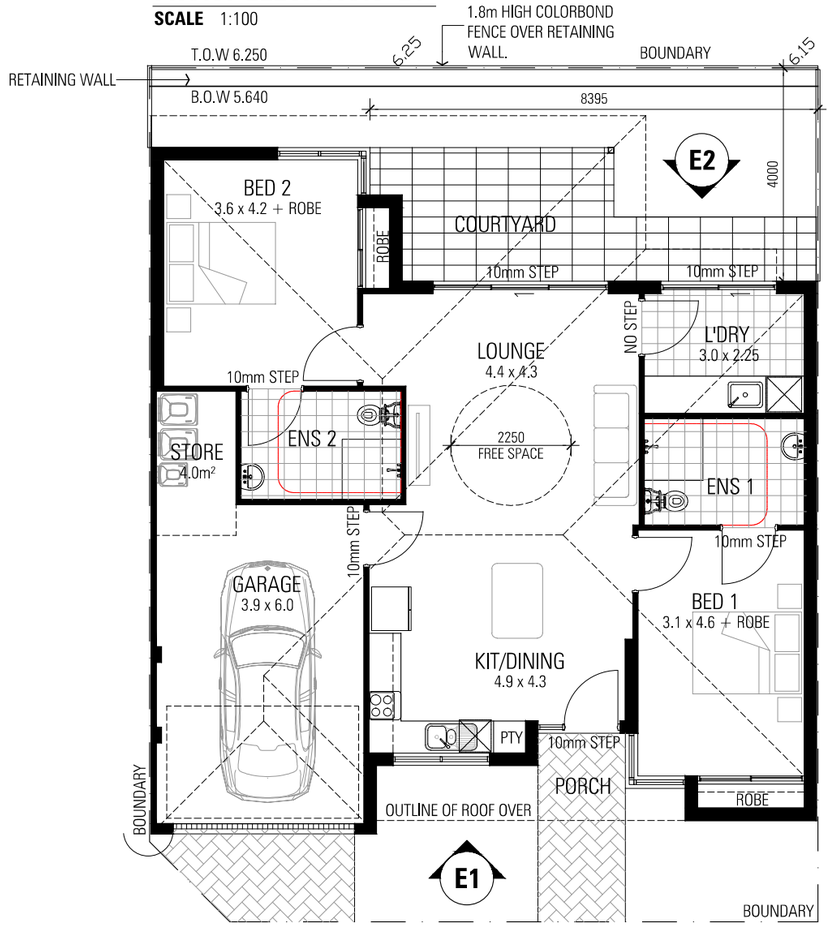
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DRAWING NUMBER T3-SK2.02 - C.ELEV		REVISION A	



FRONT ELEVATION E1

SCALE 1:100



HIGH PHYSICAL SUPPORT - TYPE 2A-SDA - LOT 2

SCALE 1:100

AREAS

GROUND FLOOR	-	103.42 m²
GARAGE + STORE	-	28.28m²
TOTAL	-	131.70 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 2A-SDA ON LOT 2

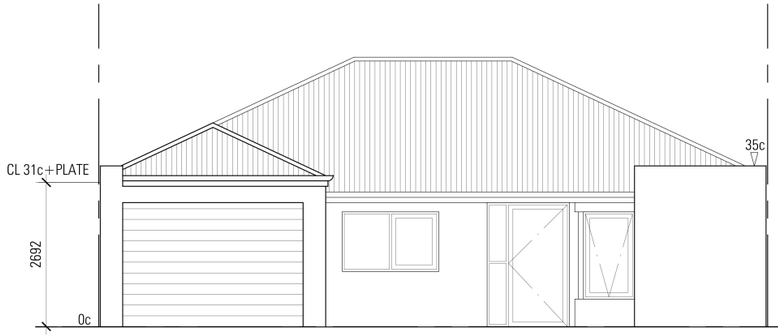
REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISSION	ZMH	ZMH

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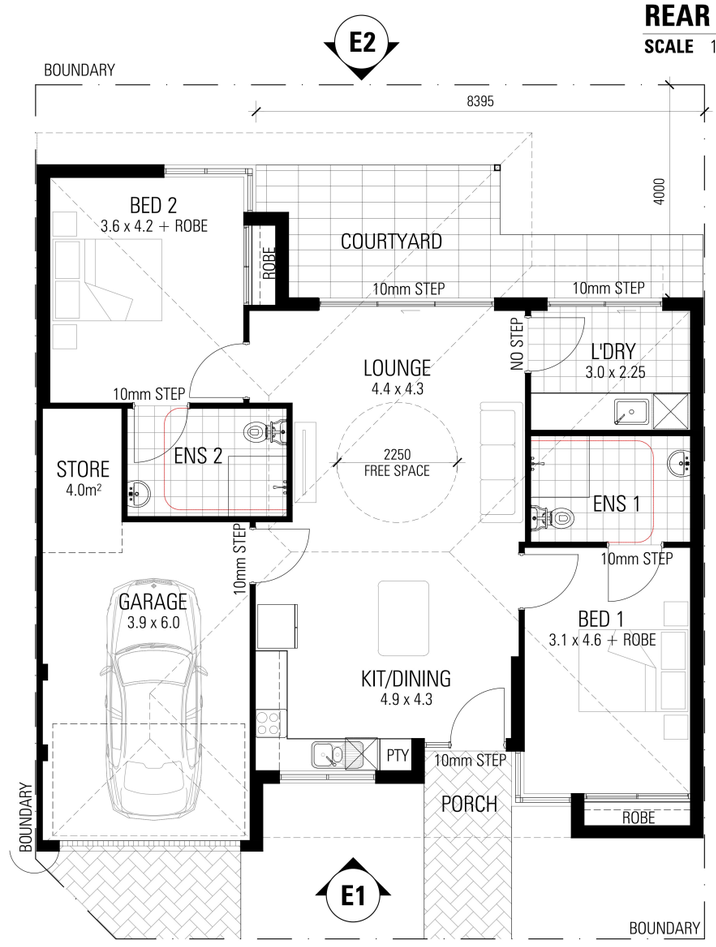
FRONT ELEVATION E1

SCALE 1:100



REAR ELEVATION E2

SCALE 1:100



HIGH PHYSICAL SUPPORT - TYPE 2A-SDA - LOT 2

SCALE 1:100

AREAS

GROUND FLOOR	-	103.42 m²
GARAGE + STORE	-	28.28m²
TOTAL	-	131.70 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 2A-SDA ON LOT 2

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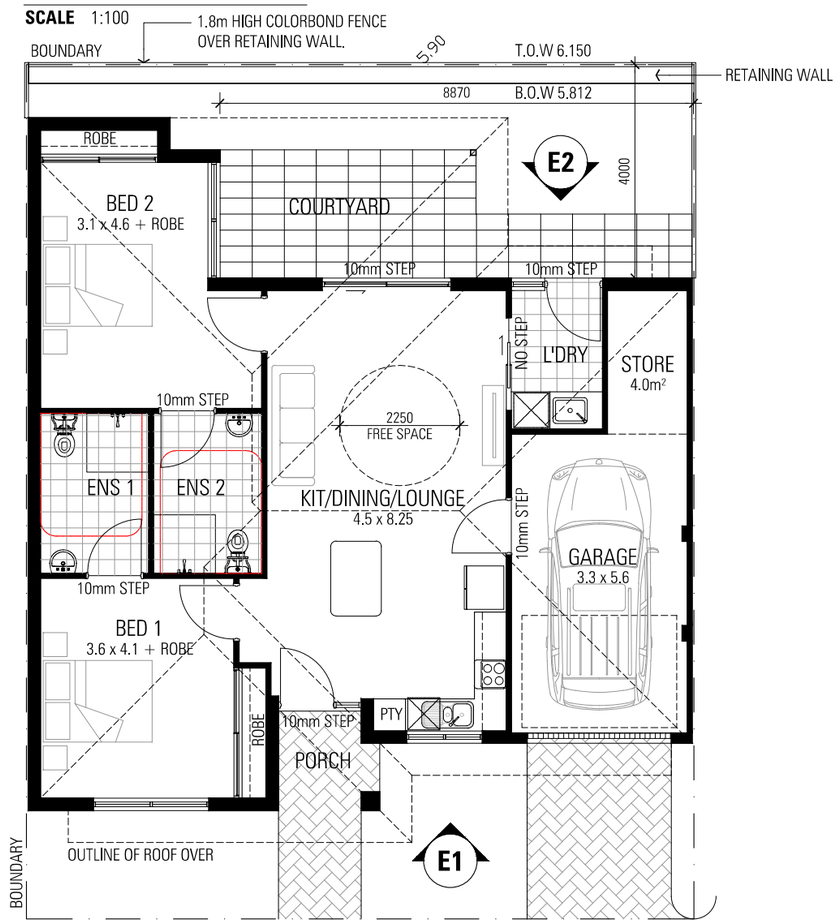
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DRAWN	DATE	SCALE
ZMH	02.11.21	1:100
CHECKED ..... (ZMH)		CAD FILE
DRAWING NUMBER T2A-SK2.01		REVISION A



FRONT ELEVATION E1

SCALE 1:100



FULLY ACCESSIBLE - TYPE 2-SDA - LOT 3

SCALE 1:100

AREAS

GROUND FLOOR	-	99.30 m²
GARAGE + STORE	-	24.27m²
TOTAL	-	123.57 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 2-SDA ON LOT 3

REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISSION	ZMH	ZMH

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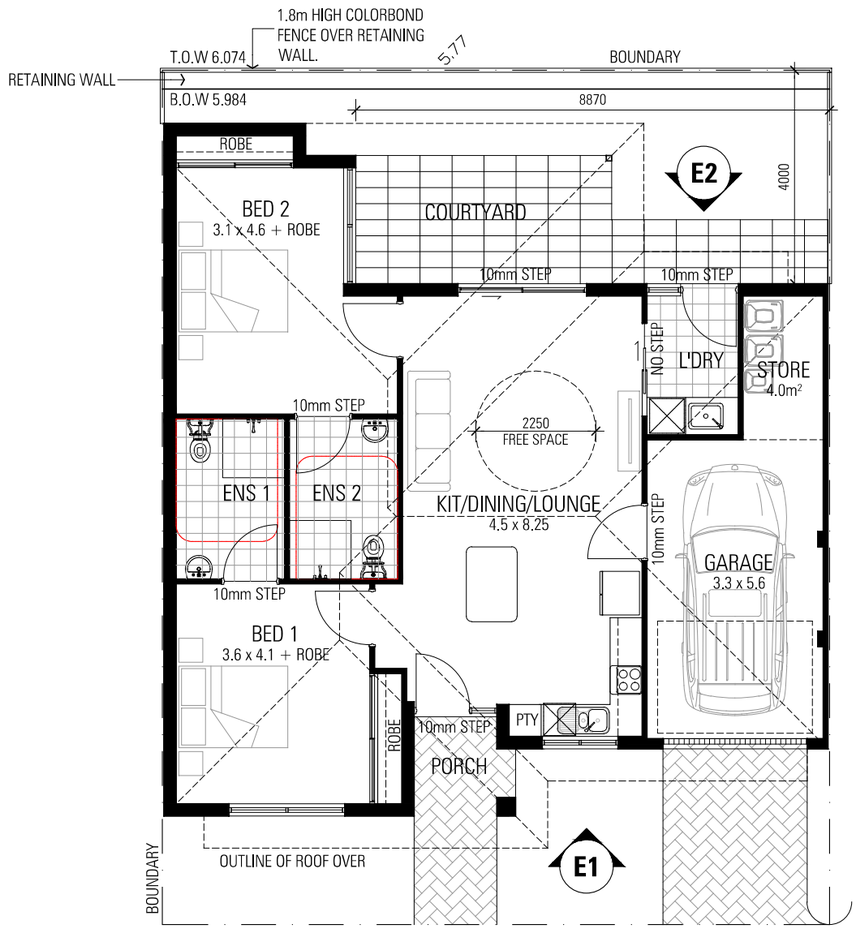
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CHECKED (ZMH)		CAD FILE
DRAWING NUMBER		REVISION
T2_L3-SK2.01 - C.ELEV		A



FRONT ELEVATION E1

SCALE 1:100



FULLY ACCESSIBLE - TYPE 2-SDA - LOT 4

SCALE 1:100

AREAS

GROUND FLOOR	-	99.30 m²
GARAGE + STORE	-	24.27m²
TOTAL	-	123.57 m²

PROJECT TITLE / CLIENT					
16 GROUPED DWELLINGS					
7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE	A	20.04.22	DA SUBMISSION	ZMH	ZMH
TYPE 2-SDA ON LOT 4	REV	DATE	DESCRIPTION	DWN	APPR

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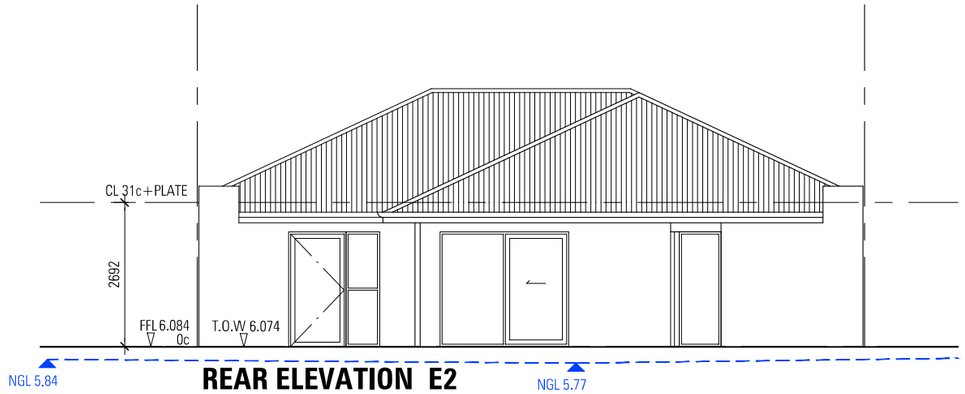
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CHECKED	..... (ZMH)		
DRAWING NUMBER	T2-SK2.01 - C.ELEV	REVISION	A
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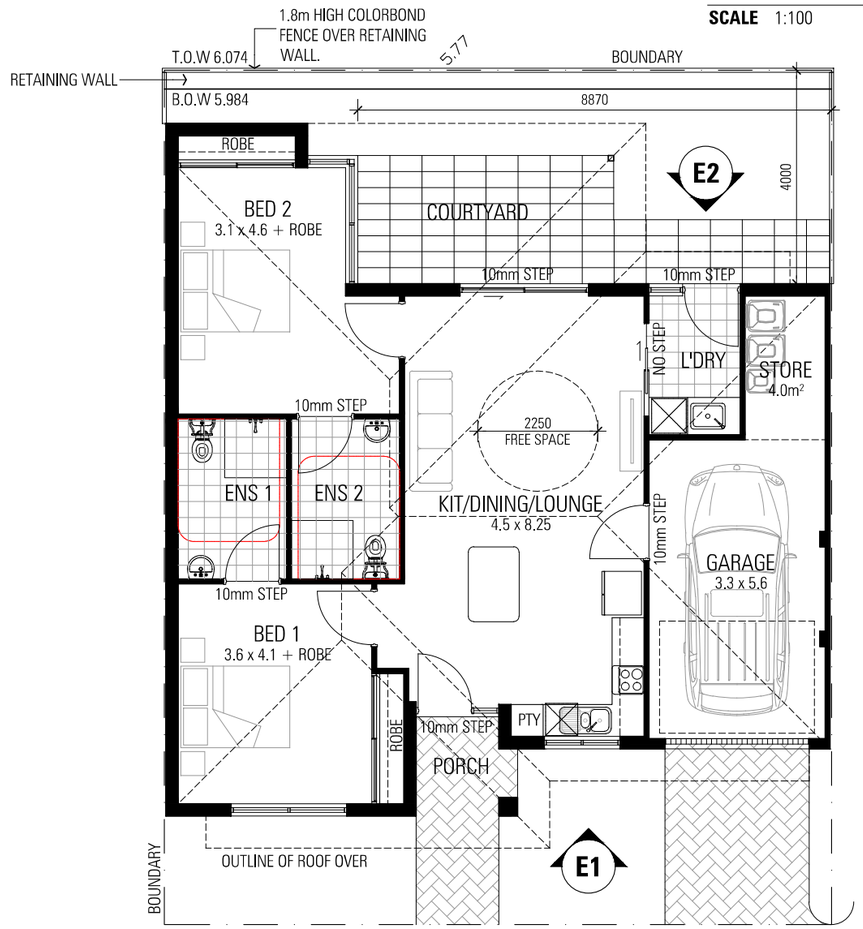
FRONT ELEVATION E1

SCALE 1:100



REAR ELEVATION E2

SCALE 1:100



FULLY ACCESSIBLE - TYPE 2-SDA - LOT 4

SCALE 1:100

AREAS

GROUND FLOOR	-	99.30 m²
GARAGE + STORE	-	24.27m²
TOTAL	-	123.57 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 2-SDA ON LOT 4

REV	DATE	DESCRIPTION	DWN	APPR
C	15.02.22	SITE LEVELS ADDED TO ELEVS	ZMH	ZMH
B	17.01.22	DA SUBMISSION	ZMH	ZMH
A	02.11.21	PRELIMINARY	ZMH	ZMH

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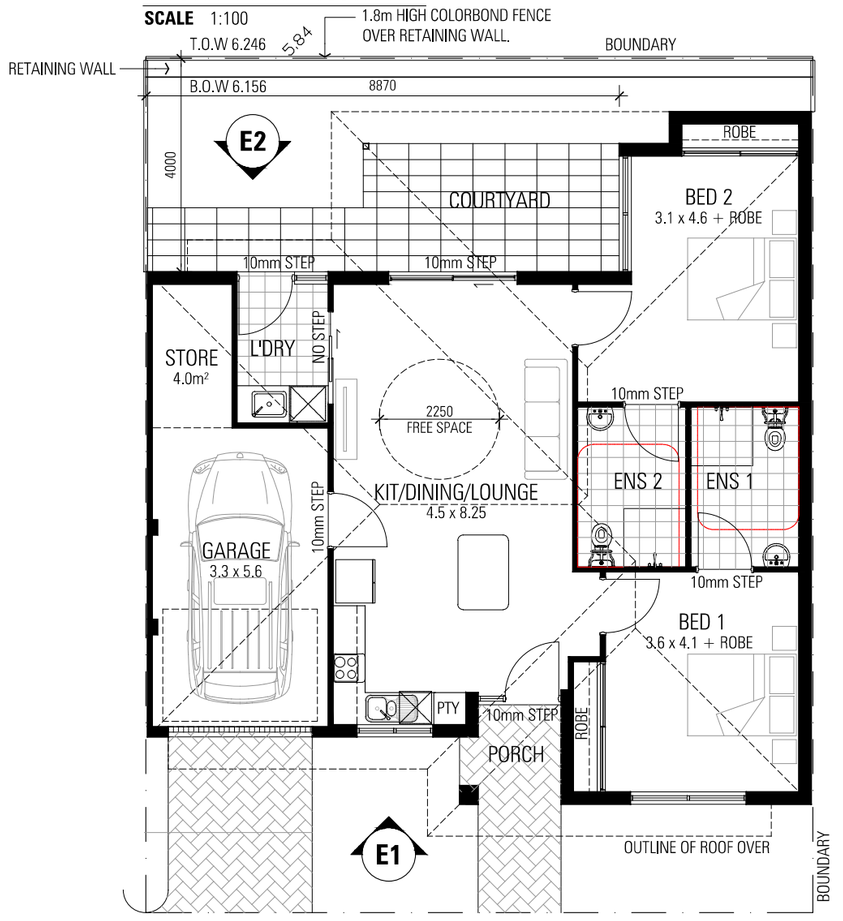
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CHECKED	..... (ZMH)	SCALE	1:100
DRAWING NUMBER	T2-SK2.01	CAD FILE	
		REVISION	C



FRONT ELEVATION E1

SCALE 1:100



FULLY ACCESSIBLE - TYPE 2M-SDA - LOT 5

SCALE 1:100

AREAS

GROUND FLOOR	-	99.30 m²
GARAGE + STORE	-	24.27m²
TOTAL	-	123.57 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 2-SDA ON LOT 5

REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISSION	ZMH	ZMH

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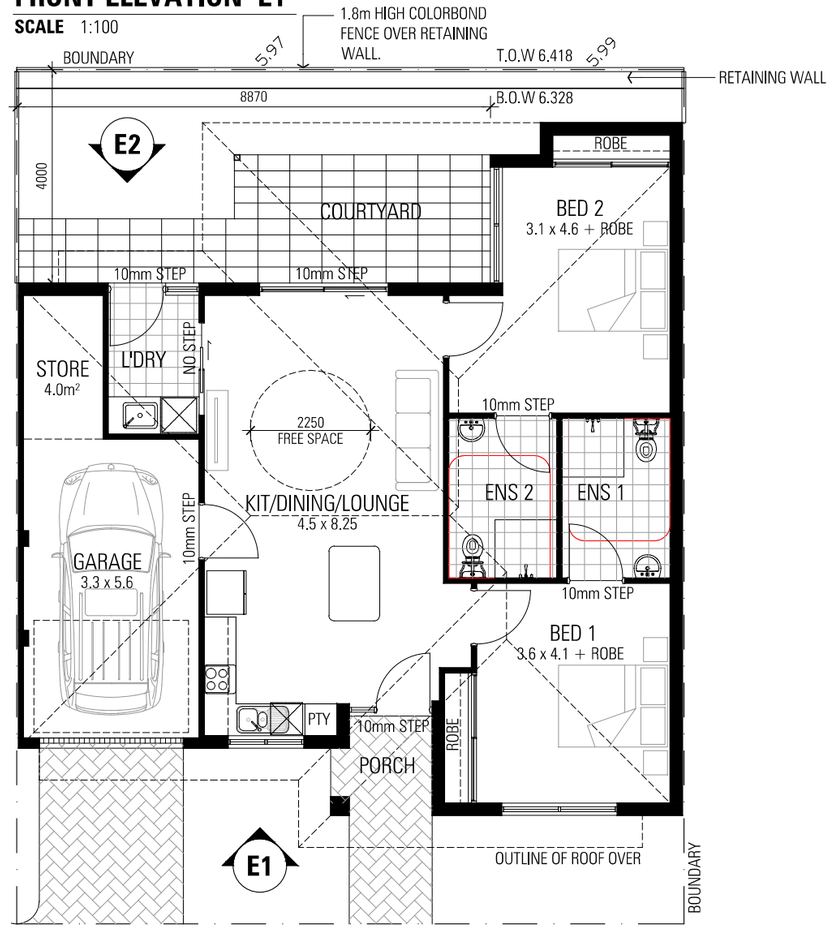
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CHECKED ..... (ZMH)		CAD FILE
DRAWING NUMBER		REVISION
T2_L5-SK2.01 - C.ELEV		A



FRONT ELEVATION E1

SCALE 1:100



FULLY ACCESSIBLE - TYPE 2M-SDA - LOT 6

SCALE 1:100

AREAS

GROUND FLOOR	-	99.30 m²
GARAGE + STORE	-	24.27m²
TOTAL	-	123.57 m²

PROJECT TITLE / CLIENT 16 GROUPED DWELLINGS 7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE TYPE 2-SDA ON LOT 6	A	20.04.22	DA SUBMISSION	ZMH	ZMH
	REV	DATE	DESCRIPTION	DWN	APPR

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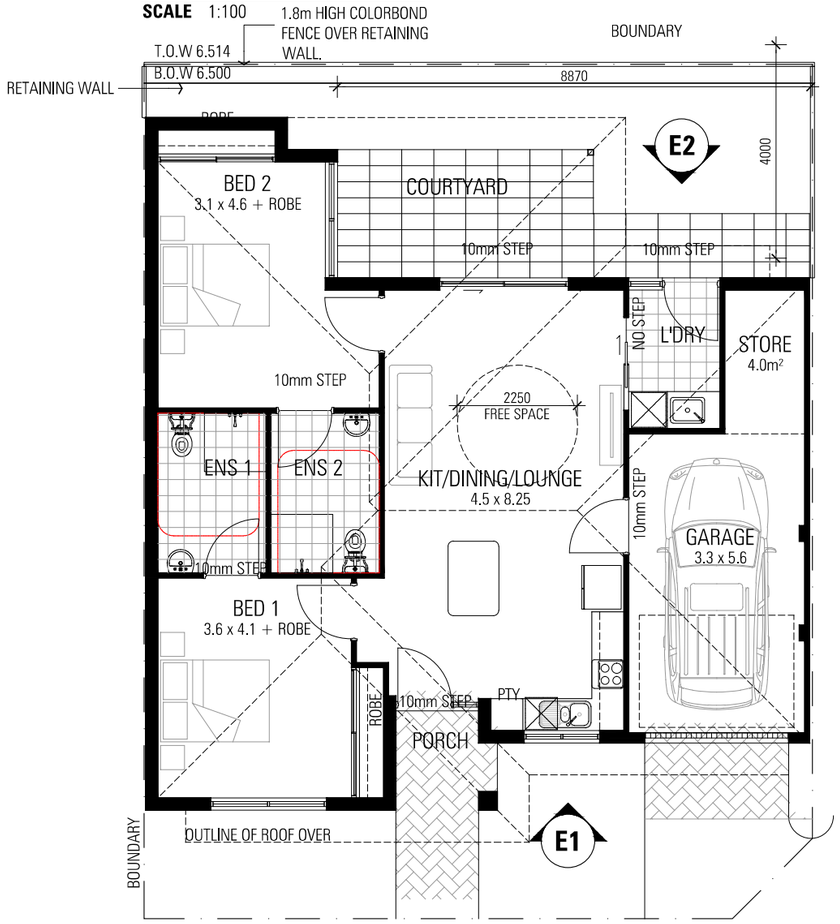
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CHECKED ..... (ZMH)		CAD FILE	
DRAWING NUMBER T2_L6-SK2.01 - C.ELEV		REVISION A	



FRONT ELEVATION E1

SCALE 1:100



FULLY ACCESSIBLE - TYPE 2-SDA - LOT 7

SCALE 1:100

AREAS

GROUND FLOOR	-	99.30 m²
GARAGE + STORE	-	24.27m²
TOTAL	-	123.57 m²

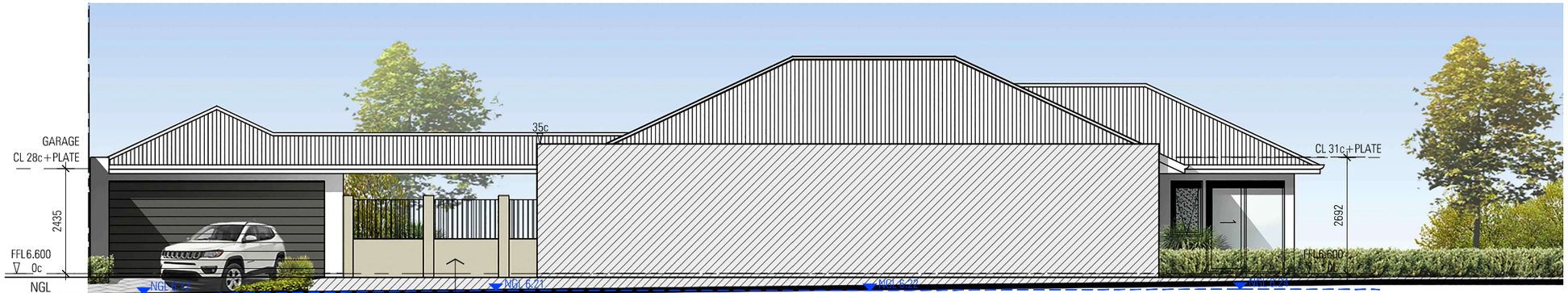
PROJECT TITLE / CLIENT 16 GROUPED DWELLINGS 7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE TYPE 2-SDA ON LOT 7	A	20.04.22	DA SUBMISSION	ZMH	ZMH
	REV	DATE	DESCRIPTION	DWN	APPR

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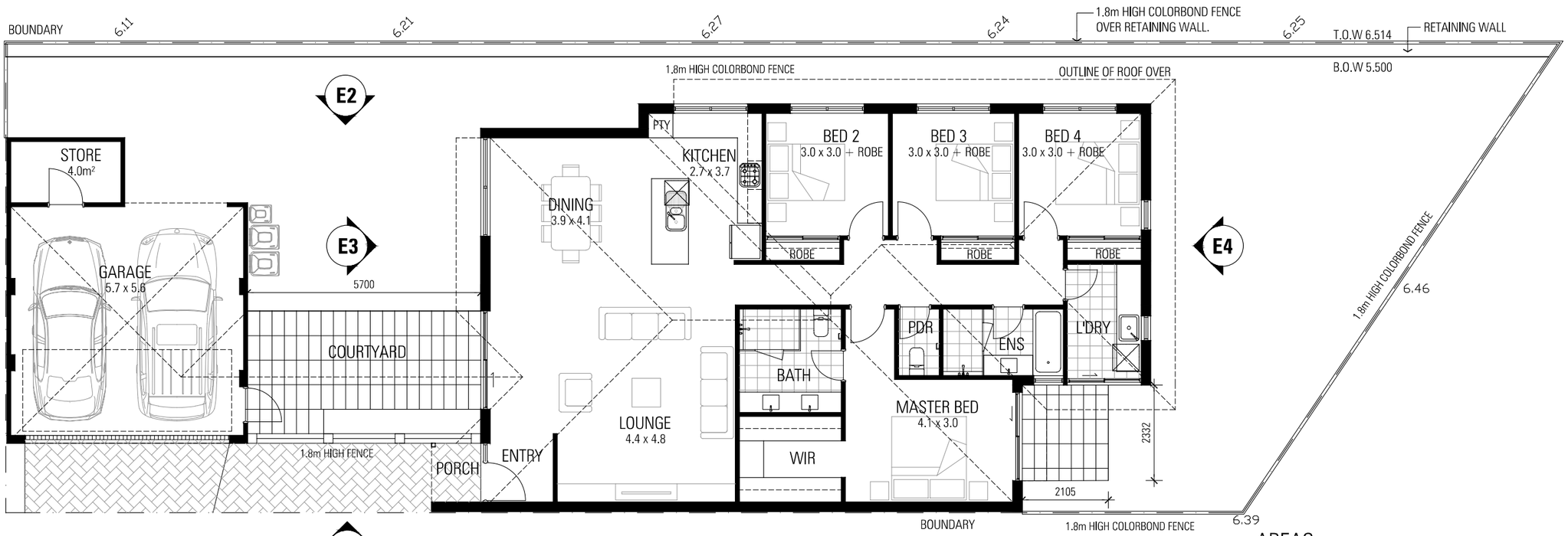
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DRAWING NUMBER T2_L7-SK2.01 - C.ELEV		REVISION A	



FRONT ELEVATION E1

SCALE 1:100



TYPE 4 - LOT 8

SCALE 1:100

AREAS

GROUND FLOOR	-	151.56 m²
GARAGE + STORE	-	39.15m²
TOTAL	-	190.71 m²

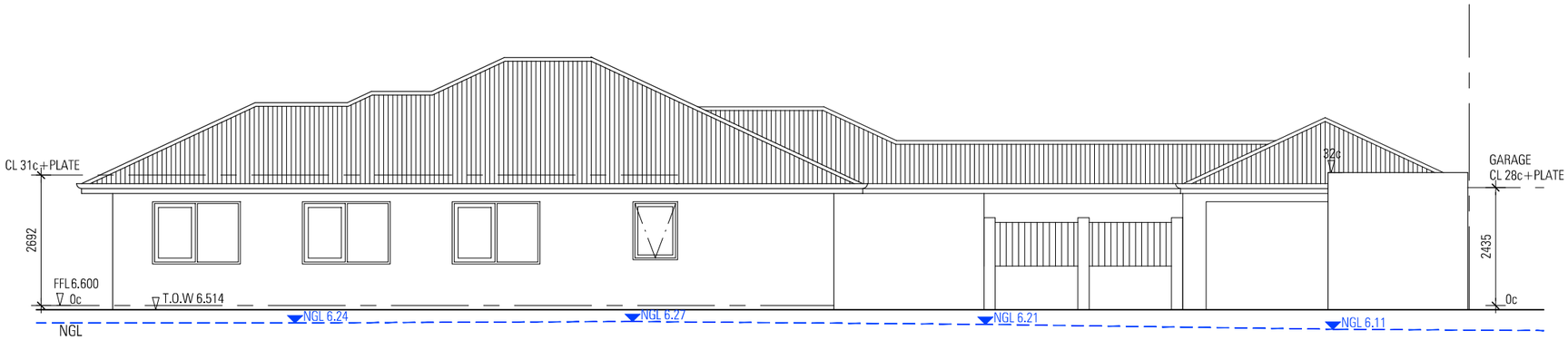
PROJECT TITLE / CLIENT					
16 GROUPED DWELLINGS					
7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE	A	20.04.22	DA SUBMISSION	ZMH	ZMH
TYPE 4 ON LOT 8	REV	DATE	DESCRIPTION	DWN	APPR

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DRAWING NUMBER T4-SK2.01 - C.ELEV		REVISION A	



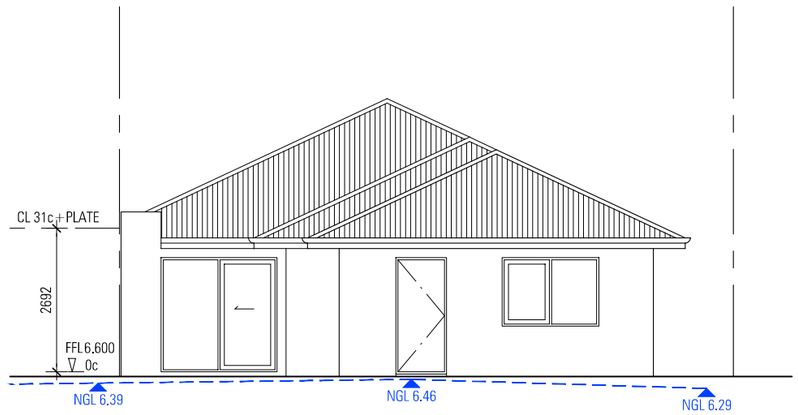
REAR ELEVATION E2

SCALE 1:100



ELEVATION E3

SCALE 1:100



ELEVATION E4

SCALE 1:100

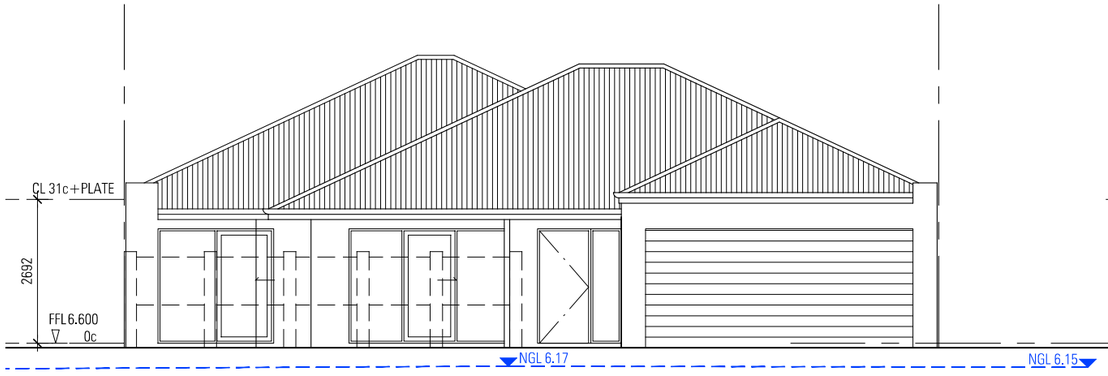
PROJECT TITLE / CLIENT 16 GROUPED DWELLINGS 7-9 WRIGHT CRESCENT, BAYSWATER	D	23.05.22	DA AMENDMENT	ZMH	ZMH
	C	15.02.22	SITE LEVELS ADDED TO ELEVS	ZMH	ZMH
	B	17.01.22	DA SUBMISSION	ZMH	ZMH
DRAWING TITLE TYPE 4 ON LOT 8	A	02.11.21	PRELIMINARY	ZMH	ZMH
	REV	DATE	DESCRIPTION	DWN	APPR

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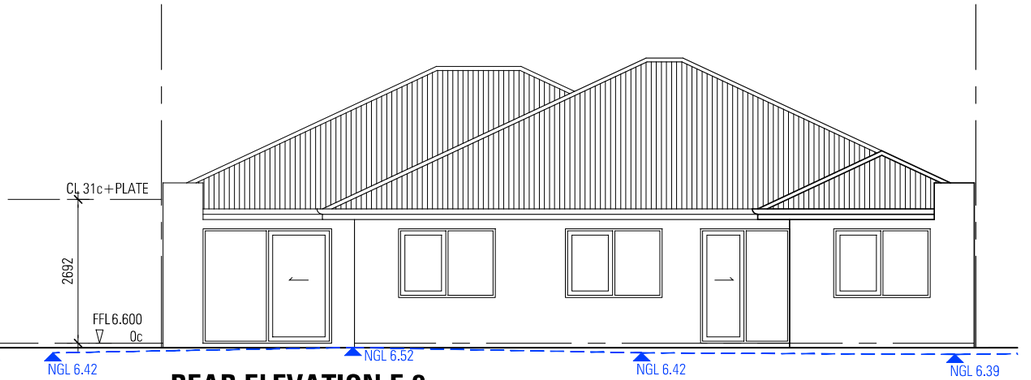
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CHECKED ..... (ZMH)		CAD FILE	
DRAWING NUMBER T4-SK2.02		REVISION D	



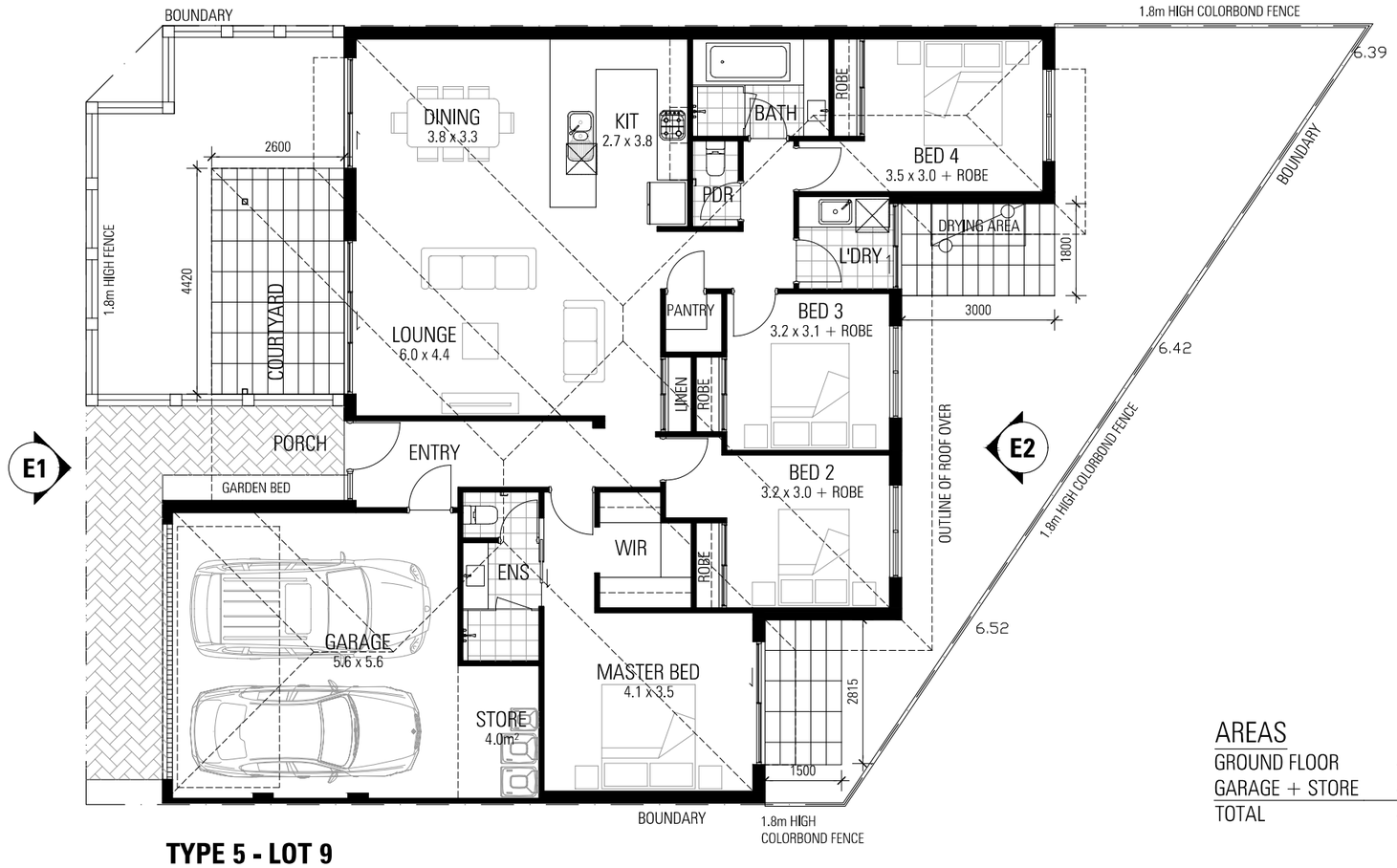
FRONT ELEVATION E1

SCALE 1:100



REAR ELEVATION E 2

SCALE 1:100



TYPE 5 - LOT 9

SCALE 1:100

AREAS

GROUND FLOOR	-	149.78 m²
GARAGE + STORE	-	38.04m²
TOTAL	-	187.82 m²

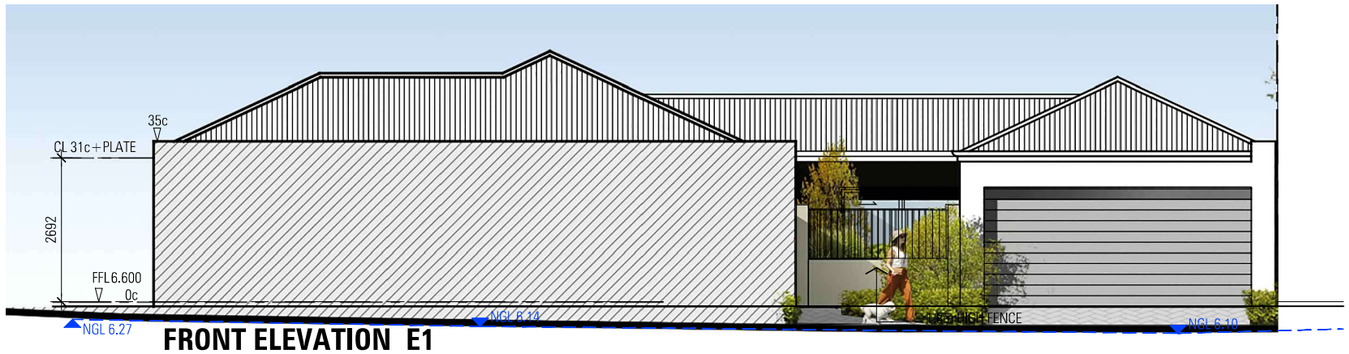
PROJECT TITLE / CLIENT	D	23.05.22	DA AMENDMENT	ZMH	ZMH
16 GROUPED DWELLINGS	C	15.02.22	SITE LEVELS ADDED TO ELEVS	ZMH	ZMH
7-9 WRIGHT CRESCENT, BAYSWATER	B	17.01.22	DA SUBMISSION	ZMH	ZMH
DRAWING TITLE	A	02.11.21	PRELIMINARY	ZMH	ZMH
TYPE 5 ON LOT 9	REV	DATE	DESCRIPTION	DWN	APPR

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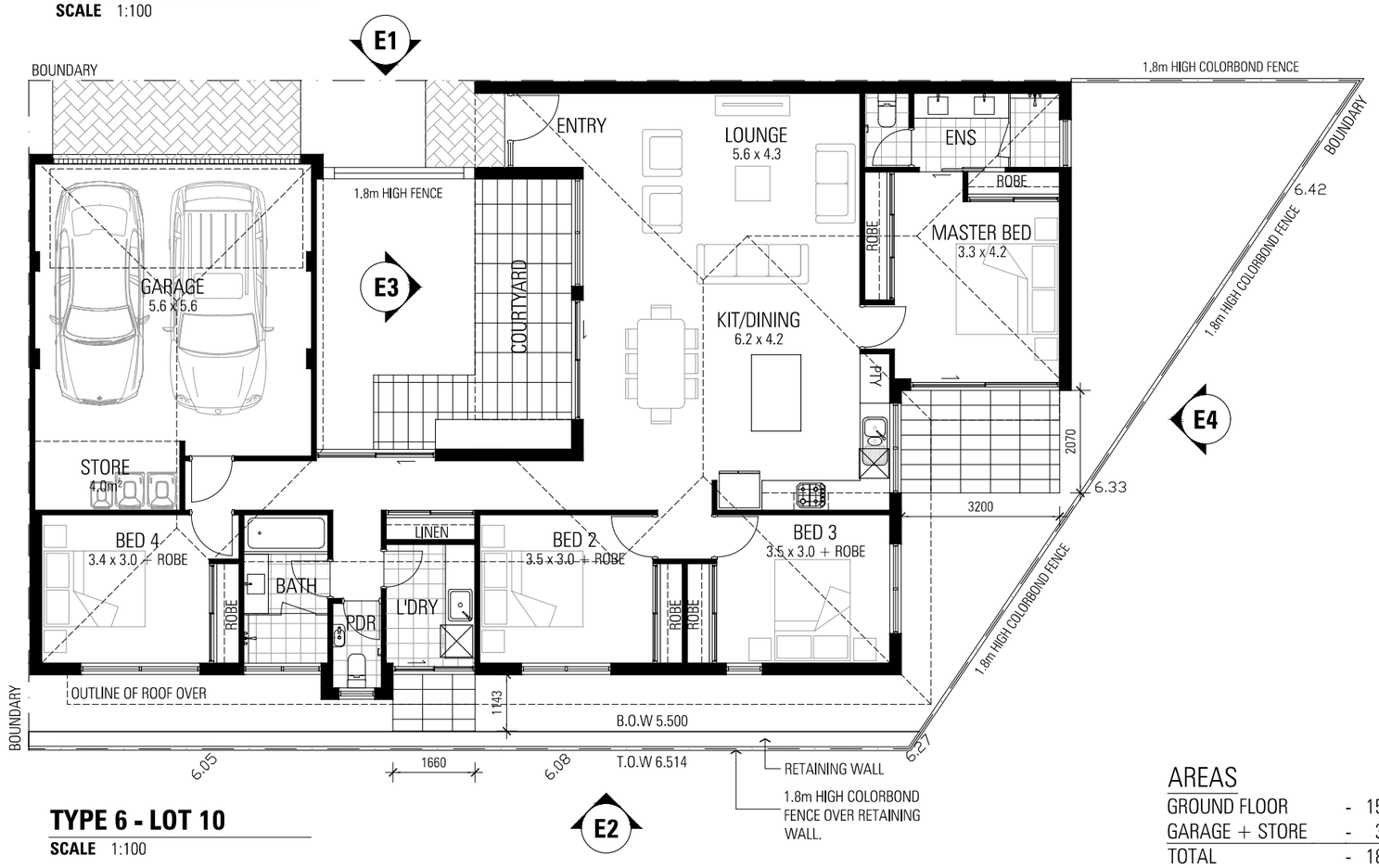
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CHECKED ..... (ZMH)		CAD FILE
DRAWING NUMBER T5-SK2.01		REVISION D



FRONT ELEVATION E1

SCALE 1:100



TYPE 6 - LOT 10

SCALE 1:100

AREAS

GROUND FLOOR	-	150.40 m²
GARAGE + STORE	-	38.57m²
TOTAL	-	188.97 m²

PROJECT TITLE / CLIENT 16 GROUPED DWELLINGS 7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE TYPE 6 ON LOT 10	A	20.04.22	DA SUBMISSION	ZMH	ZMH
	REV	DATE	DESCRIPTION	DWN	APPR

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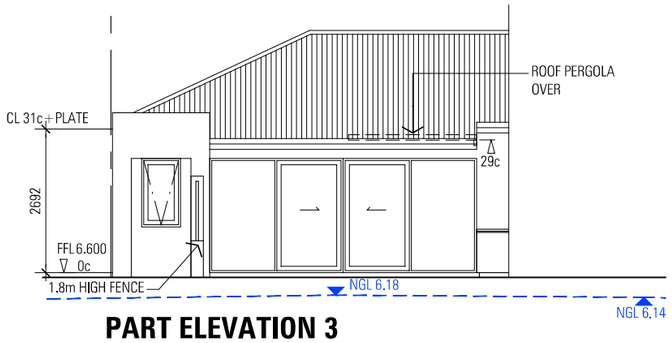
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DRAWING NUMBER T6-SK2.01 - C.ELEV		REVISION A	



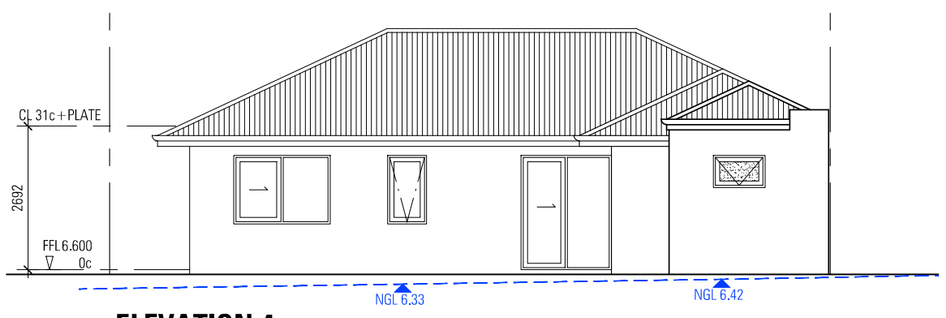
REAR ELEVATION E2

SCALE 1:100



PART ELEVATION 3

SCALE 1:100



ELEVATION 4

SCALE 1:100

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 6 ON LOT 10

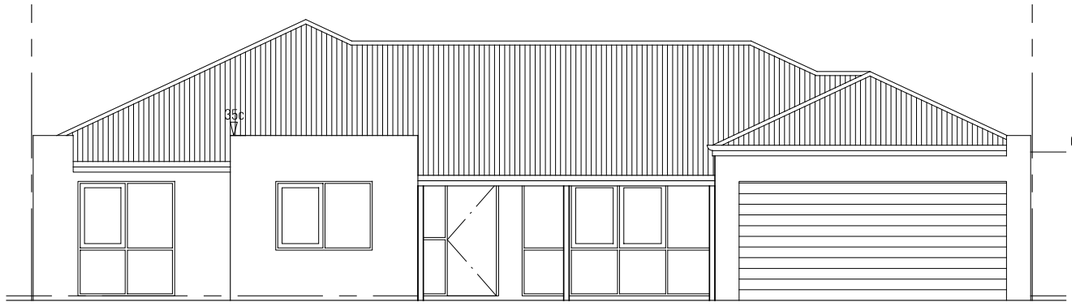
REV	DATE	DESCRIPTION	DWN	APPR
C	15.02.22	SITE LEVELS ADDED TO ELEVS	ZMH	ZMH
B	17.01.22	DA SUBMISSION	ZMH	ZMH
A	02.11.21	PRELIMINARY	ZMH	ZMH

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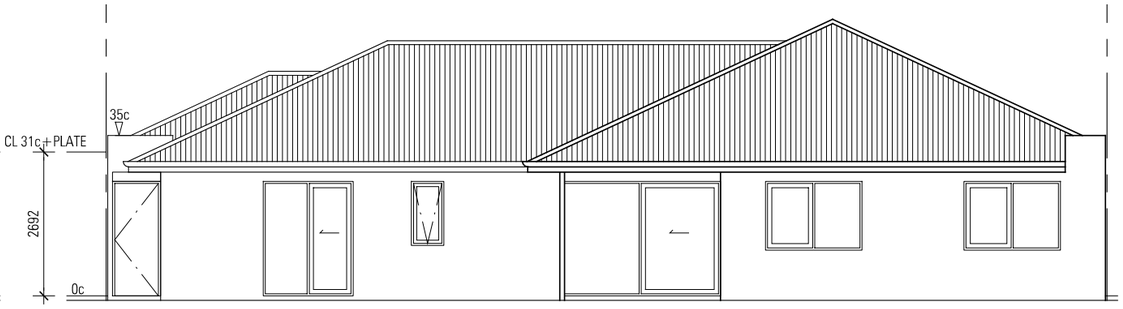
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T6-SK2.02		C



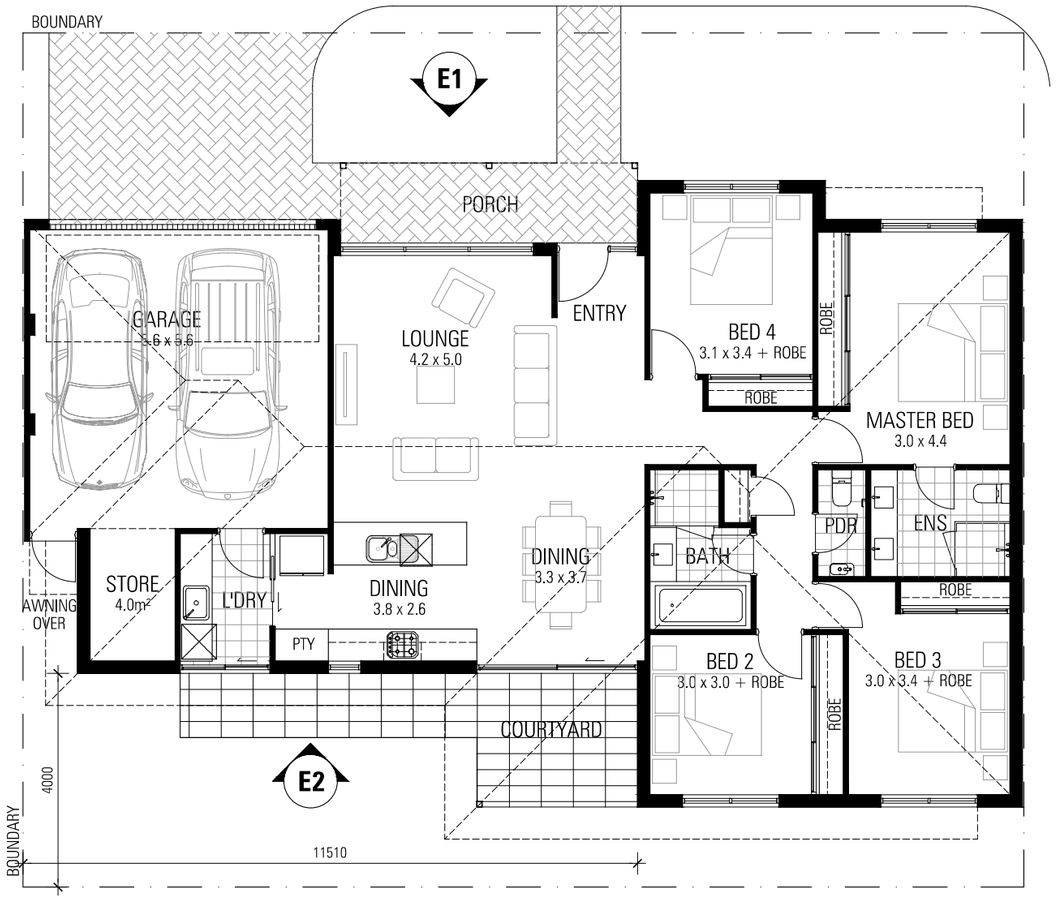
FRONT ELEVATION E1

SCALE 1:100



REAR ELEVATION E2

SCALE 1:100



TYPE 1 - LOTS 12, 13, 14 & MIRRORED ON LOT 11

SCALE 1:100

AREAS

GROUND FLOOR	-	136.32 m²
GARAGE + STORE	-	38.23m²
TOTAL	-	174.55 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 1 ON LOTS 12, 13, 14 & MIRRORED ON LOT 11

REV	DATE	DESCRIPTION	DWN	APPR
A	02/11/21	PRELIMINARY	ZMH	ZMH

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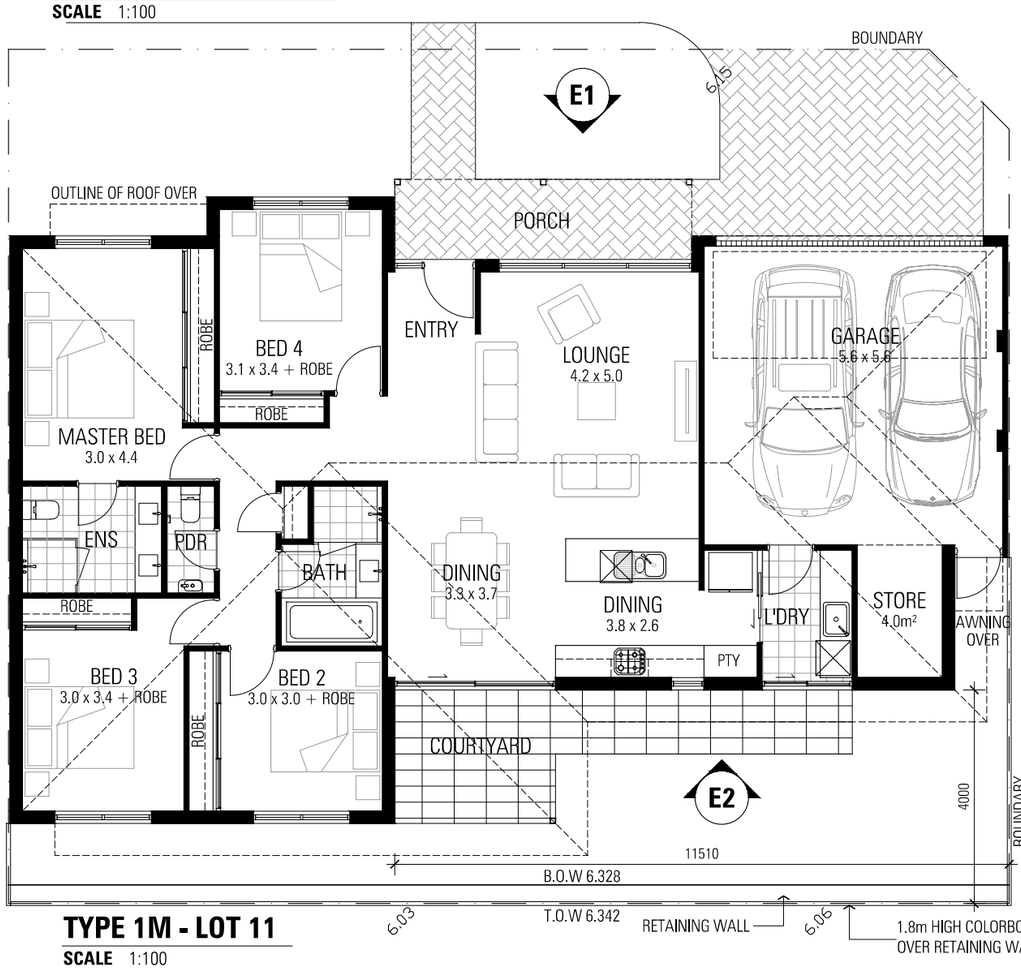
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CHECKED ..... (ZMH)		CAD FILE
DRAWING NUMBER T1-SK2.01		REVISION A



FRONT ELEVATION E1

SCALE 1:100



TYPE 1M - LOT 11

SCALE 1:100

AREAS

GROUND FLOOR	-	136.32 m²
GARAGE + STORE	-	38.23m²
TOTAL	-	174.55 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 1 ON LOT 11

REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISSION	ZMH	ZMH

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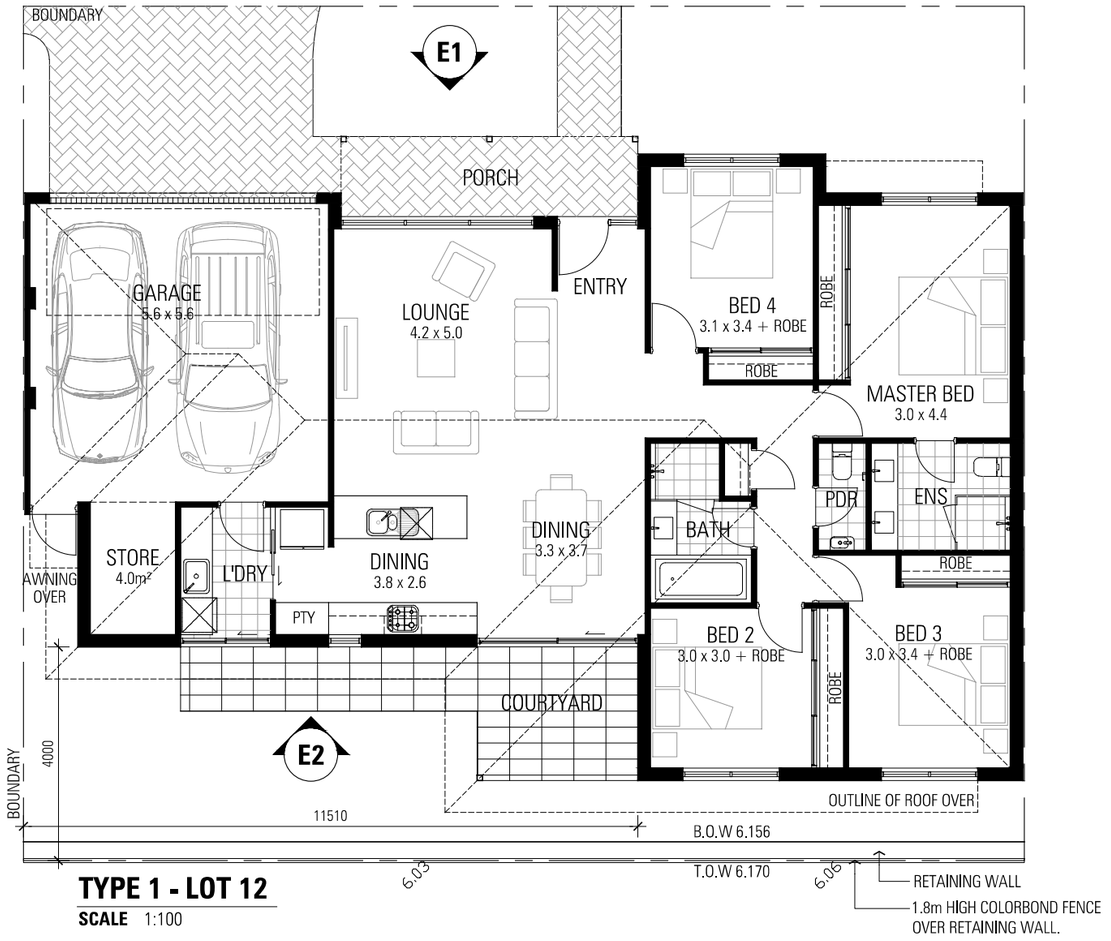
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T1_L11-SK2.01 - C. ELEV		A



FRONT ELEVATION E1

SCALE 1:100



TYPE 1 - LOT 12

SCALE 1:100

AREAS

GROUND FLOOR	-	136.32 m²
GARAGE + STORE	-	38.23m²
TOTAL	-	174.55 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 1 ON LOT 12

REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISSION	ZMH	ZMH

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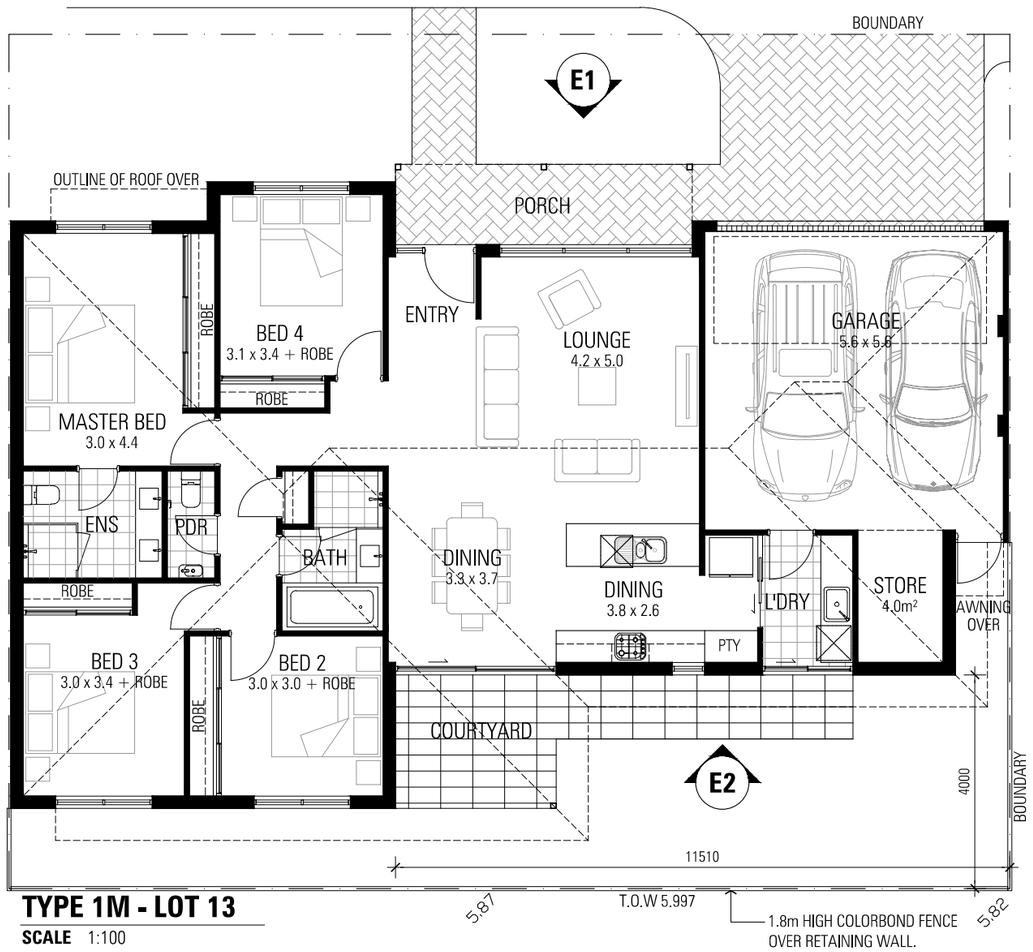
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T1_L12-SK2.01 - C.ELEV		A



FRONT ELEVATION E1

SCALE 1:100



TYPE 1M - LOT 13

SCALE 1:100

AREAS

GROUND FLOOR	-	136.32 m²
GARAGE + STORE	-	38.23m²
TOTAL	-	174.55 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 1 ON LOT 13

REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISSION	ZMH	ZMH

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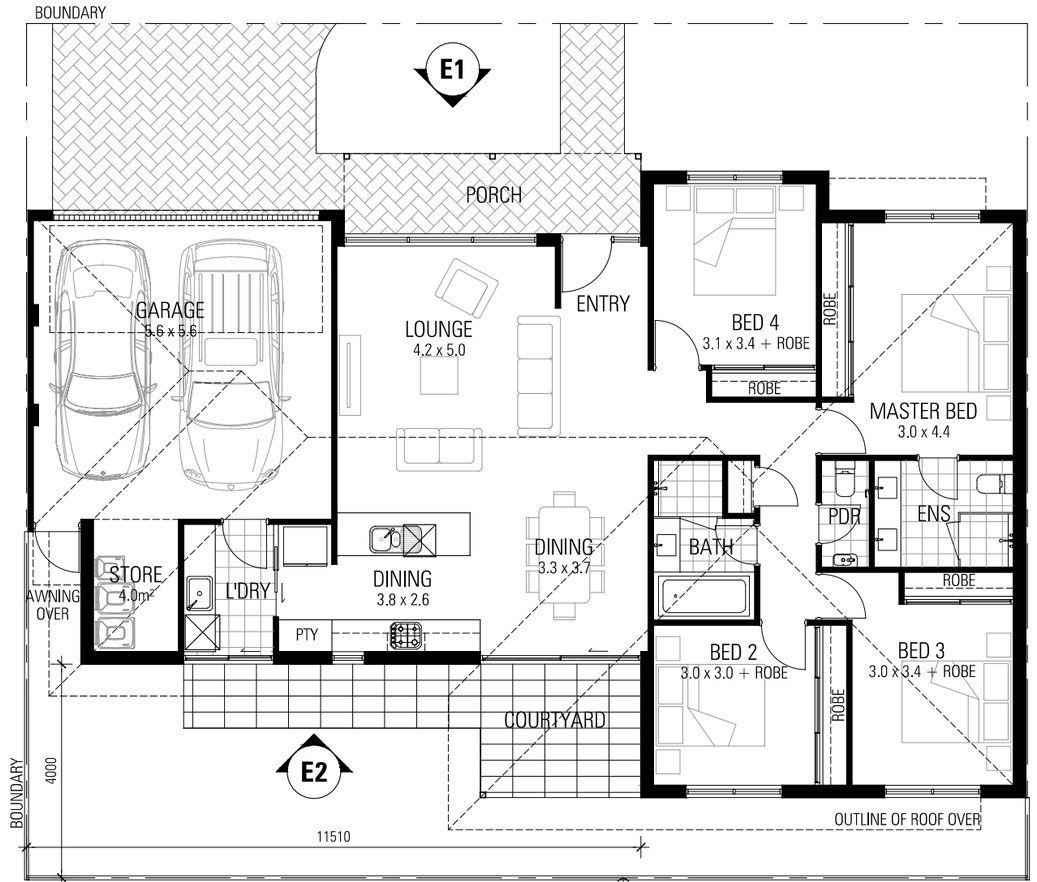
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FRONT ELEVATION E1

SCALE 1:100



TYPE 1 - LOT 14

SCALE 1:100

AREAS

GROUND FLOOR	-	136.32 m²
GARAGE + STORE	-	38.23m²
TOTAL	-	174.55 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 1 ON LOT 14

REV	DATE	DESCRIPTION	DWN	APPR
A	20.04.22	DA SUBMISISON	ZMH	ZMH

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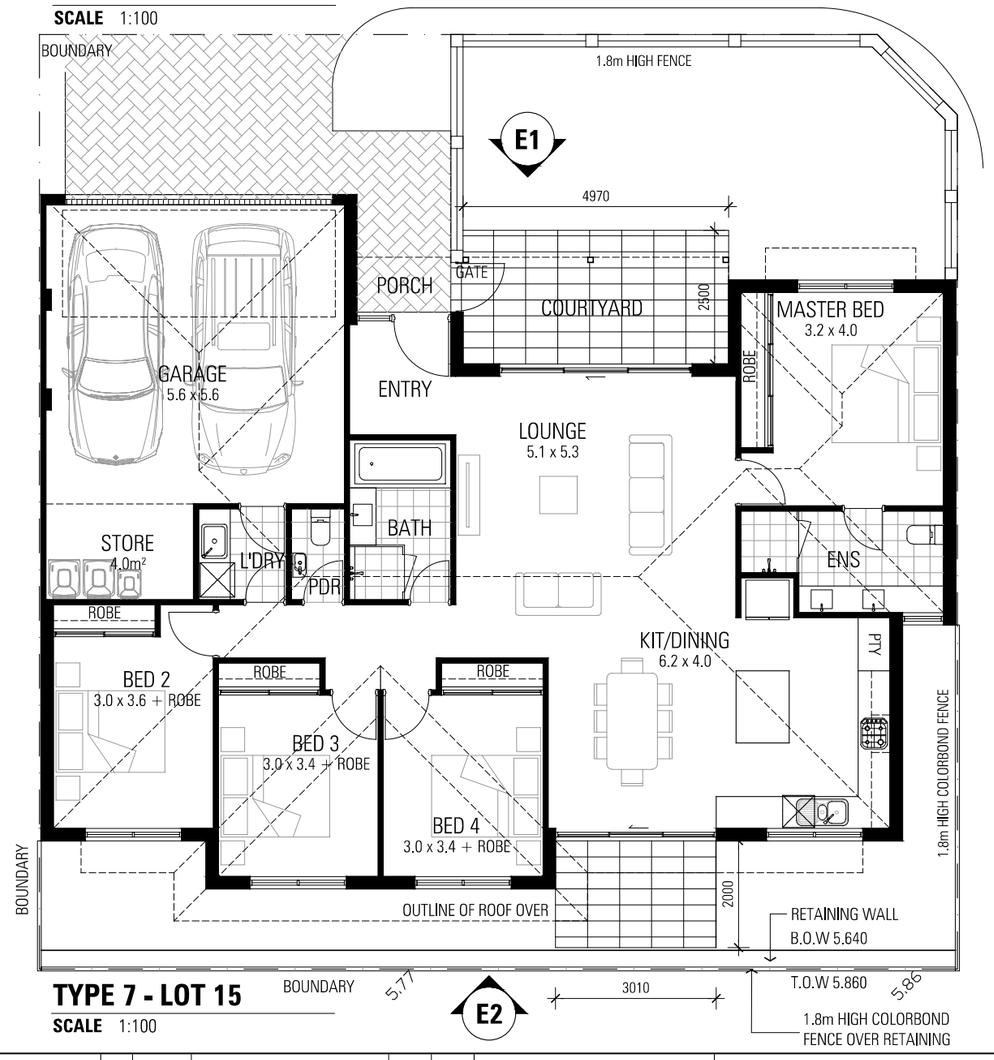
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FRONT ELEVATION E1

SCALE 1:100



TYPE 7 - LOT 15

SCALE 1:100

AREAS

GROUND FLOOR	-	143.70 m²
GARAGE + STORE	-	38.60m²
TOTAL	-	182.30 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 7 ON LOT 15

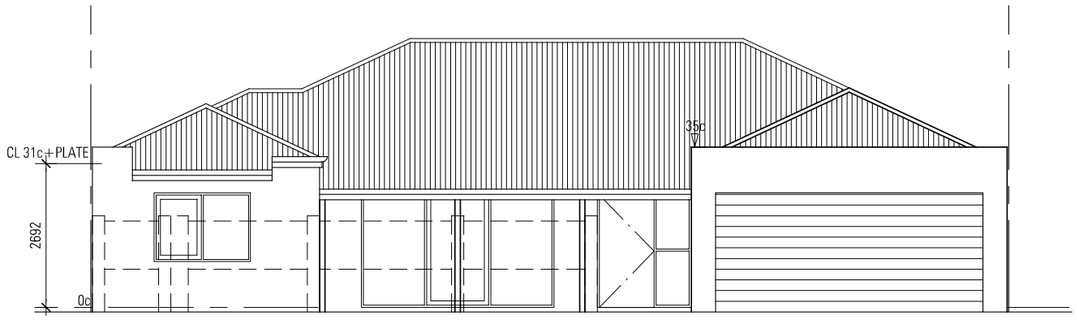
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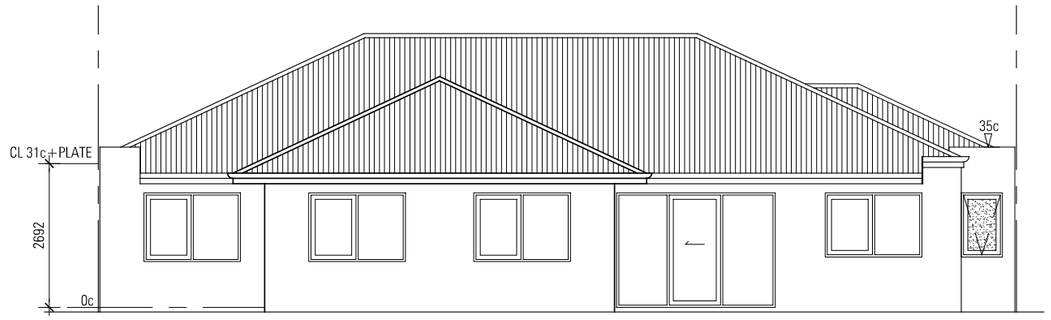
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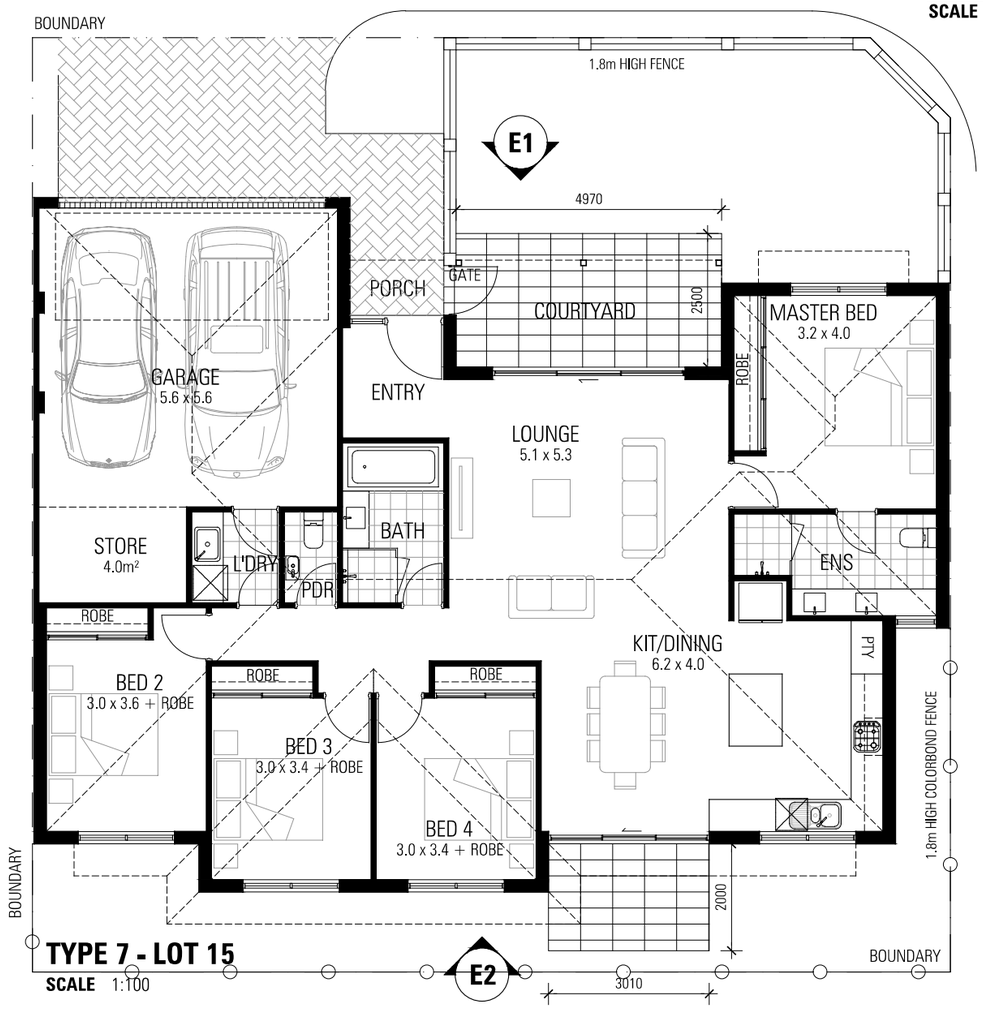
FRONT ELEVATION E1

SCALE 1:100



REAR ELEVATION E2

SCALE 1:100



TYPE 7 - LOT 15

SCALE 1:100

AREAS

GROUND FLOOR	-	143.70 m²
GARAGE + STORE	-	38.60m²
TOTAL	-	182.30 m²

PROJECT TITLE / CLIENT
16 GROUPED DWELLINGS
7-9 WRIGHT CRESCENT, BAYSWATER

DRAWING TITLE
TYPE 7 ON LOT 15

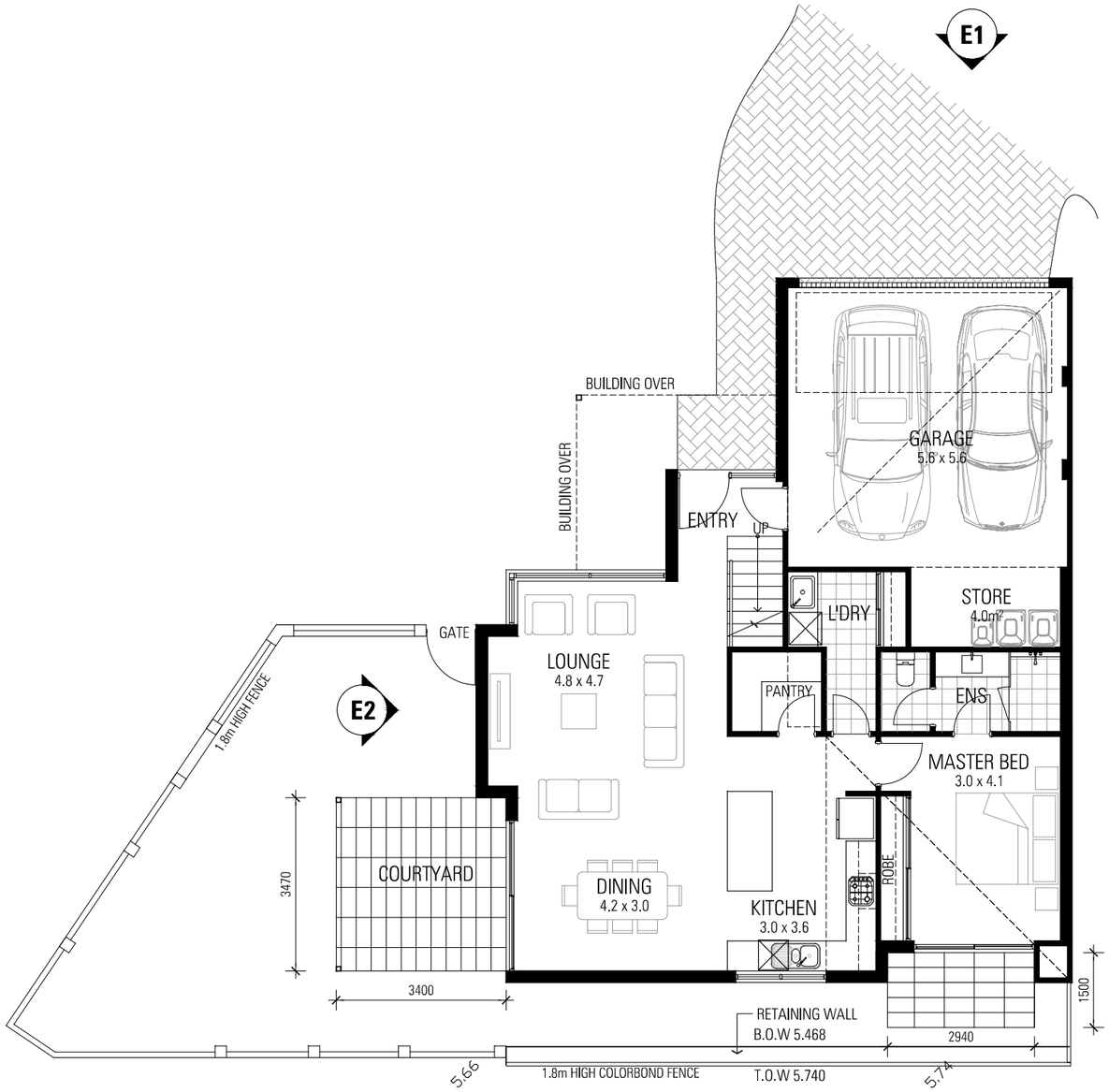
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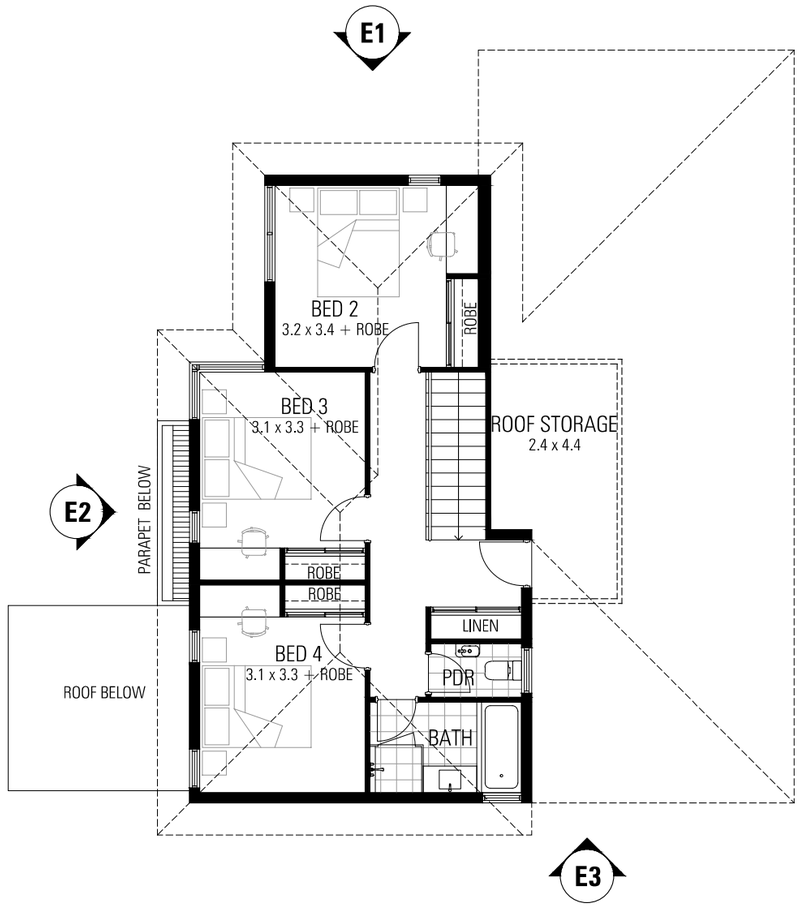
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GROUND FLOOR PLAN TYPE 8 - LOT 16

SCALE 1:100



FIRST FLOOR PLAN TYPE 8 - LOT 16

SCALE 1:100

AREAS

GROUND FLOOR	-	94.26 m²
GARAGE + STORE	-	38.63m²
FIRST FLOOR	-	61.85m²
TOTAL	-	194.74m²

PROJECT TITLE / CLIENT 16 GROUPED DWELLINGS 7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE TYPE 8 ON LOT 16	A	20.04.22	DA SUBMISSION	ZMH	ZMH
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FRONT ELEVATION E1

SCALE 1:100



REAR ELEVATION E3

SCALE 1:100

PROJECT TITLE / CLIENT 16 GROUPED DWELLINGS 7-9 WRIGHT CRESCENT, BAYSWATER					
DRAWING TITLE TYPE 8 ON LOT 16	A	20.04.22	DA SUBMISSION	ZMH	ZMH
	REV	DATE	DESCRIPTION	DWN	APPR

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GENERAL NOTES:
1. THIS IS A CONCEPT PLAN ONLY.
2. ALL STRUCTURES SUBJECT TO ENGINEERING AND COUNCIL APPROVAL.
3. ALL MEASUREMENTS TO BE CHECKED PRIOR TO CONSTRUCTION

LEGEND

TREES

EXISTING LARGE TREE:
TO BE RETAINED

PROPOSED LARGE TREE:
EG. JACARANDA

PROPOSED MEDIUM NATIVE TREES:
EG. LITTLE GHOST GUM, CORAL GUM

PROPOSED MEDIUM TREE:
EG. CREPE MYRTLE, CHINESE TALLOW

PROPOSED SMALL TREES:
EG. DWARF CITRUS

PROPOSED SMALL TREES:
EG. FLOWERING ALMOND, WA RED FLOWERING GUM

FEATURE PLANTS

SELECTED FEATURE PLANTING
KANGEROO PAWS, AGAVES

PLANTING

PLANTING TYPE 01
GROUNDCOVER PLANTING

PLANTING TYPE 02
SHRUBS/HEDGE

PLANTING TYPE 03
MIXED/STRAPPY PLANTING

PLANTING TYPE 04
MIXED/ FEATURE PLANTING

SELECTED LAWN SPECIES
SOFT LEAF BUFFALO

SELECTED EDGE RESTRAINT

MULCH ONLY AREA

SELECTED GRAVEL

DEEP SOIL AREAS (DSA)

LANDSCAPE AREA CALCULATIONS

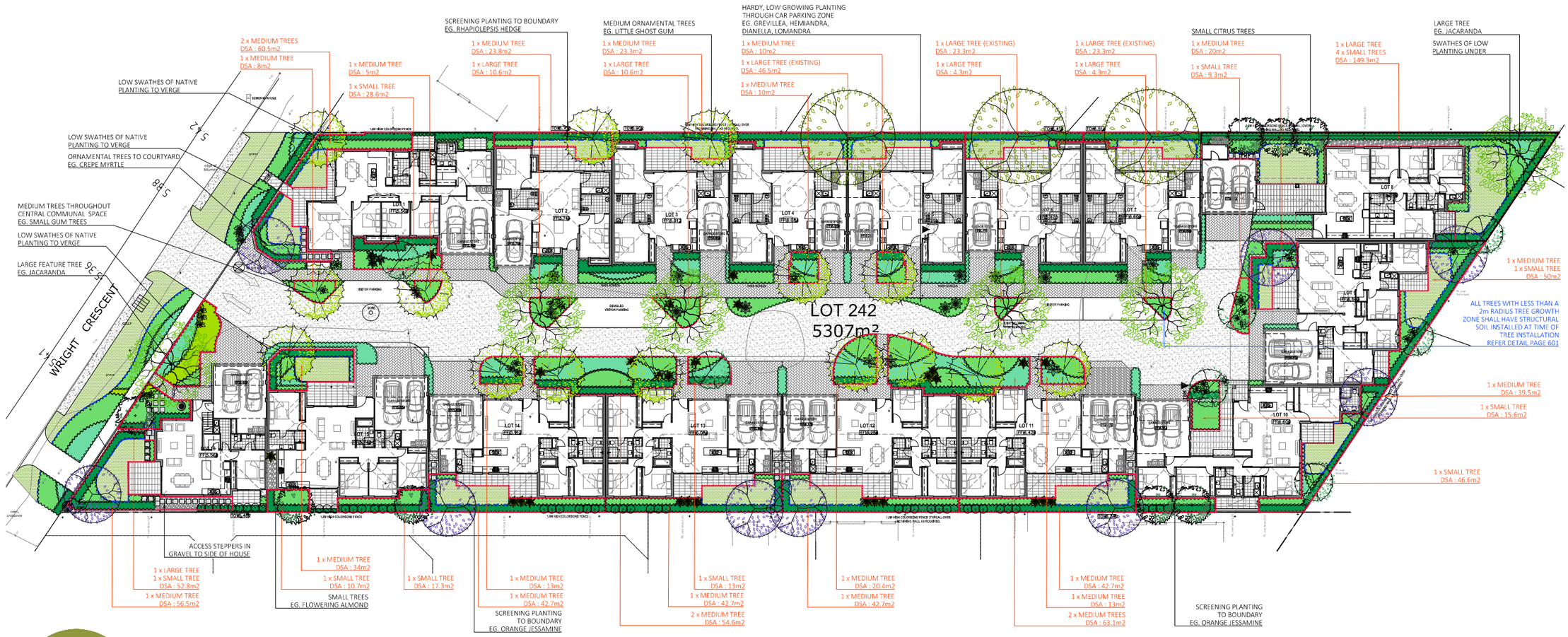
LANDSCAPE AREAS
Total Landscape areas = 1300m2 (24.5% of site)

DEEP SOIL AREAS (DSA)
Total = 1154m2 (21.8% of site)

CANOPY COVER
Proposed Large Trees (12m canopy) x 3= 339m2
Proposed Large Trees (9m canopy) x 6= 381.6m2
Proposed Medium Trees (6m canopy) x 25 = 707.5m2
Proposed Small Trees (4m canopy) x 15 = 189m2
Total Canopy Cover = 1617.1m2 (30.5% of site)

REFER PAGE 102 FOR PLANTING PALETTE AND LANDSCAPE NOTES
REFER PAGE 601 FOR THE STRUCTURAL SOIL DETAIL

REV	DATE	DWN	APP	DESCRIPTION
A	23.11.21	KD	KD	LANDSCAPE CONCEPT PLAN
B	13.12.21	KD	KD	UPDATED LANDSCAPE CONCEPT PLAN
C	13.12.21	KD	KD	UPDATED LANDSCAPE CONCEPT PLAN
D	29.01.22	KD	KD	UPDATED TO NEW LAYOUT
E	14.06.22	KD	KD	UPDATED TO NEW LAYOUT



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DEVELOPMENT APPROVAL

JOB No. 0175 PAGE 101 REV E

SCALE 1:200 @A1

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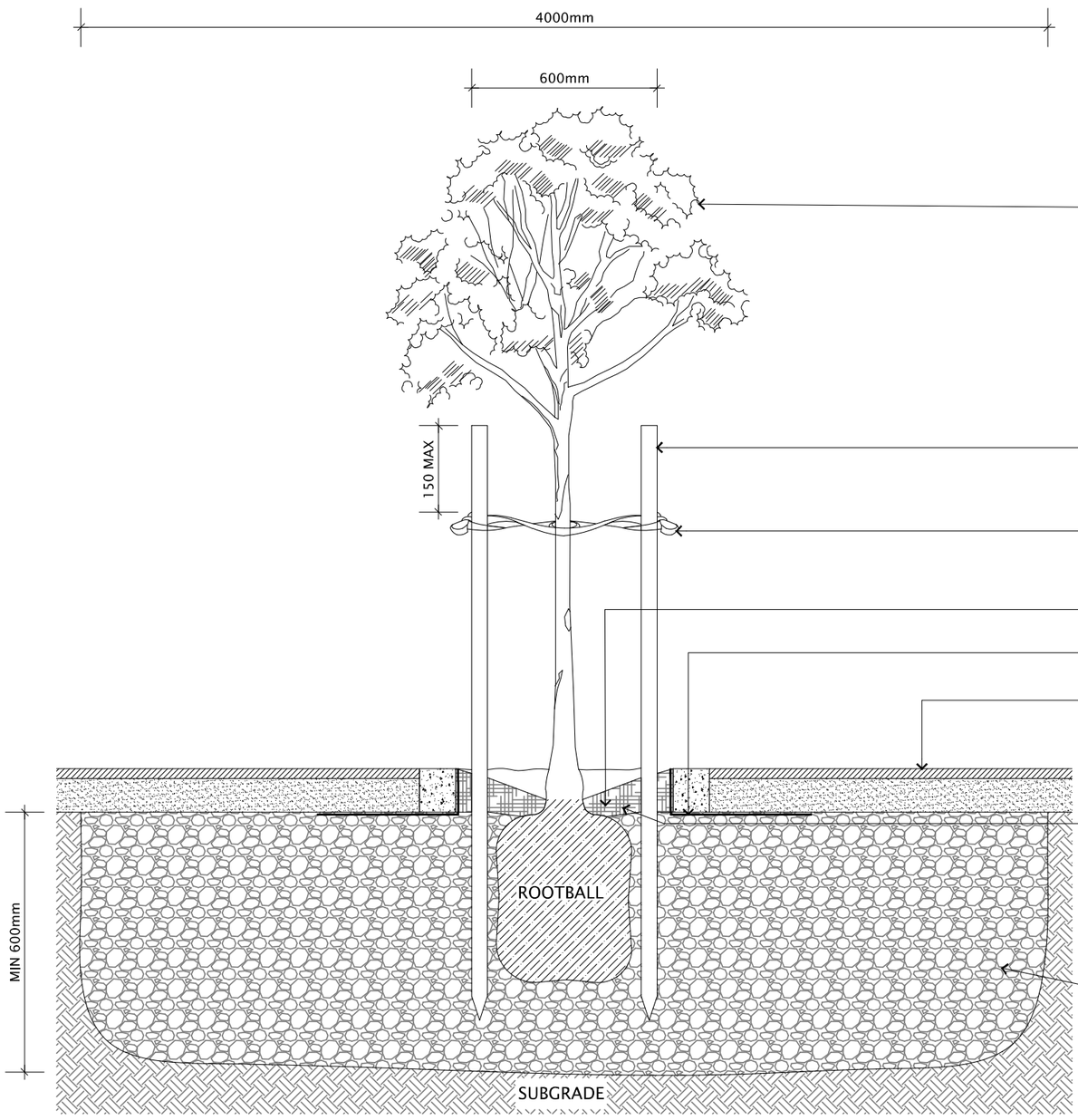
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NICHELIVING BAYSWATER
LANDSCAPE CONCEPT PLAN

NICHELIVING
7-9 WRIGHT CRESCENT, BAYSWATER

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REV	DATE	DWN	APP	DESCRIPTION
A	14.06.22	KD	KD	PLANTING DETAIL
B	19.07.22	AC	KD	PLANTING DETAIL



TREE AS PER PLAN & PLANT SCHEDULE

INSTALL TWO 1800mm LONG 50 x 50mm EVEN-SIDED HARDWOOD STAKES, PAINTED BLACK. ENSURE STAKES DO NOT PIERCE ROOT BALL.

SECURE WITH 2x BLACK RUBBER TIES ENSURING WEIGHT OF CROWN IS SUPPORTED.

INSTALL SUITABLE SUBSURFACE IRRIGATION TO MEET WATERING REQUIREMENT OF TREE SIZE INSTALLED.

SPRAY-ON ROOT MEMBRANE

PAVING

MULCH AS SPECIFIED

STRUCTURAL SOIL ZONE. EXCAVATE TREE WELL. REMOVE ANY RUBBLE, ROAD BASE OR DEBRIS. FILL WITH A THOROUGHLY COMBINED MIX OF 80% BY VOLUME 40mm CLEAN BASALT AGGREGATE (OR SIMILAR HARD STONE) AND 20% BY VOLUME SCREENED FILLER SOIL. A SMALL AMOUT OF HYDROGEL MAY BE REQUIRED AS A TACKIFYING AGENT DURING THE MIXING PROCESS.

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01/302 INDICATIVE TREE PLANTING IN PAVED AREA SECTION 1:20

DEVELOPMENT APPROVAL

JOB No. 0175 PAGE 601 REV B

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SCALE 1:100 @A3

NICHLIVING BAYSWATER
STRUCTURAL SOIL DETAIL

NICHELIVING
7-9 WRIGHT CRESCENT, BAYSWATER

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REV	DATE	DWN	APP	DESCRIPTION
A	23.11.21	KD	KD	PLANTING IMAGES

PLANTING PALETTE:

Symbol	Species	Common Name	Quantities	Size
Trees:				
AGOfle	Agonis flexuosa 'Burgundy'	Burgundy Weeping Peppermint	As shown	100L
CITlat	Citrus latifolia	Dwarf Persian Lime	As shown	100L
CITlim	Citrus limon	Dwarf Eureka Lemon	As shown	100L
CORfic	Corymbia ficifolia	Red Flowering Gum	As shown	100L
CUPana	Cupaniopsis anacardioides	Tuckeroo	As shown	100L
EUCfor	Eucalyptus forrestiana	Fuschia Gum	As shown	100L
EUCtor	Eucalyptus torquata	Coral Gum	As shown	100L
EUCvic	Eucalyptus victrix	Little Ghost Gum	As shown	100L
GLEsha	Gleditsia triacanthos 'Shademaster'	Honey Locust	As shown	100L
HAKlau	Hakea laurina	Pin Cushin Hakea	As shown	100L
JACmim	Jacaranda mimosaefolia	Jacaranda	As shown	100L
LAGind	Lagerstroemia indica	White Crepe Myrtle	As shown	100L
LAGtus	Lagerstroemia tuscarora	Pink Crepe Myrtle	As shown	100L
PRUdul	Prunus dulcis	Flowering Almond	As shown	100L
SAPseb	Sapium sebifera	Chinese Tallow	As shown	100L
TRIlau	Tristaniopsis laurina 'Luscious'	Luscious	As shown	100L
Shrubs and Groundcovers:				
CASgla	Casuarina glauca	Cousin It	3/m2	140mm
DIAeme	Dianella tasmanica 'Emerald Arch'	Emerald Arch	3/m2	140mm
DIAbla	Dianella tasmanica 'Blaze'	Blaze	3/m2	140mm
DIArev	Dianella revoluta	Blueberry Lily	3/m2	140mm
DICrep	Dichondra repens	Kidney Weed	3/m2	140mm
EREblu	Eremophila 'Blue Horizon'	Blue Horizon	2/m2	140mm
FICnod	Ficinia nodosa	Knotty Club Rush	3/m2	140mm
GREgin	Grevillea obtusifolia 'Gin Gin Gem'	Gin Gin Gem	2/m2	140mm
GREvil	Grevillea rosmarinifolia 'Crimson Villea'	Crimson Villea	2/m2	140mm
HARvio	Hardenbergia violaceae 'White Out'	White Native Wisteria	2/m2	140mm
HEMpun	Hemiandra pungens	Snake bush	2/m2	140mm
HIBsca	Hibbertia scandens	Snake Vine	2/m2	140mm
LAUnob	Lauris nobilis	Bay Tree	3/m2	140mm
LEUbro	Leucophyta brownii	Silver Cushion Bush	3/m2	140mm
LOMtan	Lomandra 'Tanika'	Tanika	3/m2	140mm
OLEaxi	Olearia axillaris	Coastal Daisy	3/m2	140mm
PIMfer	Pimelea ferruginea	Rice Flower	3/m2	140mm
PITmis	Pittosporum tobira 'Miss Muffet'	Miss Muffet	3/m2	140mm
MURpan	Murraya paniculata	Orange Jessamine	3/m2	140mm
MYOpar	Myoporum parvifolium 'Yareena'	Yareena	2/m2	140mm
RHAori	Rhaphiolepsis 'Oriental Pearl'	Dwarf Indian Hawthorn	3/m2	140mm
SANtri	Sansevieria trifasciata laurentii	Mother-in-law's Tongue	3/m2	140mm
SCAhum	Scaevola humilis 'Purple Fusion'	Fan Flower	2/m2	140mm
TRAjas	Trachelospermum jasminoides	Star Jasmine	2/m2	140mm
VIBodo	Viburnum odoratissimum	Dense Fence	3/m2	140mm
VIBtin	Viburnum tinus	Laurustinus	3/m2	140mm
WESaus	Westringia 'Aussie Box'	Aussie Box	3/m2	140mm
WESgre	Westringia 'Grey Box'	Grey Box	3/m2	140mm
Feature Plants:				
ANIamb	Anigozanthos 'Amber Velvet'	Amber Kangaroo Paw	As shown	200mm
ANIgol	Anigozanthos 'Gold Velvet'	Gold Kangaroo Paw	As shown	200mm
AGAatt	Agave attenuata	Foxtail	As shown	12L
ALOtop	Aloe hybrid	Topaz	As shown	12L

NOTES

1. GENERAL
1.2 ALL SCALES ARE AS NOTED AND TO SUIT A1 PAPER SIZE
1.3 ALL DIMENSIONS ARE IN MILLIMETERS, UNLESS OTHERWISE NOTED.
1.4 THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT SCHEDULES, REPORTS AND DRAWINGS AND PROJECT SPECIFICATIONS.
1.5 FOR ALL FINISHED LEVELS,DRAINAGE DESIGN AND WATER CONNECTION POINTS REFER TO ASSOCIATED PROJECT DOCUMENTATION (BY OTHERS).
1.6 FOR ALL ASSOCIATED IRRIGATION DESIGN REFER TO IRRIGATION DOCUMENTATION (TO FUTURE DETAIL) .
1.7 PLANTING SETOUT SHOULD BE CHECKED BY SUPERINTENDENT BEFORE INSTALLATION BEGINS.

2. SOIL PREPARATION
2.1 ALL AREAS ARE TO BE FINE GRADED EVENLY TO CONFORM TO KERB LEVELS AND SURROUNDING FINISHES.
2.2 SURFACES SHALL BE FREE FROM DEPRESSIONS, IRREGULARITIES AND NOTICEABLE CHANGES IN GRADE. GENERALLY, GRADES SHALL DEVIATE IN LEVEL NO GREATER THAN 20mm IN ONE LINEAR METRE.
2.3 PLANTED AREAS SHALL BE SPREAD WITH MIN. 50mm OF APPROVED STANDARD SOIL CONDITIONER THAT SHALL BE RIPPED INTO EXISTING SOIL TO A MIN. DEPTH OF 200mm.
2.4 PLANTING AREA SOIL PROFILES TO BE PREPARED AS SPECIFIED AND REVIEWED BY SUPERINTENDENT BEFORE PLANTING AND CONNECTING IRRIGATION.
2.5 ALL SITE AND IMPORTED SOILS, POTTING MIX, SOIL CONDITIONERS AND MULCHES TO BE IN ACCORDANCE TO RELEVANT AUSTRALIAN STANDARDS.

3.PLANTING
3.1 PLANTED AREAS SHALL BE MULCHED WITH AN ORGANIC MULCH UNLESS OTHERWISE STATED TO A MINIMUM DEPTH OF 75mm.
3.2 EXISTING TREES TO BE RETAINED AND PRUNED BY A QUALIFIED ARBORIST TO HELP MAINTAIN THE HEALTH OF THE TREE.
3.3 ADVANCED TREES SHALL BE STAKED W/ 50x50mm DIA HARDWOOD POSTS. POSTS SHALL BE PAINTED BLACK AND INSTALLED TO A MIN DEPTH OF 500mm. TREES SHALL BE SECURED TO POLES W/ RUBBER TIES IN FIGURE 8.
3.4 TREES PLANTED WITH IN 1000mm OF BOUNDARY WALLS AND/OR PARKING AREAS SHALL BE INSTALLED WITHIN 600mm DEPTH NYLEX ROOT BARRIER MEMBRANE. MEMBRANE SHALL BE INSTALLED AS PER MANUFACTURERS RECOMMENDATIONS.
3.5 FINAL PLANTING SELECTION TO BE SELECTED FROM PLANTING PALETTE OPPOSITE.
3.6 PLANTS TO BE SET OUT IN EVEN SPACING TO FILL THE DESIGNATED AREAS.
3.7 IN AREAS OF MIXED PLANTING, SPECIES TO BE SPREAD OUT AT RANDOM, IN GROUPINGS OF 2 OR 3.
3.8 PLANTS SHALL BE SUPPLIED FROM AN INDUSTRY ACCREDITED WHOLESALE NURSERY. PLANTS SHALL BE IN APPROPRIATE SIZE FOR THE LISTED POT SIZE AND IN GOOD HEALTH.
3.9 IF SPECIES ARE UNAVAILABLE (OR IN SIZES SPECIFIED), SUBSTITUTES MUST BE APPROVED BY SUPERINTENDENT BEFORE DELIVERY AND INSTALLATION.
3.10 SUPERINTENDENT TO REVIEW SAMPLES OF ALL TREE SPECIES AND PLANTS AT SOURCE OR BY PHOTOGRAPH PRIOR TO DELIVERY AND INSTALLATION.

4. IRRIGATION
4.1 PLANTING TO BE IRRIGATED VIA A FULLY AUTOMATIC SYSTEM FROM MAINS.
4.2 WATER PRESSURE TO HAVE A MINIMUM FLOW RATE OF 30L/pm AT 300kPA FROM THE WATER CONNECTION POINT (OR AS STIPULATED).
4.3 PLANTING TO PRIVATE COURTYARDS TO BE IRRIGATED VIA DIGITAL TAP TIMER (INDIVIDUAL CONNECTION POINTS TO BE PROVIDED).
4.4 CONTROLLER TO BE LOCATED TOWARDS THE FRONT OF THE DEVELOPMENT. FINAL LOCATION TO BE CONFIRMED BY CLIENT.
4.5 SLEEVES BENEATH PAVED SURFACES AND TO RAISED PLANTING AREAS TO BE PROVIDED BY OTHERS.
4.6 IRRIGATION TO GARDEN BEDS TO BE NETAFIM TECHLINE, SUB SURFACE IRRIGATION. INSTALLED TO MANUFACTURERS SPECIFICATION. IRRIGATION TO TURF TO BE POP UP SPRINKLERS; MP ROTATORS OR SIMILAR. IRRIGATION TO TREES TO BE BE BUBBLERS; TORO FLOOD BUBBLERS OR SIMILAR.
4.7 ASCON DRAWINGS, MANUALS AND 12 MONTH WARRANTY SHALL BE SUPPLIED BY THE IRRIGATION CONTRACTOR TO THE CLIENT UPON PRACTICAL COMPLETION.
4.8 PLEASE REFER TO IRRIGATION DRAWING SET FOR FINAL LAYOUT AND SCHEDULE


WESaus

LEUbro

OLEaxi

EREblu

VIBodo

MURpan

PITmis

GREvil

PIMfer

LAUnob

RHAori

GREgin

HIBsca

HARvio

HEMpun

SCAhum

DICrep

TRAjas

CAScou

LOMtan

FICnod

DIAbla

DIArev

DIAeme

ANIgol

ALOtop

AGAatt


LAGind

CUPana

EUCtor

GLEsha

PRUdul

LAGtus

JACmim

EUCvic

EUCfor

CORfic

TRIlau

AGOfle

HAKlau

CITlim

CITlat

SAPseb

kelsie davies
landscape architecture
Innaloo WA 6018
mob: 0450 965 569
email: kelsie@kdla.com.au

DEVELOPMENT APPROVAL

JOB No. 0175 PAGE 102 REV A

NICHELIVING BAYSWATER
LANDSCAPE CONCEPT IMAGES

NICHELIVING
7-9 WRIGHT CRESCENT, BAYSWATER

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10.4.3 Proposed Amendment No. 97 to Town Planning Scheme No. 24 - Lawrence Street, Bedford

Applicant/Proponent:	City of Bayswater
Owner:	Lot 4, 130 Lawrence Street, Bedford - H Trinh Lot 1, 132 Lawrence Street, Bedford - E Schumacher Lot 264, 134 Lawrence Street, Bedford - K and D Feist Lot 263, 136 Lawrence Street, Bedford - K Anderson Lot 262, 138 Lawrence Street, Bedford - K Ritchie Lots 1 and 2, 140 Lawrence Street, Bedford - C Kondilis and D and N Rudland Lot 259, 144 Lawrence Street, Bedford - R Cox Lot 258, 146 Lawrence Street, Bedford - R Cox Lots 506, 507, 508 and R21522, Lawrence Street, Bedford - State of WA Lot 257, 150 Lawrence Street, Bedford - P and E Scicluna Lot 256, 152 Lawrence Street, Bedford - B Coman Lot 255, 154 Lawrence Street, Bedford - J Pham Lot 1, 156 Lawrence Street, Bedford - P Nguyen and W Li Lot 2, 156A Lawrence Street, Bedford - W He and L Zhang Lot 253, 158 Lawrence Street, Bedford - B Tu and T Huynh Lots 1 and 2, 160 Lawrence Street, Bedford - S Dai, T Zhao, A and A Kim Lot 250, 168 Lawrence Street, Bedford - M Littleton and R Gianotti Lots 1 and 2, 58 Catherine Street, Bedford - K and S Khosraviani
Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	Nil
Refer:	Item 10.4.6: OCM 26.10.2021

SUMMARY

Council at its Ordinary Meeting held 26 October 2021 considered Amendment No. 97 to Town Planning Scheme No. 24 (TPS 24) to zone the unzoned land along Lawrence Street, Bedford, located on the north-eastern side of the street block between Catherine Street and Perth Street, as Medium and High Density Residential R25 and Local Public Open Space. Council resolved to initiate the amendment, and to forward the amendment to the Department of Water and Environmental Regulation for assessment, and the Department of Planning, Lands and Heritage - Heritage Directorate for comment.

The proposed scheme amendment was advertised for public comment from 6 May to 27 June 2022, during which time no submissions were received. It is recommended that the amendment be approved without modification.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council recommends that the Western Australian Planning Commission and Minister for Planning approve Amendment No. 97 to the City of Bayswater Town Planning Scheme No. 24, without modification.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The subject sites are located along the north-eastern side of the street block between Catherine Street and Perth Street. The unzoned land on the following lots provide access to grouped dwellings and single houses which have been developed:

Lot	No.	Street Name	Suburb
Lot 4	130	Lawrence Street	Bedford
Lot 1	132	Lawrence Street	Bedford
Lot 264	134	Lawrence Street	Bedford
Lot 263	136	Lawrence Street	Bedford
Lot 262	138	Lawrence Street	Bedford
Lots 1 and 2	140	Lawrence Street	Bedford
Lot 259	144	Lawrence Street	Bedford
Lot 258	146	Lawrence Street	Bedford
Lot 508		Lawrence Street	Bedford
Lot R21522		Lawrence Street	Bedford
Lot 257	150	Lawrence Street	Bedford
Lot 256	152	Lawrence Street	Bedford
Lot 255	154	Lawrence Street	Bedford
Lot 1	156	Lawrence Street	Bedford
Lot 2	156A	Lawrence Street	Bedford
Lot 253	158	Lawrence Street	Bedford
Lots 1 and 2	160	Lawrence Street	Bedford
Lot 507		Lawrence Street	Bedford
Lot 250	168	Lawrence Street	Bedford
Lot 506		Lawrence Street	Bedford
Lots 1 and 2	58	Catherine Street	Bedford

The unzoned land on Lot R21522, Lawrence Street, Bedford, functions as part of the Lawrence Reserve.



Figure 1: Subject Site

Council at its Ordinary Meeting held 26 October 2021 considered Amendment No. 97 to TPS 24 to zone the subject unzoned land as Medium and High Density Residential R25 and Local Public Open Space, and resolved as follows:

"That:

1. Council initiates an amendment to the City of Bayswater Town Planning Scheme No. 24 to:

(a) Zone the unzoned portion of land on the following lots:

Lot	*No.*	*Street Name*	*Suburb*
Lot 4	*130*	*Lawrence Street*	*Bedford*
Lot 1	*132*	*Lawrence Street*	*Bedford*
Lot 264	*134*	*Lawrence Street*	*Bedford*
Lot 263	*136*	*Lawrence Street*	*Bedford*
Lot 262	*138*	*Lawrence Street*	*Bedford*
Lots 1 and 2	*140*	*Lawrence Street*	*Bedford*
Lot 259	*144*	*Lawrence Street*	*Bedford*
Lot 258	*146*	*Lawrence Street*	*Bedford*
Lot 508		*Lawrence Street*	*Bedford*
Lot 257	*150*	*Lawrence Street*	*Bedford*
Lot 256	*152*	*Lawrence Street*	*Bedford*
Lot 255	*154*	*Lawrence Street*	*Bedford*
Lot 1	*156*	*Lawrence Street*	*Bedford*
Lot 2	*156A*	*Lawrence Street*	*Bedford*
Lot 253	*158*	*Lawrence Street*	*Bedford*
Lots 1 and 2	*160*	*Lawrence Street*	*Bedford*
Lot 507		*Lawrence Street*	*Bedford*
Lot 250	*168*	*Lawrence Street*	*Bedford*
Lot 506		*Lawrence Street*	*Bedford*
Lots 1 and 2	*58*	*Catherine Street*	*Bedford*

to ' Medium and High Density Residential R25';

(b) Zone the unzoned portion of land on Lot R21522, Lawrence Street, Bedford to 'Local Public Open Space'; and

(c) Amend the Scheme Map accordingly.

2. *Council considers the proposed amendment to the City of Bayswater Town Planning Scheme No. 24 to be 'standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*

(a) The amendment will have minimal impact on land within the Scheme area that is not the subject of the amendment;

(b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

(c) The amendment is not a basic or complex amendment.

3. *Upon finalisation of the scheme amendment documentation, the documentation is forwarded to the Department of Water and Environmental Regulation for assessment, and the Department of Planning, Lands and Heritage - Heritage Directorate for comment.*

4. *Upon the Notice of Assessment from the Department of Water and Environmental Regulation being received (and issues raised being complied with), the proposed scheme amendment be advertised for public comment.*

5. *The proposed scheme amendment is referred to Council for further consideration following public advertising."*

EXTERNAL CONSULTATION

Environmental Assessment and Heritage Referral

The scheme amendment documentation was referred to the Department of Water and Environmental Regulation (DWER) and Heritage Directorate of the Department of Planning, Lands and Heritage (DPLH) for assessment.

In correspondence dated 11 April 2022 the DWER advised the City that the proposed scheme amendment would not require an environmental assessment.

In correspondence dated 30 March 2022 the Heritage Services of the DPLH advised the City that it had no objection to the proposed amendment.

Public Advertising

Following notification from the DWER the City advertised the proposed amendment in accordance with Council's resolution for a period of 52 days from 6 May 2022 to 27 June 2022, by way of:

- Notification in the Perth Now newspaper on 12 May 2022;
- Letters sent to impacted land owners;
- Information placed on the City's engagement website, Engage Bayswater; and
- Hard copies of the amendment documentation made available for inspection at the City's Civic Centre and libraries.

No submissions were received during the consultation period.

OFFICER'S COMMENTS

As shown on the location map above the subject unzoned land provides access to grouped dwellings and single houses which have been developed.

The unzoned land on Lot R21522, Lawrence Street, is currently developed and used by the local community as a park/public open space (POS). There is a perception within the community that these areas are already zoned residential and reserved as POS respectively.

The land was initially required for the road reserve to allow for the future road widening of Lawrence Street whereby some of the properties which had developed ceded the unzoned portion of land for this. However, the City has since reviewed the need for the road widening along Lawrence Street and determined that it is no longer required. This has resulted in the majority of the lots retaining the unzoned land.

The scheme amendment aligns with the objectives of existing and future State and local strategic planning framework. The draft Local Planning Strategy (LPS) indicates that the sites are not located within any strategic centres or corridors. The amendment also enables development to occur on the land which relates to each of the existing dwellings, such as driveways and front fences.

It is considered that the 'Medium and High Density Residential R25' zoning is consistent with the remainder of the respective lot, and that it is required in accordance with the principles of orderly and proper planning for the area and the current land use.

In light of the above and given that no submissions were received, it is considered that no modification is required to the proposed scheme amendment, and the amendment as initiated by Council is recommended for approval.

LEGISLATIVE COMPLIANCE

Section 75 of the *Planning and Development Act 2005* permits a local government to amend its local planning scheme. Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes the process for the preparation of scheme amendments.

Once the scheme amendment is initiated, the Minister for Planning is the final decision maker on all scheme amendments. The City can provide a recommendation to the Minister to:

- support the amendment without modification;
- support the amendment with proposed modifications to address issues raised in the submissions; or
- not support the amendment.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council recommends that the Western Australian Planning Commission and Minister for Planning approve Amendment No. 97 to the City of Bayswater Town Planning Scheme No. 24, without modification.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low

Conclusion	It is considered that this option has a low risk to the City as it is consistent with the surrounding properties and the future objectives and vision for the area. Additionally, this option reflects Council's previous decision and aligns with the draft LPS. Also no submission was received during the community consultation period.

Option 2	**That Council recommends that the Western Australian Planning Commission and Minister for Planning approve Amendment No. 97 to the City of Bayswater Town Planning Scheme No. 24, subject to the modification(s):** **1. _____** **2. _____** **3. _____**		
Risk Category		**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction		Moderate	Dependant on the modification(s) proposed by Council.
Reputation		Low	
Governance		Low	
Community and Stakeholder		Moderate	
Financial Management		Low	
Environmental Responsibility		Low	
Service Delivery		Low	
Organisational Health and Safety		Low	
Conclusion	The risks are dependent on the modifications(s) proposed by Council.		

Option 3	**That Council recommends that the Western Australian Planning Commission and Minister for Planning refuse Amendment No. 97 to the City of Bayswater Town Planning Scheme No. 24.**		
Risk Category		**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction		Moderate	Moderate
Reputation		Low	Moderate
Governance		Low	Low
Community and Stakeholder		Moderate	Moderate
Financial Management		Low	Low
Environmental Responsibility		Low	Low
Service Delivery		Low	Low
Organisational Health and Safety		Low	Low
Conclusion	It is considered that this option has a moderate risk to the City's strategic direction as the amendment is consistent with the principles of orderly and proper planning for the area. There is also moderate risk to the City's reputation and community and stakeholders, in relation to the City not following its strategic plans and no objections were received during the community consultation period.		

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Scheme Amendment Gazettal and public notice

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$800	-	-	-	-	-	$14,800

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, 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.

The proposed zoning is aligned with the outcomes above as it will enable a consistent zoning across the lots, as the road widening is no longer required. Therefore, the proposed zoning is considered to be in keeping with orderly and proper planning for the locality.

CONCLUSION

It is recommended that Council supports Amendment No. 97 to the City of Bayswater TPS 24, with no modifications, and that the amendment documentation is to be forwarded to the Western Australian Planning Commission and Minister for Planning for final approval.

10.5 Major Projects And Commercial Activities Directorate Reports

Nil.

10.6 Sub Committee Reports

10.6.1 Skate and Bike Development Advisory Committee - 25 July 2022

10.6.1.1 Skate And Bike Facility Lighting Upgrade

Responsible Branch:	Project Services
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Lighting Design [**6.1.1.1** - 4 pages] 2. CONFIDENTIAL - Costings [**6.1.1.2** - 1 page]
Refer:	Item 10.6.1.2 OCM 26.04.22

Confidential Attachment in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(e) a matter that if disclosed, would reveal —

(iii) information about the business, professional, commercial or financial affairs of a person.

SUMMARY

For Council to consider lighting design options at the new Skate and BMX facility located at Wotton Reserve, Embleton.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council requests officers to investigate funding options to progress additional lighting at the new Skate and BMX Facility within Wotton Reserve.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

There are no Australian lighting standards for skate parks.

The skate and BMX facilities are being relocated to an area within Wotton Reserve previously used for junior soccer training. The area accommodating new skate and BMX facilities has the capacity to be lit to approximately 50lux using the existing lighting previously illuminating the soccer area. 50lux is the approved standard for large ball sports training such as soccer, rugby and football. 50Lux illumination is therefore available to be provided within the new skate BMX facility area.

There has been some concern expressed that, as the current 50Lux soccer training lighting has not been specifically designed for the skate and BMX facility, there may be lighting glare and shadowing that may present a hazard to skate and BMX users should the existing soccer lighting be used to illuminate the new skate park.

Given there are no Australian lighting standards for skate and BMX facilities, Officers conducted a review of similar neighbouring facilities. The most common illumination level provided at skate / BMX facilities is 100 lux illuminating predominantly the skate areas within those facilities.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The original skate and BMX facility located within Wotton Reserve had no lighting provided. There is no requirement to provide lighting to the new skatepark area.

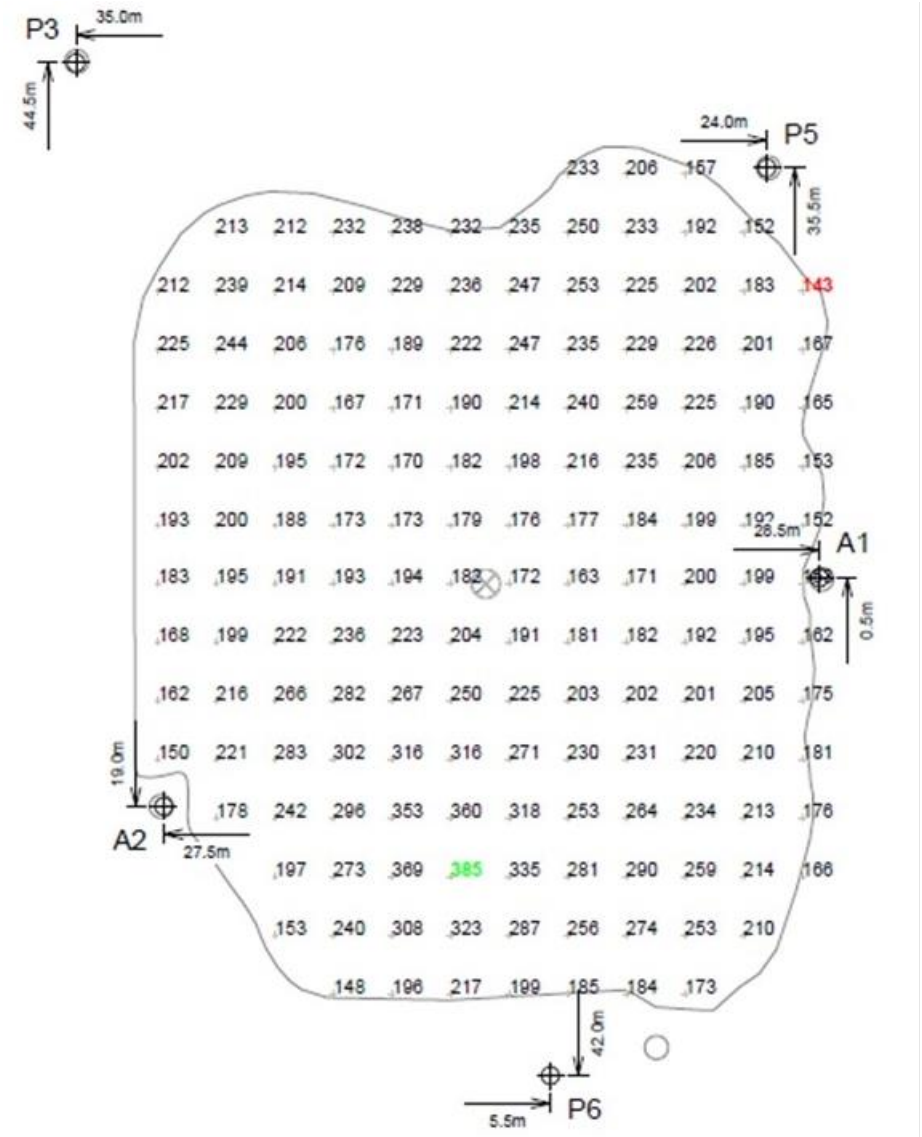
The new skate and BMX facilities are being located to an area within Wotton Reserve previously used for soccer training. The area accommodating the relocated facility is therefore illuminated to 50lux as this is the previous lighting infrastructure used to provide lighting for soccer training. Given that the previous lighting is provided and available to the site it is the intention to retain the original soccer lighting to provide 50 lux illumination to the newly relocated skate and BMX facility.

The skating community has expressed some concern that the soccer lighting illuminating the site may not be appropriate to provide lighting for the skate / BMX facility due to the location of the original light poles casting either glare or shadows across the site now featuring ramps and jumps. The original soccer lighting was provided for soccer training on flat even ground.

An alternative lighting design has been prepared to achieve a balanced spread of light across the site to provide 100+ lux illumination. 100 lux has been found to be a common level of illumination provided at most recently constructed facilities such as Bina Park within the City of Stirling.



The image above highlights floodlight pole locations illuminating the previous soccer training site now to become the new skate and BMX facility. Three original existing columns and lamps shown in red are providing 50 lux illumination to the site. Two (2) additional new poles are proposed and shown in blue in order to increase illumination and provide a more balanced illumination across the skate and BMX area.



Legend

- A1 and A2 new 24.4m high pole locations
- P5 and P6 existing 18.3m high pole locations
- P3 existing 27.3m pole location

The lighting plan above shows the different illumination levels at 158 points across the Skate and BMX Facility, achieving an average of 217lux.

Musco manufactures the current sports lighting system provided at Wotton Reserve. Musco has therefore provided the lighting design. The City has access to additional Musco Light poles and lamps recently removed from Pat O Hara Reserve that are available and can be used to increase illumination at the new Wotton facility. Reusing existing lighting infrastructure available to the City reduces the cost of installing the proposed design. The poles and lamps proposed is consistent with all other lighting on site provided for soccer. The proposed lighting design is outlined in **Attachment 1**. Costings are provided in **Confidential Attachment 2**.

Should a new lighting system be provided there would be additional cost to incur removing the existing lighting system and based on other recent lighting projects delivered by the City, the

estimated cost to complete a new lighting design and installation onsite would be in excess of $250,000 depending on pole height's and lamp types.

The proposed lighting design conforms to AS 4282-1997 Control of obtrusive effects of outdoor lighting.

A shadow assessment was completed as part of the lighting design. Coverage of each light fixture and the height and placement of the poles significantly reduces the effect of shadowing.

There is also an opportunity to centralise the A2 light pole in order to reduce any possible glare to users of the vert ramp. The lighting design has the flexibility to accommodate this slight move in pole location. The aiming of the current and proposed new light fittings can be adjusted to ensure glare and shadowing at the vert ramp is minimal.

Conduit to accommodate lighting cable around the site has been pre-laid as part of the site construction.

There is no current budget allocation for increased lighting at the new Wotton Skate and BMX facility.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995.*

OPTIONS

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council requests officers to investigate funding options to progress additional lighting at the new Skate and BMX Facility within Wotton Reserve.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is low risk and is in line with the City's adopted risk appetite as the requirements meet the community expectation of lighting at the new Skate and BMX Facility.	

Option 2	**That Council:** **1. Retains the existing 50lux soccer lighting provided within the Skate and BMX area at Wotton Reserve.** **2. Does not progress additional lighting options.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low

Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option presents a slightly higher risk in the areas of reputation and Community and Stakeholder as the current lighting available to the site may not meet user expectation.	

Option 3	**That Council does not illuminate the new Skate and BMX Facility located at Wotton Reserve.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	This option presents a moderate risk in the areas of Reputation, Community and Stakeholder and Service Delivery and is not aligned to community expectation.	

FINANCIAL IMPLICATIONS

An allocation of $2.5M is included in the 2021-22 budget for the Skate and BMX Facility Redevelopment. As construction is being delivered over two financial years the budget balance has been carried into 2022-23.

A new lighting installation to provide 100+ Lux is estimated at $300,000.

An upgrade to the existing Musco Lighting utilising available Musco poles and lamps is costed in Confidential Attachment 2.

There is no budget for increased lighting at the new Wotton Skate and BMX facility.

STRATEGIC IMPLICATIONS

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

CONCLUSION

There is currently no lighting standard within Australia for skate and BMX facilities. A lighting design has been provided proposing two additional lighting poles to increase the illumination level to beyond 100lux and provide a balanced spread of light across the site.

There is no funding available to increase illumination. It is therefore recommended to investigate funding options in order to increase illumination to the site.

Wotton BMX Skate Park

Embleton, WA

Lighting System

Pole / Fixture Summary

Pole ID	Pole Height	Mtg Height	Fixture Qty	Luminaire Type	Avg Load	Max Load	Circuit
A1-A2	24.4	24.4	3	Green Generation	4.69 kW	5.10 kW	A
P3	27.3	27.3	2	Green Generation	3.13 kW	3.40 kW	A
P5-P6	18.3	18.3	2	Green Generation	3.13 kW	3.40 kW	A
5			***12***		***18.77 kW***	***20.40 kW***	

Circuit Summary

Circuit	Description	Avg Load	Max Load	Fixture Qty
A		18.77 kW	20.4 kW	12

Fixture Type Summary

Type	Source	Avg Wattage	Max Wattage	Constant Lumens	Application	Quantity
Green Generation	1500W MZ	1564W	1700W	134,000	100K	12

Light Level Summary

Calculation Grid Summary

Grid Name	Calculation Metric	Illumination					Circuits	Fixture Qty
		Ave	Min	Max	Min/Max	Min/Ave		
01 BMX	Horizontal Illuminance	217	143	385	0.37	0.66	A	12
02 Glare - BMX	Glare Rating	36.2	27.3	43.6	0.63	0.75	A	12

From Hometown to Professional









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We Make It Happen.

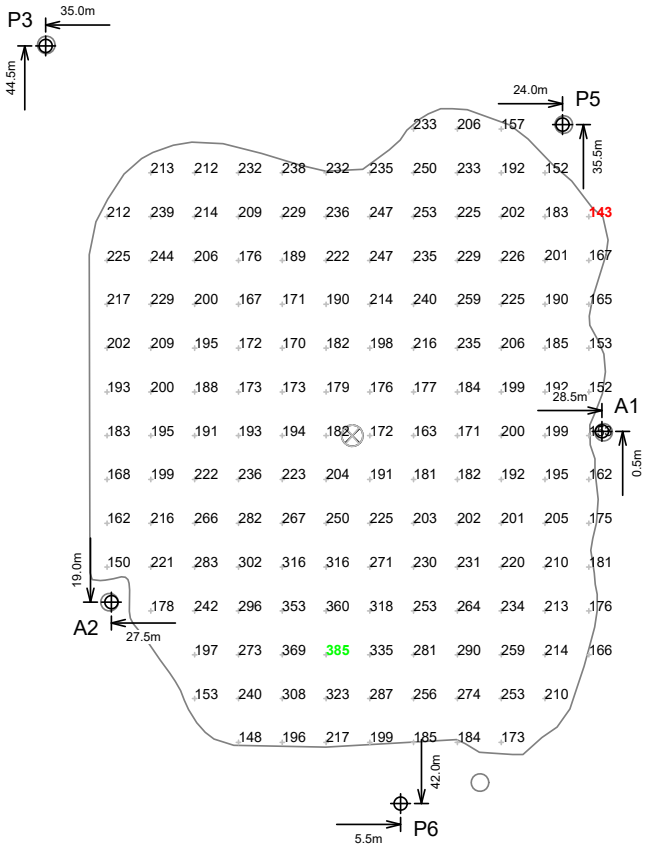
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ENGINEERED DESIGN By: John · File #138656R3 · 27-May-22

PROJECT SUMMARY

EQUIPMENT LIST FOR AREAS SHOWN

Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	A1-A2	24.38m	-	24.38m	LSG 15MZ	3	3	0
1	P3	27.3m	-	27.3m	LSG 15MZ	2	2	0
2	P5-P6	18.3m	-	18.3m	LSG 15MZ	2	2	0
5	TOTALS					12	12	0



SCALE 1: 750

0 20m 40m

Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

ENGINEERED DESIGN By: John · File #138656R3 · 27-May-22

Wotton BMX Skate Park

Embleton, WA

GRID SUMMARY

Name:	**01 BMX**
Size:	60.0m x 74.0m
Spacing:	5.0m x 5.0m
Height:	0.0m above grade

ILLUMINATION SUMMARY

MAINTAINED HORIZONTAL LUX

	Entire Grid
Scan Average:	**217.22**
Maximum:	385.22
Minimum:	142.66
Min / Avg:	0.66
Min / Max:	**0.37**
UG (adjacent pts):	1.63
CU:	0.53
No. of Points:	158

LUMINAIRE INFORMATION

Applied Circuits:	A
No. of Luminaires:	**12**
Avg Load:	18.77 kW
Max Load:	20.4 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the **"Musco Control System Summary"** for electrical sizing.

Installation Requirements: Results assume ?3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

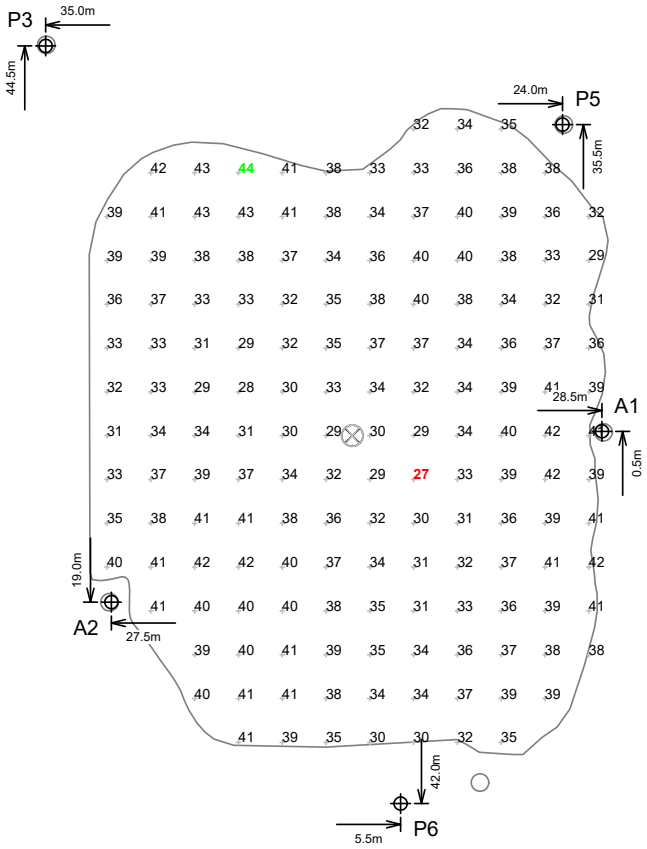
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ILLUMINATION SUMMARY

EQUIPMENT LIST FOR AREAS SHOWN

Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	A1-A2	24.38m	-	24.38m	LSG 15MZ	3	3	0
1	P3	27.3m	-	27.3m	LSG 15MZ	2	2	0
2	P5-P6	18.3m	-	18.3m	LSG 15MZ	2	2	0
5	TOTALS					12	12	0



SCALE 1: 750

0 20m 40m

Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

ENGINEERED DESIGN By: John · File #138656R3 · 27-May-22

Wotton BMX Skate Park

Embleton, WA

GRID SUMMARY

Name:	**02 Glare - BMX**
Size:	60.0m x 74.0m
Spacing:	5.0m x 5.0m
Height:	1.5m above grade

ILLUMINATION SUMMARY

MAINTAINED GLARE RATING: Max Reading

	Entire Grid
Scan Average:	**36.21**
Maximum:	43.55
Minimum:	27.26
No. of Points:	158

LUMINAIRE INFORMATION

Applied Circuits:	A
No. of Luminaires:	**12**
Avg Load:	18.77 kW
Max Load:	20.4 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

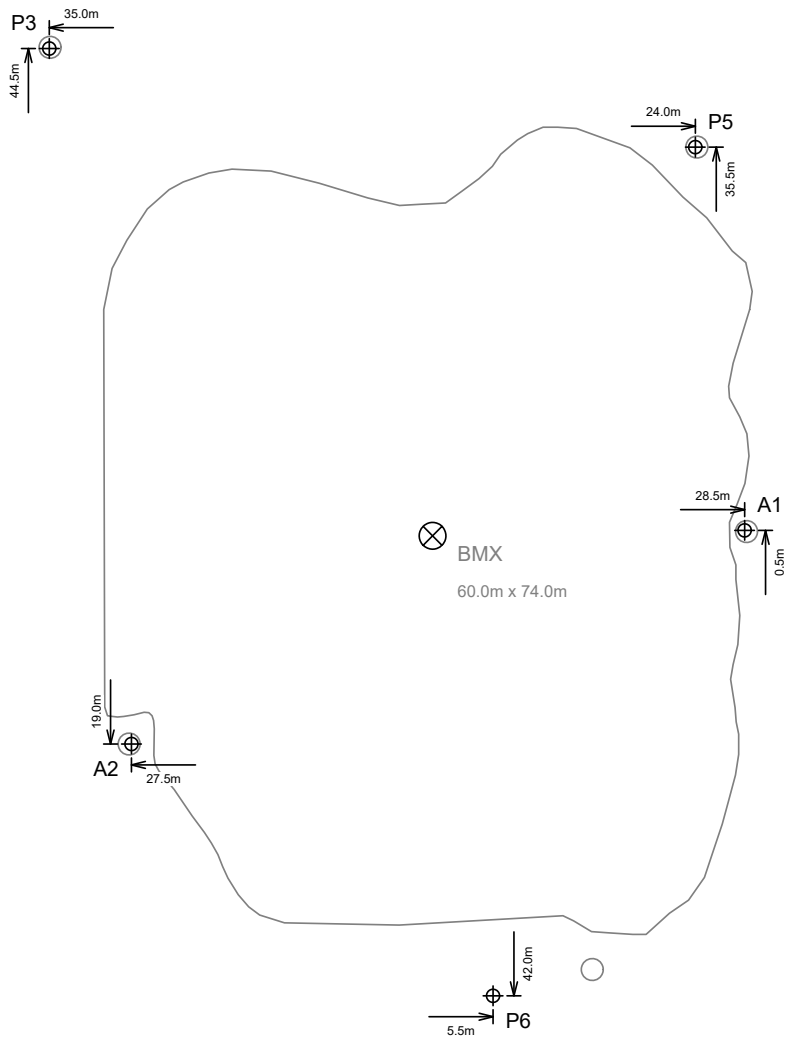
Electrical System Requirements: Refer to Amperage Draw Chart and/or the **"Musco Control System Summary"** for electrical sizing.

Installation Requirements: Results assume ?3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

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ILLUMINATION SUMMARY



SCALE 1: 600

0 20m 40m

Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

ENGINEERED DESIGN By: John · File #138656R3 · 27-May-22

Wotton BMX Skate Park

Embleton, WA

EQUIPMENT LAYOUT

INCLUDES:
· BMX

Electrical System Requirements: Refer to Amperage Draw Chart and/or the **"Musco Control System Summary"** for electrical sizing.

Installation Requirements: Results assume ?3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

EQUIPMENT LIST FOR AREAS SHOWN

Pole				Luminaires		
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE
2	A1-A2	24.38m	-	24.38m	LSG 15MZ	3
1	P3	27.3m	-	27.3m	LSG 15MZ	2
2	P5-P6	18.3m	-	18.3m	LSG 15MZ	2
5	TOTALS					12

SINGLE LUMINAIRE AMPERAGE DRAW CHART

Ballast Specifications (.90 min power factor)	Line Amperage Per Luminaire (max draw)					
Single Phase Voltage	220 (50)	230 (50)	240 (50)	380 (50)	400 (50)	415 (50)
1500 watt MZ	-	-	-	-	-	-

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EQUIPMENT LAYOUT

10.6.1.2 Naming Of The New Skate And BMX Facilities

Responsible Branch:	Project Services
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required

SUMMARY

To provide Council an overview of Skate and BMX facility naming options for the facility located at Wotton Reserve.

COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)

That Council endorses the City of Bayswater Skate Park as the name of the new Skate and BMX facilities at Wotton Reserve.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The skate park and BMX jumps at Wotton Reserve are being relocated to an area within Wotton Reserve previously used for junior soccer training.

The original skate and BMX facility within Wotton Reserve has always been known to the City as Wotton Skate park. This is due to the facility being located within Wotton Reserve.

There has been discussion and debate at previous Skate and Bike Development Advisory Committee meetings as to whether skate park, youth plaza, community hub or any other name may be appropriate.

EXTERNAL CONSULTATION

There has been no community or user engagement to date relating to the naming of the Wotton Reserve Skate and BMX Facility.

OFFICER'S COMMENTS

Wotton Reserve is a large active sporting reserve that features soccer pitches, a children's playground, Skate and BMX Facility, floodlighting, clubrooms, change rooms, public toilet and car parking bays. Bayswater Petanque Club and Morley Windmills are located within the reserve.

The Origin of the name Wotton Reserve comes from the street abutting the reserve; Wotton Street. Wotton derives from a place in Surrey, England. The original Bayswater District Road Board commonly endorsed the naming of many streets and sites after towns or places.

The existing Skate and BMX Facilities located at Wotton Reserve are known by a variety of different names including:

- Bayswater Skate Park,

- Baysie Skate Park; and
- Wotton Skate Park.

Throughout the community engagement process considering the concept design of the skate and BMX park the users of the site and broader community commonly referred to the existing facility in any feedback provided as Bayswater Skate Park or Baysie Skate Park. It appeared that very few referred to the facility as Wotton Skate Park.

Wotton was one of the earlier skate parks developed within the Metro area and as such it is known that many users travelled from outside the City to use the site. Their destination was therefore referred to as Bayswater or Baysie as they were travelling to the City of Bayswater, rather than Wotton Reserve or Wotton Skate Park.

Crimea Skate Park was developed later in 2007-08 and has remained known as Crimea Skate Park.

There may be an opportunity to incorporate a different terminology or reference for the site such as community hub or youth plaza. Officers have conducted a desktop review of other similar facilities:



Fremantle Esplanade Youth Plaza – City of Fremantle

The youth plaza, is located at the south eastern corner of Fremantle's Esplanade Reserve. The youth plaza was designed and chosen to be located in a highly visible inner-city hub for families and young people.

The plaza attracts multiple user groups, including the traditional wheeled sports of skateboarding, BMX and scooter riding, it also includes a parkour park and inclusive of stage areas, seating and viewing areas.



Mills Park Skate Plaza – City of Gosnells

The Mills Park Skate Plaza is located within the Mills Park district reserve, it is an open, flowing park catering for all ages, skill levels and user groups. Facilities within the reserve also include three large sporting fields catering for soccer, cricket, Australian Rules Football, tennis courts, cricket practice nets, a Community Centre, café and playground.



Bina Parkland Skate Plaza – City of Stirling

The reserve name Princess Wallington Reserve has been in place since 2006 and prior to this it was known as Brian Burke Reserve.

The City chose to rename the parkland (not the whole reserve) to a local Nyoongar name. The City engaged with local schools and the community on potential names for the area and Bina Parkland (Bina means ‘light of the morning) was selected in 2020.

The parkland offers a skate plaza facility and a junior and advanced BMX track, multi-courts, parkour area, regional playground, unique public art, car parking, barbecue areas, public toilets and drink fountains.



Forrestfield Skate Park 605 SK8 – City of Kalamunda

The youth space, includes a skate park, basketball court, nature play area, barbeque area, water fountain, landscaping, seating, shading and additional play equipment located at Hartfield Park, Forrestfield.

The City engaged with the community on potential names, the selected Skate Park name 605SK8 as a play on the Forrestfield postcode, 6058.



The Edge Skate Park – City of Kwinana

The Edge Skate Park features a competition-level bowl, street section, beginner's area, parkour obstacles and a basketball half-court.

The Edge Skate Park is centrally located at Calista Oval alongside The Kwinana Adventure Park and opposite the Zone Youth Space on Gilmore Avenue in Kwinana.



Jurien Bay Skatepark – Shire of Dandaragan

The Jurien Bay Skate Park is positioned in a prime waterfront location and provides an iconic setting to celebrate youth within the community. The skate park has been designed around the idea of flow, allowing users to choose their own path between a mix of street and transition elements, centered on an interconnecting street drain.



Margaret River Youth Precint – Shire of Augusta-Margaret River

The Margaret River Skate Park and Youth Precinct boasts two community facilities including the Zone Room and Scout Hall. The facility caters for a range of action sports including skateboarding, parkour and climbing/bouldering and a pump track which encircles the sports area. The skate area comprises a 3.1m deep international standard competition level bowl which is connected to the existing park area and a transition based street area, incorporating a feature rock skate element. This park is ideal for all levels of skating from beginners to advanced levels.



Mandurah Skate Park – City of Mandurah

The Mandurah Skate Park is located within the Western Foreshore Recreation Precinct. The facility features three skate zones and surrounding recreation areas. The facility caters for skaters, BMX and scooter riders of all levels. The central lawn opens up to activation nodes including a half basketball court. Coupled with terrace seating, this area creates various forms of passive and active recreation.



Moort Wabiny Park – Shire of Beverley

The Aboriginal words 'Moort Wabiny' meaning family play. The park is complete with nature play, skate park, pump track, basketball court and shaded barbeque area. Located in the main street next to all amenities and shops.

Based on the research, it appears that there is a variety of ways Skate and BMX Facilities are named. The most common theme appears to be that a Skate Park is named after the area it is located (such as Jurien Bay Skatepark). When a Skate and BMX Facility is complemented with youth activities such as play spaces, basketball court or other ball sports, it is most commonly named as a precinct or Plaza (such as Margaret River Youth Precinct).

Although the Wotton facility contains both skate and BMX elements the community appears to favour the term skate park rather than skate and BMX park. Similarly, the majority of feedback during previous engagement conducted in relation to the site appeared to favour the broader name of Baysie as opposed to Bayswater or the more specific location of Wotton.

It is therefore recommended that the new facility relocated within Wotton Reserve is named Baysie Skate Park.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995.*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council endorses Baysie Skate Park as the name of the new Skate and BMX facilities at Wotton Reserve.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is low risk and is in line with the City's adopted risk appetite. Members of the community providing feedback on the site during previous engagement commonly gave the name Baysie Skate Park to the facility.	

Option 2	**That Council endorses _____ as the name for the new Skate and BMX facilities at Wotton Reserve.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is higher risk than the officer's recommendation. Any alternative name provided may not be in line with community expectation.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

CONCLUSION

The existing Skate and BMX Facility is currently known as Bayswater or Baysie Skate Park by the Skate and BMX community, but Wotton Skate Park within the City.

The City reviewed the names of recently constructed sites and concluded that most commonly Skate and BMX Facilities are named after the broader area they are located in. When a Skate and BMX Facility is complemented with youth activities such as play spaces, basketball court or other ball sports, it is most commonly named as a plaza or precinct.

Naming the relocated facility ‘Baysie Skate Park’ is the recommended option.

10.6.1.3 Wotton Skate Park Half Pipe Condition

Responsible Branch:	Project Services
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Half Pipe Condition Report - June 2022 [**6.1.3.1** - 20 pages]

SUMMARY

To provide Council with an update on the current condition of the Wotton Skate Park vert ramp and options to relocate to another location.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council notes the Structural Engineer's Report on the existing Wotton Skate Park vert ramp and that it is not appropriate to relocate the ramp to an alternative site.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The Wotton Reserve Skate Park Vert Ramp was constructed in 2002 using steel hollow sections and sheet metal surfaces. The half pipe is located in the northeast corner of Wotton Reserve.

In October 2013, the City commissioned a structural engineer to complete a condition assessment report. The report highlighted a number of defects that were rectified at the time.

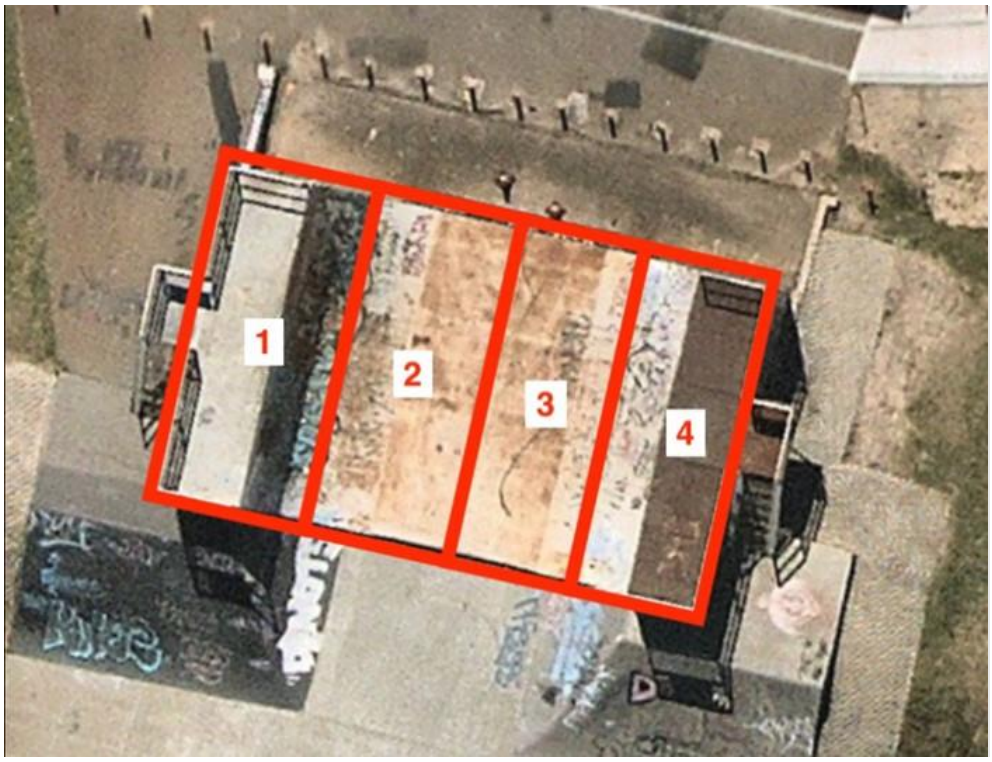
A question was raised at the Skate and Bike Development Advisory Committee held in March 2022, to investigate the possibility of relocating the original Wotton Skate Park Vert Ramp to a new site such as Crimea Park Skate Park once the old Wotton facility closes in September 2022.

EXTERNAL CONSULTATION

There has been no community or user engagement to date relating to re-using the existing vert ramp at Crimea Park Skate Park.

OFFICER'S COMMENTS

The City commissioned a structural engineer to complete a condition assessment report on the Wotton Skate Park Vert Ramp on Monday 13 June 2022. The ramp has a tubular steel frame, which is clad with steel sheeting and rests on a concrete slab.



Observations

The following comments were made by the structural engineer regarding the current condition of the vert ramp:

- The ramp face sheeting was significantly pitted with some holes appearing.
- Significant corrosion was noted in the sheeting externally and internally over the platform at the eastern side of the half pipe.
- The vertical cladding used to enclose the base of the vert ramp was in good condition, although heavily covered in graffiti.
- The internal cladding was in reasonable condition with minor corrosion noted on the underside of the ramp and in the vertical cladding.
- The western side internal framing was in good condition, with only minor corrosion noted on one member.
- Framing below the eastern platform has significant corrosion spread from the corrosion in the sheeting.
- The stairs were in good condition with no significant corrosion noted.
- The handrails were in good condition on the western side of the ramp, however, significant corrosion was noted at the base of the uprights on the eastern side of the ramp.



Significant corrosion at the edge of the eastern platform



Internal cladding at western end in good condition



Significant corrosion occurring on underside of eastern platform



Surface pitting on transition of western side of half pipe

Remedial Work Recommendations

Based on the observations made, the following recommendations would need to be undertaken to return the vert ramp to its original condition and to facilitate re-use at another location.

- All sheeting on the rideable surfaces of the vert ramp to be removed and replaced.
- The areas of significant corrosion on the platform at the eastern side of the vert ramp to be removed and replaced. This will require cutting down the supporting frame in this area to approximately 500mm below the current level.
- The corroded framing members at the eastern side to be removed and replaced in a like for like manner.
- Minor surface corrosion is occurring in the interior surfaces, this to be removed by way of mechanical cleaning, such as a wire wheel brush.
- To reduce the build-up of moisture below the vert ramp, vents be installed in the vertical cladding to allow airflow in these areas.

It should be noted that no costings have been prepared and the above-mentioned remedial works may represent a significant portion of the value of the vert ramp.

Due to the significant corrosion identified in the structural assessment report, a number of short-term solutions have been investigated in an attempt to keep the ramp operational. Unfortunately, given engineered design and repair lead in times, any appropriate repairs cannot be completed prior to the facilities scheduled closure date in September 2022.

In the interest of community safety, the vert ramp has been isolated from the rest of the existing skate park as of Friday 1 July 2022. The stairs have been removed; temporary fencing and physical barriers have been installed across the rideable surface to prevent use, as shown in the image below.



Transportation and Relocation

To allow the possible relocation of the vert ramp, it can be broken down into the four sections prior to movement. The shape of the two central sections is such that they could be transported together, however the eastern and western sections will need to be transported separately.

If the vert ramp is to be relocated, it is recommended that the structure be placed on a concrete slab over firmly compacted foundation materials. The concrete slab should additionally be sloped such that water can drain from below the structure and additional new stairs will be needed to provide access to the platforms each side.

Following preliminary discussions and site inspections, the full details are noted in the condition report **(Attachment 1).**

Given the significant amount of frame steel and sheeting that would require replacing within the structure, estimated to be over 50%, the cutting down, transporting and rebuilding of the structure is not deemed to be viable.

It is noted that the vert ramp is now closed and is to be demolished once the old skate park closes in September at the time of the new facility becomes operational. The new skate and BMX park relocated within Wotton Reserve contains the biggest vert ramp to be built in Western Australia.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council notes the Structural Engineer's Report on the existing Wotton Skate Park vert ramp and that it is not appropriate to relocate the original ramp to an alternative site.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low

Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option presents a moderate risk in the area of community and stakeholder, but is in line with the City's adopted risk appetite. The report provides an independent structural assessment in relation to the re-use of the existing Wotton Skate Park Vert Ramp.	

Option 2	**That Council:** **1. Notes the Structural Engineers Report on the existing Wotton Skate Park vert ramp.** **2. Requests the Chief Executive Officer investigate the cost implications to relocate and reinstate the vert ramp to a safe usable condition.**		
Risk Category		**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction		Moderate	Low
Reputation		Low	Moderate
Governance		Low	Low
Community and Stakeholder		Moderate	Moderate
Financial Management		Low	Moderate
Environmental Responsibility		Low	Low
Service Delivery		Low	Low
Organisational Health and Safety		Low	Low
Conclusion	This option presents a moderate risk in the areas of reputation, community and stakeholder and financial management. A suitable alternative site for relocation is yet to be determined.		

FINANCIAL IMPLICATIONS

The costs are currently unknown to repair and relocate the existing Wotton Skate Park Vert Ramp. There is no budget allocation to undertake any repairs.

STRATEGIC IMPLICATIONS

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

CONCLUSION

A recent condition assessment report has lighted significant corrosion with the internal frame and structure of the original vert ramp at Wotton Reserve skate park.

Over 50% of the structure would require to be replaced and rebuilt in order for the ramp to be usable and or fit for relocating to an alternative site.

Given the significant internal corrosion the ramp has been closed to public use and repairs are not able to be conducted in a timely manner prior to the facilities scheduled close date of September 2022.

It is therefore recommended that the ramp remains closed and is demolished once the skate park facility closes.

Structerre reference number: S1071705

16 June 2022

The Manager
CITY OF BAYSWATER
PO Box 467
MORLEY WA 6943

Attn: Ross Cameron

CONDITION REVIEW OF STEEL HALF PIPE
AT
WOTTON SKATE PARK
WOTTON ST EMBLETON

In response to your recent request, a representative from this Office visited the above-mentioned site on 13 June 2022.

1. PURPOSE

The purpose of the visit was to inspect the steel half pipe, to provide advice on its condition (including any remedial works required), and to provide advice on moving the structure to another location.

2. BACKGROUND

A plaque on the half pipe indicates it was installed c2002, and it was advised that some maintenance had been undertaken on the structure, however the extent of these works was not readily known.

The half pipe is located in the north-eastern corner of Wotton Reserve as shown in Figure 1.

Whilst the site appears to be overlain with sandy soils, geological survey maps of the area indicate that the area may be underlain with peaty clays.

3. OBSERVATIONS

The half pipe is approximately 16 m long (including the access stairs) and 8 m wide. The top of the handrail is located approximately 4100 mm above the lowest section of ground. Photograph 1 shows the view of the half pipe looking from the north.

The half pipe has a tubular steel frame, which is clad with steel sheeting. The half pipe rests on a concrete slab (photograph 2).

WA | QLD | NSW | VIC
1 Erindale Road, Balcatta, Western Australia 6021 | PO Box 792, Balcatta, Western Australia 6914
Phone (+618) 9205 4500 | Fax (+618) 9205 4501 | Email wainspect@structerre.com.au | Web www.structerre.com.au
ABN 71 349 772 837 Zemla Pty Ltd ACN 008 966 283 as trustee for the Young Purich and Higham Unit Trust trading as Structerre Consulting Engineers

At the south-western and south-eastern corners, the ground level has been raised up as part of the adjacent concrete skate park. These areas are shown in Figure 2 and photograph 3.

Close inspection revealed the half pipe has been constructed in four sections and fixed together on site. The four sections are approximately 8 m by 3.5 m, with the sections shown in Figure 3. It is likely that the stairs were fabricated separately and were added to the half pipe once it was installed on site.

The following comments are made with regard to the condition of the half pipe.

3.1. External surfaces

Externally the structure is clad with steel sheeting. This sheeting is significantly pitted in several locations on the ramp faces, and in some areas holes were noted through the sheeting. As shown in photographs 4 and 5.

Significant corrosion was noted in the sheeting over the platform at the eastern side of the half pipe. It was suspected that this sheeting was previously replaced as part of routine maintenance works. This corroded sheeting appeared to be bare metal with no corrosion protection installed. As shown in photographs 6 - 8.

The vertical cladding used to enclose the base of the half pipe was in good condition, although it was heavily graffitied. As shown in photograph 9.

3.2. Internal surfaces

Internally the cladding was in reasonable condition (photographs 10 and 11). There was poor ventilation below the half pipe, as such, the trapped air was very moist due to rainwater pooling below the structure.

Minor surface corrosion was noted in the underside of the ramp and in the vertical cladding. As shown in photograph 12.

Significant corrosion was noted on the underside of the sheeting over the platform at the eastern side of the half pipe (photographs 13 – 16). This location was consistent with the significant corrosion noted in Section 3.1 above. Daylight could be seen through in some sections of this sheeting.

3.3. Internal framing

The internal framing was constructed using steel tubing, that had been welded at the intersections. The connections between the four sections could not be determined, however it was noted that the ramp sheeting was welded across these joints.

At the western side, the framing was in good condition, with only minor corrosion noted in one member along the northern side of the enclosure. As shown in photograph 17.

Below the eastern platform, the corrosion in the sheeting had spread to the supporting frame and has resulted in significant corrosion (photograph 18). In one location the framing

supporting the vertical cladding had corroded through (photograph 19). This location only supported the cladding for the enclosure.

3.4. Stairs

The stairs were in good condition with no significant corrosion noted (photographs 20 and 21). The stairs did not extend for the full height of the half pipe. The base of the stairs were located in the raised section of adjacent ground.

It was advised that if the half pipe was to be relocated to level ground, new stairs would need to be constructed for the full height of the structure.

3.5. Handrails

The handrails were constructed from steel tubular sections, that supported mesh infill panels. The handrails were in good condition in the western side on the ramp, however significant corrosion was noted at the base of the uprights on the eastern side of the ramp (photographs 22 and 23).

3.6. Limitations

Due to the height of the central section of the half pipe, no access was available below this area, as such, no comment can be made on the condition of the framing in this area. Further investigation will be required once the structure is dismantled and raised up for inspection. Please refer back to this Office for a quote should this further inspection be required.

4. COMMENTS & RECOMMENDATIONS

Based on the observations made, the following recommendations should be undertaken to return the half pipe to its original condition and to facilitate re-use at another location.

It should be noted that no costings have been prepared with regard to these works, as that was outside the scope of this report, however it should be noted that these remedial works may represent a significant portion of the value of the half pipe.

The following works are recommended.

- All sheeting on the rideable surfaces of the half pipe should be removed and replaced. Whilst surface cleaning could be undertaken to remove the corrosion, it is likely this will result in the cladding material becoming too thin for use. The new surface cladding should have suitable surface corrosion protection installed to suit an exterior environment. This could include the use of suitably galvanised metal claddings. Should other surface materials be used, such as timber boards, additional support members may be required.
- The areas of significant corrosion on the platform at the eastern side of the half pipe should be removed and replaced. This will require cutting down the supporting frame in this area to approximately 500 mm below the current level. The members should be replaced in a like for like manner.

It is recommended that the new platform sheeting over this area be replaced with a single continuous sheet, or alternatively, the joints in smaller sheets be completely welded to prevent passage of moisture through to the frame below.
The new materials should have suitable surface corrosion protection installed to suit an exterior environment. This could include the use of suitably galvanised metal tubing and sheeting.

- The corroded framing members at the eastern side should be removed and replaced in a like for like manner. The new materials should have suitable surface corrosion protection installed to suit an exterior environment. This could include the use of suitably galvanised metal tubing.
- Where minor surface corrosion is occurring in the interior surfaces, this should be removed by way of mechanical cleaning, such as a wire wheel brush. A suitable corrosion protection paint for an external environment should be applied to these areas in accordance with the manufacturers recommendations.
- To reduce the build up of moisture below the half pipe, it is recommended that vents be installed in the vertical cladding to allow air flow in these areas. These vents should be located at the top and bottom of a full height vertical wall on each of the vertical end faces and shaped to allow air movement while preventing ingress of water.

5. TRANSPORTATION AND RELOCATION

To allow relocation of the half pipe, it can be broken down into the four sections prior to movement. The shape of the two central sections is such that they could likely be transported together, however the eastern and western sections will need to be transported separately.

The two external platform sections are estimated to weigh 800 kg, with the internal sections approximately 300 kg each.

Should the half pipe be relocated, it is recommended that the structure be placed on a concrete slab over firmly compacted foundation materials. The concrete slab should additionally be sloped such that water can drain from below the structure.

If the half pipe is relocated, new stairs will need to be provided to provide access to the platforms each side.

6. SUITABILITY FOR USE

Further advice was sought on the current suitability for use of the half pipe.

The ridable surface was significantly pitted and had holes in some locations. These holes represent a hazard as they may enlarge or fail at an unpredictable time whilst the half pipe is in use.

Whilst the eastern platform felt firm underfoot, surface impacts from users may result in failure of the handrail or platform surface.

As such, it is recommended that users be excluded from using the half pipe. Physical barriers should be installed across the rideable surface to prevent use.

7. CLOSURE

Thank you for the opportunity to assist you in this matter. If this Office can be of further assistance, please do not hesitate to contact us again.

Yours faithfully



Tim McColgan
Senior Engineering Associate
Diploma of Engineering (Structural)

Authorisation
Authorised for release



Gervase Purich
CEO

Enclosed:
- 3 figures
- 23 photographs taken on site

Disclaimer:
This report is at the request of the addressee and no liability is accepted by Structerre Consulting Engineers to any third person reading or relying upon the report, not withstanding any rule of law and/or equity to the contrary and that this report is strictly confidential and intended to be read and relied upon only by the addressee.

Job #	Revision	Authored	Checked	Authorised
S1071705	0	Tim McColgan	Brendon Bartlett	Gervase Purich

STRUCterre consulting

JOB No: S1071705
PROJECT ADDRESS: WOTTON SKATE PARK - WOTTON ST EMBLETON



Figure 1
Current location of half pipe

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PROJECT ADDRESS: WOTTON SKATE PARK - WOTTON ST EMBLETON

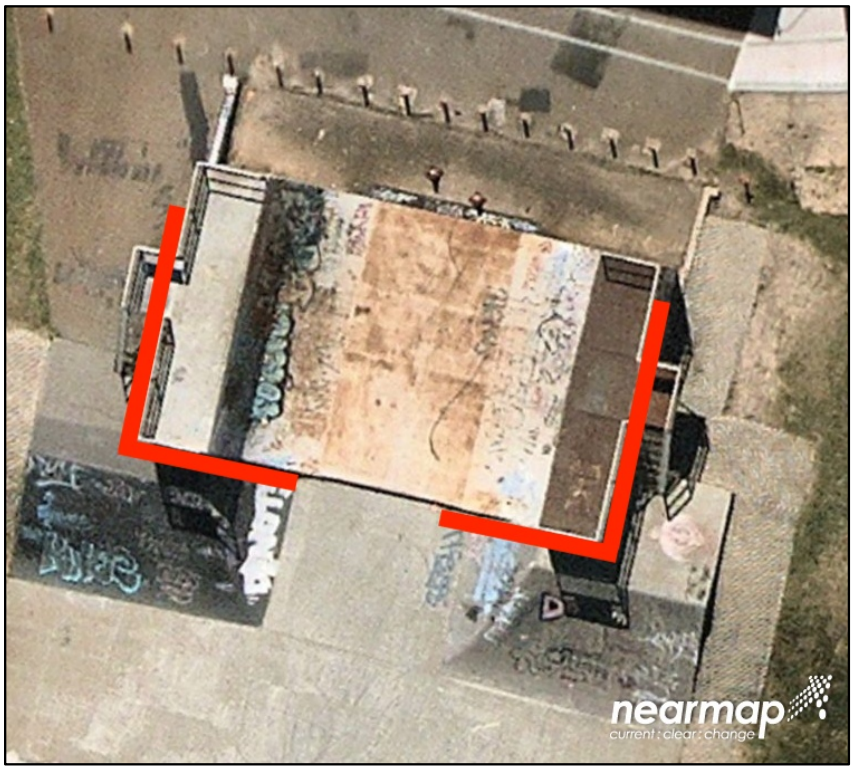


Figure 2
Overview of the half pipe showing locations of adjacent raised ground levels

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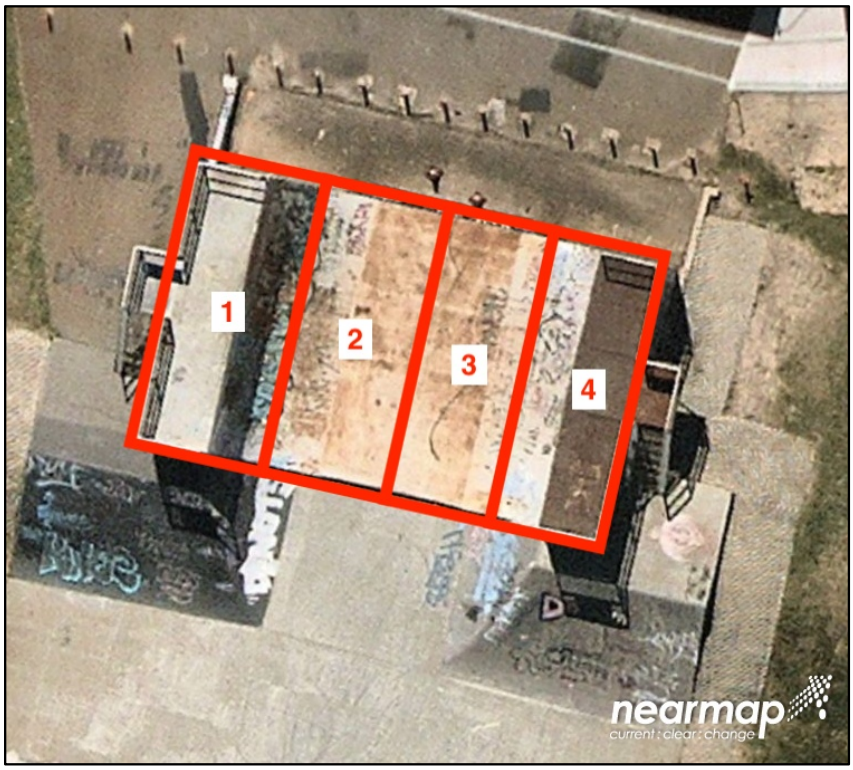


Figure 3
The approximate sections of the half pipe

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Photograph 1
Northern view of the half pipe



Photograph 2
Typical construction method over concrete slab

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Photograph 3
Eastern portion of half pipe with adjacent ground level raised



Photograph 4
Surface pitting on transition of western side of half pipe



Photograph 5
Holes in the steel cladding in the central section of the half pipe



Photograph 6
Newer sheet cladding on eastern platform

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Photograph 7
Significant corrosion at edge of eastern platform



Photograph 8
Significant corrosion at sheet joints in eastern platform

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Photograph 9
Vertical cladding generally in good condition



Photograph 10
Internal cladding at western end in good condition

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Photograph 11
Cladding and framing below western platform



Photograph 12
Surface rust on half pipe transition at western side

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PROJECT ADDRESS: WOTTON SKATE PARK - WOTTON ST EMBLETON



Photograph 13
Significant corrosion occurring on underside of eastern platform



Photograph 14
Significant corrosion occurring on underside of eastern platform



Photograph 15
Significant corrosion occurring on underside of eastern platform



Photograph 16
Significant corrosion extending down vertical face of the eastern side of the half pipe

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Photograph 17
Surface corrosion on member in western section



Photograph 18
Significant corrosion on members in eastern section

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PROJECT ADDRESS: WOTTON SKATE PARK - WOTTON ST EMBLETON



Photograph 19
Significant corrosion in vertical members in eastern section



Photograph 20
Eastern stairs

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PROJECT ADDRESS: WOTTON SKATE PARK - WOTTON ST EMBLETON



Photograph 21
Western stairs



Photograph 22
Western handrail



Photograph 23
Typical corrosion at base of eastern handrails

10.6.1.4 Lightning Park BMX Track Condition Update

Responsible Branch:	Project Services
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Lightning Park Condition Report and Recommendations [**10.6.1.4.1** - 14 pages]
Refer:	Item 10.6.6.4 OCM 23.03.21 Item 9.1.5 CTFCSC 21.06.17

SUMMARY

To provide Council with an update on the current condition and future opportunities for the Lightning Park BMX track.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council notes this Lighting Park BMX Track Report and considers the longer term future of the Lightning Park BMX Track in the development of a Citywide Skate and BMX Strategy.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The City provides a small BMX track within the grounds of Lighting Park Recreation Centre in Noranda. The track was developed following a community request to provide a facility for local youngsters in the area. Youngsters at the time were digging their own informal trails within Lightning Swamp Bushland in conflict with the natural environment objectives of the site.

A 200m dirt track was constructed within the Recreation ground area of Lightning Park consisting of informal banks and hump jumps. The initial facility was constructed internally with a modest budget of $10,000.



In 2017 the City received a community request to develop an improved BMX / Mountain bike trail within Lightning Park. A report in relation to the request was considered by Council in June 2017 and Council resolved not to support the request to further develop the facility.

The City renovated the BMX track in 2018/19 by applying crushed road base over the original clay track. The aim of the harder road base surface was to reduce the amount of erosion occurring to the clay track elements.

Lightning Park Recreation Ground also provides for Football, Teeball and Gridiron with additional community amenities such as a play space, seating and water fountain. There are no public toilets available at the site.

EXTERNAL CONSULTATION

There has been no community or user engagement to date relating to the Lightning Park BMX track.

OFFICER'S COMMENTS

Following a general business request at the SABDAC meeting held on 28 March 2022, to review the condition of the BMX facility at Lightning Park, the City appointed Three Chilli's Design to complete a condition assessment report. Three Chilli's Design is an experienced trail development consultancy, specialising in earth, steel, concrete and wood construction methods.

The existing track is in a loop style. There are distinct track features including jumps, rollers and berms. The layout of the track is generally good, however, the track surface has deteriorated with loose stones in some areas. The site is considered appropriate for community use.

The site was originally developed as an informal facility to cater for local demand and has not been widely promoted or signed. Access to the site is challenging given its location away from the main sporting playing fields. The BMX track is not serviced with bins, seating or public toilets.

There are opportunities to modify the track in order to make the jumps and track surface more stable, enjoyable and challenging for riders.



Current condition of the Lightning Park BMX Track

The condition and recommendation report **(Attachment 1)** provides proposed modifications to the BMX track that include:

1. All ride lines and track to be resurfaced
2. Existing jump to be made into a table top jump
3. Mound to be made into a table top jump
4. Existing jump to be made into a table top jump
5. Existing berm looking south- make fit for purpose
6. Existing jump made to table top jump
7. Triple rollers to be made fit for purpose
8. Existing hip jump to be retained and made fit for purpose
9. Existing feature to be made into a table top jump

See image below for location of the mentioned proposed modifications.



The following proposed refurbishment options include reshaping the jumps and complete a hard surface finish on the ride lines.

Option 1: Reshape jumps and top dress the track in its entirety with clay/gravel road base. This option is expected to require some annual maintenance to keep the track fit of purpose.

Cost estimate: $55,000

Option 2: Reshape jumps, hard surface the ride lines with additional soil and Polypave the batter, as per the BMX Jumps at the new Skate and BMX Facility at Wotton Reserve. This option is expected to require minimal maintenance such as weed spraying.

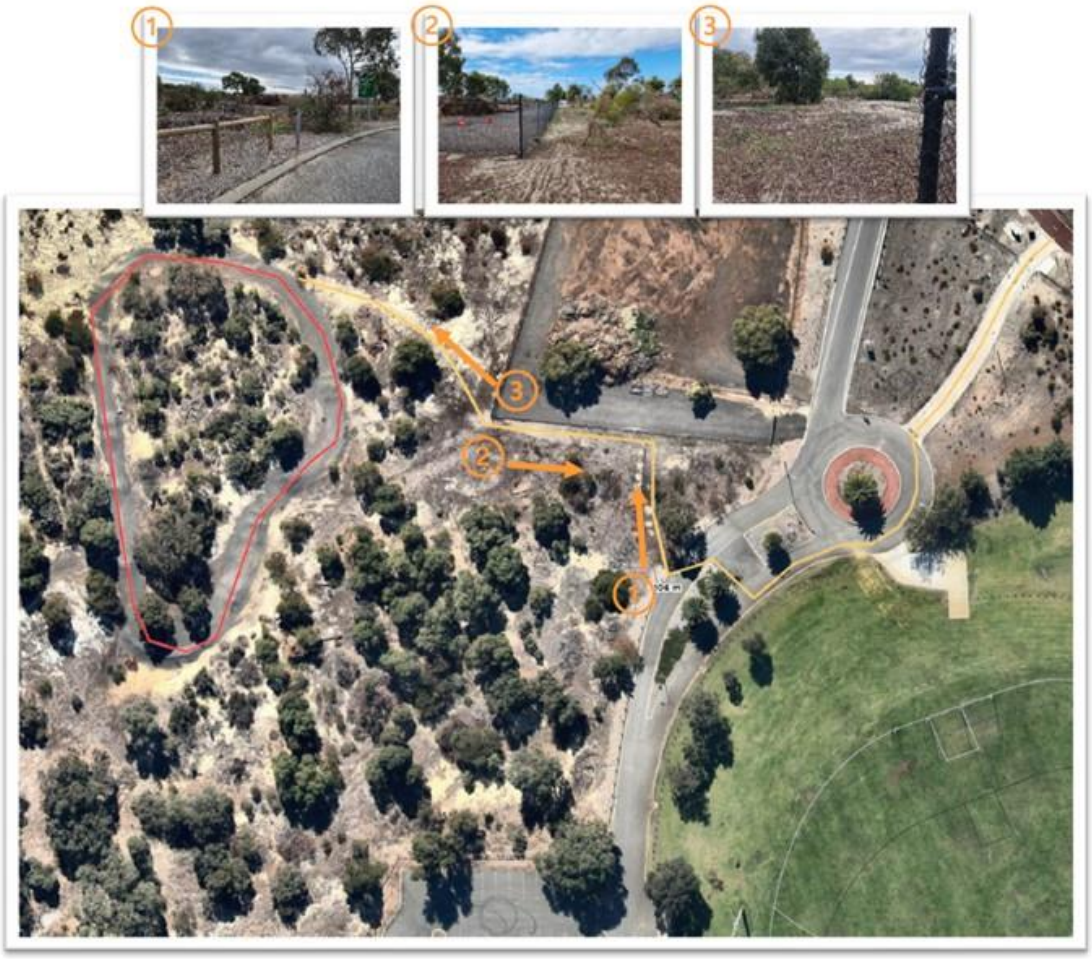
Cost Estimate: $95,000

In addition to the above, there is also an option to install concrete lips to each jump that will significantly reduce the maintenance required.

To ensure less impact on the most sensitive areas of Lightning Swamp and to be more user friendly, the report recommends the installation of a new access way connecting the BMX track to

existing pathways. The current informal access way is via the Della Road entry in Lightning Park. The proposed new access way is off the recently constructed Tonkin Highway shared path network and is estimated to cost approximately $15,000 to install.

The image below shows the proposed location for a new access way.



The BMX track is located next to the Lightning Swamp Bushland. The Friends of Lightning Swamp were instrumental in establishing the BMX track within Lightning Park in order to protect the environmental sensitivity of the Swampland. The Friends of Group has provided the following comment in relation to the current BMX track:

- The track is outside the sensitive environmental areas within a designated buffer zone for Lightning Swamp Bushland.
- Due to its low-key status, we have been able to minimise the impact on the surrounding native vegetation and biodiversity.
- The number of users is relatively small (locals) and use depends on a number of factors, such as, weather and holidays.
- There has been at times anti-social behaviour due to the isolation of the track, such as, environmental vandalism, drinking, off-road motor bikes, rubbish and graffiti.
- Community volunteers of the friends of group have been able keep a close eye on the track and do regular clean-ups of the site.
- The access way to the BMX track could benefit from improvement.

The site is maintained through an existing ground maintenance budget attributed to Lightning Park Recreation ground. There is no consideration in the 2022-23 budget for upgrade works.

The City is currently seeking funding through the State Government Community Sport and Recreation Fund to develop a Citywide Skate and BMX Strategy anticipated for completion in 2023.

There has been limited community feedback in relation to the site and the City is not aware of any accidents or injury sustained in relation to the usage of the BMX track.

Given the informal nature of the BMX track the facility may be removed by flattening out the ground and allowing the natural vegetation to grow through. This option is not recommended as the track still attracts some use and the future of the facility would likely be reviewed as the City develops a Skate and BMX facility strategy.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council notes this Lighting Park BMX Track Report and considers the longer term future of the Lightning Park BMX Track in the development of a Citywide Skate and BMX Strategy**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is within the adopted risk appetite and notes the ongoing provision of the site in its current condition pending a review as the City develops a skate and BMX strategy.	

Option 2	**That Council considers facility upgrades as per Three Chilli's July 2022 condition report option 1 as part of the 2022/23 budget review**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is currently unbudgeted but provides consideration as part of a future budget review.	

Option 3	**That Council approves the permanent closure of the Lightning Park BMX Track and reinstates the area to natural bushland.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**

Strategic Direction	Moderate	Moderate
Reputation	Low	High
Governance	Low	Low
Community and Stakeholder	Moderate	High
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	High
Organisational Health and Safety	Low	Low
Conclusion	This option is outside the adopted risk appetite and presents a high risk to Council in terms of reputation, community reputation and service delivery.	

FINANCIAL IMPLICATIONS

At the Ordinary Council Meeting of 24 November 2020, Council resolved to consider $33,335 towards the development of a Citywide Skate and BMX Strategy in the 2021-22 budget.

Based on the information provided in the Lightning Park BMX track is estimated to cost a minimum $55,000 to upgrade.

The Long Term Financial Plan reflects Citywide Skate and BMX developments from 2024-25.

STRATEGIC IMPLICATIONS

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

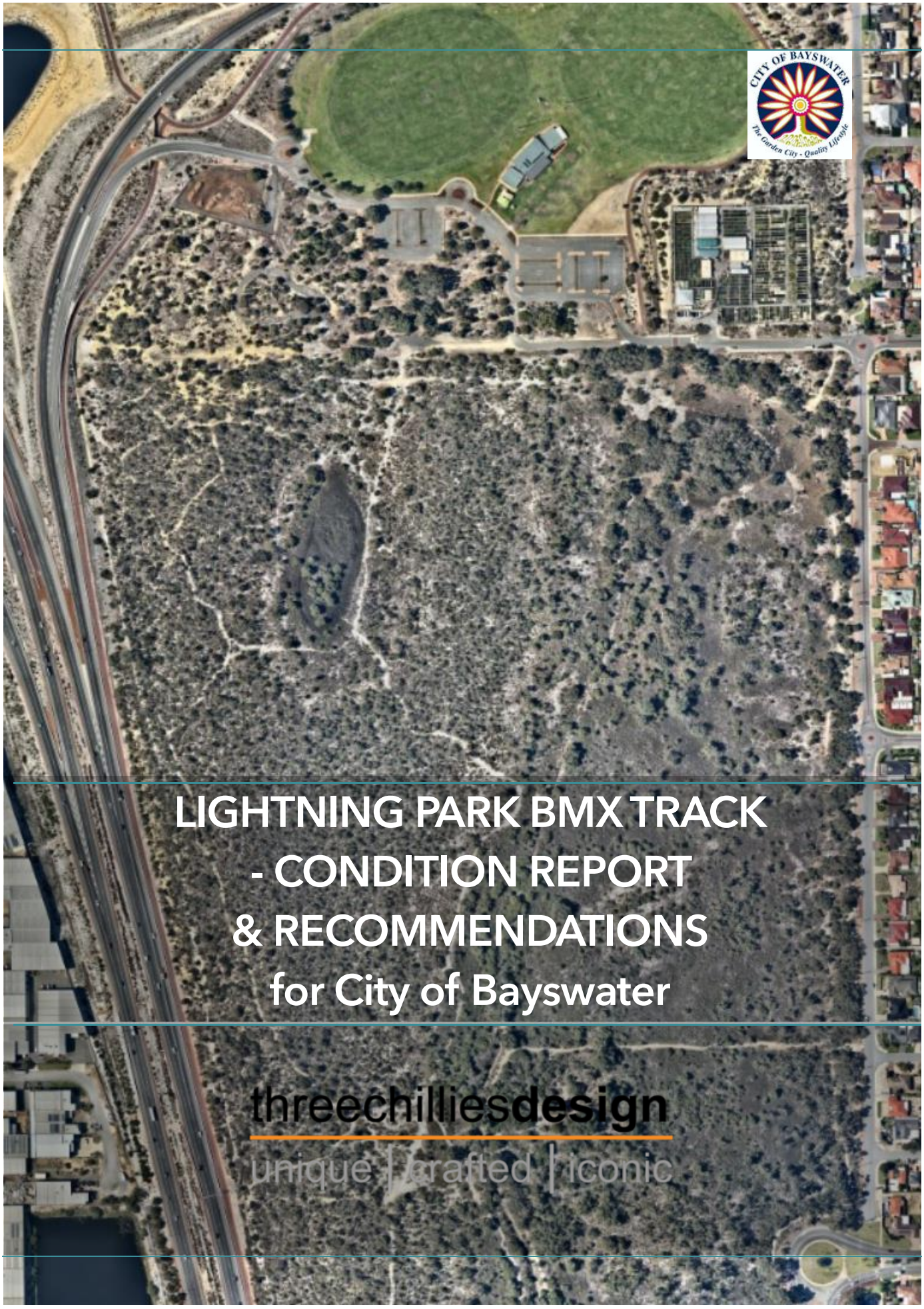
Theme:	Community
Goal C1:	Create safe and inviting places for people to come together.
Goal C3:	Maximise the use of the City's facilities and parks by all sections of the community.

CONCLUSION

Following a request from SABDAC to investigate the current condition of the Lightning Park BMX track a condition report concludes the site to be appropriate for community use. A number of modification options are available from a minimum cost of $55,000
The current track is fairly informal and infrequently used.

The City is seeking to progress the development of a Skate and BMX Strategy to be completed in 2023.

It is recommended to note the condition report and consider the longer term future of the site in the development of a skate and BMX strategy.



LIGHTNING PARK BMX TRACK - CONDITION REPORT & RECOMMENDATIONS for City of Bayswater

threechilliesdesign

unique | crafted | iconic

Ross Cameron
Project Officer
The RISE
28 Eighth Avenue,
Maylands, WA 6051
PO Box 467,
Morley, WA 6943

13/07/2022

Lightning Park Condition Report and Recommendations

Dear Ross,

Subsequent to our site visit, please find enclosed the Lightning Park Condition Report and Recommendations.

Lightning Swamp is an important bushland for the City of Bayswater, and protection of the bush whilst still enabling the community to have access to a fun and low maintenance BMX track. This has been the focus of our thinking around the recommendations.

Three Chillies Design have identified a number of opportunities for your consideration. These are outlined in detail in the report, as well as budget estimates for each option.

If you have any questions please don't hesitate to get in touch.

Warmest regards,



Paul Neve
Director
Three Chillies Design
ABN 19 645 713 248
admin@threechilliesdesign.com.au

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2 Site Layout 4
2.1 Overview 4
3 Current Condition and Recommendations 6
3.1 BMX Track 6
3.2 Existing condition and proposed modifications – BMX Track 6
3.3 Existing Access Track 10
4 Summary of options 13

Three Chillies Designs deliver cost-effective, tailored solutions that are proven to be successful community building projects.

Our team members are passionate about building excellent trails and getting Perth and WA recognised as a world class destination for riders and hikers of all levels.

Our projects are successful at bringing different demographics together in an accessible, affordable and highly enjoyable way.

1 Scope of Work

The City of Bayswater have engaged Three Chillies Design to undertake a condition report of the existing Lightning Park BMX Track including:

- Summary of current ridable condition
- Quote to tidy up existing ride lines to make ridable
- Recommendations and cost of replacement, low maintenance jumps
- Cost to refurbish and make good, access path from the south (yellow) for bikes and pedestrians (such as stabilised limestone) including a camber to enable drainage

This report is being presented to the Skate and Bike Development Advisory Committee (SABDAC) in July 2022, for their consideration.

2 Site Layout

2.1 Overview

Lightning Park BMX Track sits in the northwestern corner of Lightning Park, directly to the east of Lightning Swamp Bushland and to the west of Lightning Park Sports Ground.

The site is directly southwest of the intersection of Tonkin Highway and Reid Highway in Noranda.

2.1.1 Lightning Swamp Bushland

From the City of Bayswater website:

Lightning Swamp is the largest bushland reserve in the City. It is one of the last remaining natural habitats of a diverse range of native flora and fauna.

The natural reserve is important for the lifestyle quality of local residents, as the bushland contributes a better weather microclimate for the area and provides a natural setting to enjoy.

The City of Bayswater and the Friends of Lightning Swamp have conserved and protected this bushland for over ten years.

The total area is 71.3 hectares of natural bushland, damp lands and wetlands. An open stormwater drain crosses the length of the site, draining into a seasonal wetland area at the eastern end of the bushland. The north-east corner of LSB is a Conservation Class 4 wetland, which contains water year round. The Friends of Lightning Swamp Bushland have supported the inclusion of a track here previously, as it kept riders out of the more sensitive bushland areas.

Going forward, the City are keen to ensure that the impact to Lightning Swamp Bushland is minimised. Having a facility that is fun and low maintenance, and relocating the access track away from the Bushland perimeter fence, will further assist in reducing impact to the sensitive areas.

2.1.2 BMX Track

The Lightning Swamp BMX track is a 210m diorite coated limestone loop trail that was initially constructed in 2011 to divert riders from the Lightning Swamp bushland and has been maintained to various degrees over the last decade.

2.1.3 Existing Access Track

The current access into the Lightning Park BMX track is from the carpark to the south and consists of both sealed and unsealed sections. The unsealed section of access track which would require maintenance, should it be retained, is currently 177m in length.

This access track runs along the eastern perimeter fence of the adjacent Lightning Swamp Bushland.



3 Current Condition and Recommendations

3.1 BMX Track

Lightning Park BMX Track is a 210m long diorite coated limestone loop trail. It has a loose surface and is currently not living up to its potential as an enjoyable recreational city asset.

The ride surface is heavily worn with loose diorite, which has been overlain with strips of Astroturf in some places to make the track surface more stable for riders. In many areas the diorite surface has worn through to the underlying limestone base.

The existing track is in a loop style. There are distinct track features on the alignment including jumps, rollers and berms. The layout of the track generally is good, however there are opportunities to make the jumps and track surface more stable and enjoyable for riders.

The jumps themselves are well positioned, however need more depth to improve rideability.

Overleaf there are further photos showing the condition of the individual features, as well as some recommendations to make the track suitable for a much wider demographic of riders.

3.2 Existing condition and proposed modifications – BMX Track

1 All ride lines and track to be resurfaced (see options)
2 Existing jump to be made into a table top jump
3 Mound to be made into a table top jump
4 Existing jump to be made into a table top jump
5 Existing berm looking south- make larger and improve shape and performance
6 Existing jump made to table top jump
7 Triple rollers to be reshaped to enhance ridability
8 Existing hip jump to be retained and improve shape and ridability
9 Existing feature to be made into a table top jump


1
2
3
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9

3.2.1 Costing of BMX Track Options

There are two proposed alternatives for refurbishment of the BMX Track (with an additional option for consideration that could apply to either alternative).

Option 1 – Do nothing

This option retains the existing track as is, with maintenance performed occasionally by the City and the community.

Option 2 – Budget refurbishment

- Import approximately 120m^3 high-quality grit-based clay/gravel road base to
    - reshape jumps and
    - top dress the track in its entirety
- Incorporate PolyCom Stabiliser into the top dressing as a compaction aid, to enhance durability, performance and stability.
- This option is an excellent value for money alternative, however is expected to need some annual maintenance to keep the track in optimal condition.
- Access by machine would be required for future maintenance most times.

Estimated investment: $55,000 +GST

Option 3 – Low maintenance refurbishment

To significantly reduce the maintenance of this track, and therefore access by machinery, hard surfacing of the **ridelines** is recommended.

- Import approximately 120m^3 high-quality grit-based clay/gravel road base to
    - reshape jumps and
- Hard Surface the ride lines with additional soil
    - Ride lines cop a lot of hard treatment and for the track to ride well, they need to be in great condition. Hard surfacing them with Poly Pave will significantly improve maintenance performance of the ride lines
- PolyPave the batters of each jump to assure stability and performance.

This option is an excellent value for money alternative. Some minor annual maintenance including weed spraying will be required.

Estimated investment: $95,000 +GST

Upgrade option – Installation of concrete jump lips

The installation of concrete jump lips will significantly enhance maintenance outcomes. Concrete lips could be installed on either Option 1 or Option 2. The concrete lips would be cast and poured insitu prior to refurbishing the track. Concrete lips eliminate the need for lip maintenance, due to wear and tear, and keep the track in prime condition for much longer.

- Insitu casting of concrete lips (6 lips are proposed, one for each jump), prior to refurb.

Estimated investment (for 6 lips): $10,000 +GST

3.2.2 Examples of Finishes of Options

Option 2 – Budget



Figure 1 - Built from high quality grit-based clay/gravel road base with a natural, compacted finish

Option 3 – Low Maintenance



Figure 2 - PolyPave will provide a beautiful and very low maintenance finish

Upgrade option – Concrete Lips



Figure 3 - Concrete lips will provide an additional benefit to reduce wear. This image is from Carramar where the lips were installed many years ago. The track has just been upgraded to a PolyPave finish.

3.3 Existing Access Track

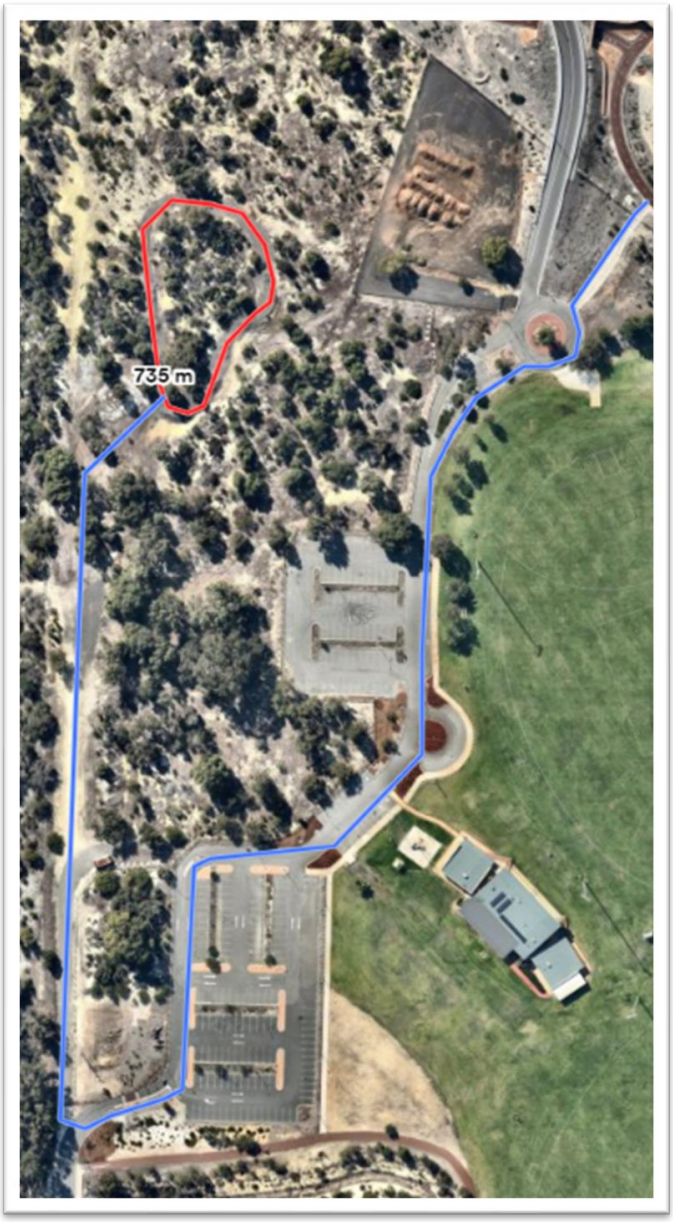
The current access into the Lightning Park BMX track is from the carpark to the south.

This access track sits between two fencelines, which protect the surrounding Lightning Swamp Bushland to the west, and a new rehabilitated area to the east (to the north of the rehabilitated area is a fenced laydown site).

To access the track, riders need to enter from the southern carpark.

If they are entering from the Roe Hwy Principal Shared Path (PSP) to the north – a route shown in blue, they have to currently ride/walk up to 735m to access the BMX track This may lead to some people jumping the new fence to the east of the track, which is not desirable.

The current condition of the access track is poor and it is not fit for its intended purpose.

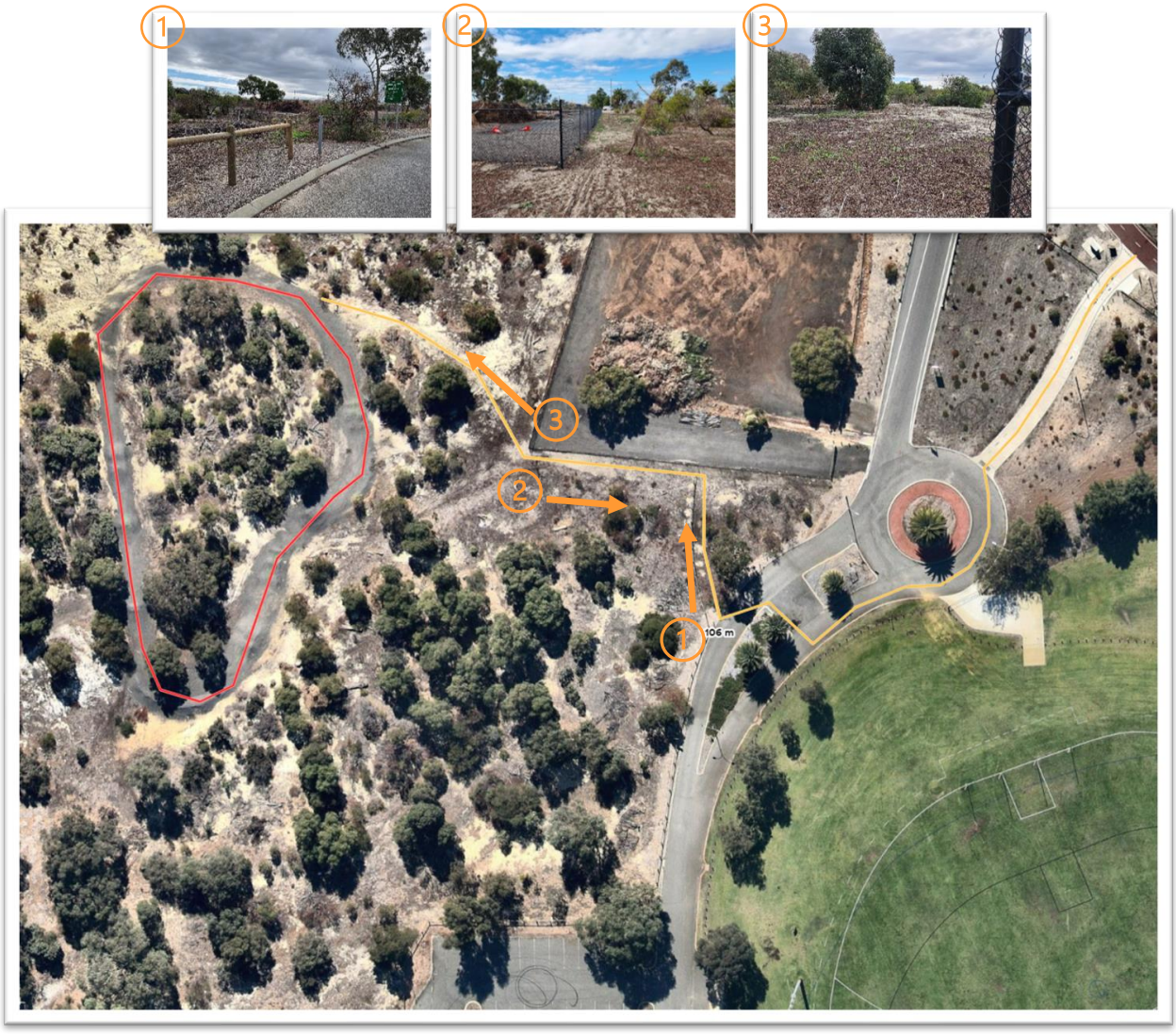


3.3.1 Proposed location of new access track

The location of the proposed new path to the BMX track has many obvious benefits from the original location.

- It gets bike and foot traffic away from the most sensitive areas of the Lightning Swamp Bushland and will likely lead to improved conservation outcomes beyond the fence to the west
- It is shorter at 106m, and over 500m closer to the PSP access way
- It is also closer to the closest carpark (and will avoid doubling back) and more accessible from the northern part of the sports ground
- The path utilises an informal path that has been pushed through by bike riders, so is likely to be readily accepted by track users.

1. Looking north along the fence line, the track will start here to provide a safer road crossing
2. Looking back along the compound fence to the roundabout
3. Looking north west to the start hill



3.3.2 Costing of Access Track Options

An alternative location for the Access Track has been proposed and costed, along with costing of maintenance of the existing track for comparison.

Option 1 – Budget refurbishment of existing track

The current condition of the access track is poor and it is not ideal for its intended purpose. The current access into the Lightning Park BMX track is from the carpark to the south and consists of both sealed and unsealed sections. The unsealed section of access track which would require maintenance, should it be retained, is currently 177m in length.

- Import approximately 25m^3 of limestone to freshen up the track surface
- Shape the access track including drainage camber

Estimated cost: $10,000 +GST

Option 2 – Relocation of access track to north

The location of the proposed new path to the BMX track has many obvious benefits from the original location. This would bring the access track to the north near the roundabout. This track would be significantly shorter, and give a more direct route (176m vs 735m) to the PSP and northern carpark.

The track itself will be 106 lineal metres, with a width 2.4m and consist of 100mm compacted limestone.

- Import approximately 35m3 of high-quality grit-based road base
- Shape the access track including drainage camber

Estimated cost: $15,000 +GST

4 Summary of options

BMX Track	Description of works	Investment
Option 1	Budget Refurbishment.	$55,000 +GST
Option 2	Low maintenance – Hard surface ride lines only.	$95,000 +GST
Upgrade Option	Addition of concrete jump lips to either option above. This is highly recommended for a low maintenance outcome.	$10,000 +GST

Access Track	Description of works	Investment
Option 1	Retain existing access track.	$10,000 +GST
Option 2	Relocated access track to the north.	$15,000 +GST


Three Chillies
Trails
EST. 2006

10.6.2 Planning and Heritage Policy Review and Development Committee - 9 August 2022

10.6.2.1 Planning Policy Review - Mobile Food Vehicles

Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required
Attachments:	1. Existing Mobile Food Vehicles Policy [**10.6.2.1.1** - 6 pages] 2. Mobile Food Vendor Guidelines Track Changes [**10.6.2.1.2** - 5 pages] 3. Proposed Mobile Food Vendor Guidelines [**10.6.2.1.3** - 5 pages]
Refer:	Item 8.3: PHPRDC 17.05.2022

SUMMARY

Council consideration is sought in relation to the proposed revocation of the Mobile Food Vehicles Policy.

The existing local planning policy provides a framework for suitable locations for mobile food vehicles. It is considered that this policy requires revocation as a planning policy as the focus of the policy is on environmental health issues, hence the policy is not functioning as a local planning policy.

Simplified mobile food vehicle requirements are addressed in the proposed mobile food vendor guidelines.

OFFICER'S RECOMMENDATION

That Council:

1. Revokes the Mobile Food Vehicles Policy as contained in Attachment 1 to this report.
2. Endorses the proposed Mobile Food Vendor Guidelines as contained in Attachment 3 to this report.

COUNCIL RESOLUTION
(COMMITTEE'S RECOMMENDATION)

That Council:

1. **Revokes the Mobile Food Vehicles Policy as contained in Attachment 1 to this report.**
2. **Endorses the proposed Mobile Food Vendor Guidelines as contained in Attachment 3 to this report, subject to the following modification:**

    - **Clause 5.4 be amended to state:**

      "5.4 Mobile food vendors are to use fully compostable serving ware (certified as compostable according to Australian Standards), including all plates, bowls, food containers, cups straws and cutlery. Vendors are to display signage directing customers to dispose of all such compostable items in the appropriate waste bin."

Cr Josh Eveson Moved, Cr Giorgia Johnson Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

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

Part of this review process is to revoke those local planning policies which are no longer considered relevant. The remaining policies will be updated, and in many cases, re-written to create amended policies with a broader scope.

The last detailed review of the Mobile Food Vehicles Policy occurred in 2018, and the updated policy was adopted by Council at its Ordinary Meeting held on 24 April 2018.

Council at its Ordinary Meeting held on 25 January 2022, considered a Notice of Motion relating to the City's Mobile Food Vehicles Policy. Council resolved as follows:

"That Council requests the Chief Executive Officer to investigate the simplification of the process, including permits and registrations, relating to mobile food vehicles within the City, and present a report on the outcomes of this investigation to the Ordinary Council Meeting to be held on 22 March 2022."

Subsequently, Council at its Ordinary Meeting held on 22 March 2022, considered a report on investigation outcomes on the process relating to mobile food vehicles. Council resolved as follows:

"That Council endorses the investigation outcomes of the process relating to Mobile Food Vehicles in the City of Bayswater as contained in this report, including;

1. *Expanding the locations where mobile food vehicles can operate;*
2. *Removing the expression of interest requirement for Crimea Park;*
3. *Further investigating an online application process and reporting to include:*
    - *(a) Maps showing high, medium and low volume trading locations;*
    - *(b) A booking system for locations, including onsite check-ins to ensure those who have booked use a location;*
    - *(c) Performance management of vendors if there is a pattern of non-attendance of bookings.*
4. *Next steps identified within the report, including:*
    - *(a) The preparation of guidelines including requirements for:*
        - *i. no single use plastic;*
        - *ii. prioritise use of reusable food and drink packaging; and*
        - *iii. waste management is to prioritise Food Organics Garden Organics (FOGO), composting and the state government container deposit scheme Containers for Change over recycling and landfill*
    - *(b) The revocation of the Mobile Food Vehicles local planning policy."*

The Committee considered the review and recommended revocation of the Mobile Food Vehicles Policy at the Planning and Heritage Policy Review and Development Committee held on 17 May 2022. The Committee resolved as follows:

"That this item be deferred to the next meeting of the Planning and Heritage Policy Review and Development Committee."

The reason for the deferral was as follows:

"The Committee deferred the item to the next Committee meeting to consider a number of suggested modifications to the proposed policy and guidelines, including - addressing stallholders under the policy/guidelines, updating the waste requirements, allowing access to metered electricity where available, and clarifying that the policy/guidelines do not apply to mobile food vehicles on private property."

In accordance with the above, a further review of the Mobile Food Vehicles Policy has been undertaken and the requested modifications have been included into the proposed guidelines.

EXTERNAL CONSULTATION

If it is resolved to revoke the mobile food vehicles local planning policy, a notice will be published in the local newspaper in accordance with the *Planning and Development (Local Planning Schemes) Regulations*.

OFFICER'S COMMENTS

The Mobile Food Vehicles Policy was last reviewed and endorsed by Council at its Ordinary Meeting held on 24 April 2018. The existing policy was due to be reviewed to ensure it aligns with the *Activities in Thoroughfares and Public Places and Trading Local Law 2020*.

There have been no significant issues raised with the policy since it was modified in 2018. However, a Notice of Motion was adopted by Council at its Ordinary Meeting held 25 January 2022, which seeks to comprehensively review the process relating to mobile food vehicles in the City of Bayswater.

The need to provide guidance on mobile food vehicles within the City remains current as operators need to know their responsibilities with respect to where they are located, disposal of waste, applicable fees, etc. However, it is considered that the Mobile Food Vehicles Policy is no longer required as a local planning policy, and that it can be better implemented through guidelines or a similar mechanism.

A further review of the draft guidelines was undertaken following the consideration of the Planning and Heritage Policy Review and Development Committee on 17 May 2022. The Committee's comments have been addressed in the modified draft guidelines and further details are provided below. **Attachment 2** indicates the changes which have been made to the guidelines following the consideration by Committee on 17 May 2022.

Stallholders

The guidelines have been renamed to Mobile Food Vendor Guidelines to incorporate the sale of food from both vehicles and stalls. Provisions have been incorporated into the guidelines to provide guidance on mobile food stalls, which aligns with the terms used within the City's *Activities in Thoroughfares and Public Places and Trading Local Law 2020* (Local Law).

The City's Local Law was recently reviewed and adopted by Council at the Ordinary Council meeting held 23 February 2021. The Local Law deals with the standard provisions for stallholders and itinerant food vehicles. The provisions relate to the need to obtain a *Food Act 2008* Certificate of Registration which aligns with the proposed Mobile Food Vendor Guidelines. The Local Law

also requires information to be provided in relation to the number of staff, hours of operation, types of goods/services for sale, and the specifications of the generator which will be used, which is in addition to the information provided under the proposed Mobile Food Vendor Guidelines.

To ensure that the guidelines do not conflict with the Local Law, reference is made to the need to obtain a valid stallholder's permit or trader's permit for a mobile food stall to operate in a particular location. To change / remove the provisions covered under the Local Law would require a further review to occur, which is a lengthy process and it would delay the ability for the Mobile Food Vehicles Policy to be revoked and the Mobile Food Vendor Guidelines to be implemented.

In light of the above it is recommended that the ability to get a stallholder permit process remain under the Local Law and that it is considered as a part of the next review of the Local Law for the provisions to be included under the guidelines.

To streamline the process, delegation is to be provided to the Manager Environmental Health and Statutory Building to be able to issue a stallholder permit for mobile food stalls. This will allow for the process to be dealt with under the one process, with all other stallholder permits continuing through the current process which is delegated to Manager Rangers and Security. This change is minor in nature and can be dealt with through the Chief Executive Officer.

The provisions relating to maintenance and cleaning, waste management, fixtures, noise, and advertising have been updated to reference mobile food stalls. It is noted that these aspects are not covered under provisions in the Local Law, therefore the guidelines provide additional guidance, along with ensuring there is a consistent approach for both mobile food vehicles and mobile food stalls.

Waste

The waste provisions have been updated to remove the duplication in the provisions. Other minor changes have occurred to provide clarity on the provisions and to improve the readability. The changes align with the consideration of the Planning and Heritage Policy Review and Development Committee on 17 May 2022.

Electricity

The current Mobile Food Vehicles Policy has a limitation which states that mobile food vehicles must not require an external power connection. However the Planning and Heritage Policy Review and Development Committee has requested that the City is to investigate whether access to metered electricity can be provided, where it is currently available. A review of the City's reserves has indicated that there is currently access to metered power at Riverside Gardens, Bardon Park and Bert Wright Park.

At the Ordinary Council Meeting held 2 February 2016, Council considered an application for Annie's Wood Fire Pizza, which is a mobile food vehicle, to connect to an existing power point at Bardon Park. At the time it was considered that the connection to the City's power could be supported, as the mobile food vehicle was allowed to have a semi-permanent location at Bardon Park, with a specified car parking bay also being allocated for their exclusive use. The Council report outlined that no other mobile food vehicle would be able to access the power connection whilst the applicant holds a valid mobile food vehicle permit for Bardon Park, which was determined on the basis that the applicant has contributed towards the re-establishment of the power connection. Other mobile food vehicles operating from Bardon Park are currently reliant on a generator, however, they could request City approval for a separate power connection and sub-meter.

In the event the permit for Annie's Wood Fire Pizza were to lapse other mobile food vehicles would be able to utilise the dedicated parking space, as has occurred previously. However, it is not recommended that other mobile food vehicles are permitted to utilise the connection to power, as

in accordance with the previous Council resolution Annie's Wood Fire Pizza is only required to hold a valid permit to have exclusive rights to the power source. This means that even if the current permit was to lapse and a new permit was obtained after a break, Annie's Wood Fire Pizza would have their exclusive rights reinstated.

The City has also previously permitted a mobile food vehicle to connect to the City's power at Riverside Gardens, however this mobile food vehicle is no longer operating and no one is currently accessing the power source with the City's permission. In this instance the City paid for the connection and sub-meter on the basis that it could also be used for City-run community events in Riverside Gardens.

There is currently a power connection at Bert Wright Park however no mobile food vehicle is currently permitted to access it. In the instance that access was to be provided than the City would need to install a lock box and sub-meter, with the electricity costs being passed onto the relevant mobile food vendor.

For the City to be able to offer other mobile food vendors access to the on-site power connections, this request will need to be formalised and provided in writing to the City. Following this, Council will need to determine whether or not they support the additional power connection and any other associated works. However, this may not provide for an equitable approach as the vendors with connections available are provided with a semi-permanent location and would need a dedicated spot to be located where the power supply is available. The cost of installing additional power connections and/or a separate sub meter is dependent on a number of factors including the location of the connection, the existing capacity of the park, the required capacity etc.

If Council were to proceed with providing vendors with the opportunity to connect to power at the abovementioned reserves, a process would need to be developed. This would need to accommodate the relevant number of mobile food vehicles in relation to the available power outlets. Currently this is limited to one power source at each reserve. If the number of outlets remains as existing then is recommended that the City offer an Expression of Interest process for mobile food vehicles to operate from Riverside Gardens and Bert Wright Park and connect to the power. As Annie's Wood Fire Pizza has the exclusive use at Bardon Park, the City would not be able to consider other vendors to connect to power unless an additional power supply is created. The Expression of Interest process would allow the City the ability to offer the exclusive use to connect to power for a 12-month period. This allows the City the ability to offer the next 12-month period to another vendor which has submitted an Expression of Interest.

In light of the above it is recommended that the mobile food vendors are not able to connect to the power at the reserves, unless a historical agreement is in place. The provisions have been updated to state that the vehicle or stall must not require an external power connection, unless otherwise agreed to by the City.

Private Property

The purpose of the guidelines has been further modified to clearly state that the guidelines do not apply to trading on private land. The updated purpose outlines that the guidelines provide guidance on the requirements for the operation of mobile food vehicles and mobile food stalls on public land within the City of Bayswater.

In light of the above, it is recommended that the Mobile Food Vehicle Planning Policy be revoked, with the proposed Mobile Food Vendor Guidelines being implemented by the City (refer to **Attachment 3**). The guidelines outline the approved locations where the mobile food vehicles and mobile food stalls can operate, which has been expanded and allow for additional locations, at the discretion of the Chief Executive Officer. This ensures that the process is simplified, reduces the amount of red tape involved in obtaining permits and ensures that the City's processes align with the majority of local government areas within the metropolitan region.

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 local public notice of a decision to revoke a policy.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council:** **1. Revokes the Mobile Food Vehicles Policy as contained in Attachment 1 to this report.** **2. Endorses the proposed Mobile Food Vendor Guidelines as contained in Attachment 3 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there is a low risk to the City in the event Council revokes the Mobile Food Vehicles Policy as it is adequately covered under the environmental health process and the proposed guidelines. There is also a low risk with respect to having guidelines over a policy, as the guidelines do not alter the requirements under the Food Act or Local Law. Whilst the guidelines do not negate the need for a permit, it allows for the process to be dealt with under one application.	

Option 2	**That Council:** **1. Revokes the Mobile Food Vehicles Policy as contained in Attachment 1 to this report.** **2. Endorses the proposed Mobile Food Vendor Guidelines as contained in Attachment 3 to this report, with the following modification(s):** **(a) _____** **(b) _____** **(c) _____**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Dependent on the modification(s) to the proposed guidelines as determined by Council.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	It is considered that the risks associated with this option are dependent on the modification(s) to the guidelines as determined by Council.	

Option 3	**That Council retains the Mobile Food Vehicles Policy as contained in Attachment 1 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there is a moderate risk to the City's strategic direction, reputation and community, and stakeholder relationship in the event that Council does not revoke the Mobile Food Vehicles Policy. If the investigation outcomes previously presented to Council in March 2022 are not utilised to guide the review of the Mobile Food Vehicles Policy, the final documents may not align with the City's vision. This may be perceived as the City not having sufficient regard to the investigations undertaken, supporting improved outcomes for the community or previous Council decisions.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Public notice of revocation of local planning policy

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$400	-	-	-	-	-	$14,800

STRATEGIC IMPLICATIONS

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

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

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

It is considered that the proposed mobile food vendor guidelines and revocation of the mobile food vehicles policy will assist in supporting small businesses operating within the City through simplifying the process for mobile food vendors to trade.

CONCLUSION

In light of the above, it is recommended that Council revokes the mobile food vehicles local planning policy, and endorses the Mobile Food Vendor Guidelines.

MOBILE FOOD VEHICLES POLICY

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

PURPOSE:

To:

- Provide guidance on the requirements for the operation of mobile food vehicles within the City of Bayswater;
- Encourage mobile food vehicles to operate in locations which support the activation of underutilised public spaces;
- Ensure mobile food vehicles operate in a way which complements existing food businesses in town centres;
- Ensure mobile food vehicles are of a temporary nature;
- Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and
- Ensure mobile food vehicle operators practise safe food handling in accordance with the *Food Act 2008*.

POLICY STATEMENT:

1. *Application of Policy*

1.1. This Policy applies only to mobile food vehicles operating in the City of Bayswater.

2. *Permits*

2.1. Mobile food vehicles operating in the City of Bayswater are required to:

(a) Hold a valid City of Bayswater Mobile Food Vehicle Permit;
(b) Hold a current *Food Act 2008* Certificate of Registration from a Western Australian Local Government; and
(c) To obtain any other relevant approvals.

2.2. As a condition of being granted approval for a mobile food vehicle permit, permit holders must:

(a) Display the permit on the dash or another prominent visible location of the approved vehicle at all operating times;
(b) Comply with the conditions stipulated on the mobile food vehicle permit issued by the City of Bayswater; and
(c) Comply with the requirements set out within this policy, unless approved otherwise by the City of Bayswater.

2.3. A mobile food vehicle permit is not required for the following:

(a) Trading at a City of Bayswater approved community event (e.g. the Autumn River Festival);
(b) Trading as an itinerant food vehicle;
(c) Trading on privately owned land; and
(d) Catering for a private event on public land.

Trading as detailed above may be subject to separate permits/approvals.

3. *Location and Siting*

3.1. The City of Bayswater has approved the following thirteen locations within the City for mobile food vehicles to operate at:

- AP Hinds Reserve, Bayswater;
- Bardon Park, Maylands;
- Beaufort Park, Bedford;
- Bert Wright Park, Bayswater;
- Broun Park, Embleton;
- Clarkson Reserve, Maylands;
- Claughton Reserve, Bayswater;
- Berringa Park (opposite side of East Street);
- Crimea Park, Morley;
- Riverside Gardens, Bayswater;
- Robert Thompson Park, Noranda;
- Shearn Memorial Park, Maylands; and
- Wymond Park, Bayswater.

3.2. Alternative locations may be considered if they meet the purpose of this policy.

3.3. The following location requirements apply to all applications for a mobile food vehicle permit:

(a) Mobile food vehicle permit holders are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business;

(b) Mobile food vehicles are only permitted to trade at the locations detailed on their permits; and

(c) Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.

3.4. Payment of the application fee allows mobile food vans to operate at multiple locations within the City of Bayswater in accordance with the following:

(a) Each location must be approved by the City prior to the commencement of trade; and

(b) Each location a mobile food vehicle is permitted to operate is detailed on the permit.

3.5. The City of Bayswater reserves the right to make any approved location unavailable for a set period of time for community events, (e.g. the autumn river festival), for works to be undertaken at or near the location or for any other reason the City deems necessary.

4. *Management*

4.1. The permit holder is responsible for ensuring all conditions of the permit are met.

4.2. A change of vehicle or food business ownership is subject to assessment by the City of Bayswater and will require that the vehicle and food business owner comply

with all conditions of the permit and the relevant legislation under the *Food Act 2008* in order to facilitate a change in permit (holder).

4.3. Should a transfer of permit be requested, the request is subject to updated food business registration and insurance documents.

5. *Waste Management*

5.1. The mobile food vehicle operator is required to maintain the mobile food vehicle and the surrounding area to a high standard and in accordance with the following requirements:

(a) When trading at an approved location the trade area must be cleaned frequently;

(b) No waste or litter from the vehicle may be disposed of into City of Bayswater's rubbish bins. Mobile food vehicle operators must provide adequately sized bins for patrons use and remove all rubbish from the approved location at the end of trade;

(c) A holding tank for wastewater must be located beneath the vehicle; and

(d) Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system.

6. *Fixtures*

6.1. A mobile food vehicle is permitted to have temporary fixtures such as tables, chairs and umbrellas in accordance with the following:

(a) The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;

(b) The mobile food vehicle and temporary fixtures must be kept in a safe and well-maintained condition at all times;

(c) All temporary fixtures relating to the mobile food vehicle should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and

(d) Any temporary fixtures relating to mobile food vehicles must not obstruct pedestrian flow or vehicular traffic.

7. *Noise*

7.1. The use of amplified noise is prohibited.

7.2. Generators must not have a manufacturer specified operational volume greater than75dB.

7.3. Notwithstanding the above provision (clause 7.2) all mobile food vehicle noise (including the generator) must comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

8. *Advertising*

8.1. All advertising is to be fitted to the mobile food vehicle with the exception of one temporary A-frame sign which:

(a) Shall be located within 75m of the location of the mobile food vehicle;

(b) Shall not exceed any dimension of 1m or an area of $1m^2$ on any side;

(c) Be secured in accordance with any requirements of the City of Bayswater; and

(d) An A-frame sign will be considered a temporary fixture and must comply with the requirements detail in section 6 of this policy.

8.2. Where a permitted location is not on a main thoroughfare an additional A-Frame sign will be permitted up to 500m away from the mobile food vehicle whilst operating.

8.3. No signage will be permitted on State controlled roads without the written comment from Main Roads Western Australia.

9. Power

9.1. Mobile food vehicles need to be provided with their own power supply unless otherwise approved by Council.

10. Public Risk Management

10.1. The mobile food vehicle permit holder must, for the duration of the permit, maintain public and product liability insurance for at least ten million dollars ($10,000,000).

10.2. The permit holder assumes responsibility for any acts of negligence arising from their activity.

10.3. The mobile food vehicle permit holder assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle being at the location.

11. Approval Process

11.1. Applications for a mobile food vehicle permit can be submitted year round. The following information is required:

(a) A completed City of Bayswater mobile food vehicle permit application form;

(b) A site plan detailing the proposed location(s) and the internal layout of the mobile food vehicle;

(c) A list of nominated locations to operate from;

(d) A current Certificate of Currency (Public Liability Insurance) for a minimum of $10,000,000;

(e) A copy of the manufacturer's specifications for any generators to be used; and

(f) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.

12. Fees

12.1. The permit holder will be required to pay the fees and charges as prescribed in the City of Bayswater adopted Fees and Charges.

12.2. Only a single payment of the permit holder fee is required per permit period, regardless of the number of approved locations with the City of Bayswater.

12.3. Permits will not be issued until the required fee has been paid.

13. Permit Renewal and Cancellation

13.1. A mobile food vehicle permit may be cancelled or amended at the discretion of the City of Bayswater or if the permit holder fails to comply with the permit conditions. Where a mobile food vehicle permit holder seeks to renew the permit an application must be submitted at least one month prior to the expiry of the existing permit.

13.2. A renewal application is to include:

(a) A complete City of Bayswater mobile food vehicle permit renewal form;
(b) A list of nominated locations to operate from;
(c) Details of any proposed changes to the mobile food vehicle or how it is operated;
(d) A copy of a current public liability insurance 'Certificate of Currency' for the amount of $10,000,000; and
(e) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.

13.3. Renewal applications will be assessed on a case by case basis by the City of Bayswater.

DEFINITIONS:

Itinerant food vehicle means any vehicle selling food or drink from the roadway that travels from place to place to engage in trade, not staying in one location other than while executing a sale.

Mobile food vehicle includes any:
(a) Registered vehicle, caravan, trailer or any other method of transport from which food is sold; and
(b) Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles.

Permit holder means the person(s) whose name is written on the mobile food vehicle permit issued by the City of Bayswater.

RELATED LEGISLATION:

This policy is adopted under the City of Bayswater's *Town Planning and Development (Local Planning Schemes) Regulations 2015 - Town Planning Scheme and Deemed Provisions for Local Planning Schemes*.

Permits are granted under the City's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.*

RELATED DOCUMENTATION:

N/A

Risk Evaluation		
Council Adoption	Date	21 June 2016
Reviewed / Modified	Date	7 November 2017
Reviewed / Modified	Date	12 April 2018
Reviewed / Modified	Date	

Delegation -
Date Adopted
Date Amended

City of Bayswater

Mobile Food ~~Vehicle~~ Vendor Guidelines

Responsible Division	Community and Development
Responsible Business Unit/s	Environmental Health
Responsible Officer	Manager Environmental Health and Statutory Building
Affected Business Unit/s	Environmental Health

Purpose:

The purpose of these guidelines is to provide guidance on the requirements for the operation of mobile food vehicles and mobile food stalls on public land within the City of Bayswater.

Guidelines Statement:

1. The City of Bayswater encourages the use of parks and reserves for outdoor mobile food vehicles and mobile food stalls as a means of enhancing community activity that flows from this activation of our public spaces.
2. The City supports mobile food ~~vehicles when~~ vendors which practice safe food handling in accordance with the *Food Act 2008* and consider the needs of all users of the area, including the safety of consumers and pedestrians.
3. The City encourages mobile food ~~vehicles~~ vendors to activate parks and reserves with appropriate food vending activities, and recognises that granted rights over the relevant public space do not exclude the general public from the public realm.
4. The City seeks mobile food vendors whose vehicle/stall presentation contributes to the character of the area.
5. The Guidelines outline the requirements for the operation of mobile food vehicles and mobile food stalls.

Definitions:

Mobile food stall means a stall used for preparing and dispensing food from on a one-off occasion.

Mobile food vehicle includes any:

(a) Registered vehicle, caravan, trailer or any other method of transport from which food is sold; or

(b) Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles.

Mobile food vendor means the person(s) operating a mobile food vehicle or mobile food stall.

Stall means a movable or temporary fixed structure, stand, table, or the like, from which a person carries on trade or commerce in a public place.

Requirements:

Certifications

1. Mobile food ~~vehicles~~ vendors operating in the City of Bayswater are required to:

1.1. Notify the City of Bayswater that they intend to operate within the City in writing by completing the City's Notification/Registration Form;

1.2. Hold a current *Food Act 2008 Certificate of Registration* from a Western Australian Local Government; and

1.3. Obtain any other relevant approvals.

Limitations

2. Mobile food vendors are only permitted to trade within the City of Bayswater if they meet the following conditions:

2.1. Hold a current *Food Act 2008 Certificate of Registration* from a Western Australian Local Government;

2.2. The vehicle or stall must not require an external power connection, unless otherwise agreed to by the City; and

2.3. Parking for towing vehicles is to be located in a safe and legitimate location.

Location and Siting

3. The City of Bayswater has approved the following locations within the City for mobile food ~~vehicles~~ vendors to operate at:

- AP Hinds Reserve, Bayswater;
- Bardon Park, Maylands;
- Beaufort Park, Bedford;
- Berringa Park (opposite side of East Street), Maylands;
- Bert Wright Park, Bayswater;
- Broun Park, Embleton;
- Clarkson Reserve, Maylands;
- Claughton Reserve, Bayswater;
- Crimea Park, Morley;
- Lightning Park, Noranda;
- Pat O'Hara Reserve, Morley;
- Riverside Gardens, Bayswater;
- Robert Thompson Park, Noranda;
- Shearn Memorial Park, Maylands;
- Upper Hillcrest Reserve, Bayswater;
- Wotton Reserve, Embleton; and
- Wymond Park, Bayswater.

3.1. Alternative locations may be considered if they meet the purpose of the guidelines. Requests to operate at an alternative location are to be made in writing to the City of Bayswater.

3.2. The following location requirements apply to all mobile food ~~vehicles~~ vendors:

3.2.1. A maximum of three mobile food ~~vehicles~~ vendors are allowed to operate at any one location at the same time, unless otherwise permitted under clause 3.3;~~, and~~

3.2.2. Mobile food stalls are to obtain a valid stallholder's permit or trader's permit in accordance with the City's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020*;

3.2.3. Any conflicts in Trading Zones (i.e. which mobile food vendor is to be at which location at which time) are to be resolved by the mobile food vendors;

3.2.4. Mobile food vehicles are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business; and

3.2.5. Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.

3.3. There is no restriction on the number of mobile food vehicles which are allowed to operate at the same time at Bardon Park, Riverside Gardens and Crimea Park.

3.4. The City of Bayswater reserves the right to make any approved location unavailable for a set period of time for community events, (e.g. the autumn river festival), for works to be undertaken at or near the location or for any other reason the City deems necessary.

Maintenance and Cleaning

4. The mobile food vendor is required to comply with all maintenance aspects of the entire operation. The following requirements apply:

4.1. The mobile food vehicle/stall and fixtures must be kept in a safe and well-maintained condition at all times; and

4.2. Mobile food vendors must ensure that the vehicle/stall and food handling activities comply at all times with the requirements of the *Food Act 2008 and Food Standards Australia and New Zealand (FSANZ) Food Standards Code*.~~;~~

Waste Management

5. The mobile food vendor is required to maintain the mobile food vehicle/stall and the surrounding area to a high standard and in accordance with the following requirements:

5.1. When trading at an approved location the trade area is to be cleaned frequently.

5.2. ~~No waste or litter from the vehicle may be disposed of into City of Bayswater's rubbish bins. Mobile food vendors must provide adequately sized bins for patron's use and remove all rubbish from the approved location at the end of trade and correctly dispose of the waste.~~

5.3. A holding tank for wastewater is to be located beneath the mobile food vehicle.

5.4. Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system.

5.5. Mobile food vendors are to use fully compostable serving ware (certified as compostable according to Australian Standards), including all plates, bowls, food containers, cups straws and cutlery. Vendors are to display signage directing customers to dispose of all such compostable items in a waste bin.

5.6. Mobile food vendors are encouraged to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. Vendors should ensure the area around their position is kept clear of rubbish and refuse at all times and all waste generated~~/~~ is to be collected by the vendor and is to ~~should~~ be removed from site by the vendor. The City of Bayswater does not permit any commercial waste or waste generated by vendors to be disposed of in public space rubbish or recycling bins.

5.7. Single use plastic is to be limited to bottled drinks only. Recycling information is to be consistent with the recycling information provided by the City of Bayswater, and the vendor is to adjust their signage according to the City's Guidelines.

Fixtures

6. A mobile food ~~vehicle~~ vendor is permitted to have temporary fixtures such as tables, chairs and umbrellas in accordance with the following:

6.1. The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;

6.2. The mobile food vehicle/stall and temporary fixtures are to be kept in a safe and well-maintained condition at all times;

6.3. All temporary fixtures relating to the mobile food vehicle/stall should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and

6.4. Any temporary fixtures relating to mobile food vehicles/stalls must not obstruct pedestrian flow or vehicular traffic.

Noise

7.1 ~~The use of amplified noise is prohibited~~. Background music may be played if the noise levels comply with the *Environmental Protection (Noise) Regulations 1997*. Should justified complaints be received regarding amplified music, the City of Bayswater reserves the right to prohibit the emission of music at the site.

7.2 Generators must not have a manufacturer specified operational volume greater than 75dB.

7.3 Notwithstanding the above, all mobile food vehicle noise (including the generator) is to comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

Advertising

8. Advertising is permitted where it complies with the following:

8.1 All advertising is to be fitted to the mobile food vehicle/stall with the exception of one temporary A-frame sign which:

8.1.1 Is to be located within 75m of the location of the mobile food vehicle/stall;

8.1.2 Is not to exceed any dimension of 1m or an area of $1m^2$ on any side;

8.1.3 Is to be secured in accordance with any requirements of the City of Bayswater; and

8.1.4 An A-frame sign will be considered a temporary fixture and is to comply with the fixture requirements detail above.

8.2 Where a permitted location is not on a main thoroughfare an additional A-frame sign will be permitted up to 500m away from the mobile food vehicle/stall whilst operating.

8.3 No signage will be permitted on State controlled roads without the written comment from Main Roads Western Australia.

Public Risk Management

9.1 The mobile food vendor is to, for the duration of their operations, maintain public and product liability insurance for at least ten million dollars ($10,000,000).

9.2 The mobile food vendor assumes responsibility for any acts of negligence arising from their activity.

9.3 The mobile food ~~vehicle~~ vendor assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle or mobile food stall and any associated fixtures being at the location.

Related Legislation:

- *Food Act 2008*;
- *Local Government Act 1995*;
- *City of Bayswater Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020*;
- *Environmental Protection (Noise) Regulations 1997*;
- *Environmental Protection (Unauthorised Discharge) Regulations 2004*; and
- Food Standards Australia and New Zealand (FSANZ) Food Safety Standards.

Related Documentation:

N/A

City of Bayswater

Mobile Food Vendor Guidelines

Responsible Division	Community and Development
Responsible Business Unit/s	Environmental Health
Responsible Officer	Manager Environmental Health and Statutory Building
Affected Business Unit/s	Environmental Health

Purpose:

The purpose of these guidelines is to provide guidance on the requirements for the operation of mobile food vehicles and mobile food stalls on public land within the City of Bayswater.

Guidelines Statement:

1. The City of Bayswater encourages the use of parks and reserves for outdoor mobile food vehicles and mobile food stalls as a means of enhancing community activity that flows from this activation of our public spaces.
2. The City supports mobile food vendors which practice safe food handling in accordance with the *Food Act 2008* and consider the needs of all users of the area, including the safety of consumers and pedestrians.
3. The City encourages mobile food vendors to activate parks and reserves with appropriate food vending activities, and recognises that granted rights over the relevant public space do not exclude the general public from the public realm.
4. The City seeks mobile food vendors whose vehicle/stall presentation contributes to the character of the area.
5. The Guidelines outline the requirements for the operation of mobile food vehicles and mobile food stalls.

Definitions:

Mobile food stall means a stall used for preparing and dispensing food from on a one-off occasion.

Mobile food vehicle includes any:

(a) Registered vehicle, caravan, trailer or any other method of transport from which food is sold; or
(b) Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles.

Mobile food vendor means the person(s) operating a mobile food vehicle or mobile food stall.

Stall means a movable or temporary fixed structure, stand, table, or the like, from which a person carries on trade or commerce in a public place.

Requirements:

Certifications

1. Mobile food vendors operating in the City of Bayswater are required to:

1.1 Notify the City of Bayswater that they intend to operate within the City in writing by completing the City's Notification/Registration Form;

1.2 Hold a current *Food Act 2008 Certificate of Registration* from a Western Australian Local Government; and

1.3 Obtain any other relevant approvals.

Limitations

2. Mobile food vendors are only permitted to trade within the City of Bayswater if they meet the following conditions:

2.1 Hold a current *Food Act 2008 Certificate of Registration* from a Western Australian Local Government;

2.2 The vehicle or stall must not require an external power connection, unless otherwise agreed to by the City; and

2.3 Parking for towing vehicles is to be located in a safe and legitimate location.

Location and Siting

3. The City of Bayswater has approved the following locations within the City for mobile food vendors to operate at:

- AP Hinds Reserve, Bayswater;
- Bardon Park, Maylands;
- Beaufort Park, Bedford;
- Berringa Park (opposite side of East Street), Maylands;
- Bert Wright Park, Bayswater;
- Broun Park, Embleton;
- Clarkson Reserve, Maylands;
- Claughton Reserve, Bayswater;
- Crimea Park, Morley;
- Lightning Park, Noranda;
- Pat O'Hara Reserve, Morley;
- Riverside Gardens, Bayswater;
- Robert Thompson Park, Noranda;
- Shearn Memorial Park, Maylands;
- Upper Hillcrest Reserve, Bayswater;
- Wotton Reserve, Embleton; and
- Wymond Park, Bayswater.

3.1 Alternative locations may be considered if they meet the purpose of the guidelines. Requests to operate at an alternative location are to be made in writing to the City of Bayswater.

3.2 The following location requirements apply to all mobile food vendors:

3.2.1 A maximum of three mobile food vendors are allowed to operate at any one location at the same time, unless otherwise permitted under clause 3.3;

3.2.2 Mobile food stalls are to obtain a valid stallholder's permit or trader's permit in accordance with the City's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020*;

3.2.3 Any conflicts in Trading Zones (i.e. which mobile food vendor is to be at which location at which time) are to be resolved by the mobile food vendors;

3.2.4 Mobile food vehicles are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business; and

3.2.5 Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.

3.3 There is no restriction on the number of mobile food vehicles which are allowed to operate at the same time at Bardon Park, Riverside Gardens and Crimea Park.

3.4 The City of Bayswater reserves the right to make any approved location unavailable for a set period of time for community events, (e.g. the autumn river festival), for works to be undertaken at or near the location or for any other reason the City deems necessary.

Maintenance and Cleaning

4. The mobile food vendor is required to comply with all maintenance aspects of the entire operation. The following requirements apply:

4.1 The mobile food vehicle/stall and fixtures must be kept in a safe and well-maintained condition at all times; and

4.2 Mobile food vendors must ensure that the vehicle/stall and food handling activities comply at all times with the requirements of the *Food Act 2008 and Food Standards Australia and New Zealand (FSANZ) Food Standards Code*.~~;~~

Waste Management

5. The mobile food vendor is required to maintain the mobile food vehicle/stall and the surrounding area to a high standard and in accordance with the following requirements:

5.1 When trading at an approved location the trade area is to be cleaned frequently.

5.2 A holding tank for wastewater is to be located beneath the mobile food vehicle.

5.3 Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system.

5.4 Mobile food vendors are to use fully compostable serving ware (certified as compostable according to Australian Standards), including all plates, bowls, food containers, cups straws and cutlery. Vendors are to display signage directing customers to dispose of all such compostable items in a waste bin.

5.5 Mobile food vendors are encouraged to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. Vendors should ensure the area around their position is kept clear of rubbish and refuse at all times and all waste generated is to be collected by the vendor and is to be removed from site by the vendor. The City of Bayswater does not permit any commercial waste or waste generated by vendors to be disposed of in public space rubbish or recycling bins.

5.6 Single use plastic is to be limited to bottled drinks only. Recycling information is to be consistent with the recycling information provided by the City of Bayswater, and the vendor is to adjust their signage according to the City's Guidelines.

Fixtures

6. A mobile food vendor is permitted to have temporary fixtures such as tables, chairs and umbrellas in accordance with the following:

   6.1 The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;

   6.2 The mobile food vehicle/stall and temporary fixtures are to be kept in a safe and well-maintained condition at all times;

   6.3 All temporary fixtures relating to the mobile food vehicle/stall should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and

   6.4 Any temporary fixtures relating to mobile food vehicles/stalls must not obstruct pedestrian flow or vehicular traffic.

Noise

7.1 Background music may be played if the noise levels comply with the *Environmental Protection (Noise) Regulations 1997*. Should justified complaints be received regarding amplified music, the City of Bayswater reserves the right to prohibit the emission of music at the site.

7.2 Generators must not have a manufacturer specified operational volume greater than 75dB.

7.3 Notwithstanding the above, all mobile food vehicle noise (including the generator) is to comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

Advertising

8. Advertising is permitted where it complies with the following:

   8.1 All advertising is to be fitted to the mobile food vehicle/stall with the exception of one temporary A-frame sign which:

      8.1.1 Is to be located within 75m of the location of the mobile food vehicle/stall;

      8.1.2 Is not to exceed any dimension of 1m or an area of $1m^2$ on any side;

      8.1.3 Is to be secured in accordance with any requirements of the City of Bayswater; and

      8.1.4 An A-frame sign will be considered a temporary fixture and is to comply with the fixture requirements detail above.

   8.2 Where a permitted location is not on a main thoroughfare an additional A-frame sign will be permitted up to 500m away from the mobile food vehicle/stall whilst operating.

   8.3 No signage will be permitted on State controlled roads without the written comment from Main Roads Western Australia.

Public Risk Management

9.1 The mobile food vendor is to, for the duration of their operations, maintain public and product liability insurance for at least ten million dollars ($10,000,000).

9.2 The mobile food vendor assumes responsibility for any acts of negligence arising from their activity.

9.3 The mobile food vendor assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle or mobile food stall and any associated fixtures being at the location.

Related Legislation:

- Food Act 2008;
- Local Government Act 1995;
- City of Bayswater Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020;
- Environmental Protection (Noise) Regulations 1997;
- Environmental Protection (Unauthorised Discharge) Regulations 2004; and
- Food Standards Australia and New Zealand (FSANZ) Food Safety Standards.

Related Documentation:

N/A

10.6.2.2 Planning Policy Review - Sponsorship Signage On Reserves

Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required
Attachments:	1. Existing Sponsorship Signage on Reserves Policy [**10.6.2.2.1** - 3 pages] 2. Existing Signage Policy [**10.6.2.2.2** - 9 pages] 3. Signage Policy Track Changes [**10.6.2.2.3** - 9 pages] 4. Proposed Signage Policy [**10.6.2.2.4** - 9 pages]
Refer:	Item 12.7.2: OCM 24.06.2008

SUMMARY

Council consideration is sought in relation to the proposed revocation of the Sponsorship Signage on Reserves Policy.

The existing local planning policy provides guidance on the assessment of sponsorship signage. The purpose of the policy is to control the location and number of signs on Council reserves for the sponsorship of various sporting clubs, recreation groups and community-based organisations.

It has been determined that guidance is still required in relation to sponsorship signage, however that it would be better suited to being incorporated into the City's Signage Policy. This will then result in all the guidance on the types of signage permitted on land zoned or reserved under Town Planning Scheme No. 24 (TPS 24) within the City being contained within the one policy.

The proposed modified policy will bring the sponsorship signage provisions in line with the current City policy format, improve readability and futureproof it insofar as possible.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council:

1. **Revokes the Sponsorship Signage on Reserves Policy as contained in Attachment 1 to this report.**
2. **Adopts for public advertising the proposed modified Signage Policy as contained in Attachment 4 to this report.**

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

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

Council at its Ordinary Meeting held 22 February 2022 endorsed the proposed planning policy review schedule. The review schedule outlined the committee meetings which would consider each of the local planning policies which are to be reviewed. The review schedule stated that the Sponsorship Signage on Reserves Policy would be presented to the August committee meeting.

The Sponsorship Signage on Reserves Policy was adopted on 28 October 2008. The Sponsorship Signage on Reserves Policy was modified on 1 March 2016, however this only related to updating the format and branding of the document.

The last detailed review of the Signage Policy occurred earlier this year, and the updated policy was adopted on 24 May 2022.

At the Ordinary Council meeting held 22 March 2022, Council adopted the Sponsorship of City Assets, Services and Activities Policy. The purpose of the policy is to provide a consistent approach within the City to seeking, considering and accepting offers for sponsorship on City assets, services or activities.

EXTERNAL CONSULTATION

If it is resolved to revoke the Sponsorship Signage on Reserves local planning policy, a notice will be published in the local newspaper in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In the event that Council adopts the proposed modified Signage 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* for at least 21 days by way of:

- Notification being published in the local newspaper(s);
- Information being place on the City's engagement website; and
- Hard copies of the proposed modified policy being made available for inspection at the City of Bayswater Civic Centre and the City's libraries.

OFFICER'S COMMENTS

Sponsorship Signage on Reserves Policy

The Sponsorship Signage on Reserves Policy was adopted in October 2008, and addressed the development application process and provides guidelines applicable for sponsorship signs.

The current policy acknowledges the desire for recreational clubs to attract sponsorship revenue through sponsorship signage on reserves and identifies that the signage needs to occur in a way which protects the amenity of reserves and surrounding areas. The policy sets out provisions to manage the location and number of signs on Council reserves proposed for the sponsorship of various sporting clubs, recreation groups and community-based organisations.

Many of the matters covered by the policy outline that a development approval is required for the City to consider the sponsorship signage.

Signage Policy

The current Signage Policy was adopted by Council at the Ordinary Council Meeting held 24 May 2022, and identifies and lists types of signage which can be considered on land zoned or reserved under TPS 24 within the City and their relevant provisions. It is considered that the provisions applicable to sponsorship signage are similar to the existing signage provisions within the signage policy and that the sponsorship provisions can be incorporated into the Signage Policy to reduce

duplication of policies and ensure information is easier to find and more understandable for applicants.

Proposed Modifications

The proposed modified Signage policy, as contained in **Attachment 4** to this report, updates the existing policy to include provisions relating to sponsorship signage and remove reference to the Sponsorship Signage on Reserves Policy.

It is considered that the 'Sponsorship Signs' section provides clear details on the types of sponsorship signs which the City considers appropriate without requiring a development approval. This includes ensuring that signage affixed to a City building or structure has been agreed to by the City, which could occur through an email request being sent and confirmation being received by the applicant confirming that the location is appropriate.

Sponsorship of City Assets, Services and Activities Policy

The recently adopted Sponsorship of City Assets, Services and Activities Policy (Sponsorship policy) sets out the process for the City to seek, consider and accept sponsorship agreements for City assets, services or activities. It is considered that there is no conflict between the Sponsorship policy and the proposed modified 'Signage' policy, as the Sponsorship policy sets out the process, while the Signage policy would set out the type of advertising which is permitted. It is considered that the two policies work together cohesively.

Recommendation

In light of the above, it is recommended that the Sponsorship Signage on Reserves Policy be revoked and that the Signage Policy be updated to incorporate new provisions relating to sponsorship signs.

There are no implications with the revocation of Sponsorship Signage on Reserves Policy prior to the adoption of an updated Signage Policy as the existing Sponsorship Signage on Reserves Policy requires all sponsorship signage to obtain a development approval. As sponsorship signage is not currently contained under the Signage Policy, if the Sponsorship Signage on Reserves Policy is revoked, a development approval would still be required or this sponsorship signage in the interim, under the Signage Policy.

Additionally, the City receives a low volume of development applications for sponsorship signage whereby one to two applications are received in a 12 month period.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for:

- Revocation of a local planning policy, including the requirement to give local public notice of a decision to revoke a policy; and
- 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 ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council:** **1. Revokes the Sponsorship Signage on Reserves Policy as contained in Attachment 1 to this report.** **2. Adopts for public advertising the proposed modified Signage Policy as contained in Attachment 4 to this report.**

Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low

Conclusion	It is considered that this option has a low risk as City receives a low volume of development applications for sponsorship signage. The revocation of the Sponsorship Signage on Reserves Policy would still require sponsorship signage to obtain a development approval in the interim which is in keeping with the existing policy. The proposed modified Signage Policy aids in reducing red tape, as signage which complies with the policy would be exempt from requiring a development approval.

Option 2	**That Council:** **1. Revokes the Sponsorship Signage on Reserves Policy as contained in Attachment 1 to this report.** **2. Adopts for public advertising the proposed modified Signage Policy as contained in Attachment 4 to this report, with the following amendment(s):** **(a) _____** **(b) _____** **(c) _____**

Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Dependent on the other amendment(s) determined by Council.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	

Conclusion	It is considered that the risks of this option are dependent on the other amendment(s) determined by Council.

Option 3	**That Council:** **1. Retains the Sponsorship Signage on Reserves Policy as contained in Attachment 1 to this report.** **2. Does not adopt for public advertising the proposed modified Signage Policy as contained in Attachment 4 to this report.**

Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low

Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	It is considered that this option has a moderate risk to the City's strategic direction as the policy requires updating to be in line with the City's current policy template and to ensure that the appropriate type of signage can be considered within the City. There is a moderate service delivery risk as the policy requires all sponsorship signage to obtain development approval, which increases red tape for signage applications. It is also considered that there is moderate community and stakeholder risk due to there being uncertainties in relation to the type of signage that the City would be supportive of and there being multiple policies which are applicable to signage.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Public notice of proposed modified planning policy and revocation of planning policy

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$800	-	-	-	-	-	$14,800

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, 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.

It is considered that the revocation of the Sponsorship Signage on Reserves Policy is appropriate as the relevant policy provisions can be incorporated into the City's Signage Policy which will still address the amenity of an area while providing the information in a useful and clear manner.

CONCLUSION

The Sponsorship Signage on Reserves Policy is not considered to be a necessary local planning policy as it can be incorporated into the City's Signage Policy. In light of this, it is recommended that Council revokes the Sponsorship Signage on Reserves local planning policy.

The proposed modified Signage Policy is considered to be consistent with the City's updated policy format, incorporates various improvements and clarifies provisions to enhance its ease of use and effectiveness. In light of this, it is recommended that the proposed modified Signage local planning policy is adopted by Council for public advertising.

SPONSORSHIP SIGNAGE ON RESERVES POLICY

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

PURPOSE:

To control the location and number of signs on Council reserves proposed for the sponsorship of various sporting clubs, recreation groups and community-based organisations.

POLICY STATEMENT:

The desire for recreational clubs to attract sponsorship revenue through sponsorship signage on reserves needs to be balanced by the need to protect the amenity of reserves and surrounding areas. Sponsorship signage will often need to be considered on the merits of the proposal, and includes the consideration of the following factors:

a) Location, setting and use of the reserve;
b) Location of sign;
c) Size of sign;
d) Impact of sign; and
e) Purpose of sign.

For ease of assessment, sponsorship signs are categorised as follows:

1. **Temporary signage can be:**
   - Internal to the site and/or
   - Mounted on a building or structure; and/or
   - Freestanding.
2. **Permanent signage can be:**
   - Internal to the site and/or
   - Mounted on a building or structure and/or
   - Freestanding.

TEMPORARY SIGNAGE

1. Temporary signs are typically placed on a club's headquarters on the day of its game or event, and removed at the conclusion of the game or event.

   Guidelines:

   1.1. A planning approval is required for all temporary sponsorship signage on reserves.

   1.2. Temporary sponsorship signs are only permitted to be displayed for a maximum of eight (8) hours per day.

   1.3. The signs must be removed from the reserve when the wind velocity renders them unstable or unsafe.

   1.4. The sign must be constructed from steel, timber or plastic frames or supports, and made with rounded corners to ensure public safety.

   1.5. The sign must not cause an obstruction to other reserve users.

1.6. The sign must not be erected, placed or maintained so that it causes undue distraction to passing motorists or endangers in anyway the safety of the general public.

1.7. The City of Bayswater shall approve information and/or advertising content displayed on signs.

1.8. The temporary sign(s) shall not cause interference with the aesthetics of the reserve or surrounding areas.

1.9. The City reserves the right the request removal of any approved signage at any time.

1.10. The size of freestanding temporary signage is limited to 4m² and temporary signage attached to another structure limited to 6m².

PERMANENT SIGNAGE

2. Permanent sponsorship signs are all other signs that are not temporary signs, whether they be fixed securely to a building or structure or be a freestanding sign on a reserve.

Guidelines:

2.1. A planning approval is required for all permanent sponsorship signage on reserves.

2.2. The City of Bayswater shall approve information and/or advertising content displayed on signs.

2.3. No permanent sponsorship signs will be permitted which cause obvious interference with the aesthetics of a reserve or surrounding areas.

2.4. Permanent sponsorship signs should not generally exceed 10m².

2.5. Freestanding sponsorship signs are not encouraged, by may be considered according to the merits of the situation.

2.6. Where freestanding signs are deemed appropriate, no more than two (2) freestanding signs per road frontage per site will be considered.

2.7. All fixed sponsorship signs are to be removed at the expiration of the sponsorship agreement.

2.8. Where a sign is affixed to a Council building or structure, provision is to be made to permit inspection and maintenance of the subject building or structure.

2.9. All permanent signage is to be adequately maintained to the satisfaction of the City.

2.10. The City reserves the right the request removal of any approved signage at any time.

APPROVALS

Approvals are required for all persons or groups wishing to place or erect sponsorship signs on reserves as follows:

Planning approval

All sponsorship signage on reserves requires a planning application to be made using the standard MRS Form 1 and be accompanied by three copies of the proposed signage plans and site plans denoting the location of the signage. A valid planning approval is required prior to the erection of any sign.

Building licence

A building licence is required for all freestanding signage and other permanent signage at the discretion of the Manager of Building Services. If required, a valid building licence is required prior to any on-site works taking place.

The City reserves the right to revoke any approval given at any time if it is satisfied that the signage does not conform with the intent of this policy.

APPLICATION FEES

In accordance with Council's Fees and Charges Schedule as amended.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Clause 2.6 of Town Planning Scheme No. 24
Clause 3.1 of Town Planning Scheme No. 23

RELATED DOCUMENTATION:

Nil

Relevant Delegations	Delegation TP-P1.8	
Risk Evaluation		
Council Adoption	Date	28 October 2008
Reviewed / Modified	Date	23 July 2003
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	

City of Bayswater

Signage Policy

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

Purpose

The purpose of this policy is to provide guidance on the display and erection of signs, to ensure that any signage relates to the uses, services and products on the site whilst maintaining the local amenity and public safety.

Objectives

The objectives of this policy are to:

1. Ensure that the display and erection of signs is consistent with the development, and will not detract from the local character and/or amenity of the area.
2. Avoid a proliferation of signs to prevent streetscapes from becoming cluttered and to protect the amenity of the City of Bayswater.
3. Improve streetscapes along major roads and within town centres.
4. Encourage the consideration of signage requirements in the planning and design of commercial, industrial and mixed use developments.
5. Ensure that signs do not cause obstruction or hinder access for pedestrians, cyclists and/or motor vehicles.
6. Ensure that signs are not objectionable, discriminatory and/or offensive, in the opinion of the City of Bayswater.
7. Ensure that signs only relate to businesses, products and/or services located on, or available from the lot on which they are located.

Scope

1. This policy applies to the display and/or erection of signs on all land zoned or reserved under Local Planning Scheme No. 24 (Scheme).
2. This policy does not extend to road reserves (roads, verges, footpaths, etc.), which are subject to the City of Bayswater *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.
3. Where there is any inconsistency between this policy and the City of Bayswater's Town Planning Scheme then the provisions within the Town Planning Scheme shall prevail.
4. In accordance with Clause 61(1)(a) and (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), development approval is not required for signs that:

   (a) are temporary election signs, subject to the conditions outlined within the Regulations;

(b) relate to changes to an existing sign that has been erected or installed on a site, subject to the conditions outlined within the Regulations;

(c) relate to the replacement of a sign where the sign was subject to a development approval or exempt from the requirement for development approval;

(d) are identified as exempted signs under Appendix 8 of the Scheme; or

(e) comply with the General Requirements and Specific Requirements of this policy.

5. Where a sign does not require development approval under this policy, it should be noted that it does not exempt applicants from the requirement to obtain any other necessary approvals, including a building permit.

6. Where a sign that is not prescribed in the policy and not exempt from requiring development approval is proposed, it will be considered on its merits.

7. Development approval is required for the display and erection of a sign where:

(a) The development site is:

(i) Entered on the register of Heritage Places under the *Heritage of Western Australia Act 1990*;

(ii) The subject of an order under the *Heritage of Western Australia Act 1990 Part 6*;

(iii) Included on a heritage list prepared in accordance with the City of Bayswater town planning scheme(s);

(iv) Within an areas designated under the town planning scheme(s) as a heritage area; and/or

(v) The subject of a heritage agreement entered into under *Heritage of Western Australia Act 1990 section 29*.

(b) The sign is a permanent sponsorship sign, including an electronic scoreboard or dedicated electronic display, which are subject to the City of Bayswater *Sponsorship Signage on Reserves Policy*.

(c) The sign is inconsistent with the general requirements of this policy and/or the specific requirements pertaining to the sign types detailed below.

8. Signs will not be supported if they are to be displayed or erected within 1.5m of any part of a crossover or street truncation.

Definitions

Bulk is the accumulative effect of the arrangement, volume, size and shape of a sign and/or structure to a building or group of buildings.

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

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

Corporate Branding is a company's logo, slogan, or symbol(s) that represent their products or services.

First Party Advertising is advertising relating to the occupant(s) of the site on which the advertising is located.

Proliferation is an increase in the number or amount of signs on a site resulting in clutter and having an undue impact on the amenity of the area.

Scale is the size of a sign or addition to a building and its proportional relationship with its surrounding buildings in the locality.

Second Party Advertising is advertising relating to the goods or services offered on the site on which the advertising is located.

Sign is a display and/or a structure erected to display a business/occupant of a site and the nature of the business undertaken or its goods and services offered.

Third Party Advertising is advertising not relating to the goods or services offered on the site on which the advertising is located.

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

Unless otherwise defined above, words and expressions in this policy are as defined in Appendix 1 of the City of Bayswater Local Planning Scheme No. 24 (the Scheme), the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015* or the *State Planning Policy 7.3 – Residential Design Codes of WA* (R-Codes). All definitions for each of the sign types are included under the Specific Requirements of the policy.

General Requirements

1. Signs will not be approved on residential properties where it does not relate to a relevant home based business unless otherwise provided for in this policy or the Scheme.
2. Where a non-residential land use has been approved on land zoned Residential under the Scheme, signage proposals will be assessed against the criteria under the Specific Requirements of the policy.
3. Signs on an individual lot shall generally be limited to those affixed to buildings and a single freestanding sign. Additional freestanding signs may be considered where they are necessary for wayfinding/directional purposes.
4. All signs shall be designed and located in a manner that:
   (a) Does not detract from, or compromise the character and/or form of any building, including but not limited to its architectural features, detailing and openings.
   (b) Does not detract from, or compromise the character of an established streetscape.
   (c) Does not detract from, or compromise the character of any heritage place or precinct.
   (d) Does not detract from the aesthetics of a park or other land used by the public for recreation.
   (e) Does not obstruct lines of sight required for the safety of pedestrians, cyclists and/or motor vehicles.
   (f) Does not obscure, or create the possibility of it being confused with traffic signs or signals.
   (g) Does not obstruct pedestrian movement or compromise pedestrian safety.
   (h) Does not obstruct vehicle movement or compromise traffic safety.
   (i) Does not obstruct access to or from any door, fire escape or window.

(j) Does not obstruct views of a river, lake, or other feature of natural beauty from outside the building or lot.

(k) Does not impact an existing tree, including a street tree.

(l) Does not obstruct visual truncations by being located within 1.5m of any part of a crossover or street truncation.

5. Digital, animated and illuminated signs shall not:

   (a) Incorporate lighting that exceeds a maximum luminance of:

      (i) 6000 cd/m^2 during hours of full daylight;

      (ii) 600 cd/m^2 at dawn and dusk; and

      (iii) 300 cd/m^2 during hours of darkness.

   (b) Incorporate flashing, intermittent or running lights.

6. All signs that project from a building or are freestanding shall have a minimum clearance of 2.75m above ground level. A lesser clearance may be permitted where a sign is contained wholly within a landscaped area and it will not compromise lines of sight required for the safety of pedestrians, cyclists and/or motor vehicles.

7. All signs shall be designed and written in a competent, professional manner.

8. Signs shall not contain any material that is objectionable, discriminatory and/or offensive, in the opinion of the City of Bayswater.

9. Signs associated with new commercial, industrial or mixed use developments with multiple tenancies are to be guided by a wider signage strategy for the site.

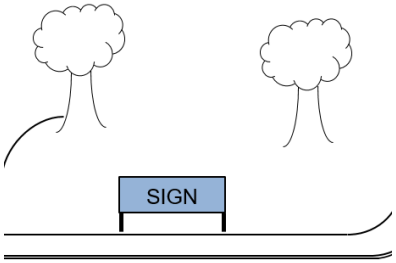
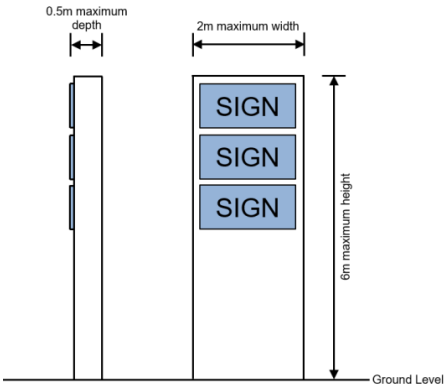
10. Signs which contain any of the following third party advertising components will not be approved on private land, unless otherwise approved by the City of Bayswater under a signage strategy:

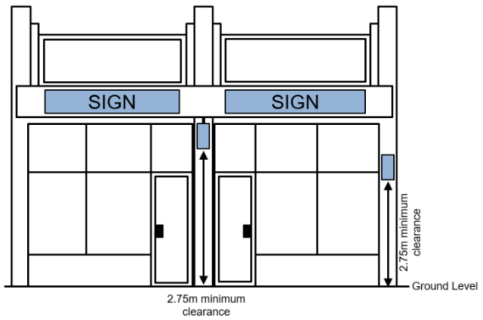
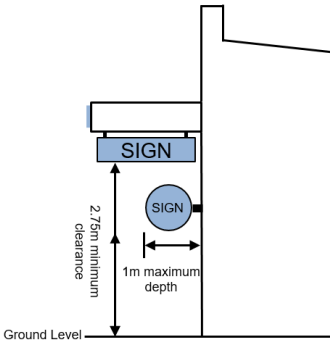
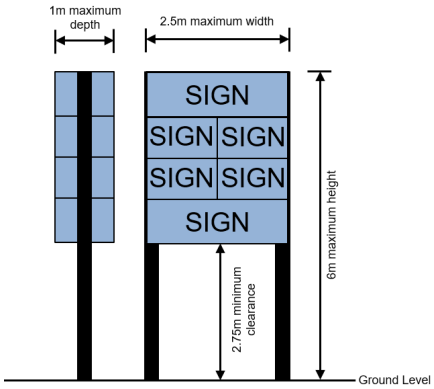
    (a) The name, logo, or symbol of a company or other organisation that does not substantially occupy the site or development on which the sign is proposed to be located; or

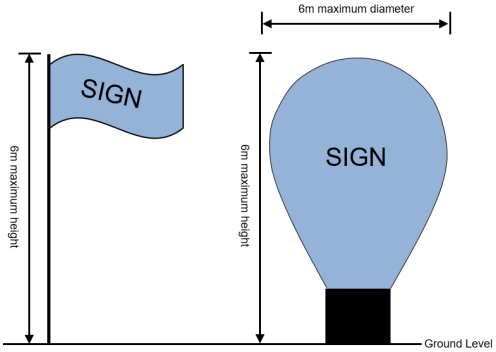
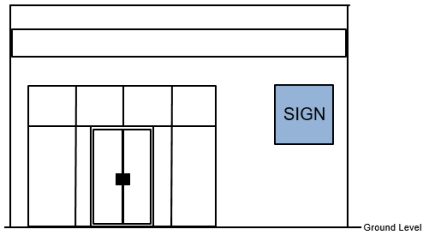
    (b) A product or service not provided on the site on which the sign is proposed to be located; or

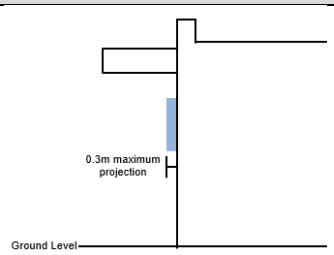
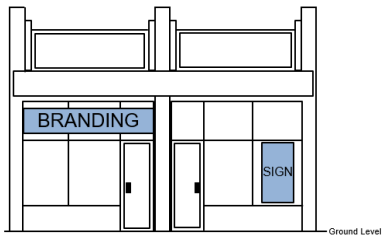
    (c) Signs for an activity or event not occurring on the site on which the advertisement is located.

Specific Requirements

Sign Type, Definition and Example	Specific Requirements
Community and Local Government Event Sign A sign which is a temporary non-illuminated sign that advertises non-profit, short-term events such as a fete, fair, or festival occurring for a community organisation or the local government. 	A promotional community and local government event sign is to be: (a) Located on the site of the event or at the property of the community organisation or local government holding the event. (b) Limited to a maximum of 1 sign per frontage on a lot. (c) A maximum of 10m^2 in area. (d) Exhibited for no more than 30 days prior to the event occurring and is to be removed within 7 days of the event.
Monolith Sign A sign that is not attached to a building or any other structure and with its largest dimension being vertical. Such a sign may consist of a number of modules and is generally uniform in shape from ground level to the top of the sign. 	A monolith sign is to be: (a) Located on a site with a site area less than 2,000m^2 and a lot frontage greater than 40m. (b) Limited to one sign per lot frontage. (c) A maximum of 6m above ground level. (d) A maximum of 2m in width. (e) A maximum of 0.5m in depth. (f) Setback a minimum of 1m from the side and rear lot boundaries. (g) A maximum of 5m^2 in area per sign for each tenancy on the lot. (h) Prohibited within the Residential zone. (i) First party advertising. (j) Prohibited where there is an existing hoarding sign or pylon sign on the same lot.
Projecting Sign A sign: (a) attached to a projection (such as a veranda) or projects more than 300mm from a wall of the building below the eaves or ceiling height; and/or (b) painted or fixed to the face or return fascia of an awning and includes signs attached to the underside of an awning or verandah (other than fascia or return end), as well as	A projecting sign is to be: (a) Limited to one sign per tenancy. (b) Provided with a minimum clearance of 2.75m from the ground level where it is attached to the underside of an awning/verandah or project out from a wall. (c) Contained within the dimensions of the awning/verandah where it is attached to the facia of the awning/verandah.

Sign Type, Definition and Example	Specific Requirements
signs attached above or projecting from a verandah.  	(d) A maximum projection of 1m from the wall. (e) A maximum of 2m^2 in area. (f) No higher than the top of the wall. (g) First or second party advertising. (h) Be constructed of shatter proof glass where it attached to the underside of an awning/verandah or projects out from a wall.
Pylon Sign A sign supported on one or more piers, not attached to a building or other structure. 	A pylon sign is to be: (a) Located on a site with a site area less than 2,000m^2 and a lot frontage greater than 40m. (b) Limited to one sign per lot frontage. (c) Provided with a minimum clearance of 2.75m and a maximum clearance of 6m from the ground level. (d) A maximum of 6m above ground level. (e) A maximum of 2.5m in width. (f) A maximum of 1m in depth. (g) A maximum of 5m^2 in area per sign for each tenancy on the lot. (h) Setback a minimum of 1m from the side and rear lot boundaries. (i) Prohibited within the Residential zone. (j) First party advertising.

Sign Type, Definition and Example	Specific Requirements
	(k) Prohibited where there is an existing hoarding sign or monolith sign on the same lot.
Reserve Sign A sign erected on land reserved under the Scheme. 	A reserve sign is to be: (a) For the purpose of identifying the site.
Tethered Sign A sign that is suspended from or tethered to any structure, pole or tree (with or without supporting framework) and made of paper, fabric, plastic or similar materials. The term includes inflatables, banners, flags or the like. 	A tethered sign is to be: (a) Limited to one sign per lot. (b) Prohibited within the Residential zone. (c) A maximum of 6m above ground level. (d) A maximum of 6m in diameter. (e) Located within the lot boundaries of the property to which the sign relates. (f) First or second party advertising. (g) Secured in position in accordance with any requirements of the City of Bayswater. (h) Located so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person. (i) Erected for a maximum period of 21 days at no less than 3 monthly intervals, unless otherwise approved by the City.
Wall Sign A signboard or panel which is affixed to or adjoining the wall of a business premises, which does not exceed the lowest point of the eaves or ceiling of the building. 	A wall sign is to be: (a) A maximum of 25% of the wall or 10m^2 in area, whichever is the lesser. (b) Limited to one sign per tenancy on a lot. (c) Projecting a maximum of 0.3m from the face of the wall. (d) No higher than the top of the wall. (e) First or second party advertising.

Sign Type, Definition and Example	Specific Requirements
	
Window Sign/Corporate Branding A sign or corporate branding affixed to either the interior or exterior of the glazed area of a window. 	A window sign/corporate branding is to be: (a) A maximum of 25% of the total area of all windows facing a street. (b) Designed in a manner that allows interaction and casual surveillance between the interior functions of the building and the street. (c) First party advertising.

Signs Not Considered Suitable

The following signs are not considered suitable within the City of Bayswater:

1. Bill posting, other than on designated community noticeboards or in the form of event posters displayed in the windows of hotels, shops, restaurants, small bars or the like.

   Bill posting is the sticking, painting or stencilling of any bill, poster or placard on any building, fence, wall, hoarding, signpost, pole, awning or any other structure so as to be visible to any person in a street, reserve, public place or other land.

2. Bunting, other than on a temporary basis for an approved event.

   Bunting is thin strips of material used for decorative purposes or to highlight a location.

3. Third-party advertising signs.

4. Hoarding (Billboard) Signs.

   Hoarding (billboard) signs are a detached structure other than a monolith or pylon sign, with its largest dimension being horizontal. The sign is erected for the sole purpose of displaying a sign or signs, and shall include a poster panel, a wall panel or an illuminated panel.

5. Trailer-mounted variable messaging signs, other than on a temporary basis for an approved event.

   Trailer-mounted variable messaging is signs utilising electronic displays that can be programmed to display a number of varying messages and mounted on trailers that are capable of being towed by a motor vehicle.

6. Motor vehicles carrying temporary or fixed signs or advertising material and parked in a location to serve primarily as a sign.
7. Signs in excess of 0.2m^2 in residential zones, unless otherwise approved by the City of Bayswater.

Sign Strategies

The applicant is to submit a sign strategy for proposed sign(s) in the following situations:

1. The lot has a site area greater than 4,000m^2.
2. There is three or more tenancies on the site.
3. Significant redevelopment of the site is proposed.
4. The lot comprises more than one lot frontage to a street, reserve or the like.

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	24 May 2022

City of Bayswater

Signage Policy

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

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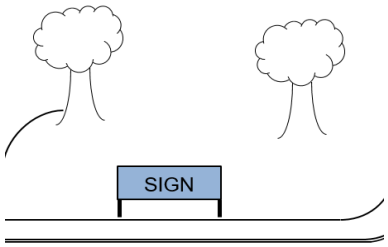
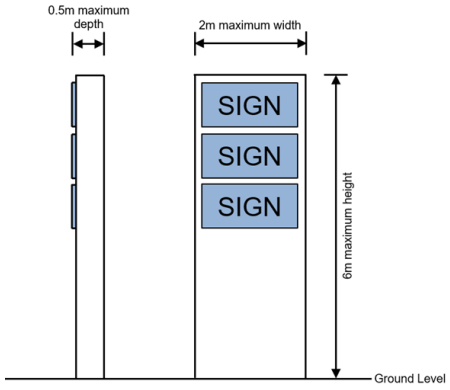
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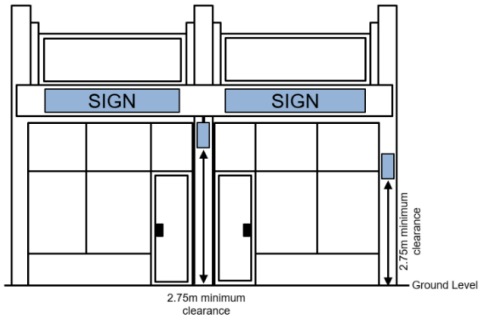
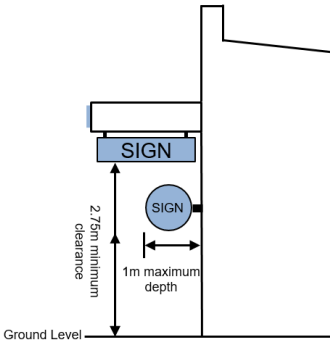
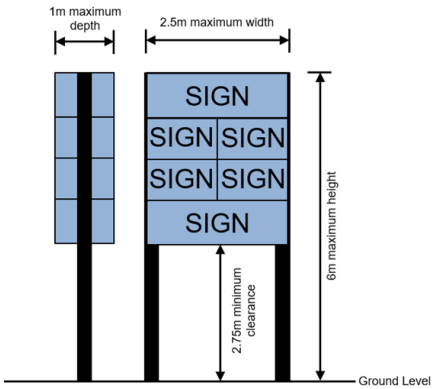
(a) The name, logo, or symbol of a company or other organisation that does not substantially occupy the site or development on which the sign is proposed to be located; or

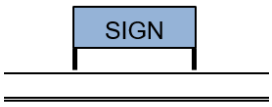
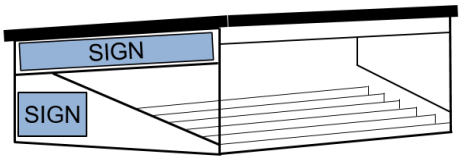
(b) A product or service not provided on the site on which the sign is proposed to be located; or

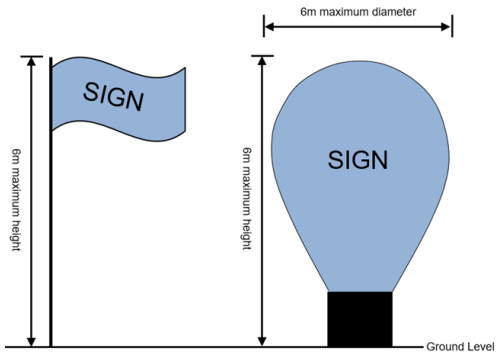
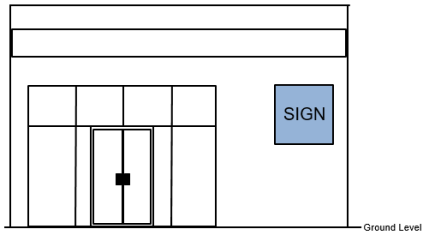
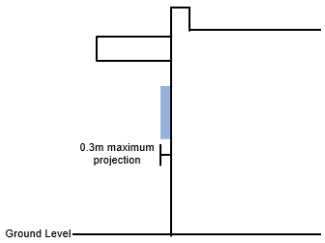
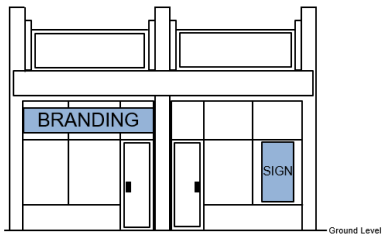
(c) Signs for an activity or event not occurring on the site on which the advertisement is located.

Specific Requirements

Sign Type, Definition and Example	Specific Requirements
Community and Local Government Event Sign A sign which is a temporary non-illuminated sign that advertises non-profit, short-term events such as a fete, fair, or festival occurring for a community organisation or the local government. 	A promotional community and local government event sign is to be: (a) Located on the site of the event or at the property of the community organisation or local government holding the event. (b) Limited to a maximum of 1 sign per frontage on a lot. (c) A maximum of 10m^2 in area. (d) Exhibited for no more than 30 days prior to the event occurring and is to be removed within 7 days of the event.
Monolith Sign A sign that is not attached to a building or any other structure and with its largest dimension being vertical. Such a sign may consist of a number of modules and is generally uniform in shape from ground level to the top of the sign. 	A monolith sign is to be: (a) Located on a site with a site area less than 2,000m^2 and a lot frontage greater than 40m. (b) Limited to one sign per lot frontage. (c) A maximum of 6m above ground level. (d) A maximum of 2m in width. (e) A maximum of 0.5m in depth. (f) Setback a minimum of 1m from the side and rear lot boundaries. (g) A maximum of 5m2 in area per sign for each tenancy on the lot. (h) Prohibited within the Residential zone. (i) First party advertising. (j) Prohibited where there is an existing hoarding sign or pylon sign on the same lot.
Projecting Sign A sign: (a) attached to a projection (such as a veranda) or projects more than 300mm from a wall of the building below the eaves or ceiling height; and/or (b) painted or fixed to the face or return fascia of an awning and includes signs attached to the underside of an awning or verandah (other than fascia or return end), as well as	A projecting sign is to be: (a) Limited to one sign per tenancy. (b) Provided with a minimum clearance of 2.75m from the ground level where it is attached to the underside of an awning/verandah or projects out from a wall. (c) Contained within the dimensions of the awning/verandah where it is attached to the facia of the awning/verandah. (d) A maximum projection of 1m from the wall.

Sign Type, Definition and Example	Specific Requirements
signs attached above or projecting from a verandah.  	(e) A maximum of 2m^2 in area. (f) No higher than the top of the wall. (g) First or second party advertising. (h) Be constructed of shatter proof glass where it attached to the underside of an awning/verandah or projects out from a wall.
Pylon Sign A sign supported on one or more piers, not attached to a building or other structure. 	A pylon sign is to be: (a) Located on a site with a site area less than 2,000m^2 and a lot frontage greater than 40m. (b) Limited to one sign per lot frontage. (c) Provided with a minimum clearance of 2.75m and a maximum clearance of 6m from the ground level. (d) A maximum of 6m above ground level. (e) A maximum of 2.5m in width. (f) A maximum of 1m in depth. (g) A maximum of 5m2 in area per sign for each tenancy on the lot. (h) Setback a minimum of 1m from the side and rear lot boundaries. (i) Prohibited within the Residential zone. (j) First party advertising.

Sign Type, Definition and Example	Specific Requirements
	(k) Prohibited where there is an existing hoarding sign or monolith sign on the same lot.
Reserve Sign A sign erected on land reserved under the Scheme. 	A reserve sign is to be: (a) For the purpose of identifying the site.
Sponsorship Sign A sign that is fixed securely to a building/structure or freestanding on a reserve and used for the sponsorship of various sporting clubs, recreation groups and community-based organisations. The term includes an electronic scoreboard or dedicated electronic display. 	A sponsorship sign can be third party advertising and it is to be: (a) Limited to two signs per reserve. (b) Located on the reserve which is leased or used by the sporting club/recreation group/community-based organisation. (c) Fixed to a building/structure within the reserve, excluding the external fencing to the reserve. (d) A maximum of 10m^2 in area per sign. (e) Where a sign is located on City of Bayswater land and/or affixed to a City building or structure, the location is agreed to by the City and provision is to be made to permit inspection and maintenance of the subject building or structure.
Tethered Sign A sign that is suspended from or tethered to any structure, pole or tree (with or without supporting framework) and made of paper, fabric, plastic or similar materials. The term includes inflatables, banners, flags or the like.	A tethered sign is to be: (a) Limited to one sign per lot. (b) Prohibited within the Residential zone. (c) A maximum of 6m above ground level. (d) A maximum of 6m in diameter. (e) Located within the lot boundaries of the property to which the sign relates. (f) First or second party advertising. (g) Secured in position in accordance with any requirements of the City of Bayswater. (h) Located so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person.

Sign Type, Definition and Example	Specific Requirements
	(i) Erected for a maximum period of 21 days at no less than 3 monthly intervals, unless otherwise approved by the City.
Wall Sign A signboard or panel which is affixed to or adjoining the wall of a business premises, which does not exceed the lowest point of the eaves or ceiling of the building.  	A wall sign is to be: (a) A maximum of 25% of the wall or 10m^2 in area, whichever is the lesser. (b) Limited to one sign per tenancy on a lot. (c) Projecting a maximum of 0.3m from the face of the wall. (d) No higher than the top of the wall. (e) First or second party advertising.
Window Sign/Corporate Branding A sign or corporate branding affixed to either the interior or exterior of the glazed area of a window. 	A window sign/corporate branding is to be: (a) A maximum of 25% of the total area of all windows facing a street. (b) Designed in a manner that allows interaction and casual surveillance between the interior functions of the building and the street. (c) First party advertising.

Signs Not Considered Suitable

The following signs are not considered suitable within the City of Bayswater:

1. Bill posting, other than on designated community noticeboards or in the form of event posters displayed in the windows of hotels, shops, restaurants, small bars or the like.

   Bill posting is the sticking, painting or stencilling of any bill, poster or placard on any building, fence, wall, hoarding, signpost, pole, awning or any other structure so as to be visible to any person in a street, reserve, public place or other land.
2. Bunting, other than on a temporary basis for an approved event.
3. Bunting is thin strips of material used for decorative purposes or to highlight a location.
4. Third-party advertising signs.
5. Hoarding (Billboard) Signs.
6. Hoarding (billboard) signs are a detached structure other than a monolith or pylon sign, with its largest dimension being horizontal. The sign is erected for the sole purpose of displaying a sign or signs, and shall include a poster panel, a wall panel or an illuminated panel.
7. Trailer-mounted variable messaging signs, other than on a temporary basis for an approved event.
8. Trailer-mounted variable messaging is signs utilising electronic displays that can be programmed to display a number of varying messages and mounted on trailers that are capable of being towed by a motor vehicle.
9. Motor vehicles carrying temporary or fixed signs or advertising material and parked in a location to serve primarily as a sign.
10. Signs in excess of 0.2m^2 in residential zones, unless otherwise approved by the City of Bayswater.

Sign Strategies

The applicant is to submit a sign strategy for proposed sign(s) in the following situations:

1. The lot has a site area greater than 4,000m^2.
2. There is three or more tenancies on the site.
3. Significant redevelopment of the site is proposed.
4. The lot comprises more than one lot frontage to a street, reserve or the like.

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	24 May 2022
Modified	

City of Bayswater

Signage Policy

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

Purpose

The purpose of this policy is to provide guidance on the display and erection of signs, to ensure that any signage relates to the uses, services and products on the site whilst maintaining the local amenity and public safety.

Objectives

The objectives of this policy are to:

1. Ensure that the display and erection of signs is consistent with the development, and will not detract from the local character and/or amenity of the area.
2. Avoid a proliferation of signs to prevent streetscapes from becoming cluttered and to protect the amenity of the City of Bayswater.
3. Improve streetscapes along major roads and within town centres.
4. Encourage the consideration of signage requirements in the planning and design of commercial, industrial and mixed use developments.
5. Ensure that signs do not cause obstruction or hinder access for pedestrians, cyclists and/or motor vehicles.
6. Ensure that signs are not objectionable, discriminatory and/or offensive, in the opinion of the City of Bayswater.
7. Ensure that signs only relate to businesses, products and/or services located on, or available from the lot on which they are located.

Scope

1. This policy applies to the display and/or erection of signs on all land zoned or reserved under Local Planning Scheme No. 24 (Scheme).
2. This policy does not extend to road reserves (roads, verges, footpaths, etc.), which are subject to the City of Bayswater Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
3. Where there is any inconsistency between this policy and the City of Bayswater's Town Planning Scheme then the provisions within the Town Planning Scheme shall prevail.
4. In accordance with Clause 61(1)(a) and (b) of the Planning and Development (Local Planning S*chemes) Regulations 2015* (Regulations), development approval is not required for signs that:
   (a) are temporary election signs, subject to the conditions outlined within the Regulations;

(b) relate to changes to an existing sign that has been erected or installed on a site, subject to the conditions outlined within the Regulations;

(c) relate to the replacement of a sign where the sign was subject to a development approval or exempt from the requirement for development approval;

(d) are identified as exempted signs under Appendix 8 of the Scheme; or

(e) comply with the General Requirements and Specific Requirements of this policy.

5. Where a sign does not require development approval under this policy, it should be noted that it does not exempt applicants from the requirement to obtain any other necessary approvals, including a building permit.

6. Where a sign that is not prescribed in the policy and not exempt from requiring development approval is proposed, it will be considered on its merits.

7. Development approval is required for the display and erection of a sign where:

(a) The development site is:

(i) Entered on the register of Heritage Places under the *Heritage of Western Australia Act 1990*;

(ii) The subject of an order under the *Heritage of Western Australia Act 1990 Part 6*;

(iii) Included on a heritage list prepared in accordance with the City of Bayswater town planning scheme(s);

(iv) Within an areas designated under the town planning scheme(s) as a heritage area; and/or

(v) The subject of a heritage agreement entered into under *Heritage of Western Australia Act 1990 section 29*.

(b) The sign is inconsistent with the general requirements of this policy and/or the specific requirements pertaining to the sign types detailed below.

8. Signs will not be supported if they are to be displayed or erected within 1.5m of any part of a crossover or street truncation.

Definitions

Bulk is the accumulative effect of the arrangement, volume, size and shape of a sign and/or structure to a building or group of buildings.

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

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

Corporate Branding is a company's logo, slogan, or symbol(s) that represent their products or services.

First Party Advertising is advertising relating to the occupant(s) of the site on which the advertising is located.

Proliferation is an increase in the number or amount of signs on a site resulting in clutter and having an undue impact on the amenity of the area.

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Scale is the size of a sign or addition to a building and its proportional relationship with its surrounding buildings in the locality.

Second Party Advertising is advertising relating to the goods or services offered on the site on which the advertising is located.

Sign is a display and/or a structure erected to display a business/occupant of a site and the nature of the business undertaken or its goods and services offered.

Third Party Advertising is advertising not relating to the goods or services offered on the site on which the advertising is located.

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

Unless otherwise defined above, words and expressions in this policy are as defined in Appendix 1 of the City of Bayswater Local Planning Scheme No. 24 (the Scheme), the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015* or the *State Planning Policy 7.3 – Residential Design Codes of WA* (R-Codes). All definitions for each of the sign types are included under the Specific Requirements of the policy.

General Requirements

1. Signs will not be approved on residential properties where it does not relate to a relevant home based business unless otherwise provided for in this policy or the Scheme.
2. Where a non-residential land use has been approved on land zoned Residential under the Scheme, signage proposals will be assessed against the criteria under the Specific Requirements of the policy.
3. Signs on an individual lot shall generally be limited to those affixed to buildings and a single freestanding sign. Additional freestanding signs may be considered where they are necessary for wayfinding/directional purposes.
4. All signs shall be designed and located in a manner that:
    (a) Does not detract from, or compromise the character and/or form of any building, including but not limited to its architectural features, detailing and openings.
    (b) Does not detract from, or compromise the character of an established streetscape.
    (c) Does not detract from, or compromise the character of any heritage place or precinct.
    (d) Does not detract from the aesthetics of a park or other land used by the public for recreation.
    (e) Does not obstruct lines of sight required for the safety of pedestrians, cyclists and/or motor vehicles.
    (f) Does not obscure, or create the possibility of it being confused with traffic signs or signals.
    (g) Does not obstruct pedestrian movement or compromise pedestrian safety.
    (h) Does not obstruct vehicle movement or compromise traffic safety.
    (i) Does not obstruct access to or from any door, fire escape or window.
    (j) Does not obstruct views of a river, lake, or other feature of natural beauty from outside the building or lot.

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(k) Does not impact an existing tree, including a street tree.

(l) Does not obstruct visual truncations by being located within 1.5m of any part of a crossover or street truncation.

5. Digital, animated and illuminated signs shall not:

(a) Incorporate lighting that exceeds a maximum luminance of:

(i) 6000 cd/m^2 during hours of full daylight;

(ii) 600 cd/m^2 at dawn and dusk; and

(iii) 300 cd/m^2 during hours of darkness.

(b) Incorporate flashing, intermittent or running lights.

6. All signs that project from a building or are freestanding shall have a minimum clearance of 2.75m above ground level. A lesser clearance may be permitted where a sign is contained wholly within a landscaped area and it will not compromise lines of sight required for the safety of pedestrians, cyclists and/or motor vehicles.

7. All signs shall be designed and written in a competent, professional manner.

8. Signs shall not contain any material that is objectionable, discriminatory and/or offensive, in the opinion of the City of Bayswater.

9. Signs associated with new commercial, industrial or mixed use developments with multiple tenancies are to be guided by a wider signage strategy for the site.

10. Signs which contain any of the following third party advertising components will not be approved on private land, unless it relates to a sponsorship sign or is otherwise approved by the City of Bayswater under a signage strategy:

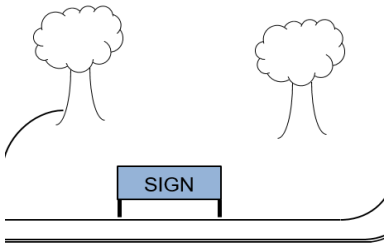
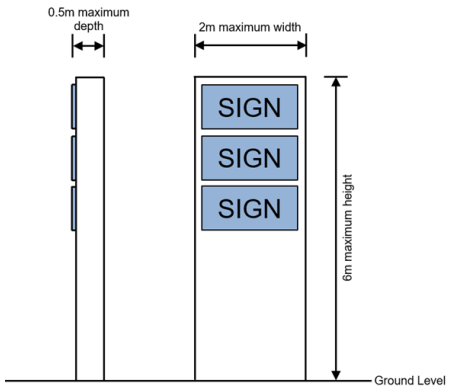
(a) The name, logo, or symbol of a company or other organisation that does not substantially occupy the site or development on which the sign is proposed to be located; or

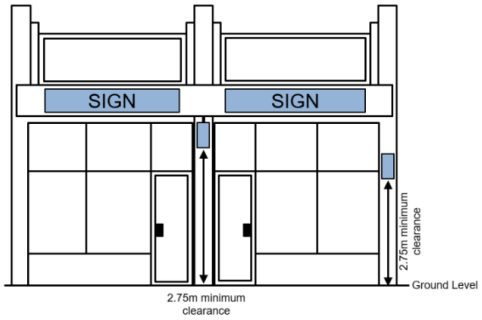
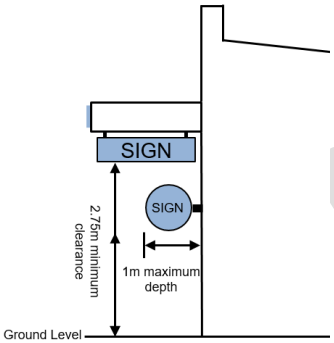
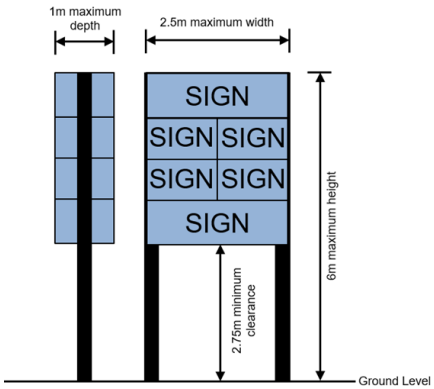
(b) A product or service not provided on the site on which the sign is proposed to be located; or

(c) Signs for an activity or event not occurring on the site on which the advertisement is located.

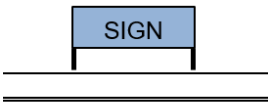
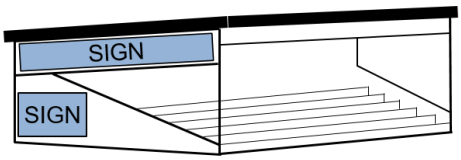
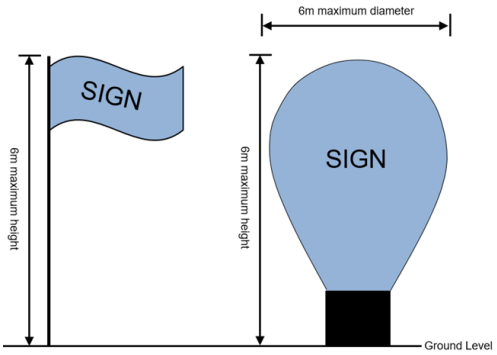
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Specific Requirements

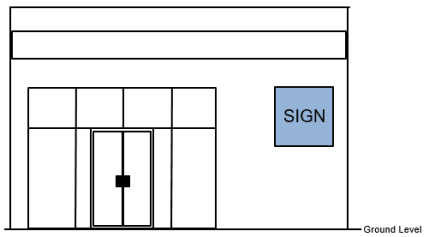
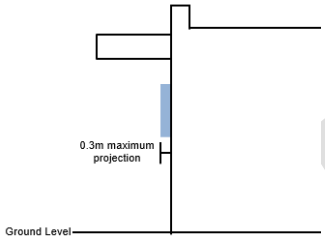
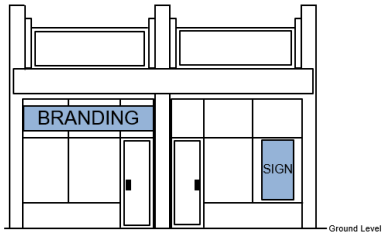
Sign Type, Definition and Example	Specific Requirements
Community and Local Government Event Sign A sign which is a temporary non-illuminated sign that advertises non-profit, short-term events such as a fete, fair, or festival occurring for a community organisation or the local government. 	A promotional community and local government event sign is to be: (a) Located on the site of the event or at the property of the community organisation or local government holding the event. (b) Limited to a maximum of 1 sign per frontage on a lot. (c) A maximum of 10m2 in area. (d) Exhibited for no more than 30 days prior to the event occurring and is to be removed within 7 days of the event.
Monolith Sign A sign that is not attached to a building or any other structure and with its largest dimension being vertical. Such a sign may consist of a number of modules and is generally uniform in shape from ground level to the top of the sign. 	A monolith sign is to be: (a) Located on a site with a site area less than 2,000m^2 and a lot frontage greater than 40m. (b) Limited to one sign per lot frontage. (c) A maximum of 6m above ground level. (d) A maximum of 2m in width. (e) A maximum of 0.5m in depth. (f) Setback a minimum of 1m from the side and rear lot boundaries. (g) A maximum of 5m2 in area per sign for each tenancy on the lot. (h) Prohibited within the Residential zone. (i) First party advertising. (j) Prohibited where there is an existing hoarding sign or pylon sign on the same lot.
Projecting Sign A sign: (a) attached to a projection (such as a veranda) or projects more than 300mm from a wall of the building below the eaves or ceiling height; and/or (b) painted or fixed to the face or return fascia of an awning and includes signs attached to the underside of an awning or verandah (other than fascia or return end), as well as	A projecting sign is to be: (a) Limited to one sign per tenancy. (b) Provided with a minimum clearance of 2.75m from the ground level where it is attached to the underside of an awning/verandah or projects out from a wall. (c) Contained within the dimensions of the awning/verandah where it is attached to the facia of the awning/verandah. (d) A maximum projection of 1m from the wall.

Sign Type, Definition and Example	Specific Requirements
signs attached above or projecting from a verandah.  	(e) A maximum of 2m^2 in area. (f) No higher than the top of the wall. (g) First or second party advertising. (h) Be constructed of shatter proof glass where it attached to the underside of an awning/verandah or projects out from a wall.
Pylon Sign A sign supported on one or more piers, not attached to a building or other structure. 	A pylon sign is to be: (a) Located on a site with a site area less than 2,000m^2 and a lot frontage greater than 40m. (b) Limited to one sign per lot frontage. (c) Provided with a minimum clearance of 2.75m and a maximum clearance of 6m from the ground level. (d) A maximum of 6m above ground level. (e) A maximum of 2.5m in width. (f) A maximum of 1m in depth. (g) A maximum of 5m2 in area per sign for each tenancy on the lot. (h) Setback a minimum of 1m from the side and rear lot boundaries. (i) Prohibited within the Residential zone. (j) First party advertising. (k) Prohibited where there is an existing hoarding sign or monolith sign on the same lot.

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Sign Type, Definition and Example	Specific Requirements
Reserve Sign A sign erected on land reserved under the Scheme. 	A reserve sign is to be: (a) For the purpose of identifying the site.
Sponsorship Sign A sign that is fixed securely to a building/structure or freestanding on a reserve and used for the sponsorship of various sporting clubs, recreation groups and community-based organisations. The term includes an electronic scoreboard or dedicated electronic display. 	A sponsorship sign can be third party advertising and it is to be: (a) Limited to two signs per reserve. (b) Located on the reserve which is leased or used by the sporting club/recreation group/community-based organisation. (c) Fixed to a building/structure within the reserve, excluding the external fencing to the reserve. (d) A maximum of 10m2 in area per sign. (e) Where a sign is located on Council land and/or affixed to a Council building or structure, the location is agreed to by the City and provision is to be made to permit inspection and maintenance of the subject building or structure.
Tethered Sign A sign that is suspended from or tethered to any structure, pole or tree (with or without supporting framework) and made of paper, fabric, plastic or similar materials. The term includes inflatables, banners, flags or the like. 	A tethered sign is to be: (a) Limited to one sign per lot. (b) Prohibited within the Residential zone. (c) A maximum of 6m above ground level. (d) A maximum of 6m in diameter. (e) Located within the lot boundaries of the property to which the sign relates. (f) First or second party advertising. (g) Secured in position in accordance with any requirements of the City of Bayswater. (h) Located so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person. (i) Erected for a maximum period of 21 days at no less than 3 monthly intervals, unless otherwise approved by the City.

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Sign Type, Definition and Example	Specific Requirements
Wall Sign A signboard or panel which is affixed to or adjoining the wall of a business premises, which does not exceed the lowest point of the eaves or ceiling of the building.  	A wall sign is to be: (a) A maximum of 25% of the wall or 10m^2 in area, whichever is the lesser. (b) Limited to one sign per tenancy on a lot. (c) Projecting a maximum of 0.3m from the face of the wall. (d) No higher than the top of the wall. (e) First or second party advertising.
Window Sign/Corporate Branding A sign or corporate branding affixed to either the interior or exterior of the glazed area of a window. 	A window sign/corporate branding is to be: (a) A maximum of 25% of the total area of all windows facing a street. (b) Designed in a manner that allows interaction and casual surveillance between the interior functions of the building and the street. (c) First party advertising.

Signs Not Considered Suitable

The following signs are not considered suitable within the City of Bayswater:

1. Bill posting, other than on designated community noticeboards or in the form of event posters displayed in the windows of hotels, shops, restaurants, small bars or the like.

   Bill posting is the sticking, painting or stencilling of any bill, poster or placard on any building, fence, wall, hoarding, signpost, pole, awning or any other structure so as to be visible to any person in a street, reserve, public place or other land.

2. Bunting, other than on a temporary basis for an approved event.

   Bunting is thin strips of material used for decorative purposes or to highlight a location.

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3. Third-party advertising signs.
4. Hoarding (Billboard) Signs.
5. Hoarding (billboard) signs are a detached structure other than a monolith or pylon sign, with its largest dimension being horizontal. The sign is erected for the sole purpose of displaying a sign or signs, and shall include a poster panel, a wall panel or an illuminated panel.
6. Trailer-mounted variable messaging signs, other than on a temporary basis for an approved event.
7. Trailer-mounted variable messaging is signs utilising electronic displays that can be programmed to display a number of varying messages and mounted on trailers that are capable of being towed by a motor vehicle.
8. Motor vehicles carrying temporary or fixed signs or advertising material and parked in a location to serve primarily as a sign.
9. Signs in excess of 0.2m^2 in residential zones, unless otherwise approved by the City of Bayswater.

Sign Strategies

The applicant is to submit a sign strategy for proposed sign(s) in the following situations:

1. The lot has a site area greater than 4,000m^2.
2. There is three or more tenancies on the site.
3. Significant redevelopment of the site is proposed.
4. The lot comprises more than one lot frontage to a street, reserve or the like.

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	24 May 2022
Modified	

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10.6.2.3 Proposed Local Planning Policy - Bedford North Design Guidelines

Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Draft Policy Bedford North Design Guidelines [**6.2.3.1** - 4 pages] 2. Design Guideline Requirements Table [**6.2.3.2** - 10 pages] 3. Bedford North Urban Design Study Extract [**6.2.3.3** - 18 pages]
Refer:	Item 8.4: PHPRDC 17.5.2022 Item 10.4.4: OMC 24.8.2021

SUMMARY

Council at its Ordinary Meeting held 24 August 2021 adopted the Bedford North Urban Design Study (UDS) as a planning guidance document and initiated an amendment to the City's Town Planning Scheme No. 24 (TPS 24) to implement some of the actions identified.

Council consideration is sought to adopt for public advertising the proposed Bedford North Design Guidelines Policy (design guidelines), to provide specific development requirements for land within the Bedford North area based on the outcomes of the UDS, and to provide further guidance on the scheme amendment.

The design guidelines were considered at the Planning and Heritage Policy Review and Development Committee held 17 May 2022, however the item lapsed.

ADDITIONAL INFORMATION

At the Planning and Heritage Policy Review and Development Committee meeting held on 9 August 2022, a question was raised regarding the delay in advertising the associated scheme amendment (Amendment No.96), which proposes to rezone the area with higher residential densities under the City's Town Planning Scheme No. 24. It was suggested that this is addressed in the report.

At the Ordinary Council Meeting held on 24 August 2021, Council initiated the Amendment No. 96. As Amendment No. 96 was considered to be 'complex' it was required to be referred to the Western Australian Planning Commission (WAPC) for consent to advertise.

On 25 March 2022, the WAPC gave their consent to advertise and made a number of recommendations to assist the progression of the amendment following advertising. These recommendations included:

- Undertaking a Retail Needs Assessment (RNA) for the proposed expansion of the Bedford Neighbourhood Centre; and
- Consultation with the Water Corporation to ensure that there is sufficient capacity in their servicing infrastructure to allow for higher residential density in the subject area.

An RNA was undertaken that demonstrated the expansion of the centre would not impact on surrounding centres. In July 2022, the Water Corporation confirmed that there is sufficient capacity in their servicing infrastructure for the scheme amendment to be progressed.

Given that the scheme amendment and the Bedford North Guidelines are intrinsically related, and the close timing of the advertising due to the above, concurrent advertising was considered to be

the most appropriate way to proceed in order to ensure the local community had better opportunity to consider the proposals in their full context.

RECOMMENDATION IMPLICATIONS

In light of the above, the Officer's Recommendation remains unchanged.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council adopts for public advertising the proposed Bedford North Design Guidelines Policy as contained in Attachment 1 to this report.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

Bedford North Area

The subject area is bound by Walter Road West (WRW), Coode Street, Clement Street and the rear boundary of properties fronting Salisbury Street as outlined in Figure 1. The area shares a border with the City of Stirling to the northwest and the southwest.

Figure 1 – Subject Area



The subject area consists predominately of various sized residential lots. Considerable residential infill development has taken place in the area in the last 20 to 30 years through subdivision and the development of grouped dwellings.

There are a small number of lots zoned and developed for commercial uses on Walter Road West. Two parks are also located in the area, being RA Cooke Reserve and Birkett Reserve.

Previous Council Resolution

Council at its Ordinary Meeting held 24 August 2021 Council considered the UDS and a scheme amendment to implement a number of the recommendations of the UDS. Council resolved as follows:

"That:

1. *Council adopts the Bedford North Urban Design Study as included in Attachment 4 to this report, as a strategic guidance document.*
2. *Council initiates an Amendment to the City of Bayswater Town Planning Scheme No. 24 as follows:*
   (a) *Rezone lots as detailed in Attachment 1 from Business, Public Purposes – Car Parking and Medium and High Density Residential with density codings of R25 and R40, to Mixed Use.*

(b) Rezone lots as detailed in Attachment 1 from Business, Office and Medium and High Density Residential with a density coding of R40, to Medium and High Density Residential with a density coding of R60.

(c) Rezone lots as detailed in Attachment 1 from Medium and High Density Residential with density codings of R25 and R40, to Medium and High Density Residential with a density coding of R50.

(d) Rezone lots as detailed in Attachment 1 from Medium and High Density Residential with a density coding of R25, to Medium and High Density Residential with a density coding of R35.

(e) Modify the Scheme Map to expand Special Control Area 17 as detailed in Attachment 1.

(f) Amend Special Control Area 17 as detailed in Attachment 2.

(g) Amend clause 10.1.1 to include the following:

- *Special Control Area 17 Bedford North*

(h) Amend Appendix 2 - Schedule of Additional Uses as detailed in Attachment 3.

(i) Amend the Scheme Maps accordingly.

2. Council considers the Amendment to the City of Bayswater Town Planning Scheme No. 24 to be 'complex' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

(a) The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality; and

(b) The amendment is not a basic or standard amendment.

3. Upon finalisation of the scheme amendment documentation, the documentation is forwarded to the Department of Water and Environmental Regulation for assessment, the Department of Planning, Lands and Heritage - Heritage Directorate for referral, and the Western Australian Planning Commission for examination and consent to advertise.

4. Upon the Notice of Assessment from the Department of Water and Environmental Regulation being received (and issues raised being complied with), and any modifications required by the Western Australian Planning Commission being made, the proposed scheme amendment be advertised for public comment.

5. The proposed amendment is referred to Council for further consideration following public advertising.

6. Council notes that a further report will be presented to Council to consider a Local Planning Policy (Design Guidelines) in relation to the Bedford North area."

Planning and Heritage Policy Review and Development Committee – 17 May 2022

At the Planning and Heritage Policy Review and Development Committee held 17 May 2022, the Committee considered the draft design guidelines. At the Committee, the officer's recommendation was moved and seconded as a motion but this motion was not carried. There was no alternative motion moved and the item lapsed.

During the discussion on the item concerns were raised about the potential lack of car parking provided on sites developed in the area, and whether the proposed guidelines will be supported by the development industry and result in a rapid take up of development in the area. These matters are addressed below.

EXTERNAL CONSULTATION

In the event that Council adopts the proposed Bedford North Design Guidelines Policy for public advertising, the policy will be advertised in accordance with the requirements of *Schedule 2 Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum of 21 days, by way of:

1. Notification being published in the Perth Now newspaper;
2. Impacted land owners and residents being notified in writing;
3. Information being placed on the City's engagement website; and
4. Hard copies being made available for inspection at the City of Bayswater Civic Centre and the City's libraries.

In addition to the above, feedback will also be sought from local builders and developers.

Concurrent Advertising

The City plans to advertise both the initiated scheme amendment and design guidelines concurrently, so that the community and stakeholders can consider the entire package of provisions that will impact development in Bedford North at the same time.

The Western Australian Planning Commission (WAPC) at its State Planning Committee meeting held 22 March 2022 recommended a number of changes to the initiated scheme amendment prior to advertising. The key changes include:

- Preparing a retail needs assessment and, if required, making changes to ensure the amendment does not negatively impact the provision of retail at nearby activity centres; and
- Removing the proposed expansion of Special Control Area No. 17, and the associated requirement for a Local Development Plan (LDP) to be prepared to guide future development.

The City has worked closely with the Department of Planning Lands and Heritage (DPLH) to ensure proposed changes to the initiated scheme amendment align with the WAPC’s expectations.

OFFICER'S COMMENTS

The proposed design guidelines are based on the outcomes of the UDS, which was informed by urban design analysis, community engagement and design testing.

The design guidelines apply to all land within the Bedford North area, excluding the Commercial Centre Precinct.

Relationship with Scheme Amendment

It is proposed that the scheme amendment and the proposed design guidelines will work together to produce planning framework changes in the Bedford North area:

- Scheme Amendment - rezoning and recoding land in the Bedford North area, and including additional uses that can be contemplated on certain lots.
- Design Guidelines – introducing detailed development provisions that respond to local development design objectives.

Precincts

Four precincts are identified within the design guidelines and account for different desired character areas within Bedford North:

- Walter Road West;

- Grand Promenade;
- Public Open Space; and
- General Residential.

Figure 2 – Proposed Design Guideline Precincts



A description of the precincts within the Bedford North area is provided in the below table.

Precinct	Description
Walter Road West (WRW)	Development on lots situated along WRW are envisioned to consist of primarily medium density residential dwellings with small pockets of commercial development in strategic locations.
Grand Promenade	Development on lots situated along Grand Promenade are envisioned to consist of primarily medium density residential dwellings.
Public Open Space	Development on lots that front public open space (POS) are envisioned to consist of primarily medium density residential dwellings with small convenience store and café development permitted in limited strategic locations.

General Residential	Development on the balance of the lots is envisioned to consist of primarily low to medium density residential dwellings.

Design Principles

The following four unique design principles were formulated for Bedford North as part of the UDS and are reflected in the proposed design guidelines:

No.	Principle	Detail
1.	Preserving and enhancing space for yards, trees and landscaping.	This principle responds to the loss of canopy tree coverage, landscaping and rear yard space primarily through past residential infill development and the inadequacies of the Residential Design Codes (R-Codes) to address these issues.
2.	Built form design which enhances streetscape character.	This principle responds to the important role street setback areas have in maintaining established local character, providing an extension to living spaces and providing space for landscaping and trees.
3.	Promote active living spaces that address the street.	This principle responds to the need to maintain and strengthen the activation, relationship and connection of housing with the street. Elements of housing that can encourage street activation include usable and attractive landscaped street setback areas with low permeable fencing, and building frontages should primarily feature active habitable spaces, such as living-rooms, kitchens, bedrooms, balconies and porches.
4.	Concentrating mixed use along a pedestrian friendly Walter Road West (WRW).	This principle responds to WRW being the primary location for activity and a mix of residential and commercial and uses, primarily within the 'Commercial Centre' precinct. Appropriate zoning and densities are proposed to address this principle by enhancing the role and status of WRW to act as a catalyst for future improvements to the road overtime and to make it more attractive, usable and pedestrian friendly.

Design Guideline Requirements

The purpose of the propose design guidelines is to ensure new development responds to the desired character for built form, as established in the community engagement outcomes, design principles, and recommendations included in the UDS.

The proposed design guidelines include objectives and requirements, which are broken down into the following key themes:

- Building Height;
- Street Setback Area;
- Primary Street Interaction;
- Public Open Space Interaction; and
- Rear Setback Area.

The proposed design guidelines' objectives and requirements are similar for all precincts. They differ slightly to account for unique precinct characteristics.

The proposed design guideline requirements will need to be satisfied in addition to the development control requirements in TPS 24 and the R-Codes. Where there is conflict with R-Code requirements, the design guideline requirements will take precedent.

A comparison between relevant R-Code requirements, UDS recommendations, and proposed design guideline objectives and provisions is detailed in **Attachment 2**.

Relationship with R-Codes

State Planning Policy 7.3 Residential Design Codes – Volumes 1 and 2 include lists of deemed to comply provisions that can be amended or replaced by a local planning policy without WAPC approval.

None of the proposed design guideline provisions seek to amend or replace R-Code provisions that would require WAPC approval, as the elements are specifically listed as being able to be amended or modified.

At the previous Committee meeting, a potential lack of car parking on private property was discussed. A concern was raised that insufficient car parking was required for grouped dwelling development, particularly for family homes that may need to accommodate additional parking for family members and visitors.

The R-Codes prescribe the requirements for car parking bays to be provided for dwellings, and does not enable the City to require a greater car parking requirement.

Design Testing

Design testing was undertaken as part of the UDS and involved schematic development designing on a number of typical lots found in the study area. An extract of the UDS sections relating to design testing and yields is included in **Attachment 3**. The testing used key design parameters to achieve the intent of the design principles. The testing was undertaken to see how these key design parameters would influence development. The key design parameters tested include:

- Building height – keeping building height predominately at two storeys, while allowing for some three storey elements where suitable;
- Street setback area – allowing for generous setback areas to accommodate trees, landscaping, streetscape beautification and outdoor living;
- Streetscape interaction – ensuring streetscape activation and interaction, and reducing the predominance and impact of car parking and vehicle access on the streetscape; and
- Rear setback area – allowing for generous setback areas to accommodate trees, landscaping and outdoor living.

Various design scenarios for grouped dwellings and apartments were produced. The testing found that the key design parameters could be accommodated to produce better design outcomes, although it may require developers to modify their design approach to infill development to achieve these better design outcomes, and positively contributing to the streetscape and liveability of the area.

Despite developers having to modify their approach to infill, it is considered that the increase in residential density (proposed as part of the scheme amendment) will benefit developers and landowners overall by allowing for more dwellings to be developed compared to the current situation. It is likely that the higher yields from the increased densities will compensate for the additional design parameters outlined in the guidelines.

The City has not consulted with building companies / developers to seek feedback on whether they would be supportive of the guidelines and to determine if they would consider developing in the area. This will occur as part of the consultation process on the policy.

Modifications to the planning framework will not necessarily guarantee that the design guidelines will ensure an increase in development, as the design guidelines are only one of many factors which people consider when choosing a location for development.

It is acknowledged that increased density and development in this area may not be significantly realised in the shorter term, however the guidelines and framework do enable and encourage greater development in the area which may still occur in the short term.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for preparing a new local planning policy, including the requirement to give local public notice of a decision to prepare a new local planning policy.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officers Recommendation	**That Council adopts for public advertising the proposed Bedford North Design Guidelines Policy as contained in Attachment 1 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	A moderate risk is identified in relation to the community and stakeholders with this option, as some members of the local community may not agree with the recommended development requirements contained within the design guidelines.	

Option 2	**That Council adopts for public advertising the proposed Bedford North Design Guidelines Policy as contained in Attachment 1 to this report, with the following modification(s):** **1.** _____ **2.** _____ **3.** _____	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Dependent on the modification(s) to the proposed policy as determined by Council.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	The risks are dependent on the modification(s) to the proposed policy as determined by Council.	

Option 3	**That Council does not adopt for public advertising the proposed Bedford North Design Guidelines Policy as contained in Attachment 1 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	High
Governance	Low	Low
Community and Stakeholder	Moderate	High
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there is a high risk in relation to the City's reputation and the expectations of the community and stakeholders with this option, as there is a high expectation from the local community that the City will progress the changes, ideas and aspirations for the built environment as identified in the UDS. Additionally, as the design guidelines are intended to work with the initiated Amendment 96, not adopting a set of design guidelines may result in poor design outcomes.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Advertise the propose planning policy for public comment.

Asset Category: Not applicable **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$2,000	-	-	-	-	-	$14,800

STRATEGIC IMPLICATIONS

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

Theme: Environment and Livability
Goal E1: Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.
Goal E2: Remain focused on greening the City’s suburbs and streetscapes and increasing the tree canopy.

It is considered that the proposed design guidelines will help to maintain the established character of built form in the area and increase tree canopy and landscaping, whilst allowing redevelopment to occur.

CONCLUSION

In light of the above, it is recommended that Council adopts for public advertising the proposed Bedford North Design Guidelines Policy in order to implement the recommendations of the UDS.

City of Bayswater

Bedford North Design Guidelines Policy

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

Purpose

The purpose of this policy is to guide development in the identified areas to achieve consistent, site-responsive built form in order to maintain local character and amenity.

Objectives

The objectives are:

1. To ensure building heights minimise potential undue amenity impacts on neighbouring properties, without overly impacting the realisation of development yields in accordance with the density.
2. To ensure street setback areas are primarily habitable spaces for people, as opposed to being dominated by driveways and car parking.
3. To create suitably sized and landscaped street setback areas to beautify the streetscape, increase tree canopy cover, promote biodiversity and encourage outdoor living.
4. To ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.
5. To encourage good design that will assist in the transition of Walter Road West and Grand Promenade in becoming more attractive, active and pedestrian focused streets overtime.
6. To protect residents from amenity and safety impacts associated with busy roads, being Walter Road West and Grand Promenade.
7. To create suitably sized and landscaped rear setback areas to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties, and encourage outdoor living.

Introduction

The purpose of the design guidelines are to ensure new development responds to the desired character for built form in the Bedford North area, as established in the Bedford North Urban Design Study, which was adopted by Council as a planning guidance document for the Bedford North area.

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Scope

This policy applies to all precincts identified in the plan below.



City of Bayswater

Requirements

The following requirements of this policy shall prevail where they conflict with the Residential Design Codes requirements.

Building Height

- Buildings are to have a maximum height of 3 storeys in the Walter Road West and Grand Promenade precincts. Any 3 storey element is to be setback at least 6m from the boundary of a neighbouring lot of a lesser density code.
- Buildings are to have a maximum height of 3 storeys in the Public Open Space precinct. Any 3 storey element is to be setback at least 6m from the boundary of a neighbouring lot of the same or lessor density code.
- Buildings are to have a maximum height of 2 storeys in the General Residential precinct.

Primary Street Setback Area

- A minimum primary street setback of 6m is required.
- At least 50% of the primary street setback area is to be landscaped.
- Fully unenclosed porches and balconies may protrude a maximum of 3m into the primary street setback area, provided the equivalent amount of landscaping is provided as if they were not there.
- Street setback areas fronting Walter Road West and Grand Promenade are to consist primarily of trees and landscaping to act as a landscaped buffer to the street.
- Driveways are to be limited to one per site and narrowed to a maximum width of 3.5m within the primary street setback area where appropriate.

Primary Street Interaction

- Building frontages facing the primary street are to primarily consist of major openings, habitable rooms/spaces and/or primary living spaces.
- Garages, carports, carbays and visitor parking bays, are to be located behind the main building line fronting the primary street, and screened where visible from the primary street.
- Fencing within the primary street setback area is limited to a maximum height of 1.2m, except on Walter Road West and Grand Promenade.
- Fencing within the primary street setback area on Walter Road West and Grand Promenade is to be visually permeable above 1.2m.

Rear Setback Area

- A minimum rear setback of 6m is required.
- At least 50% of the rear setback area is to be landscaped.

Public Open Space Interaction

- Parts of buildings facing public open space areas are to primarily consist of major openings and active habitable rooms and spaces.

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- Fencing abutting public open space areas is to be visually permeable above 1.2m.
- Pedestrian access gates onto public open space areas are encouraged where possible.

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	

Design Guidelines Requirements Table

Building Height

The objective of building height requirements is to ensure building heights minimise potential undue amenity impacts on neighbouring properties, without overly impacting the realisation of development yields in accordance with the density.

Precinct	**R-Codes Density**	**R-Codes maximum height**	**Urban Design Study recommendation**	**Proposed Design Guideline height requirements**	**Comment**
Walter Road West	R60	Single and Grouped Dwellings 2 storeys Multiple Dwellings 3 storeys	3 storeys	3 storeys Any 3 storey element is to be setback at least 6m from the boundary of a neighbouring lot of a lesser density code.	Design guideline requirements consistent with the Urban Design Study (UDS) and Residential Design Codes (R-Codes) requirements for multiple dwellings. Additional height allowance for single and grouped dwellings will compensate for a smaller building envelope created through front and rear setback requirements. In relation to 3 storey elements, the additional requirement provides appropriate separation to transition bulk and scale down to neighbouring lower density coded (R 50 and R35) lots.

Grand Promenade	R50	Single and Grouped Dwellings 2 storeys Multiple Dwellings 3 storeys	2 storeys	3 storeys Any 3 storey element is to be setback at least 6m from the boundary of a neighbouring lot of a lesser density code.	Design guideline requirements consistent with the R-Codes requirements for multiple dwellings. Additional height allowance for single and grouped dwellings will compensate for a smaller building envelope created through front and rear setback requirements. Although the proposed design guideline height requirement of 3 storeys is higher than recommended in the UDS it is considered appropriate given: • The R-Codes specify a maximum height requirement of 3 storeys, which is deemed appropriate in R50 coded areas; • Grand Promenade is a busy main road with a similar character and context to WRW; and • Community feedback suggests that additional height is suitable on main roads. • The additional 3 storey element requirement provides appropriate separation to transition bulk and scale down to neighbouring lower density coded (R35) lots.

Public Open Space	R50	Single and Grouped Dwellings 2 storeys Multiple Dwellings 3 storeys	2 storeys*	3 storeys Any 3 storey element is to be setback at least 6m from the boundary of a neighbouring lot of the same or lessor density code.	Design guideline requirements consistent with the R-Codes requirements for multiple dwellings. Additional height allowance for single and grouped dwellings will compensate for a smaller building envelope created through front and rear setback requirements. Although the proposed design guideline height requirement of 3 storeys is higher than recommended in the UDS it is considered appropriate given: • The R-Codes specify a maximum height requirement of 3 storeys, which is deemed appropriate in R50 coded areas; • The UDS does recommended the ability to increase height to 3 storeys in certain areas and circumstances; • The 3 storey height requirement is considered appropriate to increase activity, vibrancy and casual surveillance of public open space areas and to also allow the possibility of more residents to leverage of the amenity of the areas of public open space; • The additional 3 storey element requirement ensures appropriate separation to transition bulk and scale down to all neighbouring lots. The requirement will mean that developing to a third storey will likely require lot amalgamation and will therefore not be a regular occurrence.
General Residential	R35	2 storeys	2 storeys	2 storeys	NA

** The UDS notes that additional height (maximum 3 storeys) could be considered on corner lots facing Birkett Reserve and RA Cooke Reserve to incentivise the provision of small convenience stores or cafes.*

Street Setback Area

The objective of street setback area requirements is to create suitably sized and landscaped areas to beautify the streetscape, increase tree canopy cover, promote biodiversity and encourage outdoor living.

In relation to lots fronting Walter Road West and Grand Promenade an additional objective to protect residents from undue amenity and safety impacts associated with these busy roads is included.

Design Aspect	**R-Codes Requirement**	**Urban Design Study recommendation**	**Proposed Design Guideline height requirements**	**Comment**
Primary street setback	Single and Grouped Dwellings The following average street setbacks would be required: • R35 – 4m • R50 – 2m • R60 – 2m Multiple Dwellings The following street setbacks would be required: • R50 – 2m • R60 – 2m	A building envelope setback of 6m from the front of the lot.	A minimum primary street setback of 6m is required.	The requirement is consistent with the UDS recommendation. The requirement is consistent with the 6m setback requirement under the R-Codes for land zoned R25. An existing R25 zoning applies to the majority of land in the Bedford North area, where a lot of the current housing stock has been established. Therefore it is considered that the requirements will help to maintain some of the established character of the area. The requirement will also ensure suitably sized street setback areas are designed to provide for landscaping, tree canopy and outdoor living. Although the requirement will constrain the building envelope of the site, the increase in density proposed as part of the scheme amendment will ensure land owners and developers are still able to realise a greater dwelling yield relative to the existing situation.
Landscaping within street setback area	No requirement	At least 50% of the setback area provided as soft landscaping.	At least 50% of the primary street setback area is to be landscaped.	The requirement is consistent with the UDS recommendation. This requirement will ensure street setback areas are landscaped to help beautify the streetscape, promote biodiversity and encourage outdoor living and enhanced tree canopy.

Landscaping within street setback area fronting Walter Road West and Grand Promenade	No requirement	Front setbacks on Walter Road West should accommodate (and demonstrate) mature tree planting.	Street setback areas fronting Grand Promenade are to consist primarily of trees and landscaping to act as a landscaped buffer to the street.	The requirement is consistent with the intent of the UDS recommendation. This requirement will help protect residents from undue amenity and safety impacts associated with these busy roads.
Unenclosed porches and balconies within street setback area	Single and Grouped Dwellings Unenclosed porches and balconies within street setback area may project into the primary street setback area to a maximum of half the required primary street setback. Multiple Dwellings No requirement	No recommendation	Fully unenclosed porches and balconies may protrude a maximum of 3m into the primary street setback area, provided the equivalent amount of landscaping is provided as if they were not there.	Although a similar R-Code provision already applies to single and grouped dwellings, inclusion in the design guidelines will ensure it also applies to multiple dwelling development. The requirement will help to encourage outdoor living within the street setback area, while also ensuring that landscaping within the street setback area is maximised. Unenclosed porches and balconies can also create greater design diversity and interest, helping to beautify the streetscape.

Driveway width within street setback area	<u>Single and Grouped Dwellings</u> No driveway wider than 6m at the street boundary and driveways in aggregate no greater than 9m for any one property. <u>Multiple Dwellings</u> Vehicle access is limited to one opening per 20m street frontage that is visible from the street. Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements	Where vehicle access is required to the rear of a site a single lane driveway is narrowed to be no more than 3.5 metres wide at the crossover point to the street.	Driveways are to be limited to one per site and narrowed to a maximum width of 3.5m within the primary street setback area where appropriate.	The requirement is consistent with the intent of the UDS and multiple dwelling R-Code requirement to ensure driveway width is kept to a functional minimum. Inclusion in the design guidelines will ensure it also applies to single and grouped dwelling development. The requirement will help to ensure that the street setback area is primarily a landscaped space and not dominated by hardstand areas.

Primary Street Interaction

The key objective of primary street interaction requirements is to ensure that development encourages activation, vibrancy and casual surveillance of the street.

A further objective of primary street interaction requirements is to ensure street setback areas are primarily habitable spaces for people, as opposed to being dominated by driveways and car parking.

Design Aspect	**R-Codes Requirement**	**Urban Design Study recommendation**	**Proposed Design Guideline height requirements**	**Comment**
Building frontages	Single and Grouped Dwellings At least one major opening from a habitable room of the dwelling faces the street. Multiple Dwellings The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard. Upper level balconies and/or windows overlook the street and public domain areas.	No recommendation	Building frontages facing the primary street are to primarily consist of major openings, habitable rooms/spaces and/or primary living spaces.	The requirement is consistent with the intent of the R-Code requirements. This requirement will help to ensure greater design emphasis is given to residents visually interacting with and surveying the streetscape.

Garages, carports, carbays and visitor parking bays	Single and Grouped Dwellings A garage door facing the primary street is not to occupy more than 50% of the building frontage. Multiple Dwellings Car parking areas are not located within the street setback and are not visually prominent from the street.	Garage doors should be out of line of sight from the primary street frontage.	Garages, carports, carbays and visitor parking bays, are to be located behind the main building line fronting the primary street, and screened where visible from the primary street.	The requirement is consistent with the intent of the UDS and multiple dwelling R-Code requirement to ensure car parking areas are not located within the street setback area. Inclusion in the design guidelines will ensure it also applies to single and grouped dwelling development. This requirement will help to ensure that the building frontage and street setback area is primarily a place for people and not a place dominated by driveways and vehicle parking.
Fencing within the primary street setback area	Single and Grouped Dwellings A maximum height of 1.8m. Required to be visually permeable above a height of 1.2m. Multiple Dwellings Front fencing includes visually permeable materials above 1.2m and the average height of solid walls or fences to the street does not exceed 1.2m. Fencing is designed to eliminate opportunities for concealment.	Fence heights should be no more than 1.2m	Fencing within the primary street setback area is limited to a maximum height of 1.2m, except on Walter Road West and Grand Promenade. Fencing within the primary street setback area on Walter Road West and Grand Promenade is to be visually permeable above 1.2m.	The requirement is consistent with the intent of the UDS and R-Code requirements to ensure fencing allows for interaction between private and public spaces. The requirements will help ensure greater interaction and activity with the streetscape, while also clearly marking the boundary between public and private land. A further requirement for fencing along Walter Road West and Grand Promenade will help minimise amenity issues associated with these busy roads.

Public Open Space Interaction

The objective of public open space interaction requirements is to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.

Design Aspect	**R-Codes Requirement**	**Urban Design Study recommendation**	**Proposed Design Guideline height requirements**	**Comment**
Parts of buildings facing public open space areas	Single and Grouped Dwellings No requirement Multiple Dwellings The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard. Upper level balconies and/or windows overlook the street and public domain areas.	No recommendation	Parts of buildings facing public open space areas are to primarily consist of major openings and active habitable rooms and spaces.	The requirement is consistent with the multiple dwelling R-Code requirements. This requirement will help to ensure residents visually interact with and survey adjoining areas of public open space.
Fencing abutting public open space areas	No requirement	No recommendation	Fencing abutting public open space areas is to be visually permeable above 1.2m.	This requirement will help ensure greater interaction and activity with adjoining areas of public open space, while also clearly marking the boundary between public and private land.
Pedestrian access gates onto public open space areas	No requirement	No recommendation	Pedestrian access gates onto public open space areas are encouraged where possible.	This requirement will help encourage greater interaction and activity with adjoining areas of public open space.

Rear Setback Area

The objective of rear setback area requirements is to create suitably sized and landscaped areas to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties, and encourage outdoor living.

This will be achieved by requiring a minimum rear setback of 6m, with landscaping to account for at least 50% of this area.

Design Aspect	**R-Codes Requirement**	**Urban Design Study recommendation**	**Proposed Design Guideline height requirements**	**Comment**
Rear setback	Single and Grouped Dwellings Rear setback dependant on length and height of rear facing wall and presence of major opening to habitable rooms. Multiple Dwellings 3m	A building envelope setback of 6m from the rear of the lot	A minimum rear setback of 6m is required.	The requirement is consistent with the UDS recommendation. This requirement will ensure suitably sized rear setback areas are designed to provide for landscaping, tree canopy and outdoor living. Although the requirement will constrain the building envelope of the site, the increase in density proposed as part of the scheme amendment will ensure land owners and developers are still able to realise a greater dwelling yield relative to the existing situation.
Landscaping within rear setback area	No requirement	Rear setback area is to include soft landscaping.	At least 50% of the rear setback area is to be landscaped.	The requirement is consistent with the intent of the UDS recommendation. This requirement will ensure street setback areas are landscaped to help beautify the streetscape, promote biodiversity and encourage outdoor living and enhanced tree canopy.

7.1 DESIGN TESTING

7.1.1. DESIGN TESTING SCOPE

The study has included a schematic testing exercise on a limited number of sites to understand the possibilities for the project's urban design principles to be accommodated, while still achieving increased density and dwelling diversity as redevelopment occurs in Bedford North.

The exercise has tested two different scenarios on five typical residential sites, and one test of the Bedford North Centre. It broadly followed these steps:

1. Confirm testing aspirations with the City, based on community workshop inputs on height, density, tree canopy, access and building/street interface.

   This involved:

   - Selecting test sites
   - Setting a land use and development aspiration for each lot – confirmed by the City to demonstrate a variety of scenarios.
2. Preparation of schematic tests – this includes the consideration of: Building siting, car parking layouts, building entrances and vehicle access locations, building massings and floor plate considerations and landscaping/tree provisions.
3. Developing yields and diagrams.

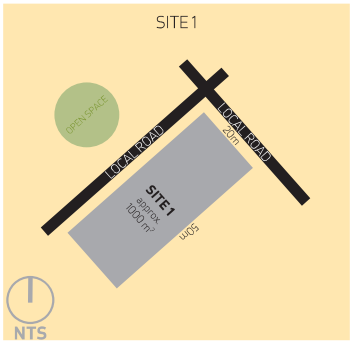
It is important to note that design testing has limitations. It cannot test for every eventuality, but helps to highlight any 'red flags' that could exist when the City forms policy provisions as part of future planning framework updates.

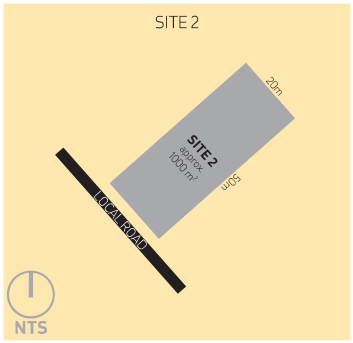
This exercise is based on typical residential grouped, terrace and apartment models and generally follows design provisions of the R-Codes Volume 2.

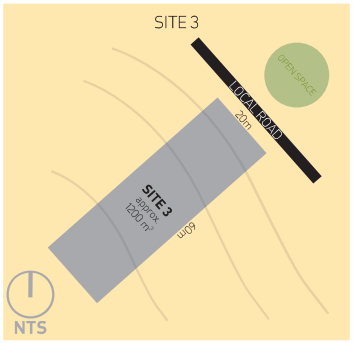
To be most effective the design testing suspends adherence to parts of the existing local planning framework (including R-coding densities in the area). For example:

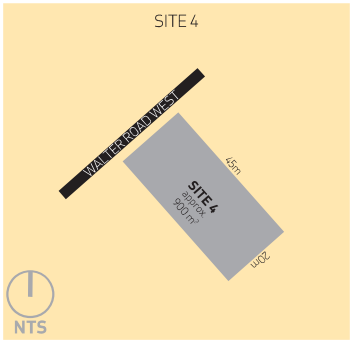
- Some of the grouped dwelling tests propose four dwellings on one lot. Under existing R-codings the type of development may not be possible without an amendments to the local planning framework to increase R-Codings.
- Some of the apartment tests may not be possible without an amendments to the local planning framework that increase R-Codings to allow multiple dwellings (apartments).
- Mixed use testing in the Town Centre area may not support some of the land uses and building forms proposed in this testing without updates to the local planning framework.

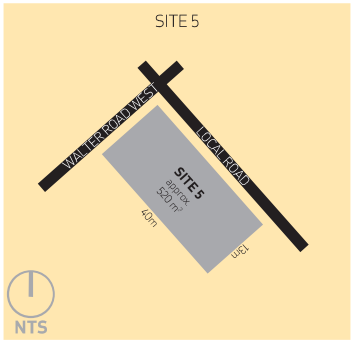
Part 9 of this study offers recommendations for the City to consider in future updates to its planning framework.

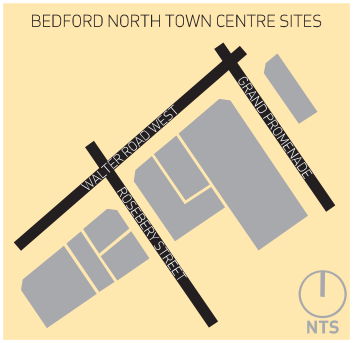


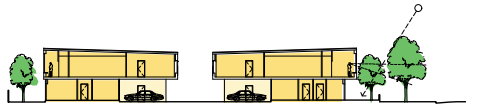










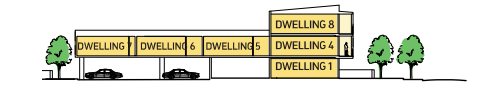


SECTION

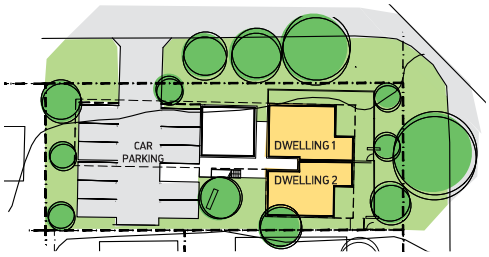


GROUND FLOOR PLAN

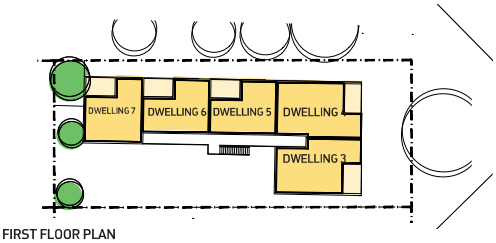
Grouped test



SECTION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Apartment test

7.1.2. SITE 1 - OFF CORRIDOR, CORNER LOT

NOTES FOR BOTH TESTS

- This site is off-corridor (on a local road), located on the corner of two streets.
- A key consideration of both tests has been to minimise overshadowing onto the neighbouring lot south.
- A generous landscaped setback is promoted on both street edges, to improve resident outlook, street interface and deep soil areas to improve tree canopy. Courtyards and balconies open out onto both streets at multiple levels.
- Access to the site is limited to one crossover, while still allowing for generous landscaped spaces on both sides to minimise impacts.
- The impact of car parking and garages towards the street is minimised through both tests. These functions are largely concealed, and where visible in the apartment configuration they are contained to the rear of the lot and could be screened.
- Rear setbacks consider neighbours to the south and west by limiting development to two storeys. The western edge provides space for trees to grow as a landscaped buffer.
- Assumes visitor parking can be accommodated on or close to the street in parallel bays.

ADDITIONAL NOTES FOR GROUPED TEST

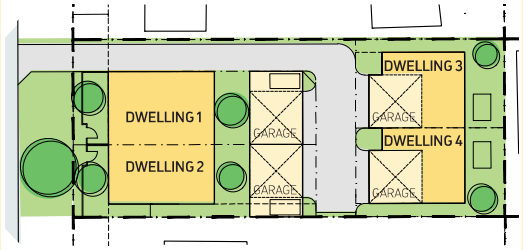
- The test demonstrates the ability for 'ancillary dwellings' to be accommodated on Dwelling 1 and Dwelling 2 on this plan, with separate entrances from the driveway.

ADDITIONAL NOTES FOR APARTMENT TEST

- The test demonstrates the possibility for the north-eastern corner of the lot to be elevated to a third storey. This can occur with minimal impact on neighbours.
- The test demonstrates that all apartments could meet current R-Codes solar access requirements.



SECTION

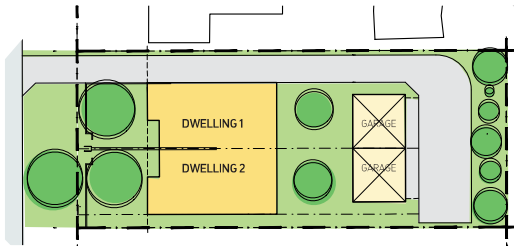


GROUND FLOOR PLAN

Grouped test



SECTION



GROUND FLOOR PLAN

Terrace test

7.1.3. SITE 2 – OFF CORRIDOR LOT

NOTES FOR BOTH TESTS

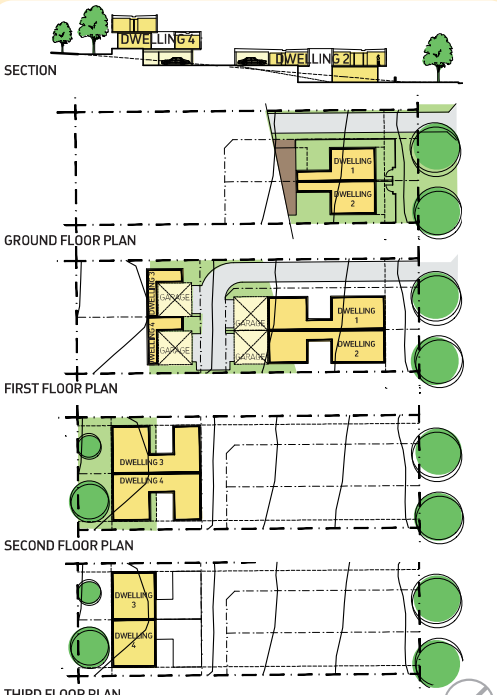
- This site is off-corridor (on a local road), and of typical dimensions.
- A key consideration for both tests has been to limit the visibility of driveways, and garages. This has been minimised in both tests through one narrow driveway to the middle or back of the lot. Garages are screened from the view of the street.
- A generous landscaped setback is provided on the street edge to improve resident outlook, street interface and deep soil areas to improve tree canopy. It maintains the suburban character noted in off-corridor areas. Courtyards and balconies open out onto both streets at multiple levels with the room that risk being dominated by driveways.
- Access to the site is limited to one crossover.
- Rear setbacks consider rear neighbours. The northern edge of the site provides space for trees to grow and act as a landscaped buffer.
- Assumes visitor parking can be accommodated on or close to the street in parallel bays.
- The tests demonstrate space for courtyards that is generous, allowing for tree planting and for light to penetrate into living areas.This is achieved within both scenarios as a result of lot depth.

ADDITIONAL NOTES FOR GROUPED TEST

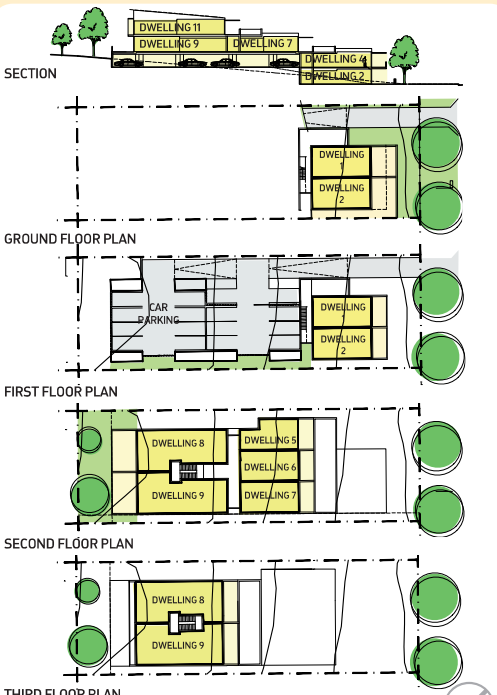
- Dwelling 3 is positioned so the front door can be visible from the street, improving legibility and creating an identifiable street address.
- This test shows upper floors overhanging the garage to minimise the negative impact of the garage, which typically dominates the front elevation.

ADDITIONAL NOTES FOR TERRACE TEST

- None



Grouped test



Apartment test

7.1.4. SITE 3 – OFF CORRIDOR, SLOPED LOT

NOTES FOR BOTH TESTS

- Sloped sites are more challenging to redevelop, though there are opportunities to encourage resident outlook onto natural amenities and views. In Bedford North some sloped sites may have potential views to the Perth CBD skyline.
- A key consideration for both tests has been to reduce the impact of building bulk towards the street, whilst allowing opportunities for height to follow the sloping ground level as it rises to the south-west of the lot. The building massing to the street front is 2 storeys, while the rear of the lot is at 3 storeys to capitalise on views.
- Rear setbacks consider rear neighbours. The south-western edge of the site provides space for trees to grow and act as a landscaped buffer.
- A key consideration for both tests has been to limit the visibility of driveways, garages. This has been minimised in both tests through one narrow driveway to the middle or back of the lot. Garages are screened from the view of the street.
- Access to the site is limited to one crossover.
- A generous landscaped setback is provided on the street edge to improve resident outlook, street interface and deep soil areas to improve tree canopy. It maintains the suburban character noted in off-corridor areas. Courtyards and balconies open out onto both streets at multiple levels with the room that risk being dominated by driveways.
- Visitor parking can be accommodated behind the building envelope to allow for planting in the front setback.
- These tests demonstrate that the impact of retaining walls can be limited on site by managing levels within buildings,

ADDITIONAL NOTES FOR GROUPED TEST

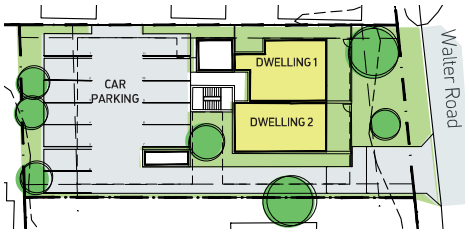
- This test shows upper floors overhanging the garage to minimise the negative impact of the garage, which typically dominates the front elevation.

ADDITIONAL NOTES FOR APARTMENT TEST

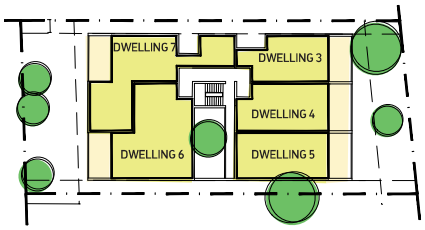
- This test demonstrates that basement car parking can be avoided, with moderate retaining.



SECTION



GROUND FLOOR PLAN



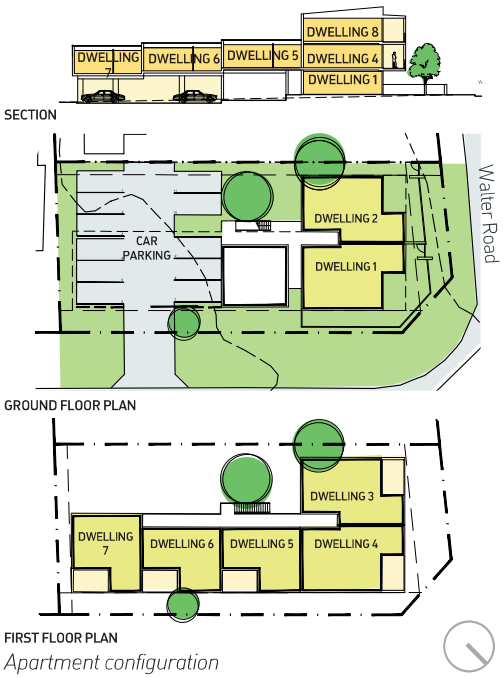
FIRST FLOOR PLAN

Apartment test

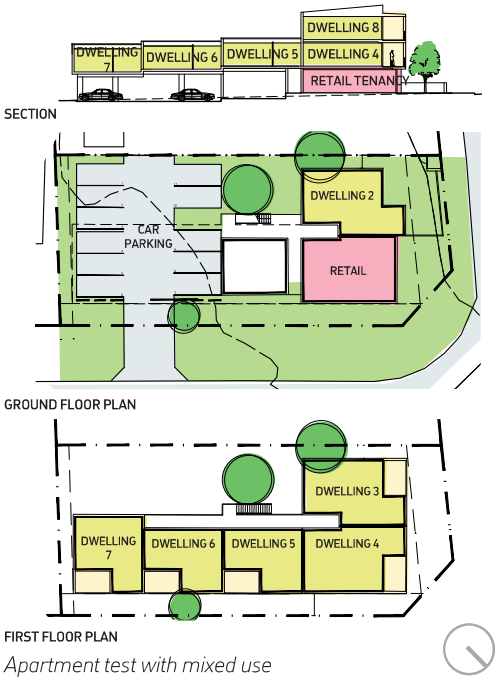
7.1.5. SITE 4 - ON CORRIDOR LOT

NOTES FOR APARTMENT TEST

- This site is on-corridor, located on Walter Road West. Amenity of residents across from this road is an important consideration for testing.
- A generous landscaped setback is an important component in improving resident outlook, street interface and deep soil areas. Dwellings are encouraged to orientate north along Walter Road West with a landscaped layer. The benefit this provides is that it creates a green edge to the street and creates a comfortable environment for pedestrians using the footpath. Courtyards and balconies open to both streets at multiple levels.
- A key consideration of this test has been to limit the visibility of driveways, garages through one narrow driveway to the back of the lot. Car parking is screened from the view of the street.
- A generous rear setback considers rear neighbours' amenity. The southern edge of the site provides space for trees to grow as a landscaped buffer. Heights are limited to 2 storeys on this edge to reduce privacy and natural light impacts.
- 3 storeys is encouraged towards the front of the site to provide a stronger urban edge and capitalise on the northern aspect.
- The building is configured around a central courtyard with a small green communal open space away from the road.
- This typology sets up an opportunity for corner lot development to amalgamate and 'plug into' the rear car parking space without the need for an individual driveway off Walter Road West (see this test in combination with Site 5 as a demonstration).



Apartment configuration



Apartment test with mixed use

7.1.6. SITE 5 - ON CORRIDOR, CORNER LOT

NOTES FOR BOTH TESTS

- This site is on-corridor, located on Walter Road West. Amenity of residents across from this road is an important consideration for testing.
- A generous landscaped setback is an important component in improving resident outlook, street interface and deep soil areas. Dwellings are encouraged to orientate north along Walter Road West with a landscaped layer. The benefit this provides is that it creates a green edge to the street and creates a comfortable environment for pedestrians using the footpath. Courtyards and balconies open to both streets at multiple levels.
- A key consideration for this test has been to limit the visibility of driveways, garages through one narrow driveway to the back of the lot. Garages are tucked out of sight of the street.
- A generous rear setbacks consider rear neighbours. The southern edge of the site provides space for trees to grow as a landscaped buffer. Heights are limited to 2 storeys on this edge to reduce privacy and natural light impacts.
- 3 storeys is encouraged towards the front of the site to provide a stronger urban edge and capitalise on the northern aspect.
- The building is configured around a central courtyard with a small green communal open space away from the road.

ADDITIONAL NOTES FOR MIXED USE TEST

- Parking for the retail space may require a variation to the City's parking requirements. This could be accommodated on the side street, off Walter Road West.

7.2 DEVELOPMENT YIELD PROJECTIONS

The Study utilises the outcomes from the design tests to produce a series of projections, dwelling yields and non-residential floor space yields. The projections assume that the yields produced can be achieved if modifications to the planning framework were made. This information is useful to the movement assessment conducted by Flyt (refer to Appendix 3).

Development yield projections are categorised into different zones. The zones are based on transport assessment requirements and the prevalent urban character.

- Zone 1 - Bedford Town Centre
- Zone 2 to 7 - General residential sites

Transport Report Considerations

The *Bedford North Corridor – Transport Impact Review* (Appendix 3) uses the development yield projections to understand potential impacts on the road network. More information on this can be found in Part 6 'Conclusions' of that appendix.

The report notes it is important to take a realistic and balanced approach when understanding development growth targets and traffic impacts in infill environments:

Many inner-city locations along strategic local transport corridors (such as Walter Road West), have existing traffic signal controlled intersections operating at a poor level of service during peak hours. This is the nature of urban inner-city locations with significant AM peak school and commuter vehicle trips, as well as PM peak commuter and utility/leisure/recreation vehicle trips. Overtime Perth's urban transport networks will develop to provide a wider range of opportunities for people to travel by non-car modes, whether that be by active transport or through improved public transport options. This change will occur in the congested areas of the city first and then inner-city locations, such as the Bedford North study area.

The City has an important role to play in the evolution of urban transport networks. The City can influence how corridors like Walter Road West function in the future, by ensuring a better balance is achieved between the interests of car users as opposed to providing an environment that encourages alternative modes of transport, such as walking, cycling and public transport.

In addition, the City has a role to play in making urban corridors, or parts of urban corridors more liveable and attractive as urban 'places' in their own right, through measures such as calming traffic and encouraging a mix land uses.

METHOD

Zone 1 calculations are direct floor space, apartment numbers and parking yields from the design testing exercise for affected lots. Only one design option was produced within this scope for Zone 1.

Zone 2 to 7 calculations involve scenarios that produce a range of development yield projections. The process includes these steps:

1. **Establish a Baseline**
   Conduct a manual count of the number of developments on each lot using a combination of aerial imagery and spatial analysis.

2. **Understand the Titles**
   Spatially map which lots are strata and green titled in the study area.

3. **Sample Lots Yield Potential**
   Design testing of sample lots within the study area to understand the potential yields for different development typologies. For grouped and terrace typologies this information is then cross-checked against the recommended R-Codings suggested in Table 13. The results are then extrapolated across the entire study area.

4. **Research Realistic Scenarios**
   Based on the aspirations discussed at community engagement sessions, research realistic development typology splits of nearby suburbs, using the ABS. Suburbs used were Leederville, North Perth and Mount Lawley.

5. **Test the scenarios**
   Run the researched development scenarios on the study area to understand its potential.
   Prioritise the development of lots which would increase in development yield.

6. **Understand Where the Development Occurs**
   Categorise the results into zones (see Table 9 and Table 10) to better understand where the majority of development is occurring.

Table 10: Yield Information for Zones 2 – 7 (Residential Sites)

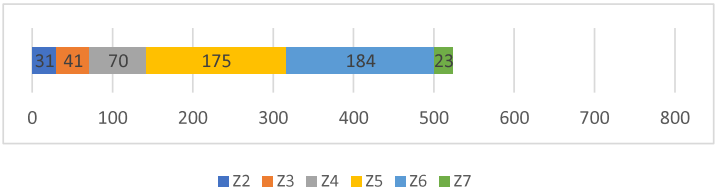
SCENARIO	CURRENT	LOW (BASED ON NORTH PERTH)	MEDIUM (BASED ON LEEDERVILLE)	HIGH (BASED ON MT LAWLEY)
Additional dwellings and/or lots	NA	27	171	241
Total dwellings and/or lots*	497	524	668	738
Apartment split	NA	5%	20%	25%
Single/grouped dwelling split	NA	70%	45%	55%
Terrace split	NA	25%	35%	20%
Green title development percentage	NA	50%	75%	75%
Strata Title development percentage	NA	0%	10%	20%
Zone 1 dwelling projections	0	Dwelling projections for Zone 1 are included in Table 9		
Zone 2 dwelling projections	29	2	8	12
Zone 3 dwelling projections	40	1	6	10
Zone 4 dwelling projections	68	2	19	27
Zone 5 dwelling projections	168	7	50	70
Zone 6 dwelling projections	172	12	74	103
Zone 7 dwelling projections	20	3	14	19

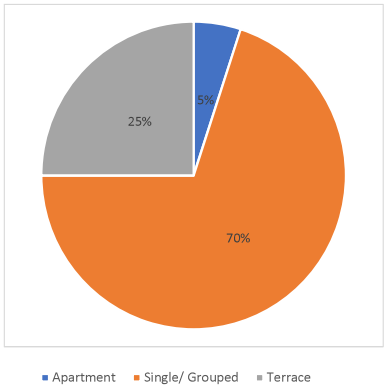
**Does not include Zone 1*

ZONES 2 -7 (LOW, BASED ON A NORTH PERTH DWELLING TYPE SCENARIO)

The low scenario assumes a split of 5% apartments, 70% single / grouped and 25% terrace development. 50% of green title lots and 0% of strata title lots are assumed to be developed.

Dwelling yield per zone is shown below, and the distribution of dwelling typologies to the right.

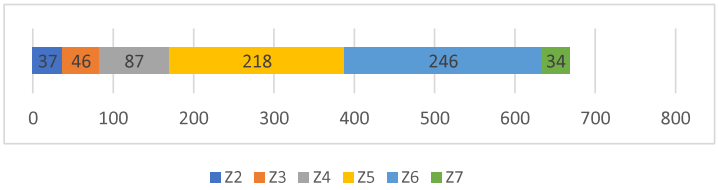


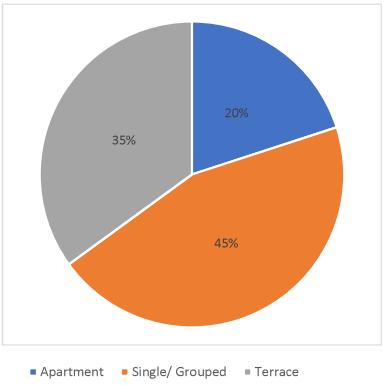


ZONES 2 -7 (MEDIUM, BASED ON A LEEDERVILLE DWELLING TYPE SCENARIO)

The medium scenario assumes a split of 20% apartments, 45% single / grouped and 35% terrace development. 75% of green title lots and 10% of strata title lots are assumed to be developed.

Dwelling yield per zone is shown below, and the distribution of dwelling typologies to the right.

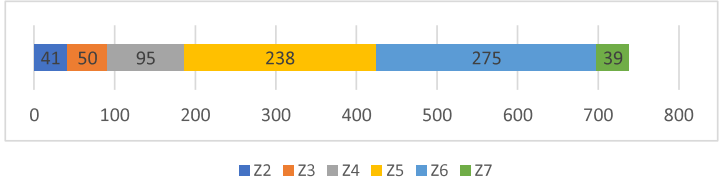


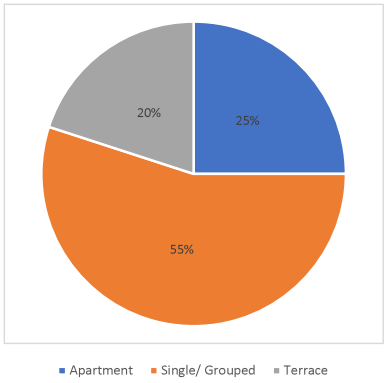


ZONES 2 -7 (HIGH, BASED ON A MOUNT LAWLEY DWELLING TYPE SCENARIO)

The high scenario assumes a split of 25% apartments, 55% single / grouped and 20% terrace development. 75% of green title lots and 20% of strata title lots are assumed to be developed.

Dwelling yield per zone is shown below, and the distribution of dwelling typologies to the right.





A note on testing assumptions for multiple-unit (apartment) developments

Across sites an assumption has been made in relation to minimum apartment sizes on each relevant test.

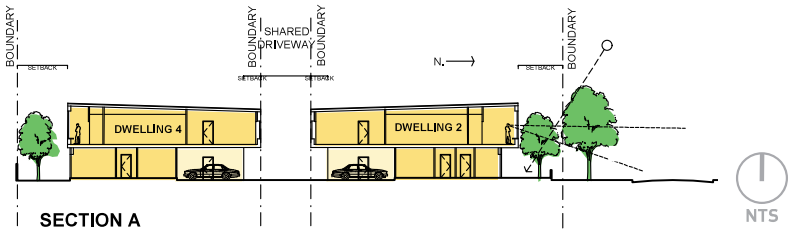
Apartment size assumptions
1 Bed = 50m² (minimum)
2 Bed = 72m² (minimum)
3 Bed = 90m² (minimum)

SITE 1
GROUPED DWELLING

- **YIELD:** 4 DWELLINGS
- **HEIGHT:** 2 FLOORS
- **PARKING:** DOUBLE GARAGE PER DWELLING, OFF STREET
- **NOTE:** PROPOSAL ALLOWS FOR TANDEM PARKING IN FRONT LOTS TO CREATE 3x FRONT TERRACES AT A MINIMUM WIDTH OF 5.5m AND A HEIGHT OF 3 LEVELS



GROUND FLOOR PLAN



SECTION A

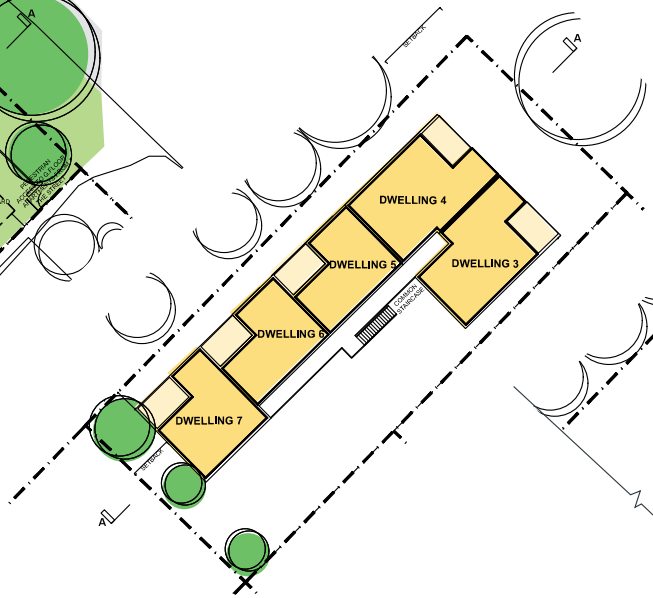
SITE 1
APARTMENTS

- **YIELD:** 9 DWELLINGS
- **HEIGHT:** 3 FLOORS
- **PARKING:**

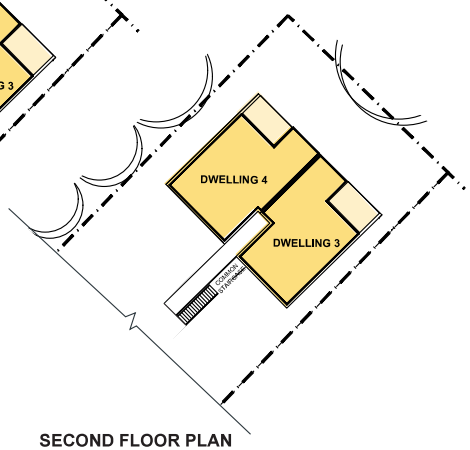
1 BEDROOM - 1 BAY
2 BEDROOM - 1.5 BAYS
VISITOR - ON STREET
TOTAL - 11 BAYS



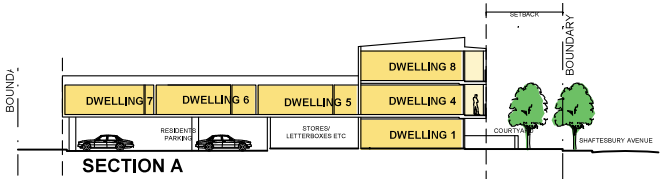
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



SECTION A

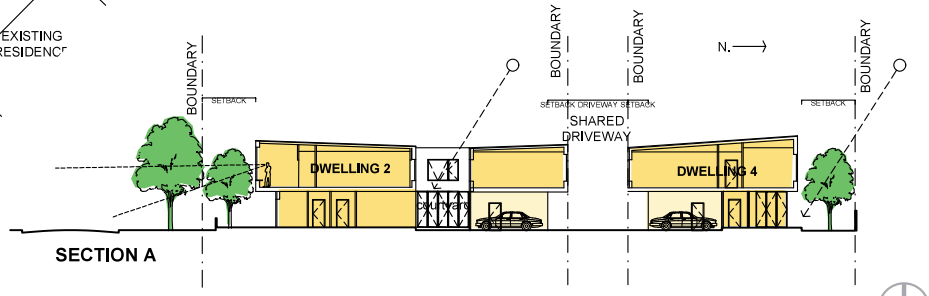
NTS

SITE 2
GROUPED DWELLING

- **YIELD:** 4 DWELLINGS
- **HEIGHT:** 2 FLOORS
- **PARKING:** DOUBLE GARAGE PER DWELLING, OFF STREET
- **NOTE:** PROPOSAL ALLOWS FOR TANDEM PARKING IN FRONT LOTS TO CREATE 3x FRONT TERRACES AT A MINIMUM WIDTH OF 5.5m



GROUND FLOOR PLAN



SECTION A

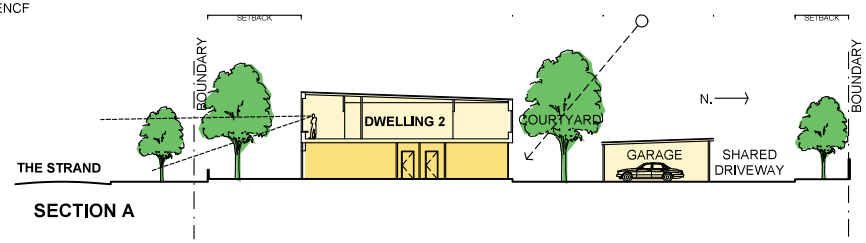
NTS

SITE 2
TERRACES

- **YIELD:** 2 DWELLINGS
- **HEIGHT:** 2 FLOORS
- **PARKING:** DOUBLE GARAGE PER DWELLING, OFF STREET
- **NOTE:** PROPOSAL ALLOWS FOR TANDEM PARKING IN FRONT LOTS TO CREATE 3x FRONT TERRACES AT A MINIMUM WIDTH OF 5.5m

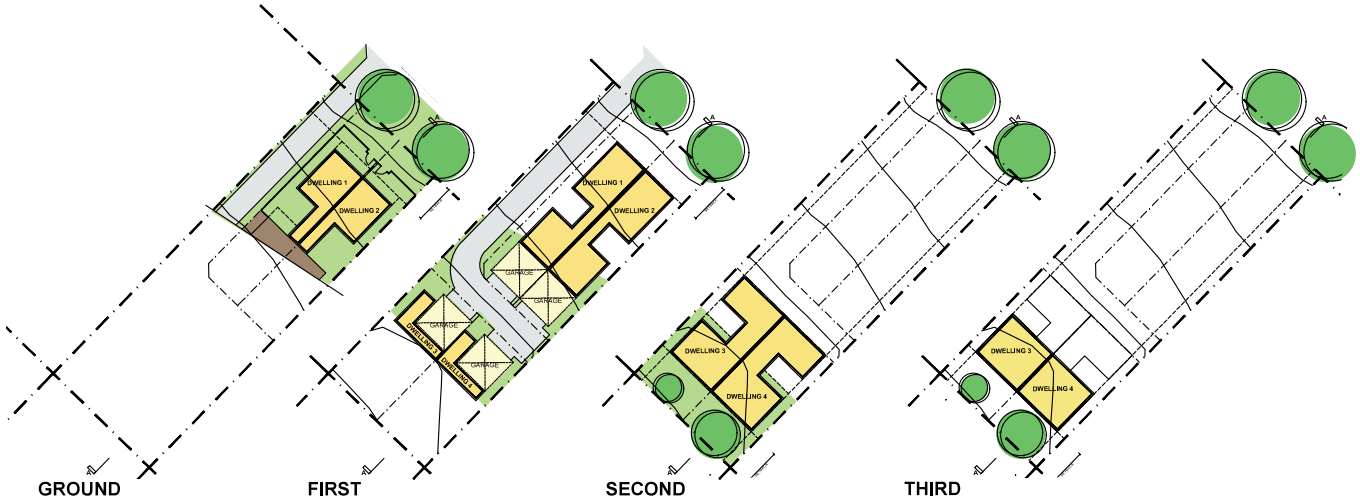


GROUND FLOOR PLAN



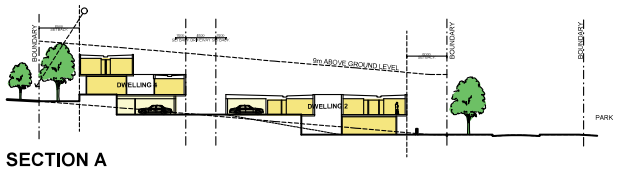
SECTION A

NTS



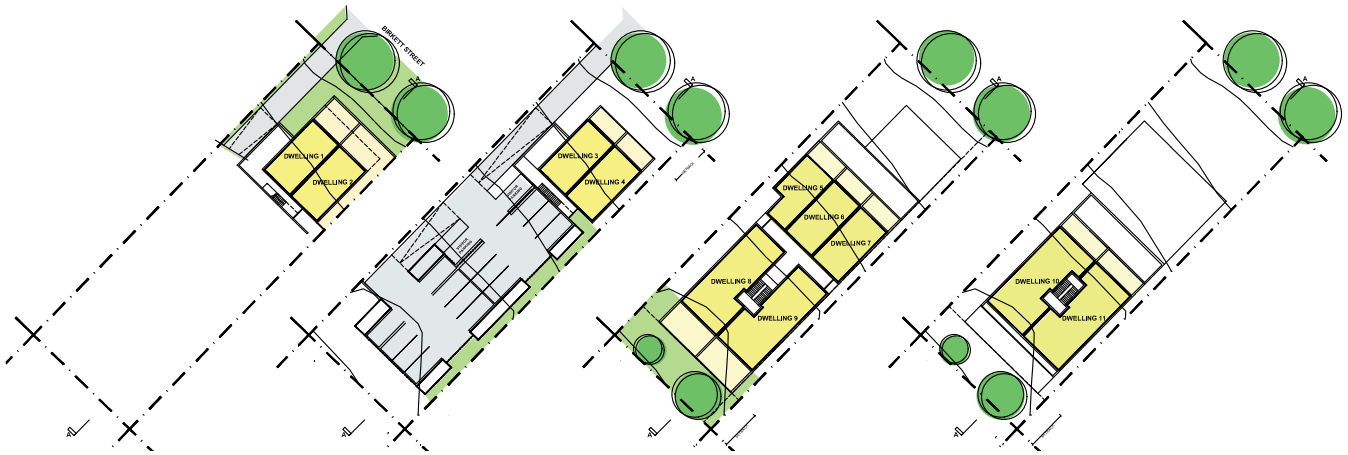
SITE 3
GROUPED DWELLING

- **YIELD:** 4 DWELLINGS
- **HEIGHT:** 3 FLOORS (STAGGERED UP HILL)
- **PARKING:** DOUBLE GARAGE PER DWELLING, OFF STREET



SECTION A

NTS



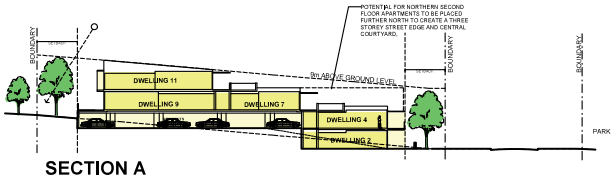
GROUND FLOOR PLAN | FIRST FLOOR PLAN | SECOND FLOOR PLAN | THIRD FLOOR PLAN

SITE 3
APARTMENTS

- **YIELD:** 11 DWELLINGS
- **HEIGHT:** 3 FLOORS (STAGGERED UP HILL)
- **PARKING:**

  1 BEDROOM APARTMENTS - 1 BAY
  2 BEDROOM APARTMENTS - 1.75 BAYS

  VISITOR - 2 BAYS
  TOTAL - 16 BAYS



SECTION A

NTS

SITE 4
APARTMENTS

- **YIELD:** 10 DWELLINGS
- **HEIGHT:** 3 FLOORS
- **PARKING:**

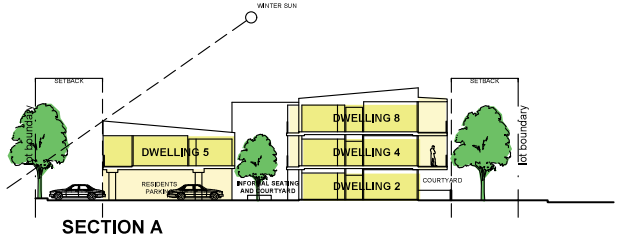
  1 BEDROOM APARTMENTS - 1 BAY
  2 BEDROOM APARTMENTS - 2 BAYS
  VISITOR - 1 BAY
  TOTAL - 12 BAYS



GROUND FLOOR PLAN



FIRST FLOOR PLAN

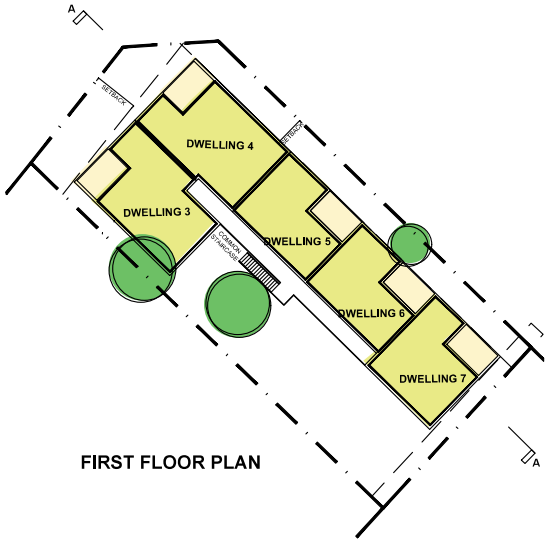


SECTION A

NTS



GROUND FLOOR PLAN

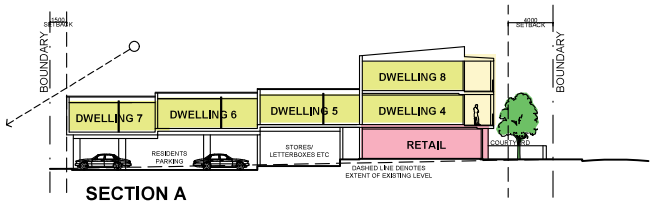


FIRST FLOOR PLAN

SITE 5
MIXED USE DEVELOPMENT

- **YIELD:** 9 DWELLINGS
- **HEIGHT:** 3 FLOORS
- **PARKING:**

  1 BEDROOM APARTMENTS - 1 BAY
  2 BEDROOM APARTMENTS - 2 BAYS
  VISITOR - ON STREET
  RETAIL - ON STREET
  TOTAL - 11 BAYS

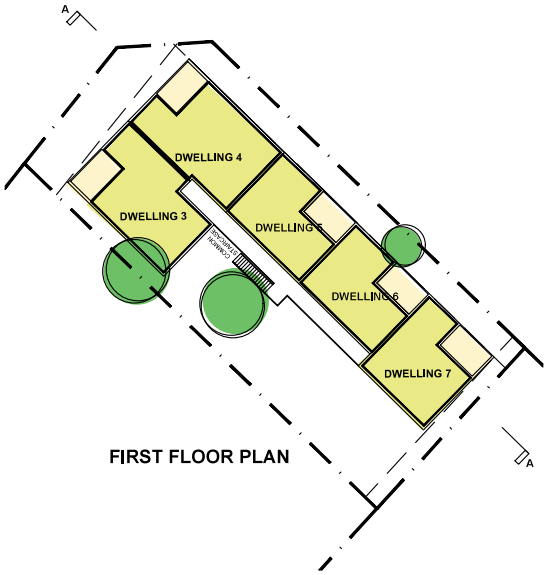


SECTION A

NTS



GROUND FLOOR PLAN

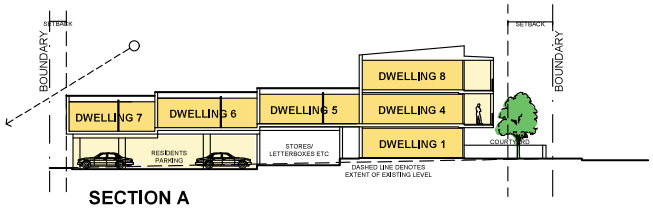


FIRST FLOOR PLAN

SITE 5
APARTMENTS

- **YIELD:** 9 DWELLINGS
- **HEIGHT:** 3 FLOORS
- **PARKING:**

  1 BEDROOM APARTMENTS - 1 BAY
  2 BEDROOM APARTMENTS - 2 BAYS
  VISITOR - ON STREET
  TOTAL - 11 BAYS



SECTION A

NTS

10.6.2.4 Proposed Local Planning Policy - Significant Tree Register For Private Land Policy And Associated Guidelines

Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Significant Tree Register for Private Land Policy [**10.6.2.4.1** - 1 page] 2. Significant Tree Register for Private Land Guidelines [**10.6.2.4.2** - 7 pages] 3. Summary of Submissions [**10.6.2.4.3** - 8 pages]
Refer:	Item 10.6.2.1: OCM 22.02.2022

SUMMARY

Council consideration is sought in relation to the final approval of the proposed Significant Tree Register for Private Land Policy and associated Guidelines.

Council at its Ordinary Meeting held 22 February 2022 adopted for public advertising the proposed Significant Tree Register for Private Land Policy and associated Guidelines, with modifications. The policy intended to provide guidance and outline requirements in relation to the inclusion or removal of a tree from the City of Bayswater Significant Tree Register on private land and/or the Register.

The proposed policy was advertised for a period of 31 days. 24 submissions were received during the consultation period, comprising 13 in support, six which did not support or object, and five objecting to the policy and guidelines. Having regard to the comments provided no modifications are proposed to the advertised policy.

OFFICER'S RECOMMENDATION

That Council adopts the proposed Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachment 1 and Attachment 2 to this report.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council adopts the proposed Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachment 1 and Attachment 2 to this report, subject to:

1. **The Significant Tree Register for Private Land Policy being modified as follows:**
   - **(a) The following new point 3 be added to 'Objectives':**

     "To assist with meeting the City's tree canopy target."
   - **(b) A new section "Related Documents" be added with "Urban Forest Strategy" be included as a related document.**
2. **The Significant Tree Register for Private Land Associated Guidelines being modified as follows:**
   - **(a) The first paragraph under 'Introduction' be amended to state: "These guidelines provide guidance for people wanting to include or remove a tree from the City of Bayswater Significant Tree Register on private land in accordance with the Significant Trees Register for Private Land Policy."**
   - **(b) The first sentence in Point 3 under 'Applicants' be amended by replacing "public land" with "private land".**

(c) Point 1 under 'Optional Category 1 – Growth/Size Significance' be amended to state:

"1. A tree(s) that is outstanding for its height or trunk circumference - 500mm diameter at breast height and/or over 7m high."

(d) Point 1 in Stage 2 under 'Tree Nomination Assessment and Decision Making Process' be amended by removing "provided by the nominee".

(e) Point 2 under 'Incentives' be amended to state:

"2. Landowner(s) will be able to obtain a waiver of development application fees for development on the property."

(f) Point 3 under 'Implications and Responsibilities for Landowners' be amended to state:

"3. Landowners who have significant trees on their property are required to arrange for a qualified arborist to inspect the tree once every 2 years, or as required in accordance with an arborist's report. Landowners are required to pay for any remedial maintenance as advised by the arborist."

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Josh Eveson Seconded

AMENDMENT

That point 3 be added to the motion as follows:

3. Council requesting the Chief Executive Officer to undertake an assessment of the effectiveness of the policy in 12 months time in relation to the policy's intent.

Cr Dan Bull Moved, Cr Elli Petersen-Pik Seconded

LOST: 4/6

For: ***Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.***

AMENDMENT

That point 3 be added to the motion as follows:

3. Council requests for the Chief Executive Officer to undertake an assessment of the effectiveness of the policy in 24 months time in relation to the policy's intent.

Cr Filomena Piffaretti, Mayor Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 9/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Michelle Sutherland.***

COUNCIL RESOLUTION

That Council adopts the proposed Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachment 1 and Attachment 2 to this report, subject to:

1. The Significant Tree Register for Private Land Policy being modified as follows:

(a) The following new point 3 be added to 'Objectives':

"To assist with meeting the City's tree canopy target."

(b) A new section "Related Documents" be added with "Urban Forest Strategy" be included as a related document.

2. The Significant Tree Register for Private Land Associated Guidelines being modified as follows:

(a) The first paragraph under 'Introduction' be amended to state:

"These guidelines provide guidance for people wanting to include or remove a tree from the City of Bayswater Significant Tree Register on private land in accordance with the Significant Trees Register for Private Land Policy."

(b) The first sentence in Point 3 under 'Applicants' be amended by replacing "public land" with "private land".

(c) Point 1 under 'Optional Category 1 – Growth/Size Significance' be amended to state:

"1. A tree(s) that is outstanding for its height or trunk circumference - 500mm diameter at breast height and/or over 7m high."

(d) Point 1 in Stage 2 under 'Tree Nomination Assessment and Decision Making Process' be amended by removing "provided by the nominee".

(e) Point 2 under 'Incentives' be amended to state:

"2. Landowner(s) will be able to obtain a waiver of development application fees for development on the property."

(f) Point 3 under 'Implications and Responsibilities for Landowners' be amended to state:

"3. Landowners who have significant trees on their property are required to arrange for a qualified arborist to inspect the tree once every 2 years, or as required in accordance with an arborist's report. Landowners are required to pay for any remedial maintenance as advised by the arborist."

3. Council requests for the Chief Executive Officer to undertake an assessment of the effectiveness of the policy in 24 months time in relation to the policy's intent.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Josh Eveson Seconded

CARRIED: 8/2

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Michelle Sutherland and Cr Elli Petersen-Pik.***

REASON FOR CHANGE

Council added the new clause 3 to gauge the effectiveness of this policy in achieving its intent, and considered 24 months to be an appropriate period for the policy to be applied and have a better understanding of the policy effectiveness.

BACKGROUND

Council at its Ordinary Meeting held 3 September 2019 resolved to initiate Scheme Amendment No. 86 to Town Planning Scheme No. 24 (TPS 24), to require development approval for works affecting a significant tree.

The scheme amendment was subsequently advertised for public comment and 28 submissions were received. The submissions primarily related to the need for guidelines to provide further information on the implementation of the scheme amendment. The amendment is currently deferred awaiting the outcome of the policy and associated guidelines.

Council at its Ordinary Meeting held 25 May 2021 considered adopting for public advertising the draft Significant Tree Register for Private Land Policy and the associated Significant Tree Register for Private Land Guidelines. The resolution required the policy and guidelines to be modified to provide incentives for registering significant trees on private land.

Council at its Ordinary Meeting held on 23 November 2021 considered adopting for public advertising the draft Significant Tree Register for Private Land Policy and the associated Significant Tree Register for Private Land Guidelines. The policy and guidelines were updated to incorporate a range of incentives in accordance with the May resolution. The resolution deferred the policy and guidelines to the first meeting of the Planning and Heritage Policy Review and Development Committee in 2022.

Council at its Ordinary Council Meeting held 22 February 2022 considered the proposed significant tree for private register policy and associated guidelines. Council resolved as follows:

"That Council adopts for public advertising the proposed Significant Tree Register Policy and associated Significant Tree Register Guidelines as contained in Attachments 1 and 2 to this report, subject to the following modifications being made to the Significant Tree Register Guidelines:

1. *The 'Significant Tree Assessment' section be amended as follows:*

   (a) *Clause 1 be amended to read as follows-*

   "All Significant Tree assessments undertaken by the City will not commence until the City has obtained consent from the landowner(s), and the affected or any likely to be affected neighbouring landowner(s) if required, to the tree being assessed for inclusion on the Significant Tree Register."

   (b) *Clause 2 be amended to read as follows-*

   "The City will engage a suitably qualified arborist to prepare the Significant Tree Assessment. Costs associated with the Significant Tree Assessment are to be borne by the City.

   Alternatively the applicant can provide the City a copy of a Significant Tree Assessment undertaken by a suitably qualified arborist and be reimbursed for the cost, up to a maximum of $1,000."

2. *The 'Optional Category 1 Growth/Size Significance' section be amended to delete reference to 'canopy spread'.*

3. *The 'Tree Nomination Assessment and Decision Making Process Stage 1' section be amended as follows:*

   (a) *Clause 1 be amended to read as follows-*

   "The application will be checked to ensure that all the information has been provided including the landowner's consent, and the affected neighbouring landowner's consent as required."

   (b) *Clause 2 be amended to read as follows-*

   "The City will undertake a Significant Tree Assessment using a qualified arborist, or the applicant may provide a copy Significant Tree Assessment undertaken by a qualified arborist."

4. *Clause 3 of the 'What requires the City's Written Approval' section be amended to read as follows:*

"Landowner(s) or neighbouring landowner(s) are advised to discuss with City officers what information is to be submitted with an application for written approval. Applications are to be accompanied by an assessment of the tree undertaken by a qualified arborist, with all associated costs being borne by the landowner(s) or relevant neighbouring landowner(s)."

5. *The 'What does not require the City's Written Approval' section be amended as follows:*

   (a) *The preamble of the section be amended to read as follows-*

   "Pruning of a significant tree is permitted to be undertaken by a qualified arborist (with all associated costs being borne by the landowner), without the need for written approval from the City, in the following circumstances:"

   (b) *Deletion of clause '2. The severing of any branches, limbs, stems or roots of a tree that are less than 50mm in diameter'.*

   (c) *Inclusion of the following note-*

   "It is noted that the severing of any branches, limbs, stems or roots of a tree that are less than 50mm in diameter do not require written approval or for the works to be undertaken by a qualified arborist."

6. *The 'Emergency Works' section be amended to delete clause '2. These works must be undertaken by a qualified arborist to the satisfaction of the City'.*

7. *The preamble of the 'Tree Maintenance Grants' section be amended to read as follows:*

   "Landowner(s) and /or affected neighbouring landowner(s) with a tree(s) registered on the significant tree register may be eligible to apply for a tree maintenance grant subject to the following."

8. *The 'Implications and Responsibilities for Landowners' section be amended to include the following:*

   "All future landowner(s) will be made aware of any significant tree which impacts their property. The City will advise future landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry."

9. *The Implications and Responsibilities for Neighbouring Properties section be amended to include the following:*

   "All future affected neighbouring landowner(s), which have or are likely to have branches, canopy or roots of a significant tree(s) encroaching into their property, will be made aware of any significant tree which impacts their property. The City will advise future affected neighbouring landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry."

10. *The 'Removal from Register' section be amended as follows:*

    (a) *Clause 4 be amended to read as follows:*

    "The tree is causing significant damage to infrastructure and/or the property, and suitable documented evidence is provided by a qualified arborist, at the expense of the applicant."

    (b) *The last paragraph be amended to read as follows-*

    "To remove a tree from the Significant Tree Register, landowners are required to provide an assessment from a qualified arborist detailing evidence and reasons why the tree should be removed from the Register. All associated costs are to be borne by the landowner.""

EXTERNAL CONSULTATION

The proposed guidelines were amended to incorporate the modifications contained in the above 22 February 2022 Council resolution. The City advertised the proposed policy and modified

guidelines in accordance with Council's resolution for a period of 31 days from 1 April 2022 to 2 May 2022, by way of:

- Notification in the Perth Now newspaper on 7 April 2022;
- Information being placed on the City's engagement website, Engage Bayswater; and
- Hard copies of the amendment documentation made available for inspection at the City's Civic Centre and libraries.

24 detailed submissions were received during the consultation period. 13 supported the policy and guidelines, six did not support or object as they provided general comments, and five objected to the policy and guidelines. Refer to **Attachment 3** for the summary of submissions.

OFFICER'S COMMENTS

Submissions Matters

Submissions Supporting

The key comments from submissions which supported the proposed policy and guidelines related to the policy being a step in the right direction for the City. These submissions also raised suggestions that the City offer incentives to retain trees and incorporation of provisions which allow for a tree to be removed from the register.

It is noted that there are incentives outlined in the guidelines which relate to a reduction in fees for development applications and variations to the development provisions relating to open space, plot ratio and building height. Additionally, there are also provisions within the guidelines which allow for a tree to be removed from the register if the tree had died, the tree is diseased, there are safety issues, or the tree is causing damage to infrastructure or property.

Submissions Objecting

The key comments outlined within the objections received related to previous State Government projects resulting in removal of trees from development areas, and a concern that it is not appropriate for neighbours or the City to restrict what can occur on a property, especially if it relates to trees.

In response it is noted that the proposed policy and guidelines would require an adjoining landowner to agree to the nomination as it may limit the development potential of their property as well as the property the tree is on in the future. Given this impact it is considered appropriate for the adjoining neighbours consent to be required. Additionally, it is noted that the City has recently updated its 'Trees on Private Property and Street Verges' policy which includes provisions to try limit the loss of trees through State Government projects.

General Comments

Concerns were raised in the submissions which did not directly support or object to the policy and guidelines. The concerns predominately related to whether or not the policy and guidelines would be effective in increasing the tree canopy within the City.

The purpose of this policy and guidelines is to reduce the number of significant trees being removed and to protect trees on properties if the landowner and affected neighbours agree to them being nominated as trees of significance. Additionally, suggestions were made in relation to changes to the proposed policy provisions. However, these related to State Government provisions in the Eastern States which are not considered applicable to the planning framework that the proposed policy falls within.

Officer Conclusion

The proposed local planning policy is considered simple in composition but necessary to give an appropriate statutory head of power to process and assess applications for significant trees. The proposed policy provides strategic direction, with procedural guidance and more detailed level of information included in the guidelines.

The proposed Significant Tree Register for Private Land Guidelines provide specific guidance in regard to:

- Including or removing a tree from the Significant Tree Register for Private Land.
- Information required to be provided.
- Criteria which an application will be assessed against.
- The process for assessing an application.
- What will and will not require written approval from the City.
- Implications for landowners and neighbouring properties.
- Incentives for landowners.

There is no budget allocated to significant tree incentives under the current 2022/23 budget. Funds had not been allocated under the current budget as the policy has not been adopted and therefore did not form part of the budget consideration. Consideration will be given to allocating funds as a part of the 2023/24 budget. Given the incentives are only available for significant trees on the register and the scheme amendment is required to be finalised prior to the register being established, the City does not expect many landowners will take up nominating trees on their property within 2022/23. However, it is noted that as a part of the 2022/23 budget Council allocated $20,000 for further detailed investigations and a report on other methods used around Australia to create incentives for tree retention on private property and their applicability in the City.

The Significant Tree Register for Private Land Guidelines have been prepared to address each of the key concerns raised during the consultation period for Scheme Amendment No. 86, particularly around issues relating to the nomination, assessment and approval process, as well as management, maintenance and the impact of significant trees on development sites and adjoining properties. The guidelines clarify that any person can nominate trees on private land, however the landowners' consent is required for inclusion in the register. They also clarify when written approval is required from the City of Bayswater in relation to the on-going maintenance of significant trees.

Having regard to the above and the submissions received during the community consultation process, no modifications are proposed to the advertised policy and guidelines.

LEGISLATIVE COMPLIANCE

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

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council adopts the proposed Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachment 1 and Attachment 2 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low

Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that this option has moderate community and stakeholder and risks given the potential impact on neighbouring properties and their future development potential.	

Option 2	**That Council adopts the proposed Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachment 1 and Attachment 2 to this report, with the following modification(s):** **(a)** _____ **(b)** _____ **(c)** _____	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Dependent on the modification(s) determined by Council.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	It is considered that the risks of this option are dependent on the modification(s) determined by Council.	

Option 3	**That Council does not adopt the proposed Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachment 1 and Attachment 2 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Moderate
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that this option has moderate reputation and community and stakeholder risks as community members generally expect the City to provide appropriate guidance for the fair, consistent and accountable processing and assessing of significant trees. There is also moderate risk to environmental responsibility as there will be no framework for registering trees on private land, which may be lost as a result of development.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Publishing of public notice for the adoption of the Significant Tree Register for Private Land Policy and associated Guidelines.

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil

Item 2: Arborist report to prepare Significant Tree Assessment

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: The cost for an arborist report is per tree.

Item 3: Grant Funding for Tree Maintenance.

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Grant funding is a maximum of $2,000 per property, once every five years.

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$400	-	-	-	-	-	$14,800
2	$1,000 per tree	-	-	-	-	-	$0
3	$2,000 per property	-	-	-	-	-	$0

STRATEGIC IMPLICATIONS

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

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.

It is considered that the proposed Policy and Guidelines will assist to protect and conserve significant trees within the City of Bayswater and encourage the community to participate in the process.

CONCLUSION

In light of the above, it is recommended that Council adopts the proposed Significant Tree Register for Private Land Policy and associated Guidelines for final approval.

City of
Bayswater

Significant Tree Register for Private Land Policy

Purpose

The purpose of this policy is to outline information, requirements and guidance in relation to:

- Including or removing a tree from the City of Bayswater Significant Tree Register on private land; and
- Removing, destructing, interfering and/or maintaining a tree on the City of Bayswater Significant Tree Register for Private Land.

Objectives

The objectives of this policy are:

1. To identify and recognise the importance of significant trees in the City of Bayswater to ensure an increased level of protection and care.
2. To ensure that the processing and assessment of significant trees is fair, accountable, consistent and comparable.

Introduction

The City of Bayswater has a number of trees that hold special aesthetic, social and cultural value to the community. Inclusion of these trees on the City of Bayswater Significant Tree Register acknowledges their value and can also provide them with a level of statutory protection to better ensure their ongoing conservation and care.

Scope

This policy applies to existing or potential trees on private land that could be included on the City of Bayswater Significant Tree Register.

Requirements

1. Applications to include or remove a tree from the City of Bayswater Significant Tree Register are to be made in accordance with the City's Significant Tree Register Guidelines for Private Land.
2. The proposed removal, destruction, interference and/or maintenance of a Significant Tree is to be undertaken in accordance with the City's Significant Tree Register Guidelines for Private Land.

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	

City of Bayswater

Significant Tree Register for Private Land Guidelines

61 Broun Avenue, Morley WA 6062 | P: 9272 0622 | F: 9272 0665 | mail@bayswater.wa.gov.au | www.bayswater.wa.gov.au

Introduction

These guidelines provide guidance for people wanting to include or remove a tree from the City of Bayswater Significant Tree Register on private land or in the public domain.

In addition, these guidelines provide information about the removal, destruction, interference and/or maintenance of a tree, which is registered on the City of Bayswater Significant Tree Register.

Applicants

1. The significant tree register application form is required to be filled out and signed.
2. Any person can apply for a Significant Tree(s) on private land for inclusion on the Significant Tree Register, subject to the following:
   (a) All landowner(s) are required to consent to the application;
   (b) Any applicable strata body or similar is required to consent to the application; and
   (c) Any affected neighbouring landowner(s) which have branches, canopy or roots of a significant tree(s) encroaching into their property, are required to provide consent to the application.
3. Any person can apply for a Significant Tree(s) on public land for inclusion on the Significant Tree Register Landowners are advised to familiarise themselves with the implications of having a tree on their property registered on the Significant Tree Register before applying for or consenting to a tree for inclusion on the register.
4. Any person who nominates a tree and landowner(s) who consent will bear no cost for an application to the City to consider registering the tree.

Significant Tree Assessment

1. All Significant Tree assessments undertaken by the City will not commence until the City has obtained consent from the landowner(s), and the affected or any likely to be affected neighbouring landowner(s) if required, to the tree being assessed for inclusion on the Significant Tree Register.
2. The City will engage a suitably qualified arborist to prepare the Significant Tree Assessment. Costs associated with the Significant Tree Assessment are to be borne by the City.

   Alternatively the applicant can provide the City a copy of a Significant Tree Assessment undertaken by a suitably qualified arborist and be reimbursed for the cost, up to a maximum of $1,000.
3. The Significant Tree Assessment is to provide justification that the tree satisfies the Significant Tree Assessment Criteria.

Significant Tree Assessment Criteria

To be considered worthy of inclusion on the Significant Tree Register, trees must:

- Satisfy all the requirements and criteria from the General Category, to the satisfaction of the City; and
- Satisfy at least one criterion from at least two different optional categories (Categories 1 to 5), to the satisfaction of the City.

City of Bayswater

General Category

The Significant Tree Assessment is to include:

1. Address of the site containing the tree(s).
2. Botanical name of the tree(s).
3. Measurements of the tree(s), including: height, diameter at breast height (1.4m) and width of canopy.
4. A Tree Risk Assessment using either the Quantified Tree Risk Assessment (QTRA) or Tree Risk Assessment Qualification (TRAQ) system, including distance to targets identified in the risk assessment such as buildings, sheds, etc. on both the subject site and neighbouring properties.
5. Age classification of the tree(s).
6. Observations of the tree(s) health and condition.
7. Supporting photographs of the tree(s).
8. An aerial photograph showing the location of the tree(s).

Optional Category 1 – Growth/Size Significance

1. A tree(s) that is outstanding for its height or trunk circumference - 500mm diameter at breast height and over 7m high.

Optional Category 2 – Outstanding Visual/Aesthetic Significance

1. A tree(s) that occurs in a prominent location or context;
2. A tree(s) that contributes significantly to the landscape in which it grows in comparison to other trees within a 100m radius - including streetscapes, parks, gardens or natural landscapes;
3. A tree(s) that exhibits an unusual growth form or physical feature; and/or
4. A tree(s) that is of a significant age - 100 years or older.

Optional Category 3 – Botanic/Scientific Significance

1. A tree(s) that is of an important genetic value that could provide important and valuable propagating stock. This could include specimens that are particularly resistant to disease or climatic extremes or have a particular growth form; and/or
2. A tree(s) that demonstrates a likelihood for producing information that will help the wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality or benchmark site.

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Optional Category 4 – Significant Ecological Value
1. A priority, rare, threatened or locally uncommon species or ecological community;
2. An indigenous/endemic remnant tree(s) that predates the urban development in its immediate proximity;
3. A tree(s) that makes a significant contribution to the integrity of an ecological community, including its role as a seed source or specialised habitat;
4. A remnant endemic specimen(s) now reduced in range or abundance, which indicates the former extent of the species, particularly range limits;
5. A tree(s) that is part of a significant habitat element for rare, threatened, priority or locally uncommon or common native species; and/or
6. A tree(s) proximity to recognised ecological linkages or biodiversity corridors.

Optional Category 5 – Historical, Commemorative, Cultural or Social Significance
1. A tree(s) that is associated with public significance or important historical event for the City; and/or
2. A tree(s) that is highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or other social associations, including trees associated with Aboriginal heritage and culture.

Tree Nomination Assessment and Decision Making Process

Stage 1
1. The application will be checked to ensure that all the information has been provided including the landowner's consent, and the affected neighbouring landowner's consent as required.
2. The City will undertake a Significant Tree Assessment using a qualified arborist, or the applicant may provide a copy Significant Tree Assessment undertaken by a qualified arborist.
3. Further advice may be drawn upon from internal or external personnel as the need arises to ensure a thorough assessment is undertaken.
Stage 2
1. The panel will make a determination on a tree's worthiness for inclusion on the Significant Tree Register based on the assessment criteria and qualified arborist assessment provided by the nominee.
2. The nominee, landowner(s) and any affected neighbouring landowner(s) will be informed of the decision in writing.
3. If the nominee is dissatisfied by the decision, they can request for it to be referred to Council to make a decision.

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Stage 3
1. Trees approved will be formally listed on the Significant Tree Register, which will include details about the tree, a photograph and a statement detailing its significance. The location of the other information will be included on the City's Geographic Information System.

What requires the City's Written Approval

1. Formal written approval from the City of Bayswater is required prior to the removal, destruction and/or interference with any tree included on the City's Significant Tree Register, this includes:
   (a) The severing of branches, limbs, stems, trunk or roots of a tree that are greater than 50mm in diameter;
   (b) Any excavation resulting in removal of roots greater than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ);
   (c) Any excavation within the trees Structural Root Zone (SRZ) that requires the removal of any root;
   (d) Pruning for aesthetic appearance; and/or
   (e) Any other act that has the potential to cause damage to a tree, as determined by the City.
2. If a landowner(s) or neighbouring landowner(s) is in any doubt about what requires written approval, they are advised to liaise with the City prior to undertaking any pruning or other works.
3. Landowner(s) or neighbouring landowner(s) are advised to discuss with City officers what information is to be submitted with an application for written approval. Applications are to be accompanied by an assessment of the tree undertaken by a qualified arborist, with all associated costs being borne by the landowner(s) or relevant neighbouring landowner(s).
4. Approved works must be undertaken by a qualified arborist, to the satisfaction of the City.

What does not require the City's Written Approval

Pruning

Pruning of a significant tree is permitted to be undertaken by a qualified arborist (with all associated costs being borne by the landowner), without the need for written approval from the City, in the following circumstances:

1. The removal of dead wood or the treatment of disease where it is in the general interests of improving or maintaining the health of the tree;
2. Any excavation resulting in removal of roots less than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ); and/or
3. Works required to maintain the legislated clearance requirements for utility services providers, such as Western Power or the Water Corporation.

It is noted that the severing of any branches, limbs, stems or roots of a tree that are less than 50mm in diameter do not require written approval or for the works to be undertaken by a qualified arborist.

City of Bayswater

Emergency Works

1. Works urgently necessary for the safety of people and property, public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment is exempt from the requirement to obtain written approval from the City.
2. Landowner(s) or neighbouring landowner(s) are required to notify the City in writing within five working days following the emergency work having been undertaken. Notification must include a report by the qualified arborist who carried out the work.

Incentives

The following incentives are applicable where a significant tree exists on private land:

1. Landowner(s) will bear no cost for formal written planning advice and approval which relates to the significant tree(s).
2. Landowner(s) will be able to obtain reduced development application fees for development on the property.
3. Landowner(s) can apply for a variation to the open space provisions applicable to development on the site, as follows:
   (a) Where one significant tree exists on the property a variation of 5% can be considered;
   (b) Where two or more significant tree exists on the property a variation of 10% can be considered.
4. Landowner(s) can apply for a variation to the plot ratio provisions applicable to development on the site, as follows:
   (a) Where one significant tree exists on the property a variation of 5% can be considered;
   (b) Where two or more significant tree exists on the property a variation of 10% can be considered.
5. Landowner(s) can apply for a variation to building height of up to 3m.

Landowner(s) will be made aware of the incentives for retaining trees on private land at the subdivision application stage. The City will recommend an advice note be place on the subdivision determination where trees over 7m in height are located on the property.

Tree Maintenance Grants

Landowner(s) and /or affected neighbouring landowner(s) with a tree(s) registered on the significant tree register may be eligible to apply for a tree maintenance grant subject to the following.

1. Funding up to $2,000 per property but not exceeding 50% of the total cost of the approved maintenance is available from the City, and is exclusive of any applicable GST.
2. Each property is entitled to one grant per five year period.
3. The application is for one or more of the following works:
   - Remedial pruning;
   - Crown thinning;
   - Pest control or the like;
   - To seek the advice of a qualified arborist; or
   - For other works specified by a qualified arborist.

City of Bayswater

4. Payment will be in the form of reimbursement to the previously agreed amount upon presentation of proof of payment and certification by the arborist of approved works. The City may inspect and photograph trees before and after the approved works.

Implications and Responsibilities

Implications and Responsibilities for Landowners

Landowners are advised to think carefully before deciding to nominate or consent to a tree for inclusion on the Significant Tree Register. A significant tree has the following implications for landowners:

1. Landowners are responsible for the ongoing health and maintenance of a significant tree within their property boundary. All associated costs are to be borne by the landowner.
2. All maintenance and other works are required to be undertaken by a qualified arborist. All associated costs are to be borne by the landowner.
3. Landowners who have significant trees on their property are required to arrange for a qualified arborist to inspect the tree once a year. Landowners are required to pay for any remedial maintenance as advised by the arborist.
4. While some works can be undertaken to a significant tree without written approval, landowners will need to apply for and obtain written approval to undertake certain works associated with a significant tree. All associated costs are to be borne by the landowner.
5. A significant tree has the potential to constrain the future development potential of the property.
6. A significant tree may only be removed from the Significant Tree Register under certain circumstances.
7. A significant tree will remain on the Significant Tree Register if/when land ownership changes.
8. A significant tree may impact insurance policies. Landowners are advised to check with their insurance provider in this regard.
9. All future landowner(s) will be made aware of any significant tree which impacts their property. The City will advise future landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.

Implications and Responsibilities for Neighbouring Properties

The inclusion of a tree on the Significant Tree Register may have the following implications for neighbouring properties:

1. Neighbouring landowners are responsible for the ongoing health and maintenance of any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
2. Where part of a significant tree overhangs a neighbouring property, all maintenance and other works up to the property boundary is required to be undertaken by a qualified arborist. All associated costs are to be borne by the impacted landowner.
3. While some pruning and other works can be undertaken to a significant tree without written approval, neighbouring landowners will need to apply for and obtain written approval to undertake certain works associated with any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
4. Where part of a significant tree overhangs a neighbouring property, it may constrain the development potential of the property.

City of Bayswater

5. A significant tree may impact insurance policies. Neighbouring landowners are advised to check with their insurance provider in this regard.
6. All future affected neighbouring landowner(s), which have or are likely to have branches, canopy or roots of a significant tree(s) encroaching into their property, will be made aware of any significant tree which impacts their property. The City will advise future affected neighbouring landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.

Removal from Register

Subject to obtaining written approval from the City, a tree may be removed from the Significant Tree Register if:

1. The tree is dead;
2. The tree poses an unacceptable level of risk within its structure and remedial techniques cannot rectify it;
3. The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it; and/or
4. The tree is causing significant damage to infrastructure and/or the property, and suitable documented evidence is provided by a qualified arborist, at the expense of the applicant.

The following reasons will not be considered sufficient for removal:

1. Withdrawal of the support from the landowner (or new landowner).
2. To facilitate the placement of a permanent vehicle access crossing; unless it is to facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.

To remove a tree from the Significant Tree Register, landowners are required to provide an assessment from a qualified arborist detailing evidence and reasons why the tree should be removed from the Register. All associated costs are to be borne by the landowner.

Definitions

1. **Tree Protection Zone (TPZ)** – A protection zone that protects all parts of a tree from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.
2. **Structural Root Zone (SRZ)** – A protection zone that protects tree roots from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.
3. **Suitably Qualified Arborist** – An arborist that has a current and valid minimum qualification of an Australian Qualification Framework - Level 5 (Diploma) in Arboriculture.

Summary of Submissions

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
1.	Support	I own a property in the area.	• The policy is supported as it will contribute to keeping more trees in the area, which will reduce the heat effect in the suburban and townscape environment.	• Noted.
2.	Support	I own a property in the area.	• The policy is supported however it would be much more impactful if it is associated with incentives to retain trees.	• The guidelines outline incentives which relate to reduced fees for development applications and variations to the development provisions relating to open space, plot ratio and building height.
			• It is supported that the policy makes it a requirement that owners of properties and affected neighbours must provide written permission before a significant tree is nominated. This will avoid trees being removed to avoid it being classed as a significant tree.	• Noted.
			• It is recommended that an improvement is made to include a provisions that allows a property owner to apply for a tree to be removed from the register.	• The guidelines outline that a tree may be removed from the register if the tree had died, the tree is diseased, there are safety issues, or the tree is causing damage to infrastructure or property.
3.	Comment	I own a property in the area.	• The policy is supported however there are some reservations.	• Noted.
			• It would be of considerable help to have incentives attached to the retention of trees.	• The guidelines outline incentives in accordance with the Council resolution on 25 May 2021. The incentives relate to reduced fees for development applications and variations to the development provisions relating to open space, plot ratio and building height.
			• It is supported that the policy outlines that it is a requirement that owners of properties and affected neighbours must provide written permission before a significant tree is nominated.	• Noted.
			• It is recommended that an improvement is made to include a provisions that allows a property owner to apply for a tree to be removed from the register.	• The guidelines outline that a tree may be removed from the register if the tree had died, the tree is diseased, there are safety issues, or the tree is causing damage to infrastructure or property.

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
4.	Support	I own a property in the area.	• No comments	• Noted.
5.	Object	I occupy a property in the area.	• The policy is not supported as the City has allowed for trees to be removed for METRONET, the Tokin Highway gap project and there is also plenty of private and public land which has been cleared.	• The purpose of this policy and guidelines is to reduce the number of significant trees being removed and to protect significant trees on properties, if the landowner and affected neighbours agree to it being nominated as a tree of significance. • The City's Trees on Private Land and Street Verges Policy is currently the only local planning policy which addresses the planting and removal of trees on private property and street verges. It is noted that this policy is currently being reviewed to also assist with reducing the number of trees being removed.
			• How can the City tell a land owner that they can't chop down a tree on their own land all because the tree is on a register that they don't approve of.	• The guidelines clarify that the landowners' and any affected neighbours' consent are required for a tree to be nominated as a significant tree. If a significant tree is located on a property which is for sale, this will be disclosed to the landowner as part of the orders and requestions process.
			• It is considered that 90% of people who complain about people chopping down trees more than likely live on a small block that has been subdivided already with all the trees wiped out.	• Noted.
			• If this rule comes in to be a council by-law it is suggested that all the trees on this block are chopped down with or without Council permission.	• This does not relate to a local law, it is a local planning policy and associated guidelines. The guidelines clarify that the landowners' and any affected neighbours' consent are required for a tree to be nominated as a significant tree.
			• Council has no right in telling people who live on a full block what they can do or not do with their land, especially over a tree that they don't look after.	• There are a number of policies, local laws and other statutory requirements which is implemented by local government which outlines what can occur on a residential property. • The guidelines clarify that the landowners' and any affected neighbours' consent are

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				required for a tree to be nominated as a significant tree.
6.	Comment	I own a property in the area.	• What is the point to these guidelines when there is no ability to enforce them and seemingly little support from the Council to protect the tree canopy.	• It is considered that the policy and guidelines will assist to protect and conserve significant trees within the City and encourage the community to participate in the process.
			• There is no encouragement for developers to replant established trees that are so easily removed.	• The purpose of this policy and guidelines is to reduce the number of significant trees being removed and to protect significant trees on properties, if the landowner and affected neighbours agree to it being nominated as a tree of significance. If a landowners wants to relocate a significant tree then this can be further discussed with the Council and assessed on a case by case basis.
			• It is considered that the City needs as many ratepayers as possible at this time and this is why there are so many building approvals.	• Noted.
			• The City's emblem is an olive tree symbolising respect for the natural world natural, however residents are repeatedly left upset with the constant loss of trees.	• The purpose of this policy and guidelines is to reduce the number of significant trees being removed and to protect significant trees on properties.
			• It would not hurt the Council to take note of the more progressive councils like Victoria Park and Fremantle in managing our canopy and cooling our suburb down.	• Other local government areas including Town of Victoria Park and City of Fremantle have significant tree registers.
7.	Support	I own a property in the area.	• Residents should be able to add trees on private land to the significant tree register.	• Noted.
8.	Support	I own a property in the area.	• The policy is supported however it would be much more impactful if it is associated with incentives to retain trees.	• The guidelines outline incentives which relate to reduced fees for development applications and variations to the development provisions relating to open space, plot ratio and building height.

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			• It is supported that the policy makes it a requirement that owners of properties and affected neighbours must provide written permission before a significant tree is nominated. This will avoid trees being removed to avoid it being classed as a significant tree.	• Noted.
			• It is recommended that an improvement is made to include a provisions that allows a property owner to apply for a tree to be removed from the register.	• The guidelines outline that a tree may be removed from the register if the tree had died, the tree is diseased, there are safety issues, or the tree is causing damage to infrastructure or property.
9.	Support	I own a property in the area.	• The policy is supported as there is an unprecedented loss of canopy cover in the City. This is why the City needs policies to protect trees. The community needs to value trees and developers need to be aware of this. This policy is a step in the right direction.	• Noted.
10.	Comment	I own a property in the area.	• The policy appears to be completely ineffective for protecting trees or vegetation on private property.	• The purpose of this policy and guidelines is to reduce the number of significant trees being removed and to protect significant trees on properties, if the landowner and affected neighbours agree to it being nominated as a tree of significance.
			• Private owners have no concern with lodging plans for any changes to a building on a private block, why should it be any different for the pruning or removing of a mature tree. This type of policy is already in place at Banyule City Council in Victoria. • The proposed policy is completely ineffective and will not stop the destruction which is occurring within the suburbs on a weekly basis. A policy which required the protection of trees and vegetation, like Banyule, is what the City needs now.	• The WA planning framework does not require approval to be obtained for the removal of a tree unless it is considered to be a significant tree or there are applicable State Government controls. The policy encourages landowners to register significant trees on their property, as a way to be a part of the tree retention process and to increase the tree canopy within the City. • The policy in place in Banyule City Council falls under the Victoria State Government document relating to *Compliance and Enforcement Strategy: Native Vegetation Removal Regulations*. There is no equivalent regulation under the Western Australian State Government planning framework.

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			• Financial incentives could be included for properties which have more than 20% tree canopy. The tree canopy percentage on blocks could be recorded and when property was sold, if the canopy has reduced then the City could fine the owners who removed the canopy, as part of the orders and requisitions process.	• The guidelines provide for tree maintenance grants however they are available to landowners which have a significant tree on their property. There are constraints around the City's ability to provide financial incentives relating to the percentage of the tree canopy as this would be a resource heavy process.
11.	Object	I am a private citizen who has an interest in the area.	• Third parties must not be allowed to nominate trees on someone else's land. Property owners should be the only people able to nominate trees on their land.	• The guidelines clarify that the landowners' and any affected neighbours' consent are required for a tree to be nominated as a significant tree.
			• Incentives should be provided for property owners to keep trees on their land.	• The guidelines outline incentives which relate to reduced fees for development applications and variations to the development provisions relating to open space, plot ratio and building height.
			• When developing, homeowners should be encouraged to add a second or third storey to the existing home to avoid granny flats being built in the back yard taking the place of the trees and garden.	• The currently planning framework provides for two-storey development to occur.
12.	Comment	I own a property in the area.	• The policy is supported in principle.	• Noted.
			• The policy only provides incentives to developers to register significant trees. The City should consider incentives for your average property owner with no intention of ever developing, such as a rates reduction.	• The guidelines outline incentives. When determining incentives, Council considered a rate reduction. However under the *Local Government Act* it is not possible to impose a differential rate in the dollar for properties containing a significant tree.
			• The costs to property owners for an annual arborist inspection will not be affordable for many people and will prevent some from registering a tree. This may make trees an asset only available to the wealthier residents. Provisions should be incorporated to assist residents who cannot afford annual arborist reports.	• To assist landowners wanting to register a significant tree, the City will engage a suitably qualified arborist to prepare the Significant Tree Assessment. Costs associated with the Significant Tree Assessment are to be borne by the City. The applicant can also apply for the tree maintenance grant which provides up to a maximum of $2,000 per five years for works, including advice from a qualified arborist.

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			• The advice note on subdivision determinations should relates to trees over 4m not 7m.	• Lowering the height requirement could result in an increase amount of nominations of trees that are not significant to the area or the landscape. Trees less than 7m in height could still be considered where they meet the historical, cultural, or social criteria of the guidelines.
			• The assessment criteria has been well thought out and it covers all bases, including consideration of the tree's cultural significance for the traditional landowners.	• Noted.
13.	Object	I occupy a property in the area.	• No comment.	• Noted.
14.	Support	I own a property in the area.	• The concept is fantastic, and should be supported as it would go a long way into turning around the City's very low tree canopy coverage.	• Noted.
			• The requirement for an annual assessment of a significant tree by a qualified arborist should be reconsidered as this would impose significant cost on the land owner, and could deter people from registering trees.	• To assist landowners wanting to register a significant tree, the City will engage a suitably qualified arborist to prepare the Significant Tree Assessment. Costs associated with the Significant Tree Assessment are to be borne by the City. The applicant can also apply for the tree maintenance grant which provides up to a maximum of $2,000 per five years for works, including advice from a qualified arborist.
			• Obtaining a neighbour's approval to register the tree could prove challenging. Perhaps a work around is that the property owner pays for all required maintenance of the tree, including on the neighbour's side. This might actually incentivise neighbours to support the application.	• The guidelines require the landowners' and any affected neighbours consent are required for a tree to be nominated as a significant tree as the trees may have other implications for the neighbouring properties, which a landowner may not be privy to.
			• There are no incentives for those who are unwilling, or unable to develop their block. This is regressive as incentives are limited to those with financial capacity to own a block large enough to develop. The City should consider incentives for non-developers, such as a rates reduction.	• The guidelines outline incentives. When determining incentives, Council considered a rate reduction. However under the *Local Government Act* it is not possible to impose a differential rate in the dollar for properties containing a significant tree.

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			• The advice note on subdivision determinations should relates to trees over 4m not 7m. This would provide some level of 'future-proofing', as many trees will eventually reach 7m if they are not destroyed in redevelopments.	• Lowering the height requirement could result in an increase amount of nominations of trees that are not significant to the area or the landscape. Trees less than 7m in height could still be considered where they meet the historical, cultural, or social criteria of the guidelines.
			• There are with how enforceable this policy will be. Council recently ignored its own Urban Trees Policy based on an extremely low number of signatures on a petition. The public was told that the Urban Trees Policy was in fact more of a 'guideline' rather than policy. To mitigate this, council should introduce a two thirds majority vote in relation to decisions that are in contravention to the Significant Tree Register Guidelines.	• The Urban Trees Policy is not a local planning policy. The Significant Tree Register and Associated Guidelines would form part of the planning framework if they are adopted. The Register and Guidelines will be adopted under the City's Town Planning Scheme No. 24 and will be able to be implemented and enforced as part of the development application and subdivision application process.
15.	Support	I own a property in the area.	• I support that property owners must approve a significant tree on their property and that neighbours do too.	• Noted.
16.	Support	I own a property in the area.	• We should be doing more as a City to retain our trees and tree coverage area. That means developing a policy where it is harder for property owners to remove trees or at least stipulating that for every tree removed at least 2 should be planted somewhere else on the property. Let's encourage tree retention and increase our coverage please.	• Noted.
17.	Support	I own a property in the area.	• There needs to be more incentive to plant verge trees, with maintenance supported by council where required. We also need to fast track the sinking of power lines so that more trees can reach full height.	• Noted. The City has policies which require street trees to be retained and planted. The sinking of power lines falls outside of the planning framework.
18.	Support	I own a property in the area.	• There has been too much needless loss of trees through unimaginative development and clearing. The policy is supported to incentivise land owners to keep and maintain their significant trees.	• Noted.
19.	Object	I own a property in the area.	• Please amend the policy in line with the suggestions made by Councillors in favour of keeping Bayswater a 'garden' suburb and allowing more of our valuable tree canopy to be kept.	• The policy and guidelines have been amended to reflect the Council resolution made on 22 February 2022.

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			• It is concerning that City of Bayswater is at 14% canopy cover and dropping due to increased development and clearing. This is not ideal given the impacts of the climate emergency we are in as well as the quality of life experienced by residents in leafier suburbs.	• It is considered that the policy and guidelines will assist to protect and conserve significant trees within the City and encourage the community to participate in the process.
			• Perth is the worst Australian city for tree canopy and a CSIRO scientist in 2018 said "We found that for every increase of 10 per cent tree canopy cover, you get a 0.62-degree decrease in land surface temperature." This is significant given the future we face. Councils should be making policies for the long term and ensure residents and developers keep existing trees on private and council properties.	• Noted.
20.	Comment	I own a property in the area.	• It is very clear that Bayswater is losing a significant amount of tree canopy due to developments. Not enough is being done by the Council to preserve what we have. The Council needs to think of the future of the area rather than prioritise short term financial gain.	• It is considered that the policy and guidelines will assist to protect and conserve significant trees within the City.
21.	Comment	I own a property in the area.	• Trees on private property are essential for the health of the suburb. They provide shade, cooling and an ecosystem for insects/ birds. Please implement by-laws which ban the removal of trees on private property without approval.	• It is considered that the policy and guidelines will assist to protect and conserve significant trees within the City.
22.	Object	I own a property in the area.	• Ratepayers shouldn't be paying incentives to individuals. Trees grow, council pulls trees down. We are a leafy suburb. Everyone's house block had a tree on it at some time. Our block was bare when we bought. We built a house and planted trees and plants. We are not living in scorched earth.	• The purpose of this policy and guidelines is to reduce the number of significant trees being removed and to protect significant trees on properties, if the landowner and affected neighbours agree to it being nominated as a tree of significance.
23.	Support	I own a property in the area.	• The policy is supported. There is a need to emphasis the need for the owner of the property to provide written permission before a significant tree is placed on the register. Additionally, neighbours to the relevant property must also give approval before a tree is nominated.	• Noted.
24.	Support	I own a property in the area.	• I support people deciding to put their own trees on the registry. Retaining trees in a development should lead to community benefit and bonuses.	• Noted.

10.6.2.5 Proposed Modifications To Planning Policy Review Schedule

Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Modifications to Policy Review Sched [**6.2.5.1** - 3 pages]
Refer:	Item 10.6.2.4: OCM 22.02.2022

SUMMARY

Council consideration is sought in relation to modifying the planning policy review schedule, mainly with respect to the City's Short Term Accommodation Policy and the new chapters to the Sustainability in Design Policy. The policy review will bring the policies in line with the future planning framework which will be released in the coming months, and align with draft changes to the National Construction Code.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council endorses the proposed modified planning policy review schedule as contained in Attachment 1 to this report.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

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

A review schedule was prepared which outlined the priorities associated with the planning policy review, and it was presented to Council at its Ordinary Meeting held 22 February 2022. Council resolved to generally endorse the planning policy review schedule.

As part of the endorsed scheduled review, part two of the Sustainability in Design policy and a review of the Short-term Accommodation policy were due to be considered at the August meeting of the Planning and Heritage Policy Review and Development Committee.

EXTERNAL CONSULTATION

Any new or amended local planning policy as a result of the policy review process will be advertised in accordance with the requirements of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

OFFICER'S COMMENTS

The City currently has local planning policies which cover short term accommodation and sustainability in design, which are used to guide development within the City. City officers had previously prepared a review schedule of the existing local planning policies, in order to prioritise when each policy is due to be reviewed. The review of the Short-Term Accommodation Policy and a further chapter in the Sustainability in Design Policy was scheduled to be presented to the August Planning and Heritage Policy Review and Development Committee meeting. The policy review schedule has been modified with respect to when the Short-Term Accommodation Policy and the further chapter in the Sustainability in Design are now proposed to be considered, as outlined below.

Furthermore the priority of the Naming of Parks, Reserves, Streets and Infrastructure Policy has been increased from a low priority to a moderate priority. This is in light of the need for a dual naming policy to be developed which is an action under the City's Reconciliation Action Plan.

Additionally the review of the Sponsorship Signage Policy is being referred to the August Committee meeting as a separate report as the Signage Policy was required to be adopted prior to incorporating the sponsorship signage provisions into the policy.

The Bedford North Design Guidelines and the Mobile Food Vehicles Policy were both presented to the Committee meeting held 17 May 2022, as per the schedule. However these policies were deferred to the August meeting to allow for additional information to be provided, which form separate reports to be considered at this meeting. All other policies have retained their initial review timeframes.

Short-Term Accommodation

The Short-Term Accommodation Policy has not been reviewed since it was adopted on 20 June 2017. The City's officers were progressing the review of this policy as there has been numerous changes which have occurred to the State planning framework which impacted the implementation of the City's policy.

There have been no significant issues raised with the policy however the City is investigating what is required to be updated in light of the recent draft Planning for Tourism Position Statement and draft Guidelines released by the Department of Planning, Lands and Heritage (Department). Consultation was undertaken on the documents produced by the Department in March 2022. Council considered a report on the Department's documents at the Ordinary Council Meeting held 22 February 2022 and a subsequent submission was made to the Department.

The draft Position Statement aims to provide clear and consistent guidance on the definition and treatment of short-term rental accommodation to:

- Complement existing local planning frameworks.
- Encourage a consistent approach to managing and regulating short-term rental accommodation amongst local governments.
- Provide greater clarity for short-term rental accommodation providers and the broader community.

The Department has advised that the release of the final Position Statement has been delayed and that further information will be released in relation to the Position Statement in the coming months. The Department further advised that the City may wish to hold off reviewing the City's policy until the final position paper is released as they anticipate significant changes from what was previously advertised. Following this a final Position Statement will be released which local governments can use to help guide policy-making.

As there have been no significant issues raised in relation to the City's Short Term Accommodation Policy, it is recommended that the review timeframe be amended pending the release of the Department's final Position Statement. This will ensure that the City's policy aligns with the direction of the State Government, along with using the updated definitions which are proposed to be implemented under the *Planning and Development (Local Planning Scheme) Regulations 2015*.

In light of the above, the outcome of the review of this policy is now proposed to be presented to Council in early 2023, once the information has been released by the Department and reviewed by the City.

Sustainability in Design

The Sustainability in Design Policy was adopted on 24 May 2022 and it currently comprises two chapters relating to cool roofs and biophilic design. This policy is intended to comprise different chapters to further improve and promote sustainable development within the City. The chapters which are currently being investigated relate to water sensitive urban design and energy efficiency.

In developing these chapters there have been concerns raised about the potential impact on developers and making the application process overly cumbersome. Additionally, the City is aware that the National Construction Code (NCC) is currently being reviewed to increase sustainable design requirements and it is considered that it may be beneficial to wait until further information is known about the review to ensure that the City's policy does not replicate or be inconsistent with legislated requirements.

Accordingly, it is recommended that the timeframe for the additional chapters are amended to allow for further consideration to be given to the draft changes to the NCC. It is anticipated that the further chapters to the policy will be able to be presented to the Planning and Heritage Policy Review and Development Committee at its November 2022 meeting.

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 ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/ following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	**That Council endorses the proposed modified planning policy review schedule as contained in Attachment 1 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there is a low risk to the City in the event Council endorses the amended review timeframe of the Short-Term Accommodation Policy and Sustainability in Design Policy. This ensure that the City's officers have considered the impact that the proposed policies will have on the developers, and the current planning process. Additionally, this will ensure that the policies	

	align with the future planning framework and the future changes to the National Construction Code.

Option 2	**That Council endorses the proposed modified planning policy review schedule as contained in Attachment 1 to this report, subject to the following modification(s):** **(a)** _____ **(b)** _____ **(c)** _____	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Dependent on the modification(s) determined by Council.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	The risks are dependent on the modification(s) determined by Council.	

Option 3	**That Council does not endorse the modified planning policy review schedule as contained in Attachment 1 to this report.**	
Risk Category	**Adopted Risk Appetite**	**Risk Assessment Outcome**
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there is a moderate risk to the City's strategic direction, reputation and community and stakeholder relationship in the event the review timeframe of the Short-Term Accommodation Policy and Sustainability in Design Policy are not amended. The local planning policies are used to guide the City with specific aspects of the built form. If the review timeframe is not amended, the City's local planning policies may not align with future planning framework and the future changes to the National Construction Code, resulting in them possibly being more onerous on developers.	

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

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.

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

The policies will provide guidance on the type of development which can occur, whilst ensuring that the City continues to maintain the amenity and vibrancy of its neighbourhoods and town centres. The policies will also provide the community with accurate guidance which does not conflict with provisions applicable under other documentation or legislation.

CONCLUSION

In light of the above, it is recommended that Council endorses the modified policy review schedule which includes an amended review timeframe in relation to the Short-Term Accommodation Policy and Sustainability in Design Policy.

COUNCIL RESOLUTION - ADOPTION BY EXCEPTION

That the recommendations relating to items: 10.2.1, 10.2.2, 10.2.3, 10.4.2, 10.4.3, 10.6.1.1, 10.6.1.2, 10.6.1.3, 10.6.1.4, 10.6.2.2, 10.6.2.3 and 10.6.2.5 contained in the agenda be adopted by exception as per section 5.5 of the *City of Bayswater Standing Orders Local Law 2021.*

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

Proposed Modified Planning Policy Review Schedule

Policy	Date Reviewed	Comment	Priority	Proposed Review Timeframe
Mobile Food Vehicles Policy	12 April 2018	It is considered that there have been no significant issues raised with the policy however a Notice of Motion adopted by Council at its Ordinary Meeting held 25 January 2022 seeks to comprehensively review the policy.	High priority	May 2022 Committee
Major Town Centre Events Policy	18 April 2017	It is considered that this policy is required to be reviewed to align with the community grants review, it is not strictly speaking a local planning policy and is to be rescinded accordingly. The new community grants program is intended to be effective from mid-2022 and it would be appropriate for the new community grants policy to align with this timeframe.	High priority	May 2022 Committee
Short Term Accommodation Policy	20 June 2017	It is considered that there have been no significant issues raised with the policy however the City is investigating whether this policy is required to be updated in light of the recent draft *Planning for Tourism Position Statement* and draft Guidelines released by the Department of Planning, Lands and Heritage.	High priority	Early 2023 – Date dependent on Committee Schedule and outcome of the Department of Planning, Lands and Heritage's Planning for Tourism Position Statement
Sponsorship Signage on Reserves Policy	23 July 2003	It is considered that there have been no significant issues raised with the policy however the City is investigating whether this policy can be rescinded, once the modified signage policy is adopted. It is proposed that the provisions are to be incorporated into the signage policy to consolidate all signage information into the one policy.	High priority	August 2022 Committee

Sustainability Policy	N/A	This policy is intended to comprise different chapters and it is currently considered to be a high priority. A draft policy comprising chapters on cool roofs and biophilic design is included in a separate report. The policy is then proposed to develop additional chapters to further improve and promote sustainable development within the City.	High priority	Cool Roofs and Biophilic Design - February 2022 Committee Water Sensitive Urban Design and Energy Efficiency – November 2022 Committee
Carparking in the Town Planning Scheme No.24 Area Policy Cash in Lieu of Carparking Policy	19 April 2011 20 November 2012	The City is currently undertaking a holistic review of car parking requirements as a part of the Local Planning Scheme review and in light of the recently released Position Statement on Cash-in-lieu by the Department of Planning, Lands and Heritage. The City's policies are required to align with the State Government guide by mid-2023.	High priority	November 2022 Committee
Heritage Policies Refunding of Planning and Building Fees Policy; and Flexible Application of Statutory Requirements for Buildings Contained Within the City's Heritage List Policy	24 October 2006 24 October 2006	The overall policy has not been reviewed in a significant amount of time. It is considered that there have been no significant issues raised with the policies however there is the potential to combine with the above heritage places policy. This would result in there being one policy which contains all the relevant heritage policies, which assist in making the document more user friendly.	Moderate priority	Early 2023 – Date dependent on Committee Schedule
Diversity in Housing Types Policy	N/A	It is considered that this policy is low priority as there is no external demand for these housing types currently. This policy would be created to provide guidance and provisions for different housing types, including but not limited to: Intergenerational housing; Tiny houses; and Affordable housing.	Low priority	Early to mid-2023 – Date dependent on Committee Schedule

Character Protection Areas Policy	22 September 2015	It is considered that there have been no significant issues raised with the policy however the policy is to be updated to align with current formatting of the City's local planning policies. It is considered beneficial to review the content of the policy at this time to ensure it contains relevant provisions to achieve the purpose of the policy.	Low priority	Early to mid-2023 – Date dependent on Committee Schedule
Naming of Parks, Reserves, Streets and Infrastructure Policy	15 August 2017	It is considered that there have been no significant issues raised with the policy however the City is investigating whether this policy can be rescinded and used as an internal practice. It is noted that this process is guided by a State Government policy as well. Additionally, a new policy relating to dual naming is to be developed in accordance with the City's Reconciliation Action Plan.	Moderate priority	Early 2023 – Date dependent on Committee Schedule
Percent for Public Art Policy	7 November 2017	It is considered that there have been no significant issues raised with the policy however the policy is awaiting the development of a Public Art Strategy, which is currently being developed in-house. Once the Public Art Strategy has been developed and endorsed by Council, work will commence on updating the policy in accordance with the recommendations of the Strategy.	Low priority	Late 2023 – Date dependent on Committee Schedule

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Dan Bull - Chaplaincy Services

CR FILOMENA PIFFARETTI, MAYOR DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Filomena Piffaretti, Mayor declared an impartial interest in this item as she is a member of the board for a number of schools mentioned in the report. Cr Piffaretti, Mayor remained in the Council Chambers and voted on this item.

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Dan Bull declared an impartial interest in this item as he is a board member of Durham Road School and his daughter attends Chisholm Catholic College. Cr Bull remained in the Council Chambers and voted on this item.

CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Sally Palmer declared an impartial interest in this item as she is a member of the board for Morley Senior Highschool. Cr Palmer remained in the Council Chambers and voted on this item.

CR ELLI PETERSEN-PIK DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Elli Petersen-Pik declared an impartial interest in this item as he is a member of the board for Maylands Peninsula Primary School. Cr Elli Petersen-Pik remained in the Council Chambers and voted on this item.

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Dan Bull raised the following motion:

COUNCIL RESOLUTION

"That Council requests the Chief Executive Officer to distribute the $40,000 in funds that is budgeted for emotional and social supports to certain public schools (chaplaincy), within the City of Bayswater, for the 2022/23 financial year, directly to the schools within the district that have in past years indirectly received the same or similar financial support from the City of Bayswater through providing those funds to YouthCARE.

Such funds must be utilised by each relevant school for the provision of emotional and social supports, but the school may choose whether that be delivered by way of chaplain or a professionally qualified wellbeing worker."

Cr Dan Bull Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

LOST: 4/6

For: ***Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.***

ADDITIONAL INFORMATION

Further investigation into the background to the YouthCARE School Chaplaincy Program has clarified the following matters:

The City of Bayswater has allocated funding to the service provider YouthCARE since 2001.

A formal funding agreement between the City of Bayswater and The Churches Commission of Education, trading as YouthCARE, was established in the 2016/17 financial year. Formal agreements have been in place in subsequent financial years.

The Department of Education has confirmed that 13 public schools within the City of Bayswater have received funding via the National School Chaplaincy Program (NSCP) in 2021/22. These include:

Bayswater Primary School

Camboon Primary School

Embleton Primary School

Hampton Park Primary School

Hampton Senior High School

Hillcrest Primary School

John Forrest Secondary College

Maylands Peninsula Primary School

Morley Primary School

Morley Senior High School

Noranda Primary School

Weld Square Primary School

West Morley Primary School

The City of Bayswater has funded the School Chaplaincy Program via YouthCARE to the value of approximately $850,000 from 1 July 2001 to 30 June 2022, inclusive.

The breakdown of the City's funding to the schools as allocated by YouthCARE for each recent financial years is as follows.

Hampton Senior High School	$12,000
John Forrest Secondary College	$12,000
Morley Senior High School	$12,000
Maylands Peninsula Primary School	$4,000
Total	**$40,000**

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

The City of Bayswater has provided Chaplaincy Program funding to certain public schools within the municipality via a service agreement with YouthCARE since 2011.

At the Ordinary Meeting held on 31 May 2016, Council resolved as follows:

"*That Council:*

1. *Receives the status report for YouthCARE School Chaplaincy Program for 2015/16.*
2. *Council considers a budget allocation of $40,000 plus GST as a part of the budget deliberation process for the 2016/17 financial year for the YouthCARE School Chaplaincy Program.*

3. *The City advises YouthCARE that as a condition of receiving the 2016/17 funding, a submission is to be lodged detailing outcomes, measures, financials and alignment to the City of Bayswater's Strategic Community Plan.*
4. *The City advises YouthCARE that a Service Agreement will be set in place detailing conditions of the funding agreement. This will include acquittal report requirements detailing outcomes, measures, financials, evaluation and engagement with City of Bayswater Youth programs.*
5. *Council approves an event to present cheques to YouthCARE to acknowledge the School Chaplaincy Program within the City, at a date and time to be determined by the Mayor.*
6. *Officers report to Council during the 2016/17 financial year, providing a formal review of the Chaplaincy Program including benefits, implications, costs and options for the program."*

Since 2016/17 an amount of $40,000 has been allocated in each annual budget for the provision of Chaplaincy Services.

The City's service agreement with YouthCARE expired on 30 June 2022. The total amount awarded to YouthCARE by the City, since 2011 is $508,000.

In January 2021, the State Government announced an election promise of a $104 million package for Western Australian Schools to provide additional emotional and social supports for public school in Western Australia. The package includes funding for a range of initiatives, including Chaplaincy Services as below:

- $42.2m for more than 100 additional psychologist services;
- $38.5m to expand Alternative Learning Settings pilot programs;
- $21.8 m to enable every WA Government school to purchase chaplaincy services; and
- $1.4m expansion of Respectful Relationship Services to prevent family and domestic violence.

The State Government funding package indicates that every public school in WA will be eligible to receive chaplaincy services. The full roll out of funding is however not expected to be delivered until 2024.

OFFICER'S COMMENT

YouthCARE is a Christian organisation that has been delivering Chaplaincy services to provide support to people from any religious (or non-religious background) in WA for over 45 years. YouthCARE chaplains are qualified in pastoral care and youth work and care for the social, emotional, mental and spiritual wellbeing of students, families and staff in state school communities.

YouthCARE utilises funding from the City to leverage additional funding and resources from alternate sources, to enable the delivery of their program.

The City understands YouthCARE takes into consideration certain factors when determining which schools are eligible for their program. These factors include:

- Index of Community Socio-Educational Advantage (ICSEA);
- Geolocation:
- Student numbers;
- Transiency data; and
- Written responses relating to identified school needs.

The City's previous agreement with YouthCARE related to the provision of services to four of the 13 public schools (30.7%) within the City of Bayswater. The level of chaplaincy service provided in each school varies and is supported by a range of funding contributors.

Table 1 below shows the schools where YouthCARE has utilised City funding and comparative demographic data including student population, the school ICSEA, percentage of Indigenous students, and language background other than English (as captured from the MySchools website).

The Index of Community Socio-Educational Advantage (ICSEA) percentiles below indicate differences in advantage between schools. The school ICSEA percentile is reported to help communities understand where the school is placed amongst other schools within Australia.

For example, in the table 2, the percentile data shows that Bayswater Primary School has a ICSEA percentile of 86 (highest percentile in data shown), and this indicates that this school is more educationally advantaged than 86% of schools in Australia, and therefore is more educationally disadvantaged than 14% of schools in Australia.

Whereas, also in table 2 it also shows that Embleton Primary School has a ICSEA percentile of 26 (lowest percentile in data shown), and this indicates that this school is more educationally advantaged than 26% of schools in Australia, and is more educationally disadvantaged than 74% of schools in Australia.

Schools receive funding via the YouthCARE program vary in their range of advantage (and disadvantage), as well as population and diversity. i.e. percentage of Indigenous and culturally linguistic percentage of students. The ICSEA is not the only data YouthCARE uses to assess applications, and other contributing factors are also considered.

Table 1 YouthCARE funded public schools within the City of Bayswater

School *(content source: My Schools website)*	**Student Population**	**School ICSEA Percentile**	**Indigenous Students (%)**	**Language background other than English (%)**
John Forrest Secondary College	1095	60	4%	26%
Hampton Senior High School	861	40	4%	33%
Morley Senior High School	1029	48	2%	59%
Maylands Peninsula Primary School	619	83	3%	51%

Other Schools

Table 2 below lists other schools within the City of Bayswater that are not part of the YouthCARE Chaplaincy Program and have not received funding via the City of Bayswater.

Table 2 Other public schools within the City of Bayswater who do not receive YouthCARE funding

School *(content source: My Schools website)*	**Student Population**	**School ICSEA Percentile**	**Indigenous Students (%)**	**Language background other than English (%)**
Embleton Primary School	180	26	12%	47%
Durham Road School	229	42	15%	36%
Hampton Park Primary School	377	47	6%	45%

Morley Primary School	1003	48	3%	73%
Noranda Primary School	361	57	3%	47%
Weld Square Primary School	1030	61	4%	56%
Hillcrest Primary School	464	62	7%	38%
Camboon Primary School	366	64	2%	52%
Bayswater Primary School	422	86	4%	24%

All public-schools in the Perth metropolitan area are however able to apply for annual funding of up to $20,280 through the WA Department of Educations' existing National School Chaplaincy Program (NSCP). The Department of Education has established arrangements with service providers including YouthCARE, Scripture UnionWA and OnPsych.

The Department of Education reported that 11 schools within the City of Bayswater currently receive the NSCP funding, as below:

1. Bayswater Primary School
2. Camboon Primary School
3. Embleton Primary School
4. Hampton Park Primary School
5. Hampton Senior High School*
6. Hillcrest Primary School
7. John Forrest Secondary College*
8. Morley Primary School
9. Morley Senior High School*
10. Noranda Primary School
11. Weld Square Primary School

Note: * Indicate schools who currently receive City of Bayswater funding via YouthCARE.

The City has been in the process of developing a report to Council on chaplaincy services for the August Ordinary Council Meeting. However, as a result of this Notice of Motion, the City held the report as both items relate to the ongoing service provision of chaplaincy services.

EXTERNAL CONSULTATION

Youth Care

YouthCARE has highlighted their ongoing support of school communities through the school chaplaincy program and advised of the addition of student welfare workers to their program.

The Platform Youth Action Plan

In 2019, the City of Bayswater undertook extensive consultation with almost 400 young people for the City's first youth action plan; the Platform. Through this consultation, mental health was identified as the biggest concern for young people in the City of Bayswater across all years in the 12 – 25 years age brackets. The second biggest area of concern for young people (particularly for those aged 12 – 17 years) identified in the plans was study pressure.

Additionally, as a result of the COVID-19 pandemic young people have been disproportionately affected through unemployment, social isolation and disruption to their education. According to the Youth Advisory Council of Western Australia 2020 report; the Impacts of COVID-19 on young

people in WA revealed that 91% of respondents have experienced significant or some impact on their mental health and stress levels.

High School Principal Feedback

In June 2020, the City of Bayswater received written correspondence from the Principal of John Forrest Secondary College which praised the work of the School Chaplain during a challenging time, and requested the continued financial support from the City of Bayswater for chaplaincy services.

In February 2021 and January 2022, the City held an annual meeting with Principals from local high schools. The forum aimed to understand the priorities for each of the schools that align with the Platform Youth Action Plan themes; health and wellbeing, education and employment and community connection. Principals have indicated that they are open to exploring opportunities with the City to work in partnership to support the delivery of additional programs to increase access to participation and social inclusion that the school delivers. Furthermore, Principals stated that the ongoing and compounding effect of COVID-19 has increased the need for more health and wellbeing programs to support staff, students and families.

LEGISLATIVE COMPLIANCE

Nil.

FINANCIAL IMPLICATIONS

$40,000 has been allocated within the 2022/23 budget for school chaplaincy services.

STRATEGIC IMPLICATIONS

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

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

CONCLUSION

The City has an allocation of $40,000 in the 2022/23 budget for the provision of chaplaincy services. The City previously had a service agreement with YouthCare for the provision of chaplaincy services to four public schools within the City of Bayswater, which expired on 30 June 2022.

The State Government Public schools currently have the ability to apply for up to $20,280 in funding through the Department of Educations' National School Chaplaincy Program and an election promise from the State Government indicates that additional funding will be allocated to chaplaincy in public schools, however this will not be until 2024.

VOTING REQUIREMENT

Simple Majority Required.

ATTACHMENTS

Nil.

11.2 Cr Filomena Piffaretti, Mayor - Tenders And The Treatment Of Confidential Items

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Filomena Piffaretti, Mayor raised the following motion:

At 9:16pm, Cr Catherine Ehrhardt, Deputy Mayor withdrew from the meeting and did not vote.

COUNCIL RESOLUTION

"That Council requests that the Chief Executive Officer:

1. ***Undertakes a benchmarking review against other Band 1 local governments on transparency of decision-making and information made available to the public through Council Meetings. This review should include:***
   - ***(a) Identifying what information is made available to the public through the tendering process, and at what stage, with the view to reviewing the City's tender processes and tender reports to determine if additional information can be made available to the public, whilst still ensuring a competitive process and obtaining best value for money for the City of Bayswater ratepayers;***
   - ***(b) Identifying the types of matters these local governments consider behind closed doors, and how they manage confidential reports and attachments being presented to Council to determine if any additional information could be made available to the public; and***
2. ***Provide a report back to Council by October 2022 with the review's findings and recommendations for any improvements to increase the transparency of Council decision-making."***

Cr Filomena Piffaretti, Mayor Moved, Cr Elli Petersen-Pik Seconded

CARRIED UNANIMOUSLY: 9/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

On 3 August 2022, The West Australian newspaper published an article entitled "Report Fails Big Councils Over Transparency". The article discussed a report published by the Civil Contractors Federation (CCFWA), which assessed 29 WA local governments on the transparency of their tender evaluation processes. The report cited the City of Bayswater as being the lowest performer, with a score of less than 5 (the actual score the CCFWA had given the City was a 0/10).

However, an article published by the Perth Voice newspaper on 6 August 2022 reported that the City had been given the low score based on two reports which did not reflect the City's typical practices. The CCFWA CEO was quoted to say "*…it does appear Bayswater are generally transparent in their tender evaluations"* and *"For now we have urgently amended the report to omit reference to Bayswater and will revise the report ASAP. I will also be in touch with the council directly to clarify, apologise for the error and endorse their transparent practices."*

The CCFWA originally rated the City's tender evaluation process a 0/10 for transparency and has since revised the score to 6/10 based on information in the response provided by the City.

OFFICER'S COMMENT

While the CCFWA has since revised its score for the City's tender evaluation processes, there is opportunity to improve the City's processes and transparency.

The challenge is in achieving the fairest balance between commercial confidentiality and transparency.

While City officers already try to keep as much information in the public domain as possible, the benchmarking of confidential items against other local governments is supported in the interests of good governance and ethical decision making.

The City previously had a "Minimising Confidential Items Policy", which was adopted at the Ordinary Council Meeting of 2 August 2016 and revoked at the Ordinary Council Meeting of 28 August 2018 as: "*Council was of the view that it was unnecessary for the current policy to duplicate legislation; and that it should make a statement of intent to minimise non-confidential information wherever possible."*

Officers still consider that a specific policy on confidential information would unnecessarily duplicate the provisions of the *Local Government Act 1995* (the Act) and note that the Department of Local Government, Sports and Cultural Industries (DLGSCI) is proposing clearer guidance for meeting items that may be confidential in its reforms to the Act, as outlined below:

*"**Original Proposal:***

- *Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances.*
- *It is proposed to make the Act more specific in prescribing items that may be confidential and items that should remain open to the public.*
- *Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector.*
- *All confidential items would be required to be audio recorded, with those recordings submitted to DLGSC.*

Amended Proposal:

Specific Provisions

Proposed provisions for managing confidential items at council meetings (and preventing councils from unreasonably using confidentiality provisions to avoid public scrutiny) have been refined to:

- *Clarify that only a limited part of a meeting specific to confidential information (e.g., receiving legal advice) may be closed.*
- *Specify that certain matters (town planning and development applications, budgeting, major land transactions, leases of local government property) must be held in full public view.*
- *Specify that certain matters (CEO appointment, management of behavioural complaints about elected members, local government cybersecurity) must be held confidentially.*
- *Require that any other matters proposed to be considered confidentially will require the prior approval of the inspector."*

LEGISLATIVE COMPLIANCE

Meeting procedures

s. 5.23 of the *Local Government Act 1995* requires that meetings be open to members of the public, and provides the reasons for which a meeting can be closed:

"5.23. Meetings generally open to public

(1) Subject to subsection (2), the following are to be open to members of the public —

(a) all council meetings; and

(b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(a) a matter affecting an employee or employees; and

(b) the personal affairs of any person; and

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

(e) a matter that if disclosed, would reveal —

(i) a trade secret; or

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and

(f) a matter that if disclosed, could be reasonably expected to —

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or

(ii) endanger the security of the local government's property; or

(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and

(h) such other matters as may be prescribed."

Awarding of tenders

S3.57 of the Act provides for tenders to be dealt with under the supporting regulations, and r.11A to 24AJ of the *Local Government (Functions and General) Regulations 1996* comprehensively set out the requirements for advertising and assessing tenders. There are certain transparency provisions in those regulations, including the requirement for the Tender Register to be publicly available on-line, and for members of the public to be able to attend tender openings, should they so wish. The regulations also require that all respondees be provided with a written notice of the tender outcome, including the particulars of the successful tender.

FINANCIAL IMPLICATIONS

Nil. The review can be accommodated within current administrative budgets.

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 tendering practices are based directly on the comprehensive regulatory requirements, and those regulations require transparency in the form of a publicly available Tender Register and the rights of members of the public to attend tender openings. Furthermore, all tender respondees are provided with the tender outcome in writing.

The City's current practice is not to disclose the detailed pricing and detailed comments in the evaluation worksheets against each criterion, which sometimes include comments from client referees, as those are commercially sensitive and therefore treated as confidential under the provisions of s5.23 of the *Local Government Act 1995.* However, officers would welcome the opportunity to demonstrate how the City's tendering practices compare with other local governments.

Officers note that the Notice of Motion extends more broadly into other decision making, and will explore opportunities for increasing transparency accordingly.

VOTING REQUIREMENT

Simple Majority Required

ATTACHMENTS

Nil

11.3 Cr Dan Bull - Recommencement Of Immunisation Clinics, School-Based Immunisation Program

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Dan Bull declared an impartial interest in this item as he is a member of the school board of Durham Road School and his daughter attends Chisolm Catholic College mentioned in the report. Cr Bull remained in the Council Chambers and voted on this item.

CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Sally Palmer declared an impartial interest in this item as her grandchildren attend Chisholm Catholic College and may be part of this immunisation. Cr Palmer remained in the Council Chambers and voted on this item.

At 9:19pm, Cr Catherine Ehrhardt, Deputy Mayor returned to the meeting.

At 9:35pm, Cr Catherine Ehrhardt, Deputy Mayor withdrew from the meeting and did not vote.

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Dan Bull raised the following motion:

COUNCIL RESOLUTION

"That Council approves a budget adjustment of $120,000 to re-commence the immunisation clinics and the school-based immunisation program for the entire 2022/23 financial year, and this amount to be funded through the following budget adjustments:

Project	*Type*	*Description*	*Current Budget (excluding overheads)* *$*	*Adjustment* *$*	*Amended Budget (excluding overheads)* *$*
3000-11602-	*Increase Expenditure*	*Prevent SVC - Immunisation*	*12,000*	*120,000*	*132,000*
3200-81031-6381	*Decrease Expenditure*	*Holilond Way – Road Resurfacing – Capital Purchase*	*167,000*	*(167,000)*	*0*
3200-New	*Increase Expenditure*	*Road Resurfacing - Various*	*0*	*47,000*	*47,000*

Cr Dan Bull Moved, Cr Giorgia Johnson Seconded

LOST: 4/5

For: ***Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

The City's immunisation program operated for more than 30 years and is a part of the National Immunisation Program (NIP) which aims to increase national immunisation coverage, to reduce the number of cases of disease in Australia which are preventable by vaccination. The program involved the provision of vaccinations through immunisation clinics and a School Based Immunisation Program (SBIP).

The vaccinations provided through the City's immunisation program can also be accessed through other general practitioners, pharmacies, community health centres and the Central Immunisation Clinic.

The immunisations administered assist in the prevention of the following diseases:

- Diphtheria
- Tetanus
- Pertussis
- Polio
- Measles
- Mumps
- Rubella
- Hepatitis B
- Chickenpox
- Influenza
- Pneumococcal
- Meningococcal Group ACWY

The City has a Memorandum of Understanding in place with the WA Department of Health until 31 December 2022, for the School Based Immunisation Program (SBIP). This program involves the bulk vaccination of students in the five secondary schools (public and private) within the City (Chisholm Catholic College, Durham Road School, Hampton Senior High School, John Forrest Secondary College, Morley Senior High School) with year 7 students receiving their vaccinations in terms one and four and year 10 students receiving their vaccinations in term three.

The City immunises approximately 750-1,000 infants each year through the clinics and approximately 1,800-2,000 students through the SBIP.

A review of recent attendances at City immunisation clinics and the SBIP revealed:

- 136 of 160 babies (under the age of 12 months) (85%) immunised, resided within the City of Bayswater.
- 73 of 128 students (57%) immunised at a local public high school, resided within the City of Bayswater.

- 125 of 244 students (51%) immunised at a local private high school, resided within the City of Bayswater.

The program requires a casual Administration Officer, three casual Nurses (on a rotational roster) and a general practitioner (hired) to operate. The cost of operating 72 immunisation clinics and the SBIP for the financial year is approximately $144,000 after receiving external funding/grants (about $120,000 for clinics and $24,000 for SBIP).

An amount of $12,000 was approved in the 2022/23 budget to fund the SBIP until the end of 2022. The City has also recently received confirmation of funding from the WA Department of Health, in the amount of $12,000 for the SBIP.

In addition to this, the WA Department of Health has advised that they are considering the City's request for a further $24,000 to fund the SBIP for the 2023 calendar year.

The immunisation clinics which were partially funded by the Federal Government, ceased operating following the adoption of the budget at the Special Council Meeting on 18 July 2022. The City has been advised that the Federal Government will not be reassessing its funding arrangements until mid-2023.

The provision of free immunisations at clinics and schools is an action item within the City's *Public Health and Wellbeing Plan 2019-2024.*

OFFICER'S COMMENT

Historically, several local governments had immunisation programs in place, however it appears that there is currently only three other local governments where these services are available.

- City of Belmont – immunisation clinics
- City of Cockburn – immunisation clinics
- City of Joondalup – immunisation clinics and a school-based program

The City of Wanneroo previously provided immunisation clinics and a school-based program, however this ceased in 2018, as it was considered that the service was available from other locations.

Residents are currently able to seek immunisation services from general practitioners and it appears that there are more than 20 servicing the City of Bayswater area. Residents also have the option of attending community health clinics in other local governments (e.g. City of Belmont) or the Central Immunisation Clinic in West Perth.

This motion is based on removing a capital renewal project and reallocating the funds to the immunisation program. The following changes have been recommended in the motion:

Job Number	Activity	Original Budget Allocation excluding Overheads	Amended Budget Allocation excluding. Overheads
3200-81031-6381	Holilond Way – Road Resurfacing	$167,000	$0
3200 - New	Road Resurfacing - Various	$0	$47,000
3000 - 11602	Immunisation Program	$12,000	$132,000
Total		$179,000	$179,000

From the list of road renewal projects to be undertaken in 2022/23, the deferral of the Holilond Way project is deemed by officers as having the least impact on the overall resurfacing program. The Holilond Way Road Resurfacing Project will need to be deferred to the 2023/24 financial year. The surplus funds of $47,000 remaining from its deferral can be used to undertake other road resurfacing works that are due and would have otherwise been scheduled for delivery in the 2023/24 financial year. Officers will need to undertake an assessment of road conditions and project scopes to determine where these funds would be best spent. This could be either a full resurfacing project(s) or components of preparatory works required as part of resurfacing projects, which would then receive the finished surfacing early in the 2023/24 financial year. It is recommended that a new job number be created "Road Resurfacing – Various" that will be used when the specific works are determined.

Officers generally recommend not shifting funds from a capital renewal project to fund operational expenses. Capital renewal is considered critical to the City's asset performance. If funds have to be shifted from capital to operational, then it perhaps would be better to come from a capital new or capital upgrade project; however, options in the capital new and upgrade are limited due to the capital works program already being reviewed extensively during the budget development process.

Alternatively, the funds required for the immunisation program could be sourced from reductions in cost in other service areas. This could be done by reducing the service levels across a particular service area or a number of service areas, which will generate savings of $120,000 to be used to fund the immunisation program. Changes to the provision of services and/or the service levels can be a difficult process, as services are developed as a combination of staffing, materials and equipment that are proportioned to deliver the service. Any changes to the material and equipment components will generally have a proportional impact on the staffing component and vice versa.

A further alternative that could be considered is to use the City's financial reserve to fund a capital project to 'free-up' municipal funding to fund the full immunisation service. This option would not impact on the activities and projects in the adopted budget, but will impact on the reserve balance, which could be replenished in future years.

LEGISLATIVE COMPLIANCE

The provision of immunisation programs is not a statutory requirement of local government.

FINANCIAL IMPLICATIONS

If Council resolved to re-introduce the immunisations program, an additional $120,000 is required to be funded from a reduction elsewhere in the 2022/23 Budget.

As outlined under Officer's Comment, the reallocation of fundings from capital works renewal projects is not recommended and it does not align with the City's Asset Management Plans.

STRATEGIC IMPLICATIONS

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.

CONCLUSION

The City's immunisation program consisted of immunisation clinics and a school-based immunisation program. The City is continuing to run the school-based immunisation program until 31 December 2022, however immunisation clinics ceased following the adoption of the budget at the Special Council Meeting on 18 July 2022.

The recommencement of the immunisation clinics and the school-based program for the entire 2022/23 financial year would require a budget adjustment of $120,000. Although funds may be reallocated from capital works renewal projects to facilitate this, it is not recommended and does not align with the City's Asset Management Plans.

VOTING REQUIREMENT

ABSOLUTE MAJORITY REQUIRED

ATTACHMENTS

Nil

11.4 Cr Dan Bull - Recommencement Of Podiatry Services

At 9:38pm, Cr Catherine Ehrhardt, Deputy Mayor returned to the meeting.

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Dan Bull raised the following motion:

COUNCIL RESOLUTION

"That Council Approves a budget adjustment of $20,000 to re-commence the podiatry service at the Bayswater and Morley Community Centres, and this amount to be funded through the following budget adjustments:

Project	*Type*	*Description*	*Current Budget* $	*Adjustment* $	*Amended Budget* $
4800-30139-6342	*Increase Expenditure*	*Morley Community Centre – Podiatrist Services*	*0*	*10,000*	*10,000*
4800-30020-6342	*Increase Expenditure*	*Bayswater Community Centre – Podiatrist Services*	*0*	*10,000*	*10,000*
1806-12529-6122	*Decrease expenditure*	*Council Meeting, Workshops and Civic functions - Catering*	*125,100*	*(18,000)*	*107,100*
1000-10000-6050	*Decrease expenditure*	*Members of Council – Conference and Training*	*35,000*	*(2,000)*	*33,000*

Cr Dan Bull Moved, Cr Sally Palmer Seconded

LOST: 3/7

For: ***Cr Sally Palmer, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor and Cr Elli Petersen-Pik.***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

The City of Bayswater currently provides a waiver of room hire and other costs to deliver podiatry services to older adults (50 years and older) and Seniors, Disability or Health Care Card holders

at the Bayswater and Morley Community Centres. The City of Bayswater does this through a commercial service agreement with the podiatrist; Life Active Podiatrist.

In return, the podiatrist provides podiatry services at each of the City's community centres, at least once a fortnight, as follows:

- Bayswater Community Centre – Wednesday, between 8.30am and 3pm; and
- Morley Community Centre – Thursday, between 8.30am and 3pm.

The City has a current active agreement, from 19 July 2022 to 30 June 2023, without a rebate as per the adopted 2022/23 budget.

In previous years, the City allocated $20,000 remuneration direct to the podiatrist as well as a fee waiver for use of rooms, capital equipment items, maintenance, use of water and electricity. The $20,000 allocation was used to subsidise each consultation at the rate of $15 (inclusive of GST) for each City resident who attended a clinic. In other words, the City paid the gap in fees between the Medicare rebate and total cost to the client, as the podiatrist does not bulk bill. All clients were required to be members of the City's community centres to gain access to an appointment with the podiatrist and receive the subsidised rate.

The City's subsidised podiatry service ceased on 30 June 2022 following Council's adoption of the 2022/23 budget at the Special Council Meeting on 18 July 2022.

OFFICER'S COMMENT

The City's service agreement with Life Active Podiatrist expired on 30 June 2022. The impact to members who accessed this subsidised service is considered to be low, as residents within the City are able to seek bulk billed services from other local providers.

There are currently nine other service providers within the City of Bayswater that provide residents with bulk billing for podiatry services. The current Medicare rebate (as at January 2020) is $53.80 per podiatry consultation, regardless of the specific appointment type chosen and this is available with an appropriate referral from a General Practitioner (GP) given to the podiatrist.

In order to be covered by Medicare, a client must have obtained an Enhanced Primary Care Plan from their GP. Residents are able to obtain the plan if they have a chronic medical condition. The plan entitles the resident to five podiatry visits per year rebated through Medicare. With this plan, the consultation is subsidised and either fully or partially covered by Medicare. The bulk billing is solely at the podiatrist discretion. In order to be bulk billed by Medicare, the client would hold a Pension or Health Care Card.

The Commonwealth Government also provides subsidised services through the My Age Care funding packages. Through the home care package level two, residents can claim up to $15,877.50 per year to access services such as; personal care, transport, shopping, podiatry and exercise classes.

<u>Podiatry Services at City's Community Centres</u>

Life Active Podiatrist is based in Attadale, with the podiatrist travelling to the Morley and Bayswater Community Centres for one day each week. The podiatrist offers a wide range of services, and support clients in hospitals, retirement villages, seniors' centres and aged care facilities across Perth. In the last financial year, the rebate to the podiatrist was attributed to approximately 579 members of the centre, who are also residents of the City.

The podiatry service provision at the community centres pre-date the management of centres by the City. Records show that the previous management of the centres was carried out by the then Bayswater and Morley Senior Citizens Committee volunteers.

Since 1980, senior citizen volunteers collaborated with the City of Bayswater to procure podiatry services in both centres. The City provided support as part of the Home and Community Care services, which has since ceased.

The City records indicate that in 1998, the Senior Citizens Committee recommended that the City oversee the podiatry service provision. As a result, the City then coordinated 'In-Home Podiatry' for members, with a Department of Health subsidy. From 1998 to 2017, the City provided the service provision.

From 2017 to 30 June 2022, the City allocated funds to subsidise the service provision.
Since July 2022, the service provision has continued at both community centres without a subsidy being paid to the podiatrist, and the members/clients pay the gap.

No staff are involved with this service provision as it is externally managed by a private operator who receives the rebate for City residents who attend podiatry appointments.

Neighbouring Local Governments

The neighbouring local governments of the Cities of Swan, Stirling; Vincent and Town of Bassendean do not provide subsidised podiatry services. Other local government such as the City of Joondalup closed their podiatry services in 2015, and the City of Gosnells ceased podiatry service provision in 2012.

LEGISLATIVE COMPLIANCE

The subsidising of costs for allied health services is not a statutory requirement of local government.

FINANCIAL IMPLICATIONS

If Council resolved to re-introduce the podiatry service, an additional $20,000 is required to be funded from a reduction elsewhere in the 2022/23 Budget.

The reduction in the catering budget of $18,000 will result in ceasing all catering for Councillors for Council Meetings, Committee Meetings, Agenda Briefing Forums and Councillor Briefings/Workshops. Currently, catering is arranged for nine Councillors with three Councillors opting for meals when requested.

The remaining budget of $107,100 will accommodate catering for officers for Council Meetings, Committee Meetings, Councillor Briefings/Workshops, staff farewells, etc. In addition, it will cover cleaning of table cloths, tea, coffee, milk, etc.

Allocation of funds for catering for future years will be considered as part of the budget development process for each year.

Historically, the Councillor conference and training budget has not been fully utilised. Under the Elected Members Attendance at Conference, Seminars, Training and Professional Development policy, "*the amount payable by the City of Bayswater for attendance at such events will be capped at $15,000 for each Councillor, for the four year period of their election, and $15,000 for the Mayor for the two year period of their election. The maximum allowance is contingent on budget allocations.*" A reduction of $2,000 could be accommodated, however if all Councillors seek their allowance, additional funds may need to be found.

A further alternative that could be considered is to use the City's financial reserves to fund a capital project to 'free-up' municipal funding to fund the podiatry service. This option would not impact on the activities and projects in the adopted budget, but will impact on the reserve balance, which could be replenished in future years.

STRATEGIC IMPLICATIONS

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

CONCLUSION

The City's subsidised podiatry service ceased on 30 June 2022. The recommencement of this service at the Morley and Bayswater Community Centres for the 2022/23 financial year would require a budget adjustment of $20,000.

VOTING REQUIREMENT

ABSOLUTE MAJORITY REQUIRED

ATTACHMENTS

Nil

11.5 Cr Elli Petersen-Pik - Improving Transparency At Meetings

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Elli Petersen-Pik raised the following motion:

At 9:50pm, Cr Catherine Ehrhardt, Deputy Mayor withdrew from the meeting and did not vote.

COUNCIL RESOLUTION

"That Council, in an attempt to ensure good governance and increase transparency, requests the Chief Executive Officer to reduce the amount of information classified as "confidential" at Council and Committee meetings by separating, wherever possible, non-confidential information from confidential reports and attachments and including it as part of the publicly available report."

Cr Elli Petersen-Pik Moved, Cr Josh Eveson Seconded

CARRIED UNANIMOUSLY: 9/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

On 3 August 2022, The West Australian newspaper published an article entitled "Report Fails Big Councils Over Transparency". The article discussed a report published by the Civil Contractors Federation (CCFWA), which assessed 29 WA local governments on the transparency of their tender evaluation processes. The report cited the City of Bayswater as being the lowest performer, with a score of less than 5 (the original report from CCFWA actually gave the city a score of 0/10).

However, an article published by the Perth Voice newspaper on 6 August 2022 reported that the City had been given the low score based on two reports which did not reflect the City's typical practices. The CCFWA CEO was quoted to say "*…it does appear Bayswater are generally transparent in their tender evaluations"* and *"For now we have urgently amended the report to omit reference to Bayswater and will revise the report ASAP. I will also be in touch with the council directly to clarify, apologise for the error and endorse their transparent practices."*

OFFICER'S COMMENT

The CCFWA report highlights the importance of transparency in the Council decision making process. Although CCFWA has since revised the City's score to 6/10 there is still room for improvement in the transparency of items reported to Council.

The City previously had a "Minimising Confidential Items Policy", which was adopted at the Ordinary Council Meeting of 2 August 2016 and revoked at the Ordinary Council Meeting of 28 August 2018 as: "*Council was of the view that it was unnecessary for the current policy to duplicate legislation; and that it should make a statement of intent to minimise non-confidential information wherever possible."*

Officers still consider that a specific policy on confidential information would unnecessarily duplicate the provisions of the *Local Government Act 1995* (the Act) and note that the Department

of Local Government, Sports and Cultural Industries (DLGSCI) is proposing clearer guidance for meeting items that may be confidential in its reforms to the Act, as outlined below:

*"**Original Proposal:***

- *Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances.*
- *It is proposed to make the Act more specific in prescribing items that may be confidential and items that should remain open to the public.*
- *Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector.*
- *All confidential items would be required to be audio recorded, with those recordings submitted to DLGSC.*

Amended Proposal:

Specific Provisions

Proposed provisions for managing confidential items at council meetings (and preventing councils from unreasonably using confidentiality provisions to avoid public scrutiny) have been refined to:

- *Clarify that only a limited part of a meeting specific to confidential information (e.g., receiving legal advice) may be closed.*
- *Specify that certain matters (town planning and development applications, budgeting, major land transactions, leases of local government property) must be held in full public view.*
- *Specify that certain matters (CEO appointment, management of behavioural complaints about elected members, local government cybersecurity) must be held confidentially.*
- *Require that any other matters proposed to be considered confidentially will require the prior approval of the inspector."*

A request from Council to reduce the amount of information that is classified as confidential within reports provides an opportunity for the City to re-evaluate its report writing practices. The City will develop internal operational guidelines to support best-practice transparency in reports.

LEGISLATIVE COMPLIANCE

s. 5.23 of the *Local Government Act 1995* requires that meetings be open to members of the public, and provides the reasons for which a meeting can be closed:

"5.23. Meetings generally open to public

(1) Subject to subsection (2), the following are to be open to members of the public —

(a) all council meetings; and

(b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(a) a matter affecting an employee or employees; and

(b) the personal affairs of any person; and

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

(e) a matter that if disclosed, would reveal —

(i) a trade secret; or

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and

(f) a matter that if disclosed, could be reasonably expected to —

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or

(ii) endanger the security of the local government's property; or

(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and

(h) such other matters as may be prescribed."

FINANCIAL IMPLICATIONS

Nil.

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

While City officers already try to keep as much information in the public domain as possible, any opportunity for improvements in transparency are welcomed.

VOTING REQUIREMENT

Simple Majority Required

ATTACHMENTS

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Questions from Members Taken on Notice - Ordinary Council Meeting - 26 July 2022

CR DAN BULL DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Dan Bull declared a financial interest in this item as the item contains commentary relating to boundary reviews and he is the chair of the Local Government Advisory Board. At 9:52pm, Cr Bull withdrew from the Council Chambers and did not participate in this item.

Cr Catherine Ehrhardt, Deputy Mayor

Preamble

Three weeks ago, I had the opportunity to speak with Minister Carey MLA, in relation to the Local Government reform packages and he's confirming that he wants to see as many of these initiatives go through as possible by 2023.

So prefacing that, I just want to know what the City's plans are in terms of bringing a ward review or any of that? I know that we last conducted one in 2020.

Question 1

What is the cost of doing a ward review again?

Response 1

It is estimated the last ward review, which was handled internally, cost approximately $4,000 in staff and resources. Should the City engage a consultant to conduct a ward review it could cost upwards of $10,000.

Question 2

Do we have to do a new ward review given that there's been a census data in between when we last did a ward review?

Response 2

Schedule 2.2 of the *Local Government Act 1995* sets out the provisions for ward reviews. Clause 6 requires local governments to review their ward boundaries periodically, so that no more than 8 years elapse between reviews. A local government may also elect to carry out a review when it has received a valid submission from 250 or 10% (whichever is the lesser) of the total number of affected electors who petition for changes to a ward system.

There is no requirement to do a ward review based on release of Census data. However, if there were significant changes to the population of the area it might trigger a review to be done early.

Question 3

How much does it cost to do a ward review?

Response 3

Please refer to the response to Question 1, above.

Question 4

What timelines will we be looking at to get this through for 2023?

Response 4

It is likely the City have to conduct a ward review if the proposed reforms to the Act to limit the number of Councillors based on population of the local government area come into effect. The City has not yet committed to completing a ward review as it is waiting for further direction on the reforms from the Department of Local Government, Sports and Cultural Industries.

12.2 Question From Members Without Notice

Cr Giorgia Johnson

Question 1

Can we get an update about when information on the viaduct being built for Metronet as part of the Ellenbrook line is going to be made publicly available?

Response 1

Mr Doug Pearson, Director Major Projects and Commercial Activities took the question on notice.

Cr Josh Eveson

Question 1

The budget's been adopted and during the process and workshops, there were quite a number of learnings and items discussed around budget processes, differential rates and the like. We've got a new CEO, so is Council best to provide suggestions now on improvements or hold off until the review of the long-term financial plan starts?

Response 1

Mr Jeremy Edwards, Chief Executive Officer replied that he was happy to take suggestions on improvements now and that he had his one-on-one meetings with Councillors scheduled over the next couple of weeks. Suggestions for improving processes were encouraged at these meetings and the Councillor's workshop for the review of the Long-Term Financial Management Plan as well.

Cr Elli Petersen-Pik

Question 1

When are we expecting to have that Workshop for the Long-Term Financial Management Plan?

Response 1

Mr Jeremy Edwards, Chief Executive Officer advised that he couldn't give a specific date, however the Paxon Report was likely due by the end of August or early September which will inform the Long-Term Financial Management Plan.

At 9:53pm, Cr Michelle Sutherland withdrew from the meeting.

At 9:54pm, Cr Dan Bull returned to the meeting.

13 NEW BUSINESS OF AN URGENT NATURE

14 MEETING CLOSED TO THE PUBLIC

14.1 Matters For Which The Meeting May Be Closed

At 9:54pm, Cr Michelle Sutherland returned to the meeting.

COUNCIL RESOLUTION

That the meeting be closed to the public and the recording be suspended.

Cr Josh Eveson Moved, Cr Sally Palmer Seconded

CARRIED: 6/3

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj, Cr Michelle Sutherland and Cr Elli Petersen-Pik.***

At 9:57pm, the meeting closed to the public and the recording was suspended.

At 9:56pm, Cr Catherine Ehrhardt, Deputy Mayor returned to the meeting.

14.1.1 Mertome Village - Rating Process Update

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate & Strategy
Authority/Discretion:	Legislative
Voting Requirement:	***ABSOLUTE MAJORITY REQUIRED***
Refer:	OCM 24.05.2022 Item 14.1.2 OCM 27.07.2021 Item 14.1.3

REASON FOR CONFIDENTIALITY

This is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(e) a matter that if disclosed, would reveal —

(iii) *information about the business, professional, commercial or financial affairs of a person,*

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That the recommendation as contained in the "Confidential Report" be adopted.
Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Giorgia Johnson Seconded

CARRIED: 8/2

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj and Cr Michelle Sutherland.***

COUNCIL RESOLUTION

That the meeting be reopened to the public and the recording be resumed.

Cr Steven Ostaszewskyj Moved, Cr Dan Bull Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

At 9:59pm, the meeting was reopened to the public and the recording resumed.

14.2 Public Reading Of Resolutions That May Be Made Public

15 CLOSURE

There being no further business to discuss, the Chairperson, Cr Filomena Piffaretti, Mayor, declared the meeting closed at 9:59pm.