

Agenda

POLICY REVIEW AND DEVELOPMENT COMMITTEE

24 November 2020

Notice of Meeting

The next **Policy Review and Development Committee** will take place in the Committee Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday 24 November 2020 commencing at **5:00pm**.

Yours sincerely



ANDREW BRIEN
CHIEF EXECUTIVE OFFICER

17 November 2020

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AGENDA

1. OFFICIAL OPENING

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, Whadjuk 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 Wadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

3. ATTENDANCE

Members

Cr Filomena Piffaretti, Deputy Mayor Chairperson
Cr Dan Bull, Mayor
Cr Steven Ostaszewskyj
Cr Catherine Ehrhardt
Cr Stephanie Gray
Cr Giorgia Johnson

Officers

Mr Andrew Brien, Chief Executive Officer
Ms Helen Smith, Acting Director Community and Development
Ms Alix Bray, Acting Manager Strategic Planning and Place
Ms Cassandra Flanigan, Executive Support/Research Officer

Observers

3.1 Apologies

Nil

3.2 Approved Leave of Absence

4. DISCLOSURE OF INTEREST SUMMARY

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

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

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

5. DELEGATED AUTHORITY BY COUNCIL

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

6. TERMS OF REFERENCE

At the Ordinary Council meeting held on 12 September 2017 Council adopted the following terms of reference for the Policy Review and Development Committee:

- To review all existing City of Bayswater policies (excluding Planning Policies) within a two year period, in line with the Local Government Election Cycle and facilitate the development of new policies for the consideration by Council as required.
- To make recommendations to Council on matters related to policy, policy review and policy development.
- To explore opportunities that promote policy development in all areas that are within the Council's jurisdiction.
- To allow any draft policy developed and fully considered by another Committee of Council to be referred directly to Council for consideration.
- To provide City of Bayswater councillors with assistance and support to develop new policies.
- To consider, as required, key planning policy issues that arise (current planning policies will not form part of the 2 year review program).

7. CONFIRMATION OF MINUTES

The amended Minutes of the Policy Review and Development Committee Meeting held on 28 January 2020 which have been distributed, be confirmed as a true and correct record.

Moved:

Seconded:

The Minutes of the Policy Review and Development Committee Meeting held on 15 September 2020 which have been distributed, be confirmed as a true and correct record.

Moved:

Seconded:

8. REPORTS

8.1 Attendance at Events Policy

Applicant/Proponent:	City of Bayswater	
Owner:	City of Bayswater	
Responsible Directorate:	Office of the Chief Executive Officer	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Absolute Majority Required	
Attachments:	1. Draft Attendance at Events Policy 2. DLGSCI Operational Guideline – Attendances at Events Policy	
Refer:	Nil.	

SUMMARY

For Council to adopt an Attendance at Events Policy in accordance with new legislative provisions as a result of the review of the *Local Government Act 1995* (WA). As this is a legislative requirement, the Policy has been brought direct to Council rather than through the Policy Review and Development Committee.

OFFICER'S RECOMMENDATION

That Council adopt the Attendance at Events Policy as outlined in Attachment 1.

BACKGROUND

In 2017, the State Government announced a review of the *Local Government Act 1995* (WA). This review is the first significant review of the Act in more than two decades.

The *Local Government Legislative Amendment Bill 2019* was tabled in Parliament on 14 March 2019 and given royal assent on 5 July 2019. The new framework came into operation from 20 October 2019.

The draft policy was presented to Council at the Ordinary Council Meeting on 28 January 2020 and Council resolved as follows:

"COUNCIL RESOLUTION
(PROCEDURAL MOTION)

That this item be deferred to the next Policy Review and Development Committee Meeting for consideration in order to make a recommendation to Council at a future Council meeting."

The draft policy was presented to the Policy Review and Development Committee on 15 September 2020. The Committee deferred the item to the next Policy Review and Development Committee due to time constraints.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

One of the changes made to the *Local Government Act 1995* (WA) was the addition of s 5. 90A which required Local Governments to adopt an Attendance at Events Policy. Section 5.90A provided:

5.90A Policy for attendance at events

1. *In this section —
event includes the following —*
 - (a) *a concert;*
 - (b) *a conference;*
 - (c) *a function;*
 - (d) *a sporting event;*
 - (e) *an occasion of a kind prescribed for the purposes of this definition.*
2. *A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
 - (a) *the provision of tickets to events; and*
 - (b) *payments in respect of attendance; and*
 - (c) *approval of attendance by the local government and criteria for approval; and*
 - (d) *any prescribed matter.*

** Absolute majority required.*
3. *A local government may amend* the policy.*

** Absolute majority required.*
4. *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
5. *The CEO must publish an up-to-date version of the policy on the local government's official website.*

[Section 5.90A inserted: No. 16 of 2019 s. 44.]

The City has drafted a policy (**Attachment 1**) in accordance with the new provisions. The draft policy is based upon the model provided in the Department of Local Government, Sport and Cultural Industries Operational Guideline on Attendance at Events Policy which was released in December 2019 (**Attachment 2**).

The only diversion between the City's draft policy and the model policy is the creation of a register on the City's website which will be updated with approved attendance. The model recommended inclusion of an 'Attachment A' however this would require amending the Policy on every occasion an attendance is approved. A register on the City's website that can be updated by staff following approval of attendance will be more efficient and ensure transparency to the community.

LEGISLATIVE COMPLIANCE

The adoption of the Attendance at Events Policy ensures Council's compliance with the new provisions of the Local Government Act.

OPTIONS

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.

Option 1	That Council adopt the Attendance at Events Policy as outlined in <u>Attachment 1</u>.	
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 represents the lowest risk to Council as it ensures compliance with the new requirements of the <i>Local Government Act 1995</i> (WA) and provides transparency and accountability to the community by maintaining a register of approved attendance on the City's website.	

Option 2	That Council adopt the Attendance at Events Policy as outlined in <u>Attachment 1</u> and further amended by Council.	
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	Council will need to ensure that any amendments made to the Policy are in accordance with the legislative provisions.	

Option 3	That Council does not adopt an Attendance at Events Policy.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	High
Governance	Low	High
Community and Stakeholder	Moderate	High
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option represents the highest risk to Council as it does not confirm with legislative requirements under the <i>Local Government Act 1995</i> (WA).	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Leadership and Governance
 Aspiration: Open, accountable and responsive service
 Outcome B1: Accountable and good governance

Adoption of the Attendance at Events Policy will ensure compliance with mandatory legislative requirements leading to accountability and good governance.

CONCLUSION

To ensure compliance the new legislative requirements, it is recommended that Council adopt the draft Attendance at Events Policy.

Attachment 1

Attendance at Events Policy



Responsible Division	Office of the CEO
Responsible Business Unit/s	Office of the CEO, Governance
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units
Document Ref	3579617

Purpose

The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions. This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the Local Government Act 1995 (WA) which requires all Local Governments to prepare and adopt an Attendance at Events Policy.

Policy Statement

1. Invitations

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing and addressed to the Mayor or CEO.
- b) Any invitation or offer of tickets not addressed to the Mayor or CEO is not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- c) A list of events and attendees authorised by the City in advance of the event will be maintained in a Register available on the City's website.

2. Approval of Attendance by Council

- a) In making a decision on attendance at an event, the Council will consider:
 - i) Who is providing the invitation or ticket to the event;
 - ii) The location of the event in relation to the City (within the district or out of the district);
 - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
 - iv) Whether the event is sponsored by the City;
 - v) The benefit of Local Government representation at the event;
 - vi) The number of invitations/tickets received; and
 - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- b) Decisions to attend events in accordance with this policy will be made by simple majority or by the Mayor in accordance with clause 3 below.

3. Approval of Attendance by Mayor

- a) Where an invitation has been received and a response is required prior to the next Ordinary Council Meeting, the Mayor will be authorised to approve attendance.
- b) In approving attendance, the Mayor will consider the following:
 - i) Who is providing the invitation or ticket to the event;
 - ii) The location of the event in relation to the City (within the district or out of the district);
 - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
 - iv) Whether the event is sponsored by the City;
 - v) The benefit of City representation at the event;
 - vi) The number of invitations/tickets received; and
 - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- c) All approvals made by the Mayor will be reported to the subsequent Ordinary Meeting along with the assessment made in accordance with the above criteria.

4. Payments in respect of attendance

- a) Where an invitation or ticket to an event is provided free of charge, the City may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value.
- b) For any events where a member of the public is required to pay, unless previously approved and listed in the Register available on the City's website, Council will determine whether it is in the best interests of the City for an Elected Member or the CEO to attend on behalf of the City.
- c) If Council determines that an Elected Member or CEO should attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation,
- d) Where partners of an authorised City representative attend an event, any tickets for that person, if paid for by the City, must be reimbursed by the City representative unless expressly authorised by Council.

Definitions

Elected Members includes the Mayor and all Councillors

Event is defined as a:

- Concert;
- Conference (that is not included in the *Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy*, or in the case of the Chief Executive Officer, the *Senior and Executive Staff attendance at Conferences, Seminars and Training*)
- Function; or
- Sporting Event.

Related Legislation*Local Government Act 1995 (WA) s 5.90A***Related Documentation***Nil*

Relevant Delegations	Nil.
Risk Evaluation	Nil.
Council Adoption	Pending
Review/Modified	
Review/Modified	
Review/Modified	

Attachment 2



Local Government Operational Guidelines

December 2019

Attendance at events policy



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About DLGSC

The DLGSC works with partners across government and within its diverse sectors to enliven the Western Australian community and economy through support for and provision of sporting, recreational, cultural and artistic policy, programs and activities for locals and visitors to the State.

The department provides regulation and support to local governments and the racing, gaming and liquor industries to maintain quality and compliance with relevant legislation, for the benefit of all Western Australians. This publication is current at December 2019.

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1. Introduction

Council members are expected to make decisions in the best interests of their community. To do this, they must consider each issue on its merits.

Decision-making could be influenced – or perceived to be influenced – in a number of ways, including through financial relationships, personal relationships and the receipt of gifts. The *Local Government Act 1995* sets out requirements on council members, Chief Executive Officers (CEOs) and other employees to ensure transparency and accountability in decision-making.

Certain gifts received by council members and CEOs are specifically excluded from the conflict of interest provisions (section 5.62(1B)), including a gift that is received in accordance with an Attendance at Events policy. This guideline gives an overview of matters which could be included in the Attendance at Events policy.

Note: this guideline does not apply to the gift provisions in the code of conduct that relates to employees (other than the CEO).

Other related operational guidelines:

- Operational Guideline: Disclosure of gifts and disclosure of interests relating to gifts
- Operational Guideline: Disclosure of interests affecting impartiality
- Operational Guideline: Primary and annual returns

2. Gifts

A gift is defined under section 5.57 of the Act as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel.

For the purposes of both disclosure of receipt and disclosing an interest when a matter comes before council, a gift is any gift valued at over \$300 or a cumulative value of \$300 where the gifts are received from the same donor in a 12-month period.

2.1. Interests in matters before council

The interest provisions are aimed at ensuring that decision-making is free from influence and so decisions can be made in the best interests of the community.

An interest created from receipt of a gift recognises that a relationship is formed between the donor and a recipient of a gift which could be perceived to affect decision-making. This applies to any gift received, not just a gift that must to be disclosed under sections 5.87A and 5.87B.

The basic principle is, that unless the gift is an excluded gift (section 5.62(1B) and Administration Reg. 20B), the council member who has received the gift is not to participate in any part of the meeting dealing with the matter. They must be absent from any deliberations (unless approval is granted by the council or the Minister).

If the council member has such an interest they must disclose this interest before the meeting to the CEO or to the presiding member before the matter is discussed.

If it is the CEO who has the interest due to receipt of a gift, they are not to provide advice to council or prepare reports for council, either directly or indirectly. They must disclose their interest to the mayor or president.

2.2. Gifts excluded from the interest provisions

Any gift received over \$300 is specifically excluded from the conflict of interest provisions if:

- the gift relates to attendance at an event where attendance has been approved by the council in accordance with the council endorsed Attendance at Events policy, or
- the gift is from specified entities.

Regulation 20B of the *Local Government (Administration) Regulations 1996* prescribes the specified entities as WALGA (but not LGIS), ALGA, LG Professionals, a State public service department, a Commonwealth, State or Territory government department or another local government or regional local government.

Excluded gifts are still a gift that must be disclosed and published on the gifts register if over the value of \$300 and received in the capacity of council member or CEO.

3. Attendance at events policy

Section 5.90A of the Local Government Act requires that local governments have an attendance at events policy. The purpose of the policy is for the council to actively consider the purpose of and benefits to the community from council members and CEOs attending events.

The policy provides a framework for the acceptance of invitations to various events and clarifies who will pay for tickets or the equivalent value of the invitation.

The tickets should be provided to the local government and not individual council members. A ticket or invitation provided by a donor to an individual in their capacity as a council member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the local government to be considered in accordance with the policy.

3.1. The legislation [section 5.90A]

5.90A. Policy for attendance at events

- (1) In this section —

event includes the following —

- (a) a concert;
 - (b) a conference;
 - (c) a function;
 - (d) a sporting event;
 - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
- (a) the provision of tickets to events; and
 - (b) payments in respect of attendance; and
 - (c) approval of attendance by the local government and criteria for approval; and
 - (d) any prescribed matter.
- * Absolute majority required.
- (3) A local government may amend* the policy.
- * Absolute majority required.
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

4. Matters for consideration in developing the policy

In developing the policy, there are a number of matters which need to be considered. Principally, the council needs to consider what is the benefit to the community or local government in having members of council or the CEO attend the event.

The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before council from the provider of the invitation.

While attending events is generally considered an important function for council members and the CEO to represent the local government, if there are costs involved, especially significant costs, it can lead to criticism from the community for spending ratepayer's money if the tangible benefits are not identified. Similarly, if the council is accepting tickets, including those as a result of sponsorship, there can be a perception of bias when matters affecting that organisation come before council.

The policy should also consider the role that the person attending will have at the event - for example, speaking, giving an award or being a member of the audience – especially if there are significant costs associated with attendance. The community perception will be different for a person attending to undertake a specific role or function versus being a member of the audience.

Note that examples are provided in the legislation of what constitutes an event: concerts, conferences, functions and sporting events. This is not an exhaustive list and councils should consider the full range of events that may be relevant to their local government, such as agricultural shows, field days, school awards nights and cultural events.

Ultimately, it is the decision of the council as to what is contained within the policy and this will vary between local governments.

Matters that could be included are:

- To whom invitations are to be directed,
- Who authorises attendance at an event, including how the decision is made for a council member or CEO to attend an event,
- How many people are authorised to attend an event,
- Who is responsible for the cost of attending (if any), including whether there is a requirement for the council member or CEO to contribute to the cost, particularly if the person's partner is also attending;
- Whether there are any events that are authorised in advance by council (preauthorised events),
- Whether the location of the event is within the district,
- Attendance at sponsored events, and
- Attendance at events that are outside the policy.

The council, with accountability to the local community, is in the best position to determine the design and content of the policy. Some local governments have requested guidance from the Department. To this end a sample policy is included on the following pages.

The policy may provide authorisation for the CEO to be the decision maker where decisions align with the policy intent. In that case, the policy must set out clear criteria by which the CEO may make such determinations.

5. Concluding remarks

In developing the Attendance at Events policy, councils need to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council.

Local governments are encouraged to use this template as a guide and to adapt it to reflect the needs and expectations of their communities. The policy can also be adapted to include attendance at events by employees other than the CEO.

The community's trust in local government is crucial to its success.

Attendance at Events – template policy

Introduction

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy.

This policy is made in accordance with those provisions.

Purpose

This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the chief executive officer (CEO).

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

Legislation

5.90A. Policy for attendance at events

- (1) In this section —
event includes the following —
 - (a) a concert;
 - (b) a conference;
 - (c) a function;
 - (d) a sporting event;
 - (e) an occasion of a kind prescribed for the purposes of this definition.
 - (2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
 - (a) the provision of tickets to events; and
 - (b) payments in respect of attendance; and
 - (c) approval of attendance by the local government and criteria for approval; and
 - (d) any prescribed matter.
- * Absolute majority required.

- (3) A local government may amend* the policy.
* Absolute majority required.
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

Provision of tickets to events

1. Invitations

- 1.1 All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the [Click or tap here to enter text.]
- 1.2 Any invitation or offer of tickets not addressed to the [Click or tap here to enter text.] is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 1.3 A list of events and attendees authorised by the local government in advance of the event is at Attachment A.

2 Approval of attendance

- 2.1 In making a decision on attendance at an event, the council will consider:
 - a) who is providing the invitation or ticket to the event,
 - b) the location of the event in relation to the local government (within the district or out of the district),
 - c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
 - d) whether the event is sponsored by the local government,
 - e) the benefit of local government representation at the event,
 - f) the number of invitations / tickets received, and
 - g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

Guidance Note: If the local government is proposing to provide authorisation to the CEO to determine matters in accordance with this policy, then it will be necessary for the policy statement to include specific principles / criteria by which the CEO may make such determinations.

3 Payments in respect of attendance

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.
- 3.2 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 3.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

Attachment A – events authorised in advance

Event	Date of event	Approved Attendee/s	Approved local government contribution to cost	Date of council resolution or CEO authorisation
Example: Greater Westralia Regional Agricultural Ball	20 December 2019	<ul style="list-style-type: none"> President Cr Brown and partner Deputy President Cr Green and partner CEO and partner 	6 tickets @ \$190 each Total cost \$1,140	Ordinary Council Meeting 4 November 2019

8.2 Elected Member Request for Information Policy

Applicant/Proponent:	City of Bayswater	
Owner:	City of Bayswater	
Responsible Directorate:	Office of the Chief Executive Officer	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Current Elected Member Request for Information Policy 2. Tracked changes version of Elected Member Request for Information Policy 3. Clean version of proposed Elected Member Request for Information Policy	
Refer:	Item 13.5 OCM 28.08.2018	

SUMMARY

For Council to consider proposed amendments to the Elected Member Request for Information Policy.

OFFICER'S RECOMMENDATION

That Council amends the Elected Member Request for Information Policy as outlined in Attachment 3.

BACKGROUND

At the Ordinary Council Meeting of 28 August 2018, Council adopted the Elected Member Request for Information Policy. The Policy has not been reviewed since its adoption.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The Elected Member Request for Information Policy, also known as the CHD system, was introduced in 2018 due to Council's request for increased communication and responsiveness to enquiries sent through to staff.

The CHD system has been in place for two years and it is considered timely to undertake a review of the system. The current process for CHD is as follows:

- All Councillor enquiries are sent to the CHD email.
- The Mayor and Council Support Officer registers all enquiries received and allocates them to the appropriate Directorate.
- The relevant Director or Chief Executive Officer will arrange for a response to be provided within 5 days (save where the matter is deemed confidential as per the policy)
- Where the matter has not been resolved in 5 days, an update will be provided every 10 days until the matter is resolved.

Issues noted following review of Policy

A review has been undertaken of the policy, with the following issues having been identified:

- Enquiries which have been sent to mail@bayswater and cc'ed to Councillors are being forwarded to CHD. This causes a double up as the matter is registered by both the Information Management team and via CHD and tasked out twice to Officers. In addition, the City's standard 10 day response timeframe is effectively halved when it is forwarded to CHD which causes confusion and issues with prioritisation of enquiries.
- There have been instances where responses have been sent and the CHD email cc'ed. Residents/ratepayers have then responded to CHD directly, circumventing the City's dedicated mail@bayswater email address.
- Questions in relation to agenda items and Notices of Motion are being forwarded to CHD rather than the relevant Director. This can cause delays if queries are sent to CHD the day of the Ordinary Council Meeting, as the inbox is not being actively monitored as normal in the lead up to the Ordinary Council Meeting.
- There have been instances of doubling up, where multiple Councillors forward the same enquiry to CHD.
- The City has received feedback that not all Councillors are across strategic issues as different queries are sent by different Councillors to CHD.

The following changes are therefore proposed to the policy:

- Any external enquiry forwarded to CHD that has also been sent to mail@bayswater will not be registered.
- Matters relating to Notices of Motion or questions relating to items on the agenda should be forwarded to the relevant Director or CEO as appropriate rather than CHD. Responses to questions relating to items on the agenda will be cc'ed to all Councillors to ensure all Councillors are kept up to date on the matter.
- Enquiries relating to a particular Ward will have the respond cc'ed to all Ward Councillors
- Enquiries relating to strategic issues will be cc'ed to all Councillors.

Minor typographical errors have also been rectified in the proposed amendments to the Policy.

LEGISLATIVE COMPLIANCE

The Elected Member Request for Information Policy ensures Councillors direct operational and strategic enquiries to the Chief Executive Officer, who has appropriately delegated the ability to respond to the Directors, in compliance with the *Local Government Act 1995* (WA) and associated subsidiary legislation.

OPTIONS

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.

Option 1	That Council amends the Elected Member Request for Information Policy as outlined in Attachment 3.	
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 proposed changes to the Elected Member Request for Information Policy ensures issues identified since the adoption of the Policy are addressed to ensure appropriate governance and continued consistent strategic direction.	

Option 2	That Council amends the Elected Member Request for Information Policy as outlined in <u>Attachment 3</u> and as further amended by the Policy Review and Development Committee.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
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	Council may wish to further amend the policy. Risks will be noted by the Officers at the meeting should further changes be requested.	

Option 3	That Council does not amend the Elected Member Request for Information Policy.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	High
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 number of issues have been identified in the City in relation to the operation of the Policy which will continue to exist should the policy not be amended.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Leadership and Governance
 Aspiration: Open, accountable and responsive service
 Outcome L1: Accountable and good governance
 Outcome L3: Strong stewardship and leadership

The proposed changes to the Elected Member Request for Information Policy ensures continued accountability and good governance to the community whilst providing a mechanism to effectively provide information to Council, enabling strong stewardship and leadership.

CONCLUSION

The proposed amendments to the Elected Member Request for Information Policy addresses issues which have been identified in a review of the policy since its inception in 2018.

Attachment 1

Elected Member Request for Information Policy



Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit/s	Office of the Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Governance, Office of the Chief Executive Officer
Document Ref	3228076

Purpose

The City will respond to requests made by the Elected Members in a timely and professional manner in accordance with the details stipulated in this Policy.

Policy Statement

- Any Elected Member wishing to make enquiry or obtain any information regarding an operational/strategic issue shall contact the City through the established Elected Member enquiries process, being that all matters are referred to the Mayor and Council Support Officer in the first instance, with email being the preferred method of contact.
- The Mayor and Council Support Officer will register all enquiries received from Elected Members.
- Upon registration of the enquiry, a response shall be coordinated by the relevant Director or Chief Executive Officer as appropriate or as requested by the Elected Member.
- A response will be provided directly to the Elected within five (5) working days, and a record of the response saved.
- Should the matter not be resolved within the nominated timeframe of five (5) working days, the Manager, Director or Chief Executive Officer (as appropriate) shall provide an update report every ten days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
- In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the Mayor to ascertain whether the request be dealt with as being confidential.
- Matters relating to Council meetings, agendas or are time critical may be forwarded directly to the relevant Director or the Chief Executive Officer appropriate.

Definitions

Nil

Related Legislation

Nil

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption	28 August 2018
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Review/Modified	Insert Date
-----------------	-------------

Review/Modified	Insert Date
-----------------	-------------

Review/Modified	Insert Date
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Attachment 2

Elected Member Request for Information Policy



Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit/s	Office of the Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Governance, Office of the Chief Executive Officer
Document Ref	3228076

Purpose

The City will respond to requests made by the Elected Members in a timely and professional **manager manner** in accordance with the details stipulated in this Policy.

Policy Statement

1. Any Elected Member wishing to make ~~enquiry or obtain any information~~ **Elected Member Request regarding an operational/strategic issue** shall contact the City through the established ~~Member enquiries process~~ **Member Request process**, being that all matters are referred to ~~the Mayor and Council Support Officer in the first instance, with email being the preferred method of contact~~ **Councillor Help Desk email ('CHD')**.
2. The Mayor and Council Support Officer will register all ~~enquiries received from Elected Members CHDs~~.
- 2-3. ~~Any external enquiry which has also been sent to the City's email address, being mail@bayswater, will not be registered as a CHD.~~
- 3-4. Upon registration of the ~~enquiry~~ **CHD**, a response shall be coordinated by the relevant Director or Chief Executive Officer as appropriate or as requested by the Elected Member.
- 4-5. A response will be provided directly to the Elected **Member** within five (5) working days, and a record of the response saved.
- 5-6. Should the matter not be resolved within the nominated timeframe of five (5) working days, the Manager, Director or Chief Executive Officer (as appropriate) shall provide an update report every ten days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
- 6-7. In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the Mayor to ascertain whether the request be dealt with as being confidential.
8. Matters relating to Council meetings, **including Notices of Motions or questions relating to items on an agenda should not be submitted to CHD. Questions relating to Council meetings are to be**

~~agendas or are time critical may be~~ forwarded directly to the relevant Director or the Chief Executive Officer as appropriate. Responses relating to questions on agenda items will be cc'ed to all Elected Members.

9. Matters relating to a particular ward will have the response cc'ed to all Ward Councillors.

7-10. Matters relating to strategic issues will be cc'ed to all Councillors.

Definitions

~~Nil~~ "Elected Member Request" means a request for information, or request for advice in relation to either an operational or strategic issue.

Related Legislation

~~Nil~~ Regulation 9(1) of the Local Government (Rules of Conduct) Amendment Regulations 2020 prohibits an Elected Member from undertaking a task that contributes to the administration of the local government. This policy provides a process to ensure that Elected Members do not breach this regulation.

Related Documentation

~~Nil~~

Relevant Delegations**Risk Evaluation**

Council Adoption	28 August 2018
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Review/Modified	Insert Date
------------------------	-------------

Review/Modified	Insert Date
------------------------	-------------

Review/Modified	Insert Date
------------------------	-------------

Attachment 3

Elected Member Request for Information Policy



Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit/s	Office of the Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Governance, Office of the Chief Executive Officer
Document Ref	3228076

Purpose

The City will respond to requests made by the Elected Members in a timely and professional manner in accordance with the details stipulated in this Policy.

Policy Statement

1. Any Elected Member wishing to make an Elected Member Request shall contact the City through the established Elected Member Request process, being that all matters are referred to Councillor Help Desk email ('CHD').
2. The Mayor and Council Support Officer will register all CHDs.
3. Any external enquiry which has also been sent to the City's email address, being mail@bayswater, will not be registered as a CHD.
4. Upon registration of the CHD, a response shall be coordinated by the relevant Director or Chief Executive Officer as appropriate or as requested by the Elected Member.
5. A response will be provided directly to the Elected Member within five (5) working days, and a record of the response saved.
6. Should the matter not be resolved within the nominated timeframe of five (5) working days, the Manager, Director or Chief Executive Officer (as appropriate) shall provide an update report every ten days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
7. In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the Mayor to ascertain whether the request be dealt with as being confidential.
8. Matters relating to Council meetings, including Notices of Motions or questions relating to items on an agenda should not be submitted to CHD. Questions relating to Council meetings are to be forwarded directly to the relevant Director or the Chief Executive Officer as appropriate. Responses relating to questions on agenda items will be cc'ed to all Elected Members.

9. Matters relating to a particular ward will have the response cc'ed to all Ward Councillors.
10. Matters relating to strategic issues will be cc'ed to all Councillors.

Definitions

"*Elected Member Request*" means a request for information, or request for advice in relation to either an operational or strategic issue.

Related Legislation

Regulation 9(1) of the *Local Government (Rules of Conduct) Amendment Regulations 2020* prohibits an Elected Member from undertaking a task that contributes to the administration of the local government. This policy provides a process to ensure that Elected Members do not breach this regulation.

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption	28 August 2018
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Review/Modified	Insert Date
-----------------	-------------

Review/Modified	Insert Date
-----------------	-------------

Review/Modified	Insert Date
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8.3 Planning Policy Review - Height Restriction, Neville Street, Bayswater

Responsible Branch:	Strategic Planning and Place	
Responsible Directorate:	Community and Development	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Existing Height Restriction - Neville Street, Bayswater Policy 2. Tracked changes version of the advertised Height Restriction – Neville Street, Bayswater Policy 3. Proposed Height Restriction – Neville Street, Bayswater Policy	
Refer	Item 13.1.3: OCM 22.9.2020 Item 10.5.4.2: OCM 3.9.2019	

SUMMARY

Council consideration is sought in relation to the final approval of the proposed modifications to the City's existing Height Restriction - Neville Street, Bayswater local planning policy.

Council at its Ordinary Meeting held 22 September 2020 adopted for public advertising the proposed modified Height Restriction - Neville Street, Bayswater Policy.

The proposed modified policy was advertised for a period of 22 days. One submission was received during the consultation period.

OFFICER'S RECOMMENDATION

That Council adopts the proposed Height Restriction - Neville Street, Bayswater Policy as contained in Attachment 3 to this report.

BACKGROUND

City officers are currently undertaking a review of the existing local planning policies, in order to improve the City's policy framework and reduce "red tape" associated with development application processing.

The review found that the content of the Height Restriction - Neville Street, Bayswater policy remains current; however, it requires updating to reflect the current City of Bayswater policy format and remove outdated references.



The Policy Review and Development Committee considered the proposed modified policy at its meeting held 21 August 2019, and made the following recommendation to Council:

"That Council requests the Chief Executive Officer to present a report to a future Policy Review and Development Committee in relation to all the current design guidelines policies for residential estates and the like."

The Committee changed the Officer's Recommendation as it was considered appropriate to consider this policy in the context of the other design guidelines policies for residential estates, and the variance of their development requirements to those prescribed in the Residential Design Codes (R-Codes) that apply to the other residential areas in the City.

Council adopted the above Committee recommendation at its Ordinary Meeting held 3 September 2019.

Council at its Ordinary Meeting held 22 September 2020 resolved:

"That Council adopts for public advertising the proposed modified Height Restriction - Neville Street, Bayswater Policy as contained in Attachment 2 to this report."

EXTERNAL CONSULTATION

The City advertised the proposed modified policy for 22 days from 1 October 2020 to 23 October 2020 in accordance with Council's resolution of 22 September 2020. One submission was received during the consultation period, which is addressed in the officer's comments section below.

OFFICER'S COMMENTS

One submission was received during the consultation period requesting to amend the scope section of the proposed modified policy to clarify that only Units 11 to 15 of Lot 700, Nos. 5 to 7 Neville Street, Bayswater are impacted by the policy provisions and that Units 1 to 10 are not impacted.

The below map illustrates that Units 1 to 10 are not within the area where the policy provisions apply. On further review of the proposed policy that was advertised, it is considered necessary to revise the scope section as follows:

- The text refers to construction, which should be development.
- The advertised policy referred to Lot 103 (for No. 9 Neville Street, Bayswater) on the map, which should be Lot 3.
- Refer to Lot 700 Units 11 to 15, Nos. 5 - 7 Neville Street, Bayswater, which was referred to as Lot 700, Nos. 5 - 7 Neville Street, Bayswater in the advertised policy version.
- The advertised policy referred to Lot 103 (for No. 3D Neville Street, Bayswater) in the text and Lot 3 on the map, which should be Strata Lot 3 in both the text and map.
- Link the text description of the lots to the map to better clarify which properties are subject to the policy provisions.



As the proposed revisions do not change the objectives or requirements of the policy, it is not considered necessary to readvertise the policy.

Due to the above, it is recommended to modify the advertised version of the proposed policy as detailed in **Attachments 2 and 3**.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2, clause 5 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.

OPTIONS

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.

Option 1	That Council adopts the proposed Height Restriction - Neville Street, Bayswater Policy 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 this option has a low risk, as it is consistent with the existing policy. Further, the City has not received any complaints about the height limits imposed by the existing policy, only a submission to clarify which properties are subject to the policy provisions.	

Option 2	That Council adopts the proposed Height Restriction - Neville Street, Bayswater Policy, as contained in <u>Attachment 3</u> to this report with further modification(s).	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Dependent on the modification(s) proposed.
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) proposed.	

Option 3	That Council endorses the continuation of the existing policy with no modification.	
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	It is considered that this option has a moderate risk to the City's reputation, community and stakeholders and governance, as the existing policy is inconsistent with the City's current policy format and contains outdated references to the R-Codes.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Publishing of public notice of the adoption of the proposed modified 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	\$400	-	-	-	-	-	\$14,000

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Built Environment
 Aspiration: A quality and connected built environment.
 Outcome B3: Quality built environment.

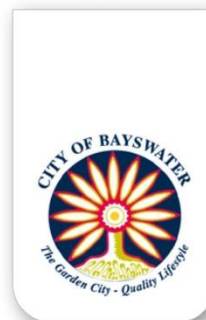
The proposed modified policy will assist with the delivery of a quality built environment. The draft policy will maintain the restriction on the height of buildings to ensure that the scale of buildings transitions from the residential area to the north to the adjacent Parks and Recreation reserve to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

CONCLUSION

The existing Height Restriction - Neville Street, Bayswater Policy is considered necessary to ensure that the scale of buildings transitions from the residential area to the north to the adjacent Parks and Recreation reserve to the south. The proposed modified Height Restriction - Neville Street, Bayswater Policy is considered to improve upon the original, as it is consistent with the current City of Bayswater policy format and incorporates various improvements that enhance its ease of use and effectiveness. It is therefore recommended that the proposed modified policy be adopted.

Attachment 1 - Existing Height Restriction - Neville Street, Bayswater Policy**HEIGHT RESTRICTION - NEVILLE STREET,
BAYSWATER 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 ensure that development of the portion of the following sites closest to the Regional Reserve are limited to single storey in scale to ensure that the development blends in with the surrounding residential area and the Park and Recreational Reserve.

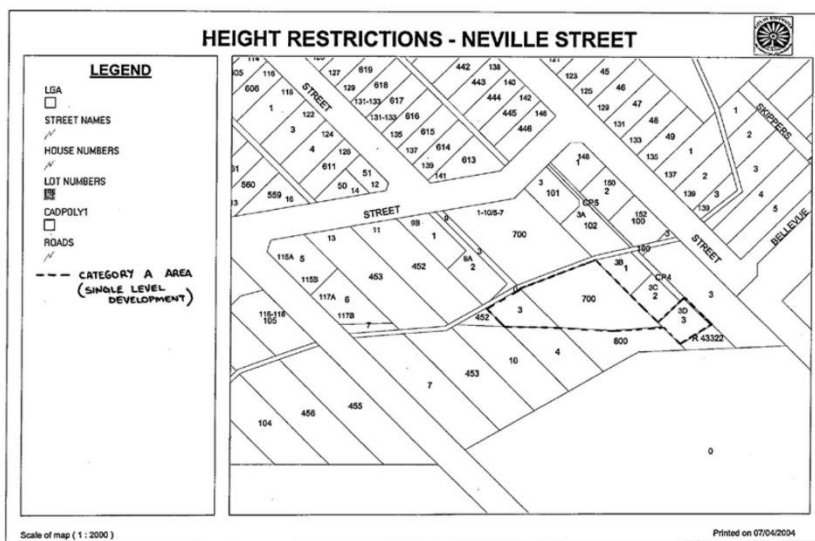
POLICY STATEMENT:

In accordance with the provisions of the R-Codes (Clause 3.7.1 – Building Height Requirements), where provided for in a Local Planning Policy pursuant to Clause 2.6.2 of the Codes, development may be restricted in height.

1. This policy is made pursuant to Clause 2.6.2 of the Residential Design Codes 2002 and shall have effect for applications made for residential development as defined by the City of Bayswater Town Planning Schemes (as amended). This policy does not alter or change in any way the acceptable development criteria of the codes.
2. All residential development on the following Lots, as defined on the attached plan, shall be restricted to Category A dwellings (single level development) as defined under Clause 3.7.1 of the R-Codes:
 - a) Lot 103 (Strata Lot 3) No. 3D Neville Street;
 - b) Lot 700 No. 5-7 Neville Street; and
 - c) Lot 3 No. 9 Neville Street.
3. Finished ground levels to be approved by Council based on the average level of the site, and to be above the 100 year flood level.



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



DEFINITIONS:

Nil

RELATED LEGISLATION:

Clause 2.6.2 of Residential Design Codes (2002).

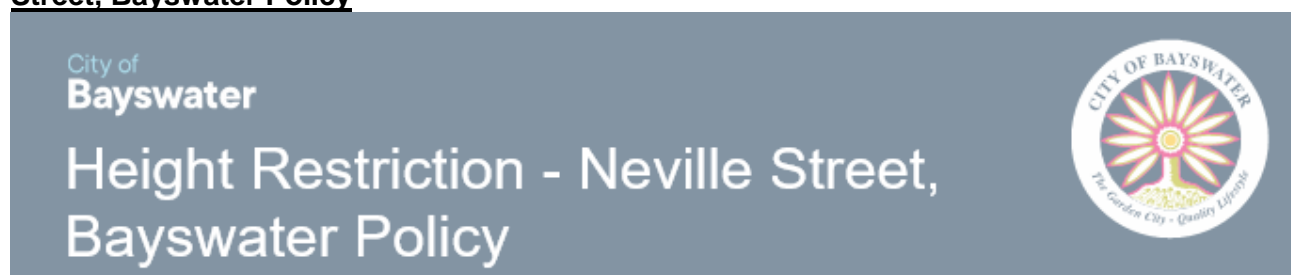
RELATED DOCUMENTATION:

Development of Lots - Neville Street Policy (Environmental Health)

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	22 May 2001
Reviewed / Modified	Date	22 June 2004
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	



Attachment 2 – Tracked changes version of the advertised Height Restriction – Neville Street, Bayswater Policy



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

Purpose

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

Objectives

The objectives of this policy are to:

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

Introduction

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

Scope

This policy applies to the construction-development of all buildings on:

- Lot 103 (Strata Lot 3), No. 3D Neville Street, Bayswater;
- Lot 700, Units 11 to 15, Nos. 5- to 7 Neville Street, Bayswater; and
- Lot 3, No. 9 Neville Street, Bayswater; -

as shown on the below map:



Requirements

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

Related legislation

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

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

Attachment 3 – Proposed Height Restriction – Neville Street, Bayswater Policy

City of
Bayswater

Height Restriction - Neville Street, Bayswater Policy



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

Purpose

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

Objectives

The objectives of this policy are to:

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

Introduction

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

Scope

This policy applies to the development of all buildings on:

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

as shown on the below map:



Requirements

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

Related legislation

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

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

9. PREVIOUS MATTERS DEALT WITH NOT ON THE AGENDA

Nil.

10. GENERAL BUSINESS

Nil.

11. CONFIDENTIAL ITEMS

Nil.

12. NEXT MEETING

The next meeting of the Policy Review and Development Committee will take place in the Committee Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on a date **to be advised**.

13. CLOSURE