

# Minutes

## Ordinary Council Meeting

**25 July 2023**

*By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on Tuesday, 22 August 2023 by resolution of Council*

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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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# Council Chambers Seating Plan



Jeremy Edwards  
CEO



Cr Filomena Piffaretti  
Mayor



Cr Giorgia Johnson



Cr Lorna Clarke



Cr Dan Bull



Cr Elli Petersen-Pik



Cr Catherine Ehrhardt  
Deputy Mayor



Cr Michelle Sutherland



Cr Assunta Meleca



Cr Steven Ostaszewskyj



Cr Sally Palmer



Cr Josh Eveson



Des Abel,  
DC



Kym Leahy,  
DCS



Luke Botica,  
DIA

Agendas  
and Minutes  
Officer

Press

Gallery

### Nature of Council's Role in Decision Making

<b>Advocacy:</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<b>Executive/Strategic:</b>	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<b>Legislative:</b>	Includes adopting local law, town planning schemes and policies.
<b>Review:</b>	When Council reviews decisions made by officers
<b>Quasi-Judicial:</b>	<p>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.</p> <p>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.</p>

### *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 depute 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 depute 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 25 July 2023.

## 1 Official Opening

The Presiding Member, Cr Filomena Piffaretti, Mayor, declared the meeting open at 7:08pm.

## 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.*

## 3 Announcements From The Presiding Member

Nil.

## 4 Attendance

In accordance with r14C(2)(b) of the Local Government (Administration) Regulations 1996, and the City of Bayswater Electronic Attendance Policy, Cr Filomena Piffaretti, Mayor, gave approval for Councillors Clarke and Sutherland to attend this meeting via electronic means.

### Members

#### North Ward

Cr Filomena Piffaretti, Mayor (Presiding Member)  
Cr Josh Eveson  
Cr Michelle Sutherland (via electronic means)

#### 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 Lorna Clarke (via electronic means)  
Cr Giorgia Johnson

**Officers**

Mr Des Abel	Director Community Services
Mr Luke Botica	Director Infrastructure and Assets
Ms Anna Gillespie	A/Director Corporate Services
Ms Karen D'Cunha	A/Manager Governance, Organisational Planning and Development
Ms Rebecca McKrill	Governance Officer
Ms Alix Bray	A/Manager Property and Economic Development
Mr Jon Vines	Manager Project Services

**Observers**

Press - 0  
Public - 4

**4.1 Apologies**

Mr Jeremy Edwards	Chief Executive Officer
Ms Kym Leahy	Director Corporate Services
Ms Amanda Albrecht	Manager Governance, Organisational Planning and Development

*Note: In the absence of Mr Jeremy Edwards, the Director Infrastructure and Assets, Mr Luke Botica, assumed the responsibilities of the CEO for the duration of the meeting.*

**4.2 Approved Leave of Absence**

Councillor	Date of Leave	Approved by Council
Cr Lorna Clarke	15 August 2023 to 29 August 2023 inclusive	Ordinary Council Meeting [27.06.2023]

**4.3 Applications for Leave of Absence****COUNCIL RESOLUTION**

That Leave of Absence be granted as follows:

Cr Assunta Meleca 31 July 2023 - 1 August 2023 inclusive; and

Cr Elli Petersen-Pik 24 August 2023 - 24 August 2023 inclusive.

Cr Sally Palmer Moved, Cr Steven Ostaszewskyj Seconded

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke 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 disclosure of interest was provided before the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Mr Luke Botica, Director Infrastructure and Assets	10.3.1	Impartial	Mr Luke Botica, Director Infrastructure and Assets, has declared an impartial interest in relation to the submissions received for expression of interest to lease the community office suites at The RISE, as he has an association with the Institute of Public Works Engineering Australasia (IPWEA), through his membership with the organisation. Mr Botica is not an office bearer for IPWEA and was not part of the assessment panel for the expression of interest process. However, Mr Botica was responsible for the review and authorisation of this report to Council.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Cr Lorna Clarke	10.1.2	Impartial	The recommendation mentions the Minister for Planning and I know him through the Labor Party.
Cr Lorna Clarke	10.3.1	Impartial	I've suggested to people who have attended birthday parties and celebrations that they make a donation to Orana House rather than provide gifts.
Cr Lorna Clarke	10.5.1.7	Financial	This item relates to choices of investment around energy uses and I work for the ERA, which regulates energy entities.
Cr Lorna Clarke	10.5.1.11	Financial	The item relates to changes to the heritage program, and I live in a heritage listed house.
Cr Lorna Clarke	11.5.2.4	Financial	This item relates to a heritage fee refund policy and I live in a heritage listed house.
Cr Lorna Clarke	11.1	Impartial	I have family who live right near the Embleton Golf Course.
Cr Lorna Clarke	11.2	Impartial	I manage my own Councillor Facebook account. I also have a personal Facebook page, LinkedIn account and old personal Twitter and Instagram accounts, however these may not be directly related to Council matters.
Cr Sally Palmer	10.2.1	Impartial	I have become a social member of the Morley Noranda Recreation Club (as of July 2023).
Cr Sally Palmer	10.3.1	Impartial	I have visited Orana House office (Garcon Court) on a social capacity at Noranda.
Cr Sally Palmer	10.5.2.2	Proximity	My residence is outside the boundary but opposite the Noranda Town Centre.

Name	Item No.	Type of Interest	Nature of Interest
Cr Sally Palmer	11.2	Impartial	I have a Facebook and LinkedIn account by myself, for myself.
Cr Giorgia Johnson	11.2	Impartial	I am administrator/manage my Councillor Facebook and Instagram page, am one of several administrators for Sustainable Bayswater, WA Elected Member Network on Sustainability, Friends of Eric Singleton Wetlands, Cool Breeze Cafe Facebook and Instagram (not published pages).
Cr Giorgia Johnson	11.5	Impartial	My former business, Cool Breeze Cafe, is mentioned in the report.
Cr Elli Petersen-Pik	11.2	Impartial	I do not manage any Community social media accounts that is relevant to the City of Bayswater, nor any person in my family, I only manage my own Councillor page.
Cr Catherine Ehrhardt, Deputy Mayor	11.2	Impartial	I am the administrator of my own Councillor Facebook page. I am a moderator on Facebook business page "Mingle in Maylands". I am a moderator on "Maylands Dinner Club" Facebook social group. My husband is the administrator on "Maylands Community Notices and Chat Group 6051".
Cr Dan Bull	11.2	Impartial	I don't and my spouse doesn't manage, administrate or moderate any Community social media accounts relevant to the City of Bayswater but I administer my Councillor Facebook page, Instagram threads, LinkedIn, Tik Tok page and a Developer Contact Register Facebook page.
Cr Josh Eveson	11.2	Impartial	I manage my own social media accounts and I am a moderator on two or so, pages that may be relevant to the City of Bayswater
Cr Assunta Meleca	11.2	Impartial	I manage my own social media Facebook page.
Cr Steven Ostaszewskyj	11.2	Impartial	I help to manage two community Facebook pages and also manage my own Councillor Facebook page and Instagram page.
Cr Filomena Piffaretti	10.3.1	Impartial	Orana House is mentioned in the report and I have attended a number of events there.
Cr Filomena Piffaretti	11.2	Impartial	Neither myself nor my spouse manage any community social media accounts however I do manage my own Councillor Facebook and Instagram accounts and I manage a personal LinkedIn account.

## 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 Public Questions Taken on Notice

**Amy Sturgeon - Gnangara**

#### Question 1

**What are the pedagogical qualifications of the person who performs drag and reads stories to children at the Maylands library?**

#### Response 1

While there are no standardised pedagogical qualifications specifically tailored to drag queens reading stories to children, there are several qualities and skills that can contribute to a successful and engaging experience for children. These apply to all entertainers engaged to deliver a storytime and include communication skills and performance skills.

A key role of a drag performer reading stories to children is focused on promoting inclusivity, diversity and self-expression. The aim is to create a welcoming environment that encourages acceptance and celebrates individuality. The performance can be seen as a way to teach children about acceptance, empathy and creativity and enjoy the love of literacy and reading.

#### Question 2

**The City of Bayswater has on its website that Drag Queen Story Time encourages early literacy. What specific educational value does the drag performer add to the children's literacy?**

#### Response 2

Public libraries offer literacy programs for children to foster a strong interest of reading and encourage parents and carers to engage in early literacy activities as part of their everyday routine. Drag Queen Storytime has been used as one component of a literacy program for children and can have the following educational benefits:

- Engagement with books and reading - Drag performers are considered skilled entertainers who can captivate children's attention through their vibrant costumes, makeup and



storytelling abilities. Their dynamic and theatrical presentations can help engage children in the storytelling process and foster a stronger interest of books and reading.

- Representation and Inclusivity - Drag Queen Storytime promotes inclusivity and helps children see representations of people from different backgrounds and experiences. This can broaden their acceptance and empathy. This emotional development is considered to be closely linked to literacy, as it cultivates a positive attitude towards diverse perspectives and encourages children to engage with a wider range of appropriate texts and stories.

**Naomi York - Koondoola**

**Question 1**

**Does anyone here know who is the founder of Drag Queen Story Time?**

**Response 1**

The City understands that the Drag Queen Story Hour (DQSH) program was created by Michelle Tea and RADAR Productions in San Francisco in 2015.

**Question 2**

**Does anyone know what year it started?**

**Response 2**

Please refer to the response to Question 1.

**Question 3**

**Has anyone done any background checks on the author of the Drag Story Hour?**

**Response 3**

The Drag Queen Storytime presenters engaged for these events have a current Working with Children Check. This is a requirement for any of the presenters for children's events offered by the City.

**Alden Hayes - Morley**

**Question 1**

**If the City had completed the event before the protest started, why did the City not inform the protestors of the same, which could have stopped the protest before it even started?**

**Response 1**

The City was advised that the protest would start at 11:00am with the protestors setting up from 10am. The event concluded prior to this time, and protestors were advised accordingly as they arrived to setup.

**Question 3**

**As evident from the media videos, the anti-protestors were shouting vulgarities and offensive slogans from loudspeakers that could have distressed children in the libraries and wider public across Maylands. In accordance with the Activities in Thoroughfares and Public Places and Trading Local Law 2020, clause 2.2 (1)(o) states that the use of loud hailer or amplified speaker system in a thoroughfare or public place requires a permit. Why did the City not prevent such vulgarities when no permits were obtained?**

Response 3

WA Police has provided feedback that they were monitoring the protest event on the day and did not observe any offensive behaviour that would be deemed unlawful, therefore, Police did not intervene.

**6.2 Public Question Time**

**Public Question Time commenced at 7:22pm.**

**The following questions were submitted in writing:**

**Leon McGrath – Morley**

**Proposed Telecommunications Infrastructure to Recreational Facility (Crimea Reserve)**

**Question 1**

**Since the 2019/20 Annual Report, the City of Bayswater has had a reserve account for 'Crimea Park and Surrounds'. The purpose of this reserve account is: 'To set aside income received from the telephone tower at Crimea Park for initiatives that improve the amenity of Crimea Park and the surrounding area'. What is the amount of income or annual lease revenue for each financial year that the City of Bayswater expected to receive from the telephone tower at Crimea Reserve?**

Response 1

Leasing arrangements including the possibility of any income to the City did not eventuate as the previous telecommunications infrastructure approved by the State Administrative Tribunal did not proceed.

**Question 2**

**I refer to the decision to refuse the planning application for the proposed telecommunications tower at Crimea Reserve, Morley (OCM 26.04.2023, item 10.4.1). I note in the Officer's Report (OCM 26.04.2023, page 127) that the Department of Planning, Lands and Heritage advised the City of Bayswater that an excision of the area occupied by the telecommunication facility would be required and would be leased by the State of Western Australia to the applicant. The lease revenue would be paid to the State, due to Crimea Reserve being owned by the State. Accordingly, the City of Bayswater would not receive any revenue from the telephone tower. Was this a consideration of the City of Bayswater in refusing the planning application?**

Response2

The reasons for the refusal of the development application related directly to town planning matters. Accordingly the fact that the City would not receive any lease revenue was not a consideration in refusing the application.

**Question 3**

**Has the City of Bayswater considered requesting that the State transfers ownership of Crimea Reserve to the City of Bayswater (either in whole or in part)? This would improve amenity for ratepayers through better mobile coverage and provide the City of Bayswater with revenue that would otherwise go to the State.**

Response 3

Such a request was not considered in relation to this development application.

Public Question Time closed at 7:23pm.

**7 Confirmation of Minutes**

**7.1 Ordinary Council Meeting**

**COUNCIL RESOLUTION**

**(OFFICER'S RECOMMENDATION)**

The Minutes of the Ordinary Council Meeting held on 27 June 2023 which have been distributed, be confirmed as a true and correct record.

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

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**7.2 Special Council Meeting**

**COUNCIL RESOLUTION**

**(OFFICER'S RECOMMENDATION)**

The Minutes of the Special Council Meeting held on 21 June 2023 which have been distributed, be confirmed as a true and correct record.

Cr Steven Ostaszewskyj Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**8 Presentations****8.1 Petitions****COUNCIL RESOLUTION**

That Council note and receive the petition tabled by Cr Elli Petersen-Pik, containing 84 signatures from Kate Bowker asking the City of Bayswater to address their support of item 11.2 on the agenda, Cr Elli Petersen-Pik - Social Media Interests Register.

Cr Elli Petersen-Pik Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**8.2 Presentations**

Nil.

**8.3 Deputations**

The following deputations were heard at the Agenda Briefing Forum held on **Tuesday, 18 July 2023:**

**1. 10.3.1 Expressions of Interest to Lease Community Office Suites at The RISE**

In relation to Item 10.3.1, Olga Hedge was in attendance on behalf of Irina Tomson speaking on the officer's recommendation (refer page 328).

**2. 10.3.1 Expressions of Interest to Lease Community Office Suites at The RISE**

In relation to Item 10.3.1, Kaye Winfield submitted a written deputation speaking on the officer's recommendation (refer page 328).

**3. 11.2 Cr Elli Petersen-Pik – Social Media Interests Register**

In relation to Item 11.2, Alesya Drozdova submitted a written deputation in support of the motion (refer page 647).

**4. 11.2 Cr Elli Petersen-Pik – Social Media Interests Register**

In relation to Item 11.2, Kathryn Lance submitted a written deputation in support of the motion (refer page 647).

**5. 11.2 Cr Elli Petersen-Pik – Social Media Interests Register**

In relation to Item 11.2, Brendan McGrath submitted a written deputation in support of the motion (refer page 647).

**6. 11.2 Cr Elli Petersen-Pik – Social Media Interests Register**

In relation to Item 11.2, Michael Emond submitted a written deputation in support of the motion (refer page 647).

**7. 11.2 Cr Elli Petersen-Pik – Social Media Interests Register**

In relation to Item 11.2, Rosemaree Davies submitted a written deputation in support of the motion (refer page 647).

**8. 11.2 Cr Elli Petersen-Pik – Social Media Interests Register**

In relation to Item 11.2, Kate Bowker submitted a written deputation in support of the motion (refer page 647).

**9. 11.5 Cr Dan Bull – Mains Power Connection for Mobile Food Vehicles at Crimea Park**

In relation to Item 11.5, Deeahn Mercer submitted a written deputation, in support of the motion (refer page 655).

**10. 11.5 Cr Dan Bull – Mains Power Connection for Mobile Food Vehicles at Crimea Park**

In relation to Item 11.5, Jasmine Thum submitted a written deputation, in support of the motion (refer page 655).

**11. 11.5 Cr Dan Bull – Mains Power Connection for Mobile Food Vehicles at Crimea Park**

In relation to Item 11.5, Hannah Kimes submitted a written deputation, in support of the motion (refer page 655).

## 8.4 Delegates Reports

### 8.4.1 Delegates Report - Cr Clarke - AICD

<b>Responsible Branch:</b>	Office of the Chief Executive
<b>Responsible Directorate:</b>	Office of the Chief Executive
<b>Authority/Discretion:</b>	Information only
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	1. Certificate of admission to AICD [8.4.1.1 - 1 page] 2. AICD Award [8.4.1.2 - 1 page]
<b>Refer:</b>	Nil

#### SUMMARY

For Council to note the Delegate's Report submitted by Cr Lorna Clarke after completing the necessary course for admission as a Graduate of the Australian Institute of Company Directors.

#### **COUNCIL RESOLUTION (OFFICER'S RECOMMENDATION)**

That Council notes the Delegate's Report from Cr Clarke on her admission as a Graduate of the Australian Institute of Company Directors.

Cr Lorna Clarke Moved, Cr Giorgia Johnson Seconded

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

#### REPORT

Cr Clarke completed the Australian Institute of Company Directors course in April 2023 at a cost of \$8,174 inclusive of GST.

#### KEY OUTCOMES

The Company Directors course has been designed to give graduates a distinct edge through a better understanding of director duties and responsibilities and sound decision-making skills.

#### COUNCILLOR CLARKE'S COMMENTS

I completed the Australian Institute of Company Director's (AICD) Company Director's course (online over five days from 9 March to 6 April 2023).

It consisted of five components:

1. Governance and the practice of directorship
2. The Legal Environment
3. Risk and Strategy
4. Financial Literacy and Performance
5. Achieving Board Effectiveness

The materials and case studies were extremely detailed and useful to a non-corporate and local government setting. Many of the participants were involved in not-for-profits, the education and

university setting and private listed and non-listed companies. Various presenters shared their knowledge and experience on numerous Australian and international boards.

I completed the three assessments (quiz/assignment and exam) and was admitted as a Graduate of the Australian Institute of Company Directors on 29 May 2023.

I would encourage all other Councillors and senior staff to also complete this course where possible. The online format over multiple weeks was a useful way to complete this course and manage the significant amount of reading.

#### **ELECTED MEMBER CONFERENCE, TRAVEL AND TRAINING REGISTER**

The Elected Member Conference, Travel and Training Register has been updated to reflect the attendance at the above course by Cr Clarke.

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

#### **CONCLUSION**

Cr Clarke has provided the above Delegate's Report to Council to note her completion of the Australian Institute of Company Directors course.

Australian  
Institute of  
**Company  
Directors**

# Certificate

## GRADUATE

This is to certify that  
**Lorna Clarke**  
has been admitted as a Graduate  
of the Australian Institute of Company Directors



**John Atkin FAICD**  
Chairman  
Australian Institute of Company Directors

29 May 2023



Australian  
Institute of  
**Company  
Directors**

# Award

**COMPANY DIRECTORS COURSE™**

This award has been presented to

**LORNA CLARKE**

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in recognition of successful completion  
of the Company Directors Course™



Nicole Meehan  
Head of Education Development  
Australian Institute of Company Directors  
MAY 2023

#### 8.4.2 Cr Lorna Clarke - Economic Development Essentials Training for Elected Members

<b>Responsible Directorate:</b>	Office of the Chief Executive Officer
<b>Authority/Discretion:</b>	Information Purposes
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	1. Economic Development Essentials for Elected Members - Cr Clarke [8.4.2.1 - 1 page]

#### SUMMARY

For Council to note training courses recently completed by Cr Lorna Clarke.

#### COUNCIL RESOLUTION (OFFICER'S RECOMMENDATION)

That Council notes the Delegates Report from Cr Clarke for the completion of the WALGA Economic Development Essentials for Elected Members.

Cr Lorna Clarke Moved, Cr Michelle Sutherland Seconded

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

#### REPORT

Cr Clarke completed the Economic Development Essentials for Elected Members Course on 15 June 2023 at a cost of \$583 inclusive of GST.

#### KEY COURSE TOPICS

Economic Development Australia (EDA) partners with WALGA to deliver this economic development training module for elected officials and community leaders.

The live, interactive, virtual session empowers community leaders to drive and support inclusive, sustainable economic development. The training also supports Local Government leaders to understand the key principles of economic recovery and how to build economic resilience within their communities.

Topics covered:

- Understanding the economic context of your community
- Introduction to economic development and the engines of local economic development

Learning Outcomes:

- To develop Elected Members and executive leaders as informed, strategic decision-makers who can facilitate economic development for their communities.
- To equip these leaders with an understanding of economic development, the context in which it occurs and the engines of local economic development.

## CR CLARKE'S COMMENTS

The WALGA Economic Development online course for Councillors was incredibly useful and practical. I would recommend that City of Bayswater Councillors and staff complete the course. It was very useful that it was held online via zoom. The course was delivered by Economic Development Australia and WALGA.

It was interesting to consider the various changing definitions and theories of “economic development” and consider it in the context of “community wealth building” and local councils being “anchor institutions” in communities and local economies.

There was a focus on the purpose of economic development being to build a better life locally, whether that be through jobs, industry but also through amenity and improvements to health and environment, the “public realm” and collective facilities and resources (e.g., libraries, health, education and schools, parks and street trees).

The course had four main components:

1. Economic context of your community
2. Economic Development - “engines” of local economic development and auditing your Council’s capacity and economic development strategies and actions
3. “Be a champion” - advocating for your local community and leveraging economic development outcomes for your local community.
4. Leading recovery and crisis - using examples such as COVID-19 and climate change impacts, looking at supporting resilience and recovery in your community.

There were a mix of metropolitan and regional and remote Councils attending the training session and this made for a fascinating contrast of local scenarios, challenges and resolutions.

The resources were detailed and useful. In particular, the UK’s Centre for Local Economic Strategies (CLES) was interesting to consider. CLES is a national organisation for local economies, established in 1986, which develop “progressive economics for people, planet and place.” They have considered how Councils can boost economic development in northern cities in England.

The following were interesting discussions and outcomes that maybe useful to the City of Bayswater and Council:

- the “high street” and the future of the “high street” post COVID-19, working from home arrangements and with changing retail consumption patterns. From this discussion, there are opportunities for the City to implement its destination marketing strategy, reduce empty shops and make art and culture a focus of high streets and town centres as more people go to the high street for “experiences” and events rather than just consuming physical items.
- the importance of leadership from Councils and government leaders in economic development and the need for LGAs to be “actor, facilitator and instigator” of economic partnerships.
- how some Council’s choose to provide child care because this then supports economic development and enables more local women to enter the workforce and boost productivity.
- how concepts of “wellbeing” are being incorporated into budgets in New Zealand and the Australian Capital Territory Governments.
- how useful cooperative legal models can be in some contexts, although they can be difficult to implement in WA due to regulatory and legislative complexities

- ideas around “progressive procurement”, incorporating social criteria into procurement (e.g., safety/workers’ rights) and notions of fair employment and just labour markets
- Councils as employers and local drivers of employment in the local economy. thus, the need for strategic planning and detailed workforce planning to recruit and retain the best staff, to then boost local economic development.
- Boosting the idea of “the common” and extend and develop community use of facilities, by expanding the function and ownership of local assets which are held by the local government. The local government can be known as and be the “anchor institution” in a local setting and in an economic development context.

WALGA is developing a template for economic development strategies and the City and Council should consider this once this is completed. I’m advised by the City that it’s due for completion in mid-2023.

The above are all factors that the City of Bayswater and Council should consider when developing the final and updated City Economic Development Strategy and implementing the strategy.”

### **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 Clarke.

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

### **CONCLUSION**

Cr Clarke has provided the above delegate’s report to Council to note the completion of a recent training course.



**WALGA Training**

# **Certificate of Participation**

awarded to

**Lorna Clarke**

after completing a training course in

**Economic Development Essentials for Elected  
Members (Virtual Classroom)**

on

15 June 2023

**Anthony Brown - Executive Director, Training**  
Western Australian Local Government Association

Date Issued: 21 June 2023  
Certificate ID: 4702721-9142679

## 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 and a member wished to make a statement.
- 10.1.2 An interest was disclosed and a member wished to make a statement.
- 10.2.1 An interest was disclosed.
- 10.2.4 A member wished to make a statement.
- 10.3.1 This matter was subject to deputations and an interest was disclosed.
- 10.5.1.7 An interest was disclosed.
- 10.5.1.8 A member wished to make a statement.
- 10.5.1.11 An interest was disclosed.
- 10.5.1.14 A member wished to make a statement.
- 10.5.2.2 An interest was disclosed.
- 10.5.2.3 A member wished to make a statement.
- 10.5.2.4 An interest was disclosed.

### **COUNCIL RESOLUTION**

That item 10.3.1 which was subject to deputations, be brought forward to the beginning of section 10 for discussion before resuming the order of business as set out in the agenda.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Josh Eveson Seconded

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**10 Reports****10.1 Chief Executive Officer Reports****10.1.1 Proposed New Health Local Law 2023**

<b>Responsible Branch:</b>	Governance, Organisational Planning and Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	<b><i>ABSOLUTE MAJORITY REQUIRED for limb 1</i></b> Simple Majority Required for limbs 2 to 3
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current City of Bayswater Health Local Laws 2001 [<b>10.1.1.1</b> - 64 pages]</li> <li>2. Proposed Draft City of Bayswater Health Local Law 2023 [<b>10.1.1.2</b> - 77 pages]</li> <li>3. Marked up Copy with Changes of Draft City of Bayswater Health Local Law 2023 [<b>10.1.1.3</b> - 79 pages]</li> <li>4. Response from DLSCI - Redacted [<b>10.1.1.4</b> - 4 pages]</li> </ol>
<b>Refer:</b>	Item 10.1.1 OCM: 28.03.2023 Item 10.1.2 OCM: 23.08.2022

**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').

**COUNCIL RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council:

1. **Repeals the current City of Bayswater *Health Local Laws 2001* effective upon gazettal and makes the proposed new *Health Local Law 2023* as contained in Attachment 2 of this report, which includes the amendments and minor edits as advised by the Department of Local Government and Cultural Industries, which are outlined in Attachment 4.**

***ABSOLUTE MAJORITY REQUIRED***

2. **Approves publication of the proposed draft *Health Local Law 2023* in the Government Gazette.**
3. **Approves local public notice advising of the gazettal of the proposed *Health Local Law 2023*.**

Cr Sally Palmer Moved, Cr Giorgia Johnson Seconded

**CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

## BACKGROUND

At the Ordinary Council Meeting on 28 March 2023 Council resolved in part as follows:

*“That Council:*

1. *Notes the intention of making a new Health Local Law 2023 under the Local Government Act 1995.*
2. *Approves the proposed draft Health Local Law 2023 as contained in Attachment 2 to this report; and*
  - (a) *Approves local public notice of the proposed draft Health Local Law 2023, in accordance with section 3.12 of the Local Government Act 1995.*

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. The City's current *Health Local Laws 2001* 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.

*Health local law amendments* were published in the Government Gazette on 14 August 2007 and 7 September 2007, which related to the keeping of poultry, pigeons and caged birds and some other minor amendments.

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

Under section 3.16 of the *Local Government Act 1995* (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 *Health Local Law 2023* was publicly advertised on 13 April 2023 and closed on 2 June 2023 in line with WALGA recommendations.

The City also wrote to the Minister for Housing and Local Government and the Minister for Health 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**.

## OFFICER'S COMMENTS

The City's *Health Local Laws 2001*, as shown in **Attachment 1** 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 have, or are in the process of developing new health local laws under the *Local Government Act 1995*; these 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 2023**

A number of key amendments were initially proposed within the City's draft *Health Local Law 2023* and these included 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. It is expected that a further review will be necessary 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 amended 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* and other legislation are not included within the City's new *Health Local Law 2023*.

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 20), 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.

**Outcomes of Councillor Workshop**

The following outcomes were confirmed from the Councillor Workshop:

1. Pursue option one – undertake a minor review now and a further review when the *Public Health Act 2016* comes into effect, taking into consideration feedback from Councillors.
2. Refer the updated review of the Health Local Laws to an Ordinary Council Meeting for further consideration in March or April 2023.

Councillors were invited to provide additional feedback in the weeks following the workshop.

Below is some of the additional feedback received:

- There should be consistency with the number of poultry and pigeons/ cage-birds permitted on a property (currently 24 poultry and 20 cage-birds are permitted).
- Consider ratios for the keeping of poultry on a property (i.e. m<sup>2</sup> /bird).
- The reference to "Council" under Infectious disease should be changed to "Local Government".
- Remove "wrapping tightly" from Section 6.3 to account for FOGO bins.
- References to "his" should be replaced with "their" or another gender-neutral term.
- Amend minor typographical errors which have resulted from the conversion of the original document into an editable format.

- There should be more flexibility for keeping chickens and bees, but with appropriate measures to deal with mistreatment or resulting nuisances.
- Focus on managing rats and mice.
- Consideration should be given to the impacts of climate change.

Feedback obtained from the Councillor workshop (and in the weeks following the workshop) has been considered and where possible incorporated into the City's proposed draft *Health Local Law 2023* as per **Attachment 2**. A copy with marked up changes is also provided as **Attachment 3**.

A summary of the changes and considerations is provided below:

- Beekeepers will be required to register their beehives with the Department of Primary Industries and Regional Development and keep them in accordance the WA Apiarist's Society "Best-Practice Guidelines for Urban Beekeeping".
- The number of poultry and cage-birds that can be kept on a property will both be 20 to ensure consistency. This is not expected to have a material impact, given the existing lot sizes within the City and the lot size required (>1600m<sup>2</sup>) to keep more than 20 poultry.
- The number of poultry permitted on a property is proposed to be nine for a lot size up to 599m<sup>2</sup> and then remain at one per 100m<sup>2</sup> of land thereafter. These numbers, together with the existing keeping of poultry requirements (i.e. the setbacks, enclosure size and roosting area m<sup>2</sup>/bird) will enable greater flexibility, while ensuring that public health standards are still maintained. Any further changes to lot sizes and poultry numbers may impact those already keeping poultry and would require a further detailed review to assess the appropriateness and potential public health impacts.
- The proposed local law has been updated to address typographical errors and terminology that is no longer considered appropriate.
- The section relating to rodents has been updated to exclude native animals and update the requirements for the keeping of these animals.
- The issue of climate change has been kept in consideration during the review of the local laws. Further consideration will also be given during the subsequent major review which will occur when the Public Health Act 2016 has been fully rolled-out.
- The toilet requirements for outdoor festivals has been removed as this is covered under the *Health (Public Building) Regulations 1992* and associated guidelines.

### **Public Consultation**

During the public comment period the City received a total of 4 submissions two of these were through "Engage Bayswater" and the remaining two were received as written submission.

The following three FAQ's were used in "Engage Bayswater":

- **Question - When does the City have to review its Health Local Law?**  
Answer- The *Local Government Act 1995* requires local laws to be reviewed at least every eight years. 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.

- **Question - Why is the City updating poultry limits on residential properties?**

Answer - These proposed numbers, together with the existing keeping of poultry requirements (i.e. the setbacks, enclosure size and roosting area m<sup>2</sup>/bird) will enable greater flexibility, while ensuring that public health standards are still maintained.

- **Question - Will the change in keeping poultry numbers affect me if I already have poultry on my property?**

Answer- The proposed change to a maximum of 20 poultry could potentially impact on existing properties.

There were two submissions received through Engage Bayswater and these are listed below:

Submission 1

*"I am supportive of the changes to the bee keeping requirements - referencing the DPIRD registration requirements is a positive step and will help improve biosecurity".*

Submission 2

*"All of these proposals are more restrictive and or will introduce additional taxes and for what purpose? I suggest you scrap this proposal entirely and focus your energies on something that will actually benefit the community".*

An additional two written submissions were received and these are summarised below:

Submission 3

*"It is noted that the City proposes to remove the requirement for a resident to register their bee hives with the City, in turn placing the onus onto the resident to register with the Department of Primary Industries and Regional Development... How and by whom will this registration be monitored?"*

*"... I suggest adding a point (#4) 'the resident to advise their direct neighbour of their proposed bee keeping' and to include reference 'WAAS Best Practice Guidelines for Urban Beekeeping'"*

*"...Bees seek out sources of water, and it is a requirement for a beekeeper to provide it, otherwise the bees will go to swimming pools, bird baths and taps, which is a nuisance... if an adequate water source is provided, bees will find another source and the new habit will be hard to break. Hence confirming the need to advise direct neighbours of 'proposed bee keeping' to avoid possible nuisance issues."*

Examples of the impacts caused by bee keeping on a neighbouring property was also provided (i.e. swarms, being stung, hives becoming established in buildings, yellow spotting on laundry hanging on clothes line, attraction of bees to alternate water sources).

Submission 4

*"I strongly suggest that the COB adopt "Best-practice Guidelines for Urban Beekeeping" which should extend accountability and transparency to all concerned, i.e. to include informing neighbours."*

*"Allowing 2 hives per residential property seems excessive without including a buffer. I would suggest one residential property allowed to keep bees within a block of 10 surrounding properties."*

*"I would prefer that the City also encourage (Incentivise) WA native bee keeping and discourage/ balance the now overly dominant European honey bee".*

Examples of the impacts caused by bee keeping on a neighbouring property was also provided (i.e. swarms, being stung, hives becoming established in buildings and native bird boxes, competition with native animals, yellow spotting on laundry hanging on clothes line, attraction of bees to alternate water sources).

In relation to submissions one, three and four, the adoption of the Western Australian Apiarist Society *Best-Practice Guidelines for Urban Beekeeping* and registration requirements through the Department of Primary Industry and Regional Development will address the matters raised and is expected to result in bees being kept in a more responsible manner; increased notification to neighbours and a reduction in nuisances being created.

The City's Environmental Health Officers will continue to investigate complaints and ensure that the requirements (including registration) are being adhered to. Officers will also align with any advice or directions provided by the Department of Primary Industries and Regional Development in relation to controlling European honey bee populations.

In relation to submission two, the proposed changes to the Health Local Laws are considered less restrictive for residents. They are not expected to result in higher taxes and they will provide a more contemporary approach to controlling public health issues within the community, until such time as a major review of the Health Local Laws is undertaken.

The City has also received some comments back from the Department of Local Government, Sport and Cultural Industries as per **Attachment 4** and all these suggested changes have been made including the minor edits, which are shown in the final draft in **Attachment 2**.

The Department has raised a couple of additional points and the City can confirm in response that they have previously consulted with the Department of Health on the development of this local law and also wrote to the Minister for Health during the public comment period, however did not receive a response.

The Department also questioned if the City was considering to include any modified penalties within the local law. The City can confirm that they are not proposing to include any modified penalties within the proposed draft local law and will continue to enforce any compliance matters through prosecution with the intention of including modified penalties within the next review of the Health Local Law.

## 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 officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

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
<b>Conclusion</b>	<p>The City recommends that Council resolves to make the Health Local Law 2023 and incorporate the changes as recommended by the DLGSCI. This option is considered to present low risks as it meets the procedural requirements for Council to make the <i>Health Local Law 2023</i>.</p> <p>While Council may wish to add any additional amendments to the City's local law this is not recommended as these may be considered as being substantially different to the advertised draft and risk the JSCDL disallowing the local law.</p>	

## FINANCIAL IMPLICATIONS

The approximate cost of making the local law would be \$4,000, which includes public notices in the local newspaper (Perth Now) and the West Australian Newspaper to comply with the legislative requirements and final gazettal in the Government Gazette.

## 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 Health Local Law 2023 as per **Attachment 2**, and the City will be undertaking a further review when the *Public Health Act 2016* comes into effect.

**Western Australia**

**HEALTH ACT 1911**

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**CITY OF BAYSWATER**

**HEALTH LOCAL LAWS 2001**

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**HEALTH (EATING-HOUSES)  
LOCAL LAWS 2001**

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**HEALTH (ITINERANT FOOD VENDORS)  
LOCAL LAWS 2001**

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**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

6280

GOVERNMENT GAZETTE, WA

10 December 2001

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**HEALTH ACT 1911**

CITY OF BAYSWATER

**HEALTH LOCAL LAWS 2001**

**ARRANGEMENT**

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**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 I—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—
- to whom approval has been granted by the Council or the local government to conduct the festival; or
  - 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—
- 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—
- the premises have sanitary conveniences in accordance with the Building Code and this Part;
  - 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
  - the premises have handbasins—
    - in accordance with the Building Code;
    - 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

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- (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.

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**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;

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- (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 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.

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*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;

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- (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

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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

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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

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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—

- 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;
- keep the lid of the receptacle closed except when manure is being deposited or removed;
- 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;
- 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
- 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—

- pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;
- 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—

- 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;
- 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—
  - a goose or gander;
  - a turkey;
  - a peacock or peahen.
 on any one lot of land.
- 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 (m <sup>2</sup> )	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

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LOT AREA (m <sup>2</sup> )	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 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;

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- (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

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(ii) covered with a film of petroleum oil or other larvicide; and

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- (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.



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**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.

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**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 germanica*.

**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. capitis*).

**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 Disinfect**

(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 disinfect—

- (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).

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**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 staff 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.

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**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;

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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;

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- (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.

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**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.

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**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.

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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

10 December 2001

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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 Rooms	
Other (Specify)	

**Rooms for lodgers**

Area	Number
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Rooms	
Other (Specify)	

**Sanitary Conveniences for male lodgers**

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Area	Number
Toilets	
Urinals	
Baths	
Showers	
Hand basins	

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Sanitary Conveniences for female lodgers

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GOVERNMENT GAZETTE, WA

10 December 2001

Area	Number
Toilets	
Baths	
Showers	



10 December 2001

GOVERNMENT GAZETTE, WA

6331

Hand basins
-------------

Laundry Facilities

Area
Coppers
Wash troughs
Washing Machines
Drying cabinets or clothes lines

Number

6304

GOVERNMENT GAZETTE, WA

10 December 2001

## 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.

.....  
 (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

.....

10 December 2001

GOVERNMENT GAZETTE, WA

6331

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 .....

..... day of..... year .....


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GOVERNMENT GAZETTE, WA

10 December 2001


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: .....

It ..... 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

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GOVERNMENT GAZETTE, WA

10 December 2001


.....  
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

6324

GOVERNMENT GAZETTE, WA

10 December 2001

City of Bayswater

(Date)

10 December 2001

GOVERNMENT GAZETTE, WA

6331

*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)

.....

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GOVERNMENT GAZETTE, WA

10 December 2001

*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 31<sup>st</sup> 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.

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GOVERNMENT GAZETTE, WA

10 December 2001

**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 24<sup>th</sup> 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.

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**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 31<sup>st</sup> 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;

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GOVERNMENT GAZETTE, WA

10 December 2001

- (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 24<sup>th</sup> 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.

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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.

\_\_\_\_\_



Western Australia

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER  
HEALTH LOCAL LAW 2023

**LOCAL GOVERNMENT ACT 1995**

CITY OF BAYSWATER

**HEALTH LOCAL LAW 2023**

ARRANGEMENT

**PART I - PRELIMINARY**

- 1.1 Citation
- 1.2 Repeal
- 1.3 Interpretation
- 1.4 Application
- 1.5 Commencement

**PART 2 – SANITATION**

*Division 1 - Sanitary Conveniences*

- 2.1 Interpretation
- 2.2 Dwelling House
- 2.3 Premises other than a Dwelling House
- 2.4 Toilets
- 2.5 Temporary Works
- 2.6 Maintenance of Sanitary Conveniences and Fittings
- 2.7 Ventilation of Toilets
- 2.8 Public Sanitary Conveniences
- 2.9 Lighting
- 2.10 Installation

*Division 2 - Bathrooms, Laundries and Kitchens*

- 2.11 Bathrooms
- 2.12 Laundries
- 2.13 Washing or Keeping of Clothes in Kitchens
- 2.14 Kitchens
- 2.15 Floor of Wet Areas

**PART 3 - HOUSING AND GENERAL**

*Division 1 - Maintenance of Dwelling Houses*

- 3.1 Dwelling House Maintenance
- 3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

*Division 2 - Ventilation of Houses*

- 3.3 Exemption for Short Term Hostels and Recreational Campsites
- 3.4 Overcrowding
- 3.5 Calculation of Sufficient Space
- 3.6 Ventilation
- 3.7 Sub-Floor Ventilation



*Division 3-Water Supply*

- 3.8 Water Supply
- 3.9 Rain Water tanks
- 3.10 Wells
- 3.11 Pollution

*Division 4 - Second-hand Furniture, Bedding and Clothing*

- 3.12 Prohibition on Sale
- 3.13 Prohibition of Possession

*Division 5 - Morgues*

- 3.14 Licensing of Morgues

**PART 4 - WASTE FOOD AND REFUSE**

- 4.1 Interpretation

*Division 1 - Liquid Refuse*

- 4.2 Deposit of Liquid Refuse

*Division 2 - Disposal of Refuse*

- 4.3 Interpretation
- 4.4 Use of Other Containers
- 4.5 Suitable Enclosure
- 4.6 Deposit of Refuse
- 4.7 Removal of Rubbish or Refuse from Refuse Disposal Site
- 4.8 Removal of Rubbish from Building Sites
- 4.9 Burning Rubbish or Refuse
- 4.10 Removal of Rubbish from Building Sites

*Division 3 -Transport of Butchers Waste*

- 4.11 Interpretation
- 4.12 Restriction of Vehicles
- 4.13 Transport of Butchers' Waste

**PART 5 - NUISANCES AND GENERAL**

*Division 1 - Nuisances*

- 5.1 Interpretation
- 5.2 Footpaths etc. to be Kept Clean
- 5.3 Escape of Smoke etc.
- 5.4 Public Vehicles to be Kept Clean
- 5.5 Prohibition Against Spitting
- 5.6 Transportation, Use and Storage of Offal or Blood
- 5.7 Use or Storage of Fertiliser
- 5.8 Storage and Dispatch of Artificial Fertiliser
- 5.9 Storage of Fertiliser

*Division 2 - Keeping of Animals*

- 5.10 Cleanliness
- 5.11 Animal Enclosures

- 5.12 Slaughter of Animals
- 5.13 Disposal of Dead Animals

*Division 3 - Keeping of Large Animals*

- 5.14 Interpretation
- 5.15 Stables
- 5.16 Proximity of Animals to a Dwelling House
- 5.17 Manure Receptacles

*Division 4 - Keeping of Poultry, Pigeons and Cage-birds*

- 5.18 Interpretation
- 5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds
- 5.20 Conditions of Keeping Poultry
- 5.21 Roosters
- 5.22 Conditions of Keeping Pigeons and Other Cage-birds
- 5.23 Removal of Non -conforming Structure or Enclosure
- 5.24 Restrictions on Pigeon Nesting, Perching and Feeding

*Division 5-Car Parks*

- 5.25 Interpretation
- 5.26 Ventilation
- 5.27 Exhaust Air Discharge Points and Exhaust Registers
- 5.28 Car Park Attendant Booths

**PART 6 - PEST CONTROL**

*Division 1 - Flies*

- 6.1 Interpretation
- 6.2 Fly Breeding Matter not to be Left on Premises Unless Covered or Treated
- 6.3 Measures to be Taken by an Occupier
- 6.4 Officer May Give Notice Directing Measures to be Taken
- 6.5 Local Government May Execute Work and Recover Costs

*Division 2 - Mosquitoes*

- 6.6 Interpretation
- 6.7 Premises to be Kept Free of Mosquito Breeding Matter
- 6.8 Measures to be Taken by an Owner or Occupier
- 6.9 Measures to be Taken by Occupier
- 6.10 Removal of Undergrowth or Vegetation
- 6.11 Filling in Excavations etc.
- 6.12 Drains, Channels and Septic Tanks
- 6.13 Drainage of Land
- 6.14 Swimming Pools

*Division 3 - Rodents*

- 6.15 Interpretation
- 6.16 Measures to be Taken to Eradicate Rodents
- 6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles
- 6.18 Restrictions on Materials Affording Harbourage for Rodents
- 6.19 Food Premises to be Cleaned After Use
- 6.20 Restrictions on the Keeping of Rodents

*Division 4 - Cockroaches*

- 6.21 Interpretation
- 6.22 Measures to be Taken to Eradicate Cockroaches

*Division 5 - Argentine Ants*

- 6.23 Interpretation
- 6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

*Division 6 - European Wasps*

- 6.25 Interpretation
- 6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

*Division 7 - Bee Keeping*

- 6.27 Interpretation
- 6.28 Limitation on Numbers of Hives
- 6.29 Restrictions on Keeping of Bees in Hives
- 6.30 Bees which cause a Nuisance not to be Kept

*Division 8 - Arthropod Vectors of Disease*

- 6.31 Interpretation
- 6.32 Responsibility of the Owner or Occupier

**PART 7 - INFECTIOUS DISEASES**

*Division 1 - General Provisions*

- 7.1 Environmental Health Officer may Visit, Inspect and Report
- 7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest
- 7.3 Environmental Health Officer may Disinfect or Disinfest Premises
- 7.4 Insanitary Houses, Premises and Things
- 7.5 Medical Officer may Authorise Disinfecting
- 7.6 Persons in Contact with an Infectious Disease Sufferer
- 7.7 Declaration of Infected House or Premises
- 7.8 Destruction of Infected Animals
- 7.9 Disposal of a Body
- 7.10 Local government may Carry out Work and Recover Costs

*Division 2 - Disposal of Used Condoms and Needles*

- 7.11 Disposal of Used Condoms
- 7.12 Disposal of Used Needles

**PART 8 - LODGING HOUSES**

*Division 1 - Registration*

- 8.1 Interpretation
- 8.2 Lodging House not to be Kept Unless Registered
- 8.3 Application for Registration
- 8.4 Approval of Application
- 8.5 Renewal of Registration
- 8.6 Notification upon Sale or Transfer
- 8.7 Revocation of Registration

*Division 2 - Construction and Use Requirements*

- 8.8 General Construction Requirements
- 8.9 Sanitary Conveniences
- 8.10 Laundry
- 8.11 Kitchen
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## LOCAL GOVERNMENT ACT 1995

## CITY OF BAYSWATER

## HEALTH LOCAL LAW 2023

Made by the Council of the City of Bayswater under the Local Government Act 1995.

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## PART 1 - PRELIMINARY

## 1.1 Citation

These local laws may be cited as the *City of Bayswater Health Local Laws 2023*.

## 1.2 Repeal

The *Health Local Laws 2001* 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 Environmental 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;

**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 officer of Principal Environmental Health Officer and includes Manager Environmental Health;

**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 fecal 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.

#### 1.4 Application

This local law applied to the district.



### 1.5 Commencement

This local law comes into operation 14 days after the date on which it is published in the *Government Gazette*.

## PART 2 - SANITATION

### *Division 1 - Sanitary Conveniences*

#### 2.1 Interpretation

“**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- 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-
    - (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 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.

## 2.5 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*.

## 2.6 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.

## 2.7 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.

## 2.8 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.

## 2.9 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.

## 2.10 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*

## 2.11 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, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

## 2.12 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.

### **2.13 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.

### **2.14 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.

### **2.15 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;
- (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
- (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 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 AS 3666-1 989; 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 -
  - (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 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 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
    - (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 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.

#### **4.6 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.

#### **4.7 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.

#### **4.8 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.

#### **4.9 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.

#### **4.10 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*

#### **4.11 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.

#### **4.12 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.

#### **4.13 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 Dispatch 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 dispatched 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;
  - (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 20 in accordance with the following table-

Maximum Number Of Poultry That Can Be Kept On Residential Lots	
Lot Area (m <sup>2</sup> )	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 or greater	20

- (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 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 pm 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 AS 1668.2 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 AS 1668.2 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 deposited in an appropriate waste 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 native animals or animals 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, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall - shall at all times take effective measures to eradicate any rodents in or on the premises.
  - (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;
    - (iii) minimising rodent access to water on the premises; and
    - (iv) removing accumulated refuse or potential rodent food sources; and



- (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.

- (2) An owner or occupier of premises must take whatever measures for the eradication of rodents as directed by an authorised person under this clause.

#### **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 Keeping of Rodents**

A person or body which keeps rodents must –

- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
- (b) if a rodent escapes, ensure that all reasonable steps are taken to destroy or recapture the rodent.

#### *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**

- (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 which is not zoned or classified for residential purposes.
- (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 -

- (a) the bee hive is registered with the Department of Primary Industries and Regional Development; and
- (b) the hive is kept in accordance with the Western Australian Apiarist's Society Best Practice Guidelines for Urban Beekeeping.

**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. capitis*).

**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 Local Government 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 local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government 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 staff 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 local government or the Medical Officer may issue;
- (b) may be removed, at the direction of the local government 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 local government 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 local government 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 local government 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 local government 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

- (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 *Food Act 2008*;
- (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 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 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 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 themselves from such house, unless they leave 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 them, 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 in flammable, noxious 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 their 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.

## 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 they 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 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

- (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, 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 *Australia New Zealand Food Standards Code*, 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, aluminum, 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 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"** means a premises in which -

- (a) 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 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 dispatched 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 the *Local Government Act 1995* or *Health (Miscellaneous Provisions) Act 1911*, 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.

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)

DRAFT

**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)	

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)



**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: \$.....

**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.....

## LIST OF LODGERS

The following is the name of every person who resided in the lodging house at.....  
 .....  
 on.....day of .....year.....

[illegible]

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 .....

## CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH MORE THAN 20 SLEEPING APARTMENTS

for the registered lodging house situated at.....

[illegible]

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 licence 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 licenced as a morgue from the 1<sup>st</sup> January .....until  
31<sup>st</sup> 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

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 31 December .....

Dated this ..... day of ..... year .....

.....

**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER**

City of Bayswater



Western Australia

~~HEALTH ACT 1911~~

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

HEALTH LOCAL LAW 2023

~~HEALTH LOCAL LAWS 2001~~

~~HEALTH EATING HOUSES 2001~~

~~HEALTH (ITINERANT FOOD VENDORS)~~

~~LOCAL LAWS 2001~~

## LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

## HEALTH LOCAL LAW 2023

ARRANGEMENT

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7.	Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments
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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~~  
**LOCAL GOVERNMENT ACT 1995**

**CITY OF BAYSWATER**

**HEALTH LOCAL LAW 2023**

Made by the Council of the City of Bayswater under the Local Government Act 1995.

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**PART 1 - PRELIMINARY**

**1.1 Citation**

These local laws may be cited as the “*City of Bayswater Health Local Laws* ~~2001~~ 2023”.

**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 2001 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 Act 1911~~ *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 Environmental Health Officer;

“**AS**” means Australian Standard published by the Standards Association of Australia;

“**Building Code**” means the latest edition of the *National Construction Code 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 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 2011](#) [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 officer of Principal Environmental Health Officer and includes ~~an Acting Principal Environmental Health Officer~~ [Manager Environmental Health](#);

“**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 2011 Health (Miscellaneous Provisions) Act 1911*, those words and phrases have the same meaning unless the context otherwise requires.

#### 1.4 Application

This local law applied to the district.

#### 1.5 Commencement

This local law comes into operation 14 days after the date on which it is published in the *Government Gazette*.

### **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-
    - (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 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 1 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.~~

#### **2.54 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.

#### **2.56 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*.

#### **2.76 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.

#### **2.78 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.

#### **2.89 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.

#### **2.910 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.

#### **2.104 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*

#### **2.112 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, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

#### **2.123 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.

#### **2.134 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.

#### **2.145 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.

## **2.156 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;
- (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 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 AS 3666-1 989; 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 -
  - (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 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 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
    - (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 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.

#### **4.6 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.

#### **4.7 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.

#### **4.8 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.

#### **4.9 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.

#### 4.10 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*

#### 4.11 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.

#### 4.12 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.

#### 4.13 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;
  - (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 204~~ in accordance with the following table-

Maximum Number Of Poultry That Can Be Kept On Residential Lots	
Lot Area (m <sup>2</sup> )	Poultry
Less than 500	0
500-599	9

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 or greater	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

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 AS 1668.2 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 AS 1668.2 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~~ appropriate waste 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 native animals or 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, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall - shall at all times take effective measures to eradicate any rodents in or on the premises.

- (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 minimising rodent access to water on the premises; and~~
  - ~~(iv) removing accumulated refuse or potential rodent food sources; and~~
- (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~~

- (2) ~~An owner or occupier of premises must take whatever measures for the eradication of rodents as directed by an authorized person under this clause. 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~~ Rodents

A person or body which keeps rodents must –

- ~~(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 rodents are kept in the effective control of a person or in locked cages; and
  - (b) if a rodent ~~at escapes~~, forthwith comply ensure that all reasonable steps are taken to destroy or recapture the rodent. 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

~~(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)(1)~~ Subject to subsections ~~(32)~~ and ~~(43)~~, a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

~~(3)(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.

~~(4)(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) ~~the bee hive is registered with the Department of Primary Industries and Regional Development; and an adequate and permanent supply of water is provided on the lot within 2 metres of each hive;~~

(b) ~~the hive is kept in accordance with the Western Australian Apiarist's Society Best Practice Guidelines for Urban Beekeeping.-~~

~~(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**

- (1) The ~~local government 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~~ local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government 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 staff 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 local government Council or the Medical Officer may issue;
- (b) may be removed, at the direction of the local government 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 local government

~~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 Local Government](#) 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-local government 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-local government 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

- (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~~ Food Act 2008;
- (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 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 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 themselves from such house, unless ~~he~~ they 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~~ them, 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 in flammable, ~~ob~~noxious 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~~their 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.

## **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~~ they 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 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

- (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, 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~~ Australia New Zealand Food Standards Code, 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 caved with not ~~l~~ess 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"** means a premises in which --

- (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 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 \$1,0000 and not less than~~ not exceeding \$5,000; and
  - (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 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.~~ 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~~ the Local Government Act 1995 or Health (Miscellaneous Provisions) Act 1911, 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.

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)

Tracked Changes

**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)	

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)

**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: \$.....



**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.....

## LIST OF LODGERS

The following is the name of every person who resided in the lodging house at.....  
 .....  
 on.....day of .....year.....

[illegible]

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 licence 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 licenced as a morgue from the 1<sup>st</sup> January .....until  
31<sup>st</sup> 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

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 31 December .....

Dated this ..... day of ..... year .....

.....

**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER**

City of Bayswater

**Mark Thornber**

---

**From:** [REDACTED]  
**Sent:** Tuesday, 20 June 2023 5:45 PM  
**To:** Mark Thornber  
**Subject:** Department of Local Government - Comments on proposed local law

Good afternoon,

This email is regarding the City's proposed health local laws. The Department's comments are provided below.

**Health Local Law 2023**

**1. Consultation with Department of Health**

It may be prudent for the City to consult with the Department of Health (DoH), presuming this has not already occurred.

The DoH has subject specific knowledge in relation to health issues and state health priorities. Accordingly, the DoH may have suggestions or advice regarding what content the local law should or shouldn't contain.

The DLGSC lacks the expertise to scrutinize local laws from a health policy perspective. Accordingly, our scrutiny of the draft is limited to general proof-reading and issues which have previously been verified as an issue by the Delegated Legislation Committee.

**2. Standard clauses**

It is suggested that the local law include an application clause. The standard wording is as follows:

---

**1.4 Application**

This local law applies to the district.

----

It is also suggested that a clause be added specifying when the local law will come into operation. The standard formatting is as follows:

----

**1.5 Commencement**

This local law comes into operation 14 days after the date on which it is published in the *Government Gazette*.

-----

If this is done, appropriate entries should also be made to the contents page.

**3. Reference to Australian Standards**

The local law contains references to Australian Standards.

While the use of these standards is common in local laws, the Parliament's Delegated Legislation Committee has expressed concerns over the practice since they are commercial documents and may not necessarily be available to the public.

The Committee has previously allowed the use of standards provided that:

- (a) The most up-to-date title of the Standard should be used;
- (b) The full title of the Standard is used at least once, either in the applicable clause or in an appropriate definition.
- (c) The local law should provide whether the standard is being enforced as it was on a certain date or alternatively "as modified from time to time".
- (d) The City should ensure that the local government website advises where the Standard can be freely viewed, whether at the council office or some other location.

The Committee may inquire in relation to issue (d) when the final version of the local law is gazetted and tabled in Parliament.

#### **4. Clause 8.31 – Reference to "obnoxious"**

It is suggested that the term "obnoxious" be deleted from clause 8.31(b).

The Delegated Legislation Committee has previously objected to the term, as it is not officially defined in legislation and can be subject to various interpretations.

If the City intended to refer to substances which give off harmful, poisonous or unpleasant fumes, the term "noxious" might be a better alternative.

#### **5. Modified penalty**

The local law contains a general penalty in clause 10.2. However, it does not appear to make any provision for modified penalties or infringement notices.

Accordingly, any attempt to enforce the local law in its current form would require prosecution for the full penalty in the courts. The Department presumes that this reflects the City's intentions.

If the City wishes for the option to issue infringement notices for minor offences, applicable clauses will need to be added to the local law prescribing modified penalties. These modifications to the draft are likely to qualify as a "significant difference" for the purposes of section 3.13 of the LGA 1995 and require the law-making process to be restarted.

#### **6. Minor edits**

The following minor edits are suggested:

- Contents page: Ensure that the entries for clauses 4.7 to clause 4.13 match the content of the local law. This will require additional entries and the renumbering of existing entries.
- Clause 1.1: Remove the quote marks and change the citation to italics.
- Clause 1.2: Change the citation and "Government Gazette" to italics.
- Clause 1.3:
  - Change the defined terms to bold and italics without quote marks to reflect the format used in legislation (e.g. ***Act***).

- In the definition for ***adequate supply of water*** remove the space in “Environ mental”
- In the definition for ***AS***, change the defined term to bold and italics and insert a space to separate it from the previous definition.
- In the definition of ***water***, change the citation to refer to the most updated version of the guidelines.
- Clause 2.1: The definition appears to include a designator “(a)” after the word “by”. It is possible the definition is supposed to be formatted in paragraphs or alternatively, “(a)” should be deleted.
- Clause 3.8: Change the clause title to bold.
- Clauses 4.8: Change the clause title to bold and format it to the left.
- After the title of each schedule, include a bracket reference to the applicable clause in the local law.

The City should also ensure that all references and cross references are checked, particularly if any further changes are made 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](mailto: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](http://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’s policies and objectives.

Kind regards



A/Principal Strategy Officer

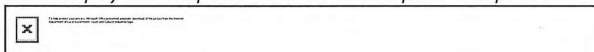
Department of Local Government, Sport and Cultural Industries  
140 William Street, Perth WA 6000  
GPO Box R1250, Perth WA 6844

Telephone -

Email

Web [www.dlgsc.wa.gov.au](http://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.*



### 10.1.2 Proposed Amendment No. 98 to Town Planning Scheme No. 24 - Smoking / Vaping Premises

<b>Responsible Branch:</b>	Property and Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	1. Summary of submissions [10.1.2.1 - 11 pages] 2. Schedule of Recommended Modifications [10.1.2.2 - 1 page]
<b>Refer:</b>	Item 10.4.2:OCM 06.12.2022

#### **CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Lorna Clarke declared an impartial interest in this item as the recommendation mentions the Minister for Planning who she knows through the Labor Party. Cr Lorna Clarke remained in the meeting (via electronic means) and voted on this item.*

#### **SUMMARY**

Council at its Ordinary Meeting held 6 December 2022 considered Amendment No. 98 to Town Planning Scheme No. 24 (TPS 24) to modify the definition of 'Restricted Premises' to include 'smoking related implements', consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 5 - Model provisions for local planning schemes. This was to introduce a planning framework into TPS 24 for premises which predominately involves the sale and consumption of smoking implements.

#### **COUNCIL RESOLUTION**

##### **(OFFICER'S RECOMMENDATION)**

That Council recommends that the Western Australian Planning Commission and Minister for Planning approve Amendment No. 98 to the City of Bayswater Town Planning Scheme No. 24 with modifications to the definition of 'Restricted Premises', as detailed in Attachment 2.

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

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

#### **BACKGROUND**

Council at its Ordinary Meeting held 6 December 2022 considered proposed Amendment No. 98 to Town Planning Scheme No. 24 (TPS 24) to modify the definition of 'Restricted Premises' to include 'smoking related implements' consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) Part 5 - Model provisions for local planning schemes, and resolved as follows:

*"That Council:*

1. *Initiates an amendment to the City of Bayswater Town Planning Scheme No.24 to modify the definition of 'Restricted Premises' to include: 'or (c) smoking-related implements'.*

2. *Considers the proposed amendment to the City of Bayswater Town Planning Scheme No.24 to be 'basic' in accordance with Part 5 Division 1 r34 and r35 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:*
  - (a) *The amendment to the scheme is so that it is consistent with the model provisions in Schedule 1.*
3. *Upon finalisation of the scheme amendment documentation, the documentation is to be forwarded to the Department of Water and Environmental Regulation for assessment.*
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 forwarded to the Western Australian Planning Commission for final approval.*
5. *Requests the Chief Executive Officer to prepare a local planning policy to guide future development and change of use applications to ensure that premises for the sale and/or consumption of smoking implements and similar are located appropriately."*

The scheme amendment was lodged with the Western Australian Planning Commission (WAPC) as a basic scheme amendment in accordance with Council's resolution. The WAPC advised the City that the Amendment had land use implications under TPS 24 Table No. 1 – Zoning Table, and therefore did not align with the definition of basic scheme amendments, which are administrative in nature. This was in relation to the current 'shop', 'restaurant' and 'small bar' land use class permissibility's changing to the more limited land use class permissibility's of 'restricted premise'. The WAPC further advised that it considered that the Amendment was more appropriately categorised as a standard scheme amendment.

The City was therefore directed by the WAPC to process and advertise the amendment as a standard amendment in accordance with the LPS Regs.

## **EXTERNAL CONSULTATION**

### Environmental Assessment Referral

The scheme amendment documentation was referred to the Department of Water and Environmental Regulation (DWER) for assessment. In correspondence dated 15 February 2023 the DWER advised the City that the proposed scheme amendment would not require an environmental assessment.

### Public Consultation

Following direction from the WAPC that the amendment was to be processed as 'standard', the City advertised the proposed amendment for a period of 46 days, from 27 April 2023 to 12 June 2023, by way of:

- Notification in the Perth Now newspaper on 27 April 2023;
- 2,618 letters sent to landowners of premises whose land use classification would be impacted by the scheme amendment, specifically those properties zoned Centre (Morley), Business, Mixed Use, Showroom / Warehouse, Maylands Special Control Areas (SCA) and Special Use. Existing premise operators were also advised;
- Information placed on the City's engagement website, Engage Bayswater; and
- Hard copies of the amendment documentation were made available for inspection at the City's Civic Centre and libraries.

During the public consultation period 434 people visited the engage Bayswater webpage on the proposed amendment online, and 44 people provided formal submissions. 26 supported the amendment, two neither supported nor objected, and 16 objected.



Seven comments of support were received from residents who own impacted properties zoned Centre, SCA and Business, with 19 supportive comments from non-impacted zoned properties. One submission of objection was received from an occupier of property zoned SCA, with 15 objections from owners and occupiers of non-impacted zoned properties. One submission in support was from a commercial landowner (not a smoking premises), one in support from a school, and the remainder of the submissions were from residential land owners and occupiers. Refer to **Attachment 1** for the summary of submissions.

	Support	Object	Neither support or object	Total
Within the amendment scope areas	7	1	Nil	8
Outside of the amendment scope areas	19	15	2	36
<b>Total</b>	<b>26</b>	<b>16</b>	<b>2</b>	<b>44</b>

## OFFICER'S COMMENTS

### Submission Matters

#### Submissions Supporting

Submissions were generally supportive of introducing a planning framework which would provide the City with the discretion to ensure that locations were not in proximity to schools and residential land uses. Should the amendment be finalised, this would be supplemented with a local planning policy to provide additional guidance for appropriate locations.

Submissions supported health benefits of reducing exposure to vaping implements, including unknown harmful effects and increasing numbers of underage children having access to them. It is intended that this amendment will ultimately result in the ability for the City to have some control for the location of premises primarily selling vaping implements through a legitimate planning framework overseen by the WAPC, which is considered to be a benefit to the community.

#### Submissions Objecting

Submissions objecting to the amendment raised concerns that the City was acting outside of its authority, discriminating against and impacting businesses (vape shops and shisha bars), impacting on existing smokers' access to products to assist them to quit, and the City not addressing other more relevant issues, such as supermarkets selling tobacco and liquor, and takes resources away from core functions.

In relation to concerns that the City does not have the authority or right to impose restrictions on premises, the City's TPS 24 does not currently have ability to regulate premises as the TPS 24 was gazetted prior to the introduction of e-cigarettes in Australia. Under Clause 2(r) of Schedule 2 of the *Planning and Development (Local Planning Schemes) 2015 Regulations* (Deemed Provisions) the City as a part of any development application may consider 'the suitability of the land for the development taking into account the possible risk to human health and safety'. It is considered that the proposed scheme amendment provides greater guidance on where a land use which has potential impact on human health can be located within the City and how the City implements the above clause.

The amendment seeks to update the scheme in accordance with the current LPS Regs model provisions, which is intended to address e-cigarettes as confirmed by Department of Planning, Lands and Heritage (DPLH) officers. The City is considered to be within its statutory ability to amend its scheme to be consistent with the LPS Regs. It is acknowledged that the Federal Government is intending to also implement actions to address vaping, however this scheme amendment will ensure that the City can address vaping within the current framework.

It is not intended that existing businesses in the City will be impacted by the amendment. It is acknowledged the amendment will result in new premises only being able to be considered within the Morley Activity Centre, however any existing authorised premise (within or outside of the Centre) would continue to operate under the non-conforming use right provisions of TPS 24.

It is not intended that this scheme amendment will impact on the ability to access Therapeutic Goods Association (TGA) approved products via prescription.

Restricting other land uses, such as supermarkets selling tobacco, is not within the scope of this scheme amendment and is not considered consistent with the intent of the LPS Regs model provisions. Additionally, maintaining and updating TPS 24 to align with best practise planning and current and future planning priorities is considered a core function of the City.

No modifications to the amendment are proposed after having regard to the submissions received during community consultation.

#### Minor Modifications

The existing TPS 24 definition for Restricted Premises currently slightly varies the model scheme template. It is considered that the intent of the City's existing wording and the model scheme template are consistent. The definitions are currently as follows, with the different wording highlighted for clarity:

Town Planning Scheme No. 24:

***"Restricted Premises means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or deliver of:***

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or***
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity."***

Planning and Development (Local Planning Schemes) Regulations 2015:

***"Restricted Premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —***

- (a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or***
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or***
- (c) smoking-related implements"***

The definition under TPS 24 refers to legislation that has been repealed. It is therefore considered appropriate to bring the entire definition of 'restricted premises' into line with the LPS Regs definition for accuracy. It is not considered that this would have any impact on the current scheme amendment process as the modifications are administrative in nature to correct wording differences, and will not impact on existing land use permissibility. It is therefore recommended the amendment be supported with minor modifications as detailed in **Attachment 2** to be consistent with the LPS Regs model provisions definition.

### Policy

In the event the scheme amendment proceeds to final approval, a corresponding policy will be prepared as noted above, with appropriate guidance for the location and design of premises selling smoking-related implements, and referred to a future Council meeting.

### **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 LPS Regs 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 with 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 has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
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
<b>Conclusion</b>	<p>It is considered that there is a moderate risk to community and stakeholder relationship where owners, operators and users of smoke premises may not consider firmer planning framework controls to be appropriate, as reflected in several of the submissions.</p> <p>If Council does not support the officer's recommendation, it is considered that there is a moderate risk to the City's reputation, and community and stakeholder relationship, as there may be members of the community who may be disappointed by the decision.</p>	

### **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 (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$800						\$8,000

**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.

The proposed modified scheme amendment will provide a firmer planning framework to regulate sale and consumption of smoking related products which will enable the City to ensure these are located in appropriate locations.

**CONCLUSION**

It is recommended that Council supports Amendment No. 98 to the City of Bayswater TPS 24 with minor modifications, as detailed in **Attachment 2** to this report, and that the modified amendment documentation be forwarded to the WAPC and Minister for Planning for final approval.

No.	Support / Object / Comment	Interest in the proposal	Summary of Submission	Comments
1.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>No comment.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
2.	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Should not be the forefront of Council's mind. More important matters to devote time to. Waste of rate payer's time.</li> </ul>	<ul style="list-style-type: none"> <li>The amendment is seeking to bring the provisions of Town Planning Scheme No. 24 (TPS 24) into alignment with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (LPS Regs) Schedule 1 – Model provisions for local planning schemes, which seeks to have consistency in planning controls throughout Western Australia. The definition of 'restricted premises' in the LPS Regs is intended to create a planning framework for smoking and vaping premises. Whilst the City is not currently obliged to align its scheme with the LPS Regs, it is anticipated that after the adoption of the draft Local Planning Strategy and following scheme review, many clauses of TPS 24 will be brought into alignment with the LPS Regs, including the definition of 'restricted premises'.</li> </ul>
			<ul style="list-style-type: none"> <li>Not an influx of this type of business and do not need legislation to prevent it.</li> </ul>	<ul style="list-style-type: none"> <li>Whilst there is currently not a large number of premises within the City, there is a lack of a local planning framework. Restricted premises will still have the ability to locate within the Morley Activity Centre subject to development approval.</li> </ul>
3.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Support more control over the number and location. Area has too many of these retail outlets already, continue to expose young people to unhealthy smoking practices</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is intended that should the scheme amendment proceed a policy will be prepared to provide additional guidance.</li> </ul>

			despite the public health knowledge about the risks.	
4.	Object	I occupy a property in the area	<ul style="list-style-type: none"> <li>Beyond the scope of local government. No right to discriminate against these businesses which is why there is no distinction for them currently. Seeking only to discriminate against hobbies you dislike. Disgusting to think you remotely have that right.</li> <li>Leave private businesses that affect no one beyond their premises alone, and leave the choice to the people instead of acting like totalitarians overreaching far beyond your responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>The City's TPS 24 does not currently have a definition as the TPS was gazetted prior to the introduction of e-cigarettes in Australia. The amendment seeks to update the scheme in accordance with the LPS Regs as discussed above.</li> <li>Given that the LPS Regs provide a model planning framework for smoking and vaping premises, it is considered that the City is within its authority to amend its TPS 24 to reflect this.</li> </ul>
5.	Object	I occupy a property in the area	<ul style="list-style-type: none"> <li>This continues to harm progress made toward encouraging smokers to transition to a healthier alternative by further limiting where available sources can be purchased.</li> </ul>	<ul style="list-style-type: none"> <li>Existing premises will continue to be able to operate. The proposed amendment does not intend to impact on the ability to purchase legitimate products approved by the Therapeutic Goods Administration.</li> </ul>
6.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>No comment.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
7.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
8.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>Due to the nature of the products and usage, there should be guidelines where these outlets can be placed to avoid conflict with existing surrounding land uses.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is intended that should the scheme amendment proceed a policy will be prepared to provide additional guidance.</li> </ul>

			<ul style="list-style-type: none"> <li>Vaping is having to be addressed by Government and State Health departments and schools have seen a noticeable impact in usage among students.</li> <li>Long term health impacts, especially on younger people, have not been studied sufficiently to eliminate health concerns around access and availability to these products.</li> <li>Studies show vaping in young people leads to a 3-fold increase in conversion to cigarette smoking.</li> <li>Supported by the Government's Tackling Indigenous Smoking (TIS) program.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Councils should have the ability to review the suitability of a location for this type of retail outlet in the same way that other restricted usage retail offers (18+) are considered.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The amendment is proposing to align TPS 24 with the model provisions to include smoking premises within the definition of 'Restricted Premises' within the same planning framework.</li> </ul>
9.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>Vaping is disgusting. Seen as an alternative to smoking but an addictive behaviour with many health risks. These shops/bars shouldn't be allowed to open.</li> </ul>	<ul style="list-style-type: none"> <li>Existing premises will be able to continue to operate under the existing planning framework. The amendment does not seek to prevent these premises, however includes additional controls.</li> </ul>
10.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
11.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>Support complete ban of any shop within 3k of a school. Vaping is the next epidemic amongst young people and products clearly targeted towards teenagers</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is intended that should the scheme amendment proceed a policy will be prepared to provide additional guidance, which may include proximity to sensitive land uses.</li> </ul>
12.	Object	I own a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>

13.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>The area has many places sell to underage children. I complained to health reg and police and no one got back to me.</li> </ul>	<ul style="list-style-type: none"> <li>Noted, however this is considered unsubstantiated and not a consideration to this scheme amendment.</li> </ul>
			<ul style="list-style-type: none"> <li>A lung specialist who was treating my mum for lung cancer from cigarettes even warned her off changing to vapes</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
14.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>A positive step towards supporting public health and well-being</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
15.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>Vape shops and Sisha Bars have their place. Let legitimate adults do what they want, in "entertainment" districts like Northbridge, not in the City of Bayswater.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is intended that should the scheme amendment proceed a policy will be prepared to provide additional guidance, which may include proximity to sensitive land uses.</li> </ul>
			<ul style="list-style-type: none"> <li>Keep them away from children and teenagers.</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> </ul>
			<ul style="list-style-type: none"> <li>I really thought Beechboro Road had hit rock bottom when the Vape Shop set up there.</li> </ul>	<ul style="list-style-type: none"> <li>Noted, however this portion of Bayswater has a separate planning framework not subject to this scheme amendment, and existing premises are permitted.</li> </ul>
16.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>Support restricting vaping and/or makes it harder for individuals (especially young people) being able to access these smoking implements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
17.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>Vapes have mostly been addressed by recent Government regulations, issue of Shisha Bars needs to be addressed and coverage of new products that may appear in future needs to be addressed. Allowing place like shisha bars to operate freely may give young people the impression that smoking such products is acceptable.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Government regulations are not yet fully developed to regulate vaping products. It is intended that should the scheme amendment proceed a policy will be prepared to provide additional guidance, including shisha bars.</li> </ul>



18.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>The use of vapes in high schools is prolific. Access to these smoking implements should be made less accessible to young people particularly.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is intended that should the scheme amendment proceed a policy will be prepared to provide additional guidance.</li> </ul>
19.	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Distinction between a vape/tobacco shop and a Shisha bar. Acknowledge the health risk involved in Shisha, I believe Shisha bars can be more sociocultural, and that for some groups of people can be a safe social space without alcohol- wouldn't want to take that away.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Existing authorised shisha bars can continue to operate under the current planning framework.</li> </ul>
			<ul style="list-style-type: none"> <li>Concerned about impact to existing businesses in the area- the Eighth Avenue Precinct has a notable number of empty premises, and the existing Shisha restaurant adds more to the area than it detracts- definitely more than an unoccupied property would.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Existing authorised shisha bars can continue to operate under the current planning framework.</li> </ul>
			<ul style="list-style-type: none"> <li>I enjoy that it adds to the diversity of options in the area, I think it's an attractive venue, and I'd hate to see it forced out.</li> <li>It's pretty unobtrusive, compared to others, it's not visible from the street, and it's not an obvious late-night venue.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Existing authorised shisha bars can continue to operate under the current planning framework.</li> </ul>
20.	Support	I occupy a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
21.	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Shisha bars are a place for young people to meet that doesn't include the consumption of alcohol.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Existing authorised shisha bars can continue to operate under the current planning framework.</li> </ul>
22.	Neither support nor object	I own a property in the area	<ul style="list-style-type: none"> <li>Young people will vape/smoke regardless where you place these premises, and seek out other connections to purchase if restricted. Better to monitor while in public</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The scheme amendment is proposed so that there is some control over appropriateness of locations. Supermarket sales of tobacco are not the predominant use of the site and are</li> </ul>

			view. Hypocritical if supermarkets are blatantly allowed to sell tobacco.	regulated by <i>Tobacco Control Act 2006</i> .
			<ul style="list-style-type: none"> <li>Better to spend money on posters and advertising warning people not to vape/smoke or address the issues why young people feel it cool or want to belong by vaping/smoking. In most cases parental education needed on talking to their young ones about the risks of vaping/smoking. More importantly addressing the parents/grandparents who have smoked/vaped for decades making it a generational thing. Parents are usually the catalysts for such behaviour.</li> </ul>	<ul style="list-style-type: none"> <li>Education on vaping and smoking is outside the scope of this scheme amendment.</li> </ul>
			<ul style="list-style-type: none"> <li>CoB don't respect their own Town Planning Scheme 24. Director of Planning confirmed at a Council meeting that high rise medium density residential around the Brickworks was in contradiction of the Scheme. So is this tokenism?</li> </ul>	<ul style="list-style-type: none"> <li>Maylands Brickworks is not affected by this scheme amendment. The land surrounding the brickworks is zoned Residential with a density code of R40.</li> </ul>
23.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
24.	Neither support nor object	I own a property in the area	<ul style="list-style-type: none"> <li>If smoking has been proven to be bad for you and therefore banned from so many areas around Perth, why is the Shisha bar in Maylands allowed to run.</li> <li>My niece said they enjoy going to shisha bars and smoking shisha. Quite unbelievable that it is referred to as a cafe so if the proposal gets them to be called a shisha bar, plus moved to an area where it isn't amongst the community, then I would agree to it. Currently it isn't clear if this is one of the premises affected by the proposal.</li> </ul>	<ul style="list-style-type: none"> <li>Existing authorised Shisha bars may continue to operate under the current planning framework as cafes, restaurants or small bars.</li> <li>Existing authorised Shisha bars may continue to operate under the current planning framework, and will not be relocated.</li> </ul>

25.	Support	I occupy a property in the area	<ul style="list-style-type: none"> <li>Support more control where shops selling smoking and vaping paraphernalia and shisha cafes are located. Support restricting these types of businesses.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Many are popping up across the City, taking away valuable commercial space that could be occupied by businesses that support the community e.g. cafes, restaurants and shops that provide essential services or gathering places. Local shopping strips are already in need of rejuvenation and adding these smoke shops make them look even less inviting. We need more cafes in Bedford in particular.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Existing premises will not be impacted; however any new premises would only be considered within the Morley Activity Centre. The City is actively working with businesspersons in local shopping strips in order to activate and rejuvenate.</li> </ul>
26.	Object	I own a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
27.	Object	I occupy a property in the area	<ul style="list-style-type: none"> <li>Not fair or appropriate at this stage to restrict the location of smoking shops to zones similar to adult stores on the similar premise of the current restrictions on chemists and alcohol stores; both of which provide drugs and "paraphernalia" which are a) not appropriate to provide to children, and b) legal to sell to adults with proof of identity.</li> <li>It is more appropriate to restrict the location of these stores in the same way the that places that provide alcohol are restricted</li> <li>If the council requires further explanation of the above summary, please contact me by email</li> </ul>	<ul style="list-style-type: none"> <li>Noted, however chemists sell products which have been approved by the TGA, and alcohol stores are regulated by the Department of Racing, Games and Liquor. The City is limited in its ability to introduce any regulations outside of the model provisions under the LPS Regs, and already has provisions for regulating locations of liquor stores.</li> </ul>
28.	Object	I am a private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Bypassing federal and state legislation is one of the worst ideas. Introducing local rules will complicate an already messy and difficult to navigate area. Many issues need</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The amendment is seeking to bring the provisions of TPS 24 into alignment with the LPS Regs Schedule 1 – Model provisions for local planning</li> </ul>

			<p>to be considered; for example, the consumption of prescription drugs, local government should not restrict, nor should they be able to restrict the administration of prescription medication/drugs/substance/other. Enforcing administration of prescription items they would need to do that across the board, inhalers, insulin, painkillers, and all medically controlled items would need to be “painted with the same brush”. Local government “stay in their lane” and stop attempting to push personal agendas.</p>	<p>schemes, which seeks to have consistency in planning controls throughout Western Australia. The definition of ‘restricted premises’ in the LPS Regs is intended to create a planning framework for smoking and vaping premises. Given that the LPS Regs provide a model planning framework for smoking and vaping premises, it is considered that the City is within its authority to amend its TPS 24 to reflect this.</p>
29.	Object	I own a property in the area	<ul style="list-style-type: none"> <li>As long as they are not directly by a school no issue. Vape shops are 18+ and do not give access to minors, you should be more worried about improving roads and services like waste collection.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The scheme amendment is seeking to bring TPS 24 into alignment with the LPS Regs model provisions, and would be supplemented by a local planning policy should the amendment be supported.</li> </ul>
30.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
31.	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Don't see a reason why this would be of value to residents or businesses in the area, and would negatively affect several established small businesses.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The scheme amendment is seeking to bring TPS 24 into alignment with the LPS Regs model provisions. Existing authorised premises could continue to operate as per the current planning framework.</li> </ul>
32.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
33.	Object	I occupy a property in the area	<ul style="list-style-type: none"> <li>I don't think a city council should be able to restrict this type of thing.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The scheme amendment is seeking to bring TPS 24 into alignment with the LPS Regs model provisions.</li> </ul>

34.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Support. There is a well-documented uptake by children and young adults of vaping products which frequently contain undeclared nicotine. While the federal government has stated its intent to stamp out vaping in Australia there is as yet no legislation in place.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li></li> </ul>
			<ul style="list-style-type: none"> <li>I urge the City of Bayswater to closely monitor what happens at the federal level to ensure no inconsistency with those measures. Below is a link to a useful article collating all that is currently known about proposed amendments.</li> <li><a href="https://www.kwm.com/au/en/insights/latest-thinking/vaping-reforms-in-australia.html">https://www.kwm.com/au/en/insights/latest-thinking/vaping-reforms-in-australia.html</a></li> </ul>	<ul style="list-style-type: none"> <li>Noted. The City intends to ensure that its planning framework is consistent with legislation, including the LPS Regs.</li> </ul>
35.	Object	I am a private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>This is not solving anything other than gaining more control over the public. Ban the sale of cigarettes in all CoB. Not the healthier option. I smoked 40 a day for 10 years vaping got me away as I could drop nicotine level until there was no nicotine. Now I have not smoked for 3 years.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is understood the original intention of vaping products was to assist people quitting smoking. This scheme amendment does not intend to have any impact on the use of vapes for quitting smokers.</li> </ul>
			<ul style="list-style-type: none"> <li>Disservice to community and likely trying to cash in on application fees that would be drastically overpriced. Is there scientific research to say this will help anything apart from your bottom line?</li> </ul>	<ul style="list-style-type: none"> <li>Application fees are set and are not intended to increase. The scheme amendment it proposed to create a planning framework and not to propose any increases to application fees.</li> </ul>
36.	Object	I occupy a property in the area	<ul style="list-style-type: none"> <li>Vape shops and Shisha premises not causing harm to the community. They exclude customers under 18 years old. Children vaping from convenience stores selling unregulated nicotine disposable vapes under the counter. Regulating legitimate vape businesses, who do not sell</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The scheme amendment is proposed so that there is some control over appropriateness of locations. Supermarket sales of tobacco are not the predominant use of the site and are regulated by Tobacco Control Act</li> </ul>

			nicotine or nicotine-containing vape products, is punitive, discriminatory, and pointless. Supermarkets and service stations sell tobacco products which are proven to be deadly. This proposal has provided no details as to how it will benefit the community (it won't in any way), or the punitive impacts on legitimate businesses, and I entirely object to it	2006. Existing authorised business may continue to operate.
37.	Object	I occupy a property in the area	<ul style="list-style-type: none"> <li>Restricting the use of cigarette and e smoking at cafes and restaurant strips not a bad idea. However restricting the sale of smoke stores is not. There aren't many in Morley and the surrounding area to cause such a rash decision.</li> <li>Let people make their own decisions about their health. More important things. Crime rates are through the roof, galleria needs urgent attention, roads are congested, and recycling situation needs addressing.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The scheme amendment is proposed so that there is some control over appropriateness of locations.</li> <li>Noted, however it is not intended that this standard scheme amendment would reduce the City's capacity to attend to its other core functions.</li> </ul>
38.	Object	I occupy a property in the area	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
39.	Support	I own a property in the area	<ul style="list-style-type: none"> <li>Very supportive of the proposed amendment to include smoking and vape premises within the restricted premises land use definition.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
40.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
41.	Support	I occupy a property in the area.	<ul style="list-style-type: none"> <li>The local government should have the ability to control the location of harmful activities such as smoking and the sale of smoking devices. Agree that these should be controlled and kept away from vulnerable populations such as school children.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is intended that should the scheme amendment proceed a policy will be prepared to provide additional guidance.</li> </ul>

42.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>• Agree with the amendment. We would never allow anything like it in our shops.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
43.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>• Recognise the proposal will provide more control over the locations of premises that primarily sell smoking related implements.</li> <li>• As per the WAPC Operational Policy 2.4 – Planning for School Sites it is important for schools to be located amongst compatible land uses to support education, health and wellbeing outcomes. Evidence extracted from the Department's website shows that in Western Australia 13.5% of school students aged from 12 to 17 years have tried an e-cigarette. There are harmful side effects associated with smoking, whilst the long-term health effects of vaping are unclear.</li> <li>• To reduce the potential upward trend in students using smoking implements, it is critical incompatible land uses such as these are not positioned in close proximity to Educational Establishments.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
44.	Support	3/2 Tenth Avenue  I own a property in the area.	<ul style="list-style-type: none"> <li>• Happy to see more restrictions on any premises that proposed smoking in any form. Vape shops and the like have no business in our community as their detriments to health are well-known and obvious.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>

**Schedule of Recommended Modification(s)**

No.	Subject	Adopted provision	Town Planning Scheme No. 24 definition	Planning and Development (Local Planning Schemes) Regulations 2015 definition	Officer Comment
1	Definition of 'Restricted Premises'	modify the definition of 'Restricted Premises' to include: 'or (c) smoking-related implements'	<p><b><i>"Restricted Premises means <u>any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or deliver of:</u></i></b></p> <p>(a) <i>publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or</i></p> <p>(b) <i>materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity."</i></p>	<p><b><i>"Restricted Premises means <u>premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —</u></i></b></p> <p>(a) <i>publications that are classified as restricted under the <u>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or</u></i></p> <p>(b) <i>materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or</i></p> <p>(c) <i><u>smoking-related implements."</u></i></p>	<p>The TPS 24 and LPS Regs definitions vary slightly in regards to the existing clauses, with the TPS 24 definition referencing repealed legislation.</p> <p>It is considered appropriate to bring the entire definition of 'Restricted Premises' to be consistent with the LPS Regs.</p>



**10.2 Corporate Services Directorate Reports****10.2.1 Financial Report for the Period Ended 30 June 2023**

<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Monthly Financial Statement Snapshot [<b>10.2.1.1</b> - 1 page]</li> <li>2. Executive Summary and Statement of Financial Activity Significant Variances [<b>10.2.1.2</b> - 8 pages]</li> <li>3. Statement of Financial Activity [<b>10.2.1.3</b> - 2 pages]</li> <li>4. Statement of Financial Position [<b>10.2.1.4</b> - 1 page]</li> <li>5. Net Current Assets [<b>10.2.1.5</b> - 1 page]</li> <li>6. Cash Backed Reserve Report [<b>10.2.1.6</b> - 1 page]</li> <li>7. Capital Acquisitions &amp; Non-Operating Grants Report [<b>10.2.1.7</b> - 13 pages]</li> </ol>

**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 has become a social member of the Morley Noranda Recreation Club. Cr Sally Palmer remained in the Council Chambers and voted on this item.*

**SUMMARY**

This report details the financial reports for the period ended 30 June 2023 including, Monthly Financial Statements with supporting information (**Attachments 1 to 5**), Cash Backed Reserve Report (**Attachment 6**) and Capital Acquisitions & Non-Operating Grants Report (**Attachment 7**).

**COUNCIL RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council receives the financial reports for the period ended 30 June 2023, comprising:

1. Monthly Financial Statements with supporting information (**Attachments 1 to 5**).
2. Cash Backed Reserve Report (**Attachment 6**).
3. Capital Acquisitions & Non-Operating Grants Report (**Attachment 7**).

Cr Sally Palmer Moved, Cr Josh Eveson Seconded

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke 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.

Regulation 35(1) of the *Local Government (Financial Management) Regulations 1996* requires a monthly Statement of Financial Position showing the financial position of the local government as at the last day of the previous month, and:

- (a) The financial position of the local government as at the last day of the previous financial year; or
- (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.

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 5**);
- Cash Backed Reserve Report (**Attachment 6**); and
- Capital Acquisitions & Non-Operating Grants Report (**Attachment 7**);

**These reports do not represent the final figures for the 2022/23 financial year as year-end process is still to be finalised.**

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 Statement of Financial Activity Significant Variances Report (**Attachment 2**).

The Statement of Financial Activity (**Attachment 3**) reports the financial performance of the City after adjusting for non-cash items (depreciation, provisions, etc.) by Nature and Type.

The Statement of Financial Position (**Attachment 4**) reports the financial position of the City as at the last day of the previous month.

The City's net current assets are outlined in (**Attachment 5**) 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 6**).

The projects summarised in the Capital Acquisitions & Non-Operating Grants Report (**Attachment 7**) detail the capital (actual and committed) expenditure for the period ended 30 June 2023.

## 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.

Regulation 35(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a Statement of Financial Position showing the financial position of the local government.

## 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.

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
<b>Conclusion</b>	The financial reports have been compiled in accordance with the relevant provisions of the <i>Local Government Act 1995</i> and <i>Local Government (Financial Management) Regulations 1996</i> .	

## 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 30 June 2023.

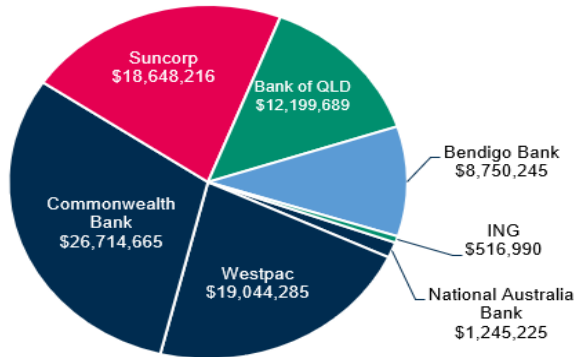
# Monthly Financial Statement Snapshot

June 2023

## Term Deposits by Bank

(refer to investment report)

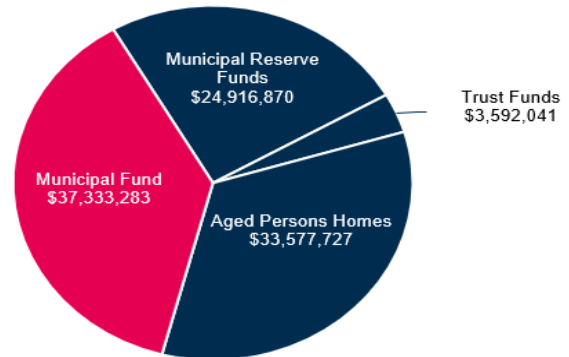
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## Total Cash and Cash Equivalents

(including cash at bank and term deposits)

■ Restricted ■ Unrestricted



	Debtor				Trade Creditors
	Sundry	Infringement	Recreation	Total	
Total Outstanding	\$104,628	\$497,807	\$217,096	\$819,531	\$3,151,501
Not yet due	0%	0%	53%	14%	0%
Current	74%	7%	29%	21%	99%
Over 30 days	5%	7%	7%	7%	1%
Over 60 days	21%	86%	11%	58%	0%

Rates & Charges	
Collected	95.28%
Total Outstanding	\$1,881,909
Deferred Rates	\$1,281,517

Payment Options	YTD 2022/23	2021/22
Payment in Full	21,469	20,103
Instalment	8,321	9,593
Rates Smoothing	2,104	1,908
Arrangement	552	510
None Selected	946	1,219

## Capital

	Annual Budget	Amended Budget	YTD Actual	YTD % Spent
Expenditure	\$35,028,956	\$37,028,007	\$17,802,727	48%
	Annual Budget	Amended Budget	YTD Actual	YTD % Received
Revenue	\$11,827,498	\$12,472,785	\$2,846,895	23%

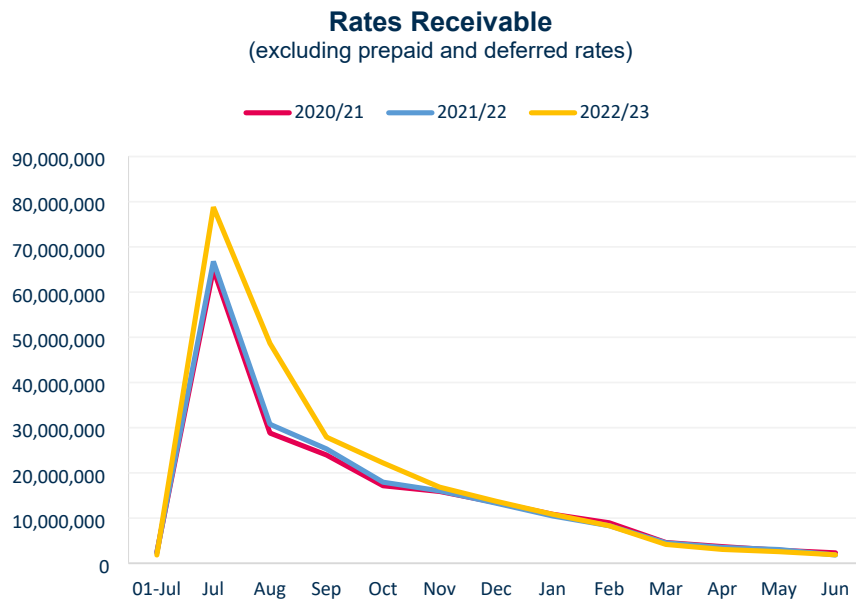
## Operating

	Annual Budget	Amended Budget	YTD Actual	YTD % Spent
Expenditure	\$98,109,039	\$97,950,412	\$83,115,124	85%
	Annual Budget	Amended Budget	YTD Actual	YTD % Received
Revenue	\$82,738,162	\$83,399,265	\$86,951,758	104%

## City of Bayswater Executive Summary for the period 1 July 2022 to 30 June 2023

### Revenue

The annual rate notices were issued on 29 July with the last rates smoothing instalment due on 14 April 2023. To date 21,469 (64%) properties have paid in full and just over 10,977 (33%) properties nominating a payment option. Currently, there are 946 (3%) properties where no payment option has been selected. To date 95.28% of the total rate revenue raised has been received.



### Debtors

Currently, there is a total of \$820k of outstanding debts of which \$105k relates to sundry debtors, 14% of which are not due yet; \$498k to infringement debts and \$217k to recreation debts.

### Capital

Capital revenue is recognised once the expenditure has been incurred. Revenue has not yet been realised for several projects, including Tranby Foreshore (\$1m), Lightning Pavilion (\$750k), Morley Noranda Club (\$750k), Riverside Urban Forest (\$650k), Maylands Lakes Restoration (\$450k), Morley Bowling Synthetic Turf (\$181k), Cook Reserve (\$176k) and Gibney Reserve (\$187k).

The capital expenditure variance is due to projects related to building refurbishment/upgrades such as Lightning Park (\$750k), Morley Noranda Recreation Club (\$750k) and Waste Transfer Facility Fire System (\$200k) that are yet to commence. Upper Hillcrest Reserve (\$200k) and Peninsula Hotel Roof Refurbishment (\$280k), anticipated to start in coming months. Civic Air Conditioner (\$230k) and Plant & Fleet Replacement Program (\$1.1m) are lower than anticipated due to supply chain issues.

A number of capital projects were identified as carry forwards during the 2023/24 budgeting process and have been adopted as part of the annual budget. All projects are subject to review as part of the year end process and any uncompleted projects that were not previously identified as a carry forward will be considered.

### Operating

Year-to-date operating revenue is 4% higher in comparison to the year-to-date budget. This is due to interest rate increases and fees and charges being slightly more than anticipated.

Operating expenditure is 85% in comparison to the year-to-date budget. Expenditure on materials and contracts are below budget for projects in areas such as Mayland Underground Power (\$6.8m), Information Services (\$474k); Strategic Planning and Place (\$501k) and Building Maintenance (\$505k) due to contractor shortages resulting in delayed maintenance. Employee costs are lower than expected (\$1.4m) due to staff vacancies, although this has been partially offset through additional agency costs.

**City of Bayswater**  
**Statement of Financial Activity**  
**Significant Variances**  
**For the period 1 July 2022 to 30 June 2023**

**Operating activities**  
**Revenue from operating activities**

<b>Nature or Type</b>	<b>YTD Amended Budget \$</b>	<b>YTD Actual \$</b>	<b>Variance Positive/ (Negative) \$</b>
<b>Rates</b> <ul style="list-style-type: none"> <li>Interim rates are slightly less than expected.</li> </ul>	54,390,610	54,272,528	(118,082)
<b>Operating grants, subsidies and contributions</b> <ul style="list-style-type: none"> <li>Variance due to advance payment of 2023-24 grant from Grant Commission.</li> <li>The City received an additional one-off payment of \$346k from EMRC to assist and support the implementation of the FOGO program.</li> </ul>	3,415,060	4,428,872	1,013,812
<b>Fees and charges</b> <ul style="list-style-type: none"> <li>Variance due to Bayswater Waves' swim school's enrolments and aquatics income is higher than anticipated.</li> <li>Casual Pool Entry and Venue/Facility Hire income is higher than budget due to increased visitation over the summer period as well as higher than anticipated attendance and utilisation of the facility during the refurbishment works.</li> <li>Income for memberships at the RISE has increased as more members are utilising the facility whilst renovations are being completed at Bayswater Waves.</li> <li>Maylands Peninsula and Embleton Golf Course participation is also higher than anticipated.</li> <li>Parking infringements are higher than anticipated.</li> </ul>	22,505,352	23,856,744	1,351,392
<b>Interest earnings</b> <ul style="list-style-type: none"> <li>Variance due to interest rates and available funds to invest being higher than anticipated, although this also includes interest on reserves and restricted funds.</li> </ul>	2,066,794	2,831,591	764,797
<b>Other revenue</b> <ul style="list-style-type: none"> <li>Immaterial variance.</li> </ul>	980,422	1,015,299	34,877
<b>Fair Value increment to financial assets through Profit and Loss</b> <ul style="list-style-type: none"> <li>Immaterial variance.</li> </ul>	0	9,215	9,215

Nature or Type	YTD Amended Budget \$	YTD Actual \$	Variance Positive/ (Negative) \$
Profit/(Loss) on asset disposal <ul style="list-style-type: none"> <li>Variance due to land sale of 22 Russel Reserve.</li> </ul>	41,027	537,510	496,483
<b>Total</b>	<b>83,399,265</b>	<b>86,951,758</b>	<b>3,552,494</b>

Expenditure from operating activities

Program	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
<p>Employee costs</p> <p>Although updated as part of the mid-year review, Wages and Salaries expenditure is lower than budget due to:</p> <ul style="list-style-type: none"> <li>Shortage of staff across all of the city's operations, in particular, the casual operational staff and vacant full-time positions at Bayswater Waves, The RISE, Waste Services, Parks and Gardens and Rangers and Security Services.</li> <li>Vacancies are high especially in several areas such as Parks &amp; Gardens, Asset &amp; Mapping Services, Statutory Building, Sustainable Environment, Information Services, Engineering and Community Development.</li> <li>Vacancies and sick leave have resulted in higher than anticipated agency staff expenses. Agency expenses are included in the material and contract line in the Statement of Financial Activity.</li> <li>Vacancies have also resulted in annual leave and superannuation being under budget.</li> </ul>	(38,482,571)	(37,016,935)	1,465,636



Program	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
<p>Material and contracts</p> <ul style="list-style-type: none"> <li>Expenditure is lower than budget due to projects in building maintenance including Bayswater Waves Operation (\$37k); Civic Centre (\$16k); Christmas Decorations (\$14k); Ces Coulters Pavilion (\$13k); Waste Disposal Facility (\$12k); Roxy Theatre (\$10k); BBQ cleaning (\$9k) as a result of contractor supply issues.</li> <li>Strategic Planning and Place projects expenditure, such as Morley Activity Centre Streetscape (\$178k); Morley Station Precinct (\$149k); Mayland Brickworks (\$92k); Local Planning Strategy/Town Planning Scheme (\$25k) are lower than anticipated.</li> <li>Sustainability and Environment project expenditure is below budget for Bowden Concept Plan (\$282k), Emission Reduction Plan (\$39k) and Fox Strategy (\$35k).</li> <li>FOGO expenditure is below budget (\$738k) which is fully funded from reserves.</li> <li>Waste disposal is below budget (\$670k) as invoices for June have not yet been received.</li> <li>Waste Services - \$1.5m was budgeted from waste reserves for the purchase of bins however this did not occur.</li> <li>Maylands underground power is below budget (\$6.8m) due to delays from Western Power.</li> <li>Information Services' projects relating to Software Maintenance (\$207k) and Network Maintenance (\$163k) are below budget.</li> <li>Les Hansman Community Centre Redevelopment (\$242k) and Skate BMX Parks Strategy (\$43k) are below budget.</li> <li>Environmental Health expenditure for projects such as Contaminated Sites (\$135k); Mosquito Control (\$28k); and Home Composting (\$28k) are lower than anticipated.</li> </ul>	(42,041,131)	(29,682,341)	12,358,791
<p>Utility charges</p> <ul style="list-style-type: none"> <li>Year-end accruals are outstanding.</li> </ul>	(3,393,356)	(3,274,976)	118,380
<p>Depreciation and amortisation</p> <ul style="list-style-type: none"> <li>Immaterial variance</li> </ul>	(11,853,404)	(11,886,599)	(33,195)
<p>Insurance expenses</p> <ul style="list-style-type: none"> <li>Immaterial variance.</li> </ul>	(1,045,300)	(1,036,415)	8,885
<p>Other expenditure</p> <ul style="list-style-type: none"> <li>Allocated expenses are expected to clear as accounts are finalised during year end process.</li> </ul>	(427,798)	(25,932)	401,866

Program	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Interest expenses <ul style="list-style-type: none"> <li>Interest is lower than expected with the drawing down of loans for the Bayswater Waves Refurbishment and Maylands Underground Power being drawn down later than expected.</li> </ul>	(353,690)	(191,926)	161,764
Profit/(Loss) on asset disposal <ul style="list-style-type: none"> <li>Asset disposal processing is outstanding due to delays with the year-end audit.</li> </ul>	(353,161)	0	353,161
<b>Total</b>	<b>(97,950,412)</b>	<b>(83,115,124)</b>	<b>14,835,288</b>

Discontinued operations

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
<ul style="list-style-type: none"> <li>Variance due to the quarterly finalisation of Aged Care accounts that is outstanding.</li> </ul>	1,807,684	2,006,800	199,116

Non-cash operating activities excluded from the budget

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Non-cash operating activities <ul style="list-style-type: none"> <li>Movements in depreciation, aged liability adjustment and leave provision.</li> </ul>	12,216,777	9,725,383	(2,491,394)

Investing activities

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
<p>Non-operating grants, subsidies and contributions</p> <p>Grant revenue is recognised as expenditure is incurred. The variance is due to several grant funded projects that have not yet commenced or are currently underway, such as;</p> <ul style="list-style-type: none"> <li>Road Projects - Low-Cost Urban Safety Program (\$2.3m); Roads to Recovery (\$887k); and Arterial Roads \$302k.</li> <li>Park Development – Tranby Foreshore (\$1m); Riverside Urban Forest (\$650k); Maylands Lakes Restoration (\$450k); Morley Bowling Synthetic Turf (\$181k); Cook Reserve (\$176k); and Gibney Reserve (\$187k).</li> <li>Building Projects – Lightning Pavilion (\$750k); and Morley Noranda Club (\$750k).</li> </ul>	12,472,785	2,846,895	(9,625,890)
<p>Purchase of property, plant and equipment</p> <p>Expenditure is lower than the year-to-date budget for various projects including;</p> <ul style="list-style-type: none"> <li>Projects such as Waves Refurbishment (\$4.2m); MSRC Basketball Court Extension (\$266k); Civic Roof Gutter (\$73k); Depot Improvements (\$206k); and Maylands Yacht Club (\$35k) are currently underway.</li> <li>Lightning Pavilion (\$750k); Morley Noranda Rec Club (\$750k); Upper Hillcrest Reserve Changeroom (\$200k); Peninsula Hotel Roof Refurbishment (\$280k); Civic Centre Air-conditioning (\$230k); Waste Transfer Facility Fire System (\$200k); and Waste Office Upgrade (\$161k) are yet to begin.</li> <li>Wotton sewer project (284k) is in the initial phase of tender.</li> <li>The purchase of fleet is lower (\$1.1M) due to supply chain issues.</li> </ul>	(17,124,969)	(7,207,847)	9,917,122

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
<b>Purchase of construction and infrastructure</b> <ul style="list-style-type: none"> <li>In addition to the projects listed above under 'non-operating grants', expenditure is lower than the year-to-date budget for Roads projects such as Walter Rd (\$100k); Cycleway Baigup (\$73k); Vernon Street (\$32k); Traffic Management (\$35k) and ROW Resurfacing (\$51k).</li> <li>Park development projects such as Wotton Skate Park (\$189k); Birkett Street Reserve (\$125k); Crimea Skate Park (\$100k); Riverbank Restoration (\$92k) Frank Drago (\$49k); and Critical Asset Replacement Program (\$97k), are either yet to commence or at an early stage partly due to supply issues.</li> <li>Expenditure for drainage projects such as Urban Water Sensitive Design (\$214k); and City-Wide Drainage Amenity (\$63k) are below budget.</li> <li>As the projects proceed to construction stage the variance will reduce further.</li> </ul>	(18,005,251)	(9,902,486)	8,102,765
<b>Purchase of intangible assets</b> <ul style="list-style-type: none"> <li>ERP implementation project is behind budget.</li> </ul>	(897,787)	(443,303)	454,484
<b>Purchase of assets held for sale</b> <ul style="list-style-type: none"> <li>The actual will change following the processing of the quarterly finalisation of Aged Care accounts.</li> </ul>	(1,000,000)	(249,091)	750,909
<b>Proceeds from disposal of assets</b> <ul style="list-style-type: none"> <li>Fleet items have yet to be disposed and others are in the process of disposal.</li> </ul>	2,350,700	1,073,593	(1,277,107)
<b>Proceeds from self-supporting loans</b> <ul style="list-style-type: none"> <li>Immaterial variance.</li> </ul>	1,329	1,330	1

#### Financing activities

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
<b>Proceeds from loans</b> <ul style="list-style-type: none"> <li>The variance is due to the draw down on the loans being based on what was needed which was less than budget.</li> </ul>	14,140,000	13,340,000	(800,000)
<b>Repayment of borrowings</b> <ul style="list-style-type: none"> <li>Variance is due to loans being drawn down under budget and later than anticipated.</li> </ul>	(571,259)	(288,925)	282,334

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Payment for principal portion of lease liability <ul style="list-style-type: none"> <li>Immaterial variance.</li> </ul>	(126,595)	(116,109)	10,486
Transfer to reserves <ul style="list-style-type: none"> <li>Transfers to reserves are partially outstanding and will occur as a year-end process.</li> </ul>	(5,444,787)	(3,454,651)	1,990,136
Transfer from reserves <ul style="list-style-type: none"> <li>Transfers from reserves are outstanding and will occur as part of the year-end process.</li> </ul>	6,411,387	1,941,530	(4,469,857)

**City of Bayswater**  
**Statement of Financial Activity**  
**for the period 1 July 2022 to 30 June 2023**

	Budget	Amended Budget	YTD Amended Budget	YTD Actual	Variance	Variance
	\$	\$	\$	\$	\$	%
<b>Operating activities</b>						
<b>Revenue from operating activities</b>						
Rates	54,390,610	54,390,610	54,390,610	54,272,528	(118,082)	(0%)
Operating grants, subsidies and contributions	3,534,328	3,415,060	3,415,060	4,428,872	1,013,812	30%
Fees and charges	22,594,704	22,505,352	22,505,352	23,856,744	1,351,392	6%
Interest earnings	1,356,062	2,066,794	2,066,794	2,831,591	764,797	37%
Other revenue	821,431	980,422	980,422	1,015,299	34,877	4%
Fair value increment to financial assets through P&L	0	0	0	9,215	9,215	No Budget
Profit/(Loss) on asset disposal	41,027	41,027	41,027	537,510	496,483	1210%
	82,738,162	83,399,265	83,399,265	86,951,758	3,552,494	4%
<b>Expenditure from operating activities</b>						
Employee costs	(39,305,685)	(38,482,571)	(38,482,571)	(37,016,935)	1,465,636	(4%)
Materials and contracts	(41,386,144)	(42,041,131)	(42,041,131)	(29,682,341)	12,358,791	(29%)
Utility charges	(3,387,856)	(3,393,356)	(3,393,356)	(3,274,976)	118,380	(3%)
Depreciation and amortisation	(11,853,404)	(11,853,404)	(11,853,404)	(11,886,599)	(33,195)	0%
Insurance expenses	(1,055,300)	(1,045,300)	(1,045,300)	(1,036,415)	8,885	(1%)
Other expenditure	(413,798)	(427,798)	(427,798)	(25,932)	401,866	(94%)
Interest expenses	(353,690)	(353,690)	(353,690)	(191,926)	161,764	(46%)
Profit/(Loss) on asset disposal	(353,161)	(353,161)	(353,161)	0	353,161	(100%)
	(98,109,039)	(97,950,412)	(97,950,412)	(83,115,124)	14,835,288	(15%)
<b>Discontinued operations</b>	1,506,368	1,807,684	1,807,684	2,006,800	199,116	11%
<b>Non-cash amounts excluded from operating activities</b>	12,216,778	12,216,777	12,216,777	9,725,383	(2,491,394)	(20%)
<b>Amount attributable to operating activities</b>	(1,647,731)	(526,686)	(526,686)	15,568,817	16,095,503	(3056%)

	Budget	Amended Budget	YTD Amended Budget	YTD Actual	Variance	Variance
	\$	\$	\$	\$	\$	%
<b>Investing activities</b>						
Non-operating grants, subsidies and contributions	11,827,498	12,472,785	12,472,785	2,846,895	(9,625,890)	(77%)
Purchase of property, plant and equipment	(16,770,092)	(17,124,969)	(17,124,969)	(7,207,847)	9,917,122	(58%)
Purchase and construction of infrastructure	(16,458,864)	(18,005,251)	(18,005,251)	(9,902,486)	8,102,765	(45%)
Purchase of intangible assets	(800,000)	(897,787)	(897,787)	(443,303)	454,484	(51%)
Purchase of assets held for sale	(1,000,000)	(1,000,000)	(1,000,000)	(249,091)	750,909	(75%)
Proceeds from disposal of assets	2,350,700	2,350,700	2,350,700	1,073,593	(1,277,107)	(54%)
Proceeds from self-supporting loans	1,329	1,329	1,329	1,330	1	0%
<b>Amount attributable to investing activities</b>	<b>(20,849,429)</b>	<b>(22,203,193)</b>	<b>(22,203,193)</b>	<b>(13,880,910)</b>	<b>8,322,283</b>	<b>(37%)</b>
<b>Financing activities</b>						
Proceeds from loans	14,140,000	14,140,000	14,140,000	13,340,000	(800,000)	(6%)
Repayment of borrowings	(571,259)	(571,259)	(571,259)	(288,925)	282,334	(49%)
Payment for principal portion of lease liability	(126,595)	(126,595)	(126,595)	(116,109)	10,486	(8%)
Transfer to reserves	(4,582,278)	(5,444,787)	(5,444,787)	(3,454,651)	1,990,136	(37%)
Transfer from reserves	6,231,340	6,411,387	6,411,387	1,941,530	(4,469,857)	(70%)
<b>Amount attributable to financing activities</b>	<b>15,091,208</b>	<b>14,408,746</b>	<b>14,408,746</b>	<b>11,421,845</b>	<b>(2,986,900)</b>	<b>(21%)</b>
<b>Movement in surplus or (deficit)</b>						
<b>Surplus or (deficit) at the start of the financial year</b>	7,405,952	8,321,133	8,321,133	12,612,756	4,291,623	52%
Amount attributable to operating activities	(1,647,731)	(526,686)	(526,686)	15,568,817	16,095,503	(3056%)
Amount attributable to investing activities	(20,849,429)	(22,203,193)	(22,203,193)	(13,880,910)	8,322,283	(37%)
Amount attributable to financing activities	15,091,208	14,408,746	14,408,746	11,421,845	(2,986,900)	(21%)
<b>Surplus or (deficit) after imposition of general rates</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,722,509</b>	<b>25,722,509</b>	<b>No Budget</b>

The above statement is subject to changes to be made for the end of year accounting adjustments.

**City of Bayswater**  
**Statement of Financial Position**  
**For the period ended 30 June 2023**

	Opening Balance	Closing Balance
	\$	\$
<b>Current assets</b>		
Cash and cash equivalents	78,978,158	95,827,880
Trade and other receivables	6,522,437	6,932,893
Inventories	27,562,770	27,560,868
Prepayments	268,735	107,353
<b>Total Current assets</b>	113,332,100	130,428,994
<b>Non-current assets</b>		
Trade and other receivables	969,216	961,778
Other financial assets at amortised cost	2,245,957	2,593,482
Inventories	0	249,091
Property, plant and equipment	460,097,005	462,343,353
Infrastructure	229,060,693	231,923,179
Intangible assets	404,324	555,956
Investment Property	8,989,890	8,989,890
Right of use assets	230,948	178,574
Controlled & associated entities & joint venture interests	34,811,479	34,820,693
<b>Total Non-current assets</b>	736,809,512	742,615,996
<b>Total Assets</b>	850,141,612	873,044,990
<b>Current liabilities</b>		
Trade and other payables	30,427,629	30,787,472
Other financial liabilities at amortised costs	288,925	2,360,651
Lease liabilities	136,150	126,587
Provisions	6,537,988	6,915,481
Grant Liabilities	2,185,686	2,218,539
Contract Liabilities	624,940	1,108,122
Clearing accounts	2,144	318,026
<b>Total Current liabilities</b>	40,203,463	43,834,877
<b>Non-current liabilities</b>		
Other financial liabilities at amortised cost	3,176,384	14,155,732
Lease liabilities	3,262,036	2,891,861
Provisions	314,209	278,170
<b>Total Non-current liabilities</b>	6,752,629	17,325,764
<b>Total Liabilities</b>	46,956,092	61,160,641
<b>Net Assets</b>	803,185,520	811,884,349
<b>Equity</b>		
Retained surplus	247,634,453	254,820,161
Reserves - cash backed	44,149,826	45,662,947
Revaluation surplus	511,401,240	511,401,240
<b>Total Equity</b>	803,185,520	811,884,349



**City of Bayswater  
Net Current Assets  
as at 30 June 2023**

<b>Municipal and Aged Persons Homes</b>	<b>Opening Balance</b>	<b>Closing Balance</b>
	\$	\$
<b>Current assets</b>		
Cash and cash equivalents	78,978,158	95,827,880
Trade and other receivables	6,522,437	6,932,893
Inventories	27,562,770	27,560,868
Prepayments	268,735	107,353
<b>Total</b>	113,332,100	130,428,994
<b>Current liabilities</b>		
Trade and other payables	(30,427,629)	(30,787,472)
Other financial liabilities at amortised costs	(288,925)	(2,360,651)
Lease liabilities	(136,150)	(126,587)
Provisions	(6,537,988)	(6,915,481)
Grant Liabilities	(2,185,686)	(2,218,539)
Contract Liabilities	(624,940)	(1,108,122)
Clearing accounts	(2,144)	(318,026)
<b>Total</b>	(40,203,463)	(43,834,877)
<b>Net current assets</b>	73,128,637	86,594,116
Restricted - Reserves	(44,149,826)	(45,662,947)
Cash backed employee provisions	1,578,638	1,640,991
Restricted - Aged Persons Homes	(18,335,469)	(19,303,921)
Current Portion of Lease Liabilities	103,181	93,618
Current Portion of borrowings	287,595	2,360,651
	12,612,756	25,722,509

**City of Bayswater  
Cash Backed Reserves  
For the period 1 July 2022 to 30 June 2023**

	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	1,905,794	(1,098,110)	18,398,715	17,420,753	646,144	(326,713)	17,740,183
Aged Persons Homes - Prudential Requirements Reserve	2,914,732	0	0	2,914,732	2,916,560	89,334	0	3,005,894
Bayswater Bowling Club Capital Improvements Reserve	10,345	257	0	10,602	10,356	409	0	10,765
Bayswater Tennis Club Reserve	138,648	3,451	0	142,099	138,806	5,483	0	144,289
Bayswater Waves Aquatic Centre Reserve	122,247	5,515	0	127,762	338,974	14,338	0	353,312
Bore and Reticulation Reserve	9,945	248	0	10,193	9,957	393	0	10,350
Building Furniture and Equipment Reserve	144,867	3,607	0	148,474	145,035	5,729	0	150,764
Cash in Lieu - Public Open Space	575,026	15,285	(50,174)	540,137	493,523	506,955	0	1,000,478
City Buildings and Amenities Reserve	749,114	18,837	(50,350)	717,601	827,276	32,710	(50,350)	809,636
Civic Centre Reserve	63,568	1,583	0	65,151	63,694	2,516	0	66,210
Economic Stimulus Reserve	893,383	30,307	(507,521)	416,169	2,030,361	91,208	(131,552)	1,990,018
Emission Reduction Energy Plan Reserve	0	120,956	(49,033)	71,923	0	120,000	(36,161)	83,839
Eric Singleton Bird Sanctuary Reserve	1,225,789	30,517	0	1,256,306	1,227,148	48,469	0	1,275,617
FOGO Reserve	4,587,426	99,248	(768,555)	3,918,119	4,406,769	128,097	(621,463)	3,913,403
Footpath and Cycleway Reserve	45,553	677	(44,809)	1,421	50,386	2,037	(33,924)	18,499
General Waste Management Reserve	4,896,942	564,288	(1,723,345)	3,737,885	3,384,701	575,281	(20,431)	3,939,551
Golf Courses Reserve	1,461,498	36,386	0	1,497,884	1,463,217	57,794	0	1,521,011
Information Technology Reserve	212,713	5,383	0	218,096	220,622	8,834	0	229,456
Landfill Restoration Reserve	383,741	7,395	(150,000)	241,136	372,064	14,826	(14,215)	372,675
Les Hansman Community Centre Development Reserve	2,631,849	66,144	(250,000)	2,447,993	2,984,217	111,431	(7,536)	3,088,113
Long Service Leave and Entitlements Reserve	1,576,892	39,260	0	1,616,152	1,578,638	62,353	0	1,640,991
Major Capital Works Reserve	1,038,470	768,093	(1,538,163)	268,400	995,576	797,017	(616,834)	1,175,759
Maylands Lakes Reserve	4,730	118	0	4,848	4,735	187	0	4,922
Maylands Waterland Reserve	429,755	10,699	0	440,454	430,231	16,993	0	447,224
Morley City Centre Reserve	542,670	13,510	0	556,180	543,272	21,458	0	564,730
Morley Sport and Recreation Centre Reserve	503,140	12,527	0	515,667	503,717	19,896	0	523,613
Noranda Netball Courts Reserve	69,499	1,730	0	71,229	69,586	2,749	0	72,335
Plant and Works Equipment Reserve	2,752	68	0	2,820	2,756	109	0	2,865
Playground and Parks Reserve	49,241	1,245	0	50,486	51,029	2,016	0	53,045
River Restoration Reserve	78,791	1,461	(92,292)	(12,040)	121,516	4,800	0	126,316
Roads and Drainage Reserve	12,891	323	0	13,214	13,026	515	0	13,541
Senior Citizens Building Reserve	25,520	636	0	26,156	25,605	1,011	0	26,617
Strategic Land Acquisition Reserve	11,963	1,650,864	0	1,662,827	11,977	12,705	0	24,682
Streetscapes Reserve	196,167	4,180	(89,035)	111,312	216,208	8,647	(60,350)	164,505
Sustainable Environment Reserve	30,931	1,300	0	32,231	77,650	2,717	(22,000)	58,368
The RISE Reserve	224,903	7,270	0	232,173	371,562	14,676	0	386,238
Workers' Compensation Reserve	627,625	15,625	0	643,250	628,320	24,817	0	653,137
Total	44,084,356	5,444,787	(6,411,387)	43,117,757	44,149,826	3,454,651	(1,941,530)	45,662,947

**City of Bayswater  
Capital Acquisitions & Non-Operating Grants  
For the period 1 July 2022 to 30 June 2023**

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
<b>Non-operating grants, subsidies and contributions - summary</b>						
1622	Buildings	(1,552,855)	(1,566,463)	(1,566,463)	(58,503)	0
1632	Furniture and equipment	(2,300)	(2,300)	(2,300)	(2,300)	0
1702	Roads	(5,859,079)	(5,865,285)	(5,865,285)	(1,178,251)	0
1712	Footpath	(332,830)	(286,820)	(286,820)	(118,819)	0
1722	Drainage	(21,826)	(21,826)	(21,826)	0	0
1732	Park development	(3,532,946)	(4,248,741)	(4,248,741)	(1,334,488)	0
1742	Other infrastructure	(525,662)	(481,350)	(481,350)	(154,535)	0
		<u>(11,827,498)</u>	<u>(12,472,785)</u>	<u>(12,472,785)</u>	<u>(2,846,895)</u>	<u>0</u>
<b>Capital acquisitions - summary</b>						
<b>Purchase of asset held for sale</b>						
1912	Assets Held for Sale	1,000,000	1,000,000	1,000,000	249,091	0
		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>249,091</u>	<u>0</u>
<b>Purchase of property, plant and equipment</b>						
1622	Buildings	13,371,608	13,770,280	13,770,280	5,292,993	(3,054)
1632	Furniture and equipment	825,713	912,471	912,471	643,517	(30,551)
1652	Plant and equipment	2,572,771	2,442,218	2,442,218	1,271,337	0
		<u>16,770,092</u>	<u>17,124,969</u>	<u>17,124,969</u>	<u>7,207,847</u>	<u>(33,605)</u>
<b>Purchase and construction of infrastructure assets</b>						
1702	Roads	8,611,328	8,755,826	8,755,826	4,997,098	(14,615)
1712	Footpath	829,114	835,419	835,419	796,624	(10,805)
1722	Drainage	524,027	554,667	554,667	131,363	0
1732	Park development	5,566,411	6,885,850	6,885,850	3,333,684	0
1742	Other infrastructure	927,984	973,489	973,489	643,717	(7,300)
		<u>16,458,864</u>	<u>18,005,251</u>	<u>18,005,251</u>	<u>9,902,486</u>	<u>(32,720)</u>
<b>Purchase of intangible assets</b>						
1852	Intangible assets	800,000	897,787	897,787	443,303	0
		<u>800,000</u>	<u>897,787</u>	<u>897,787</u>	<u>443,303</u>	<u>0</u>
		<u>35,028,956</u>	<u>37,028,007</u>	<u>37,028,007</u>	<u>17,802,727</u>	<u>(66,325)</u>

	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
	\$	\$	\$	\$	\$
<b>Buildings</b>					
<b>Building major capital works</b>					
80474 Signage - renewal at various buildings	0	7,200	7,200	9,173	0
80596 Depot Offices Renovation	0	9,379	9,379	0	0
80800 Riverside Gardens Toilet Upgrade	0	0	0	8,083	0
80809 Depot Electrical Door Upgrade	0	0	0	286	0
80810 Depot Store Room Upgrades	27,030	27,030	27,030	1,266	0
80823 Bayswater Bowling Club - toilet upgrade	92,105	90,855	90,855	0	0
80824 Bayswater Waves - refurbishment	0	0	0	134,033	0
80827 Ellis House - new studio design	49,103	0	0	0	0
80829 Maylands Peninsula Hotel - roof restoration	280,296	280,296	280,296	0	0
80830 Maylands Yacht Club - flooring upgrade	8,413	8,413	8,413	9,863	0
80833 Morley Noranda Recreation Club - re Fridgeration unit renewal	46,065	46,065	46,065	50,952	0
80837 Paddy Walker Depot - improvements	105,302	219,702	219,702	13,089	0
80840 Upper Hillcrest Reserve - transportable changeroom	200,000	200,000	200,000	0	0
80841 Waste Disposal Facility - weighbridge	80,000	80,000	80,000	0	0
80975 Bedford Bowling Club - roof replacement	92,130	92,130	92,130	66,008	0
80982 Les Hansman Centre - roof upgrade	92,130	92,130	92,130	0	0
80984 Maylands Hall - roof renewal	57,581	57,581	57,581	51,242	0
80990 Pat O'Hara Rugby Club - roof renewal	28,791	28,791	28,791	31,126	0
81064 Lightning Park - facility upgrades	750,000	750,000	750,000	0	0
81065 Morley Noranda Recreation Club - facility upgrades	750,000	750,000	750,000	0	0
	2,658,946	2,739,572	2,739,572	375,122	0
<b>Building minor capital works</b>					
80360 Civic Centre - roof replacement and box gutter	103,646	103,646	103,646	30,313	0
80482 Wotton Reserve - sewer connection	284,416	284,416	284,416	0	0
80808 Depot Chemical Mixing Facility Upgrade	0	0	0	1,644	0
80844 Bayswater Community Centre - paving	0	5,000	5,000	0	0
80845 Bayswater Family Centre - floor renewal	0	8,000	8,000	0	0
80852 Maylands Yacht Club - roof renewal	0	2,428	2,428	0	0
80854 Morley Community Centre - bathroom upgrade	0	10,000	10,000	0	0
80953 Bayswater Morley Cricket Club - gazebo	15,000	15,000	15,000	15,000	0
80955 AP Hinds Reserve - electrical upgrade	94,786	46,490	46,490	43,337	0
80969 Maylands Yacht Club - bathroom renewal	10,237	10,237	10,237	12,164	0
80974 Waste Transfer Facility - fire suppression system	200,000	200,000	200,000	0	0
80977 Embleton Toy Library - renew electrical	26,487	26,487	26,487	24,002	0
80978 Halliday House - security system renewal	8,637	8,637	8,637	0	0

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
80979	Hampton Park Infant Health - air-conditioner renewal	6,910	6,910	6,910	7,858	0
80980	Houghton Park Pavilion - flooring upgrade	57,581	45,581	45,581	39,915	(3,054)
80981	Jade Lewis Office - 96 Slade Street - renew roof	13,820	13,820	13,820	4,147	0
80983	Maylands Hall - air-conditioner renewal	80,614	80,614	80,614	88,744	0
80985	Maylands Sport & Recreation - box gutters renewal	11,516	11,516	11,516	9,245	0
80988	Morley Sport and Recreation Centre - LED light retrofit	75,000	0	0	0	0
80989	Pat O'Hara Rugby Club - new access ramp	5,758	5,758	5,758	5,256	0
80991	Maylands Golf Course - depot renewal	37,045	7,045	7,045	0	0
80992	Waste Transfer Station - upgrade office, showers & toilets	161,228	161,228	161,228	0	0
81057	Carramar Community Ctr - repoint ridge caps and roof tiles	11,516	11,516	11,516	8,047	0
81058	Environment House - reseal ridge capping and repoint roof	11,516	11,516	11,516	3,931	0
81059	Maylands Yacht Club - roof renewal	109,405	121,405	121,405	84,856	0
81060	Men Shed - 21 Raymond Avenue - expansion	34,549	34,549	34,549	28,760	0
81076	Maylands Sport and Recreation's Cool room	0	10,967	10,967	0	0
		1,359,667	1,242,766	1,242,766	407,219	(3,054)
<b>Aquatic facilities</b>						
80861	Bayswater Waves - equipment renewal	87,120	87,120	87,120	74,619	0
80972	Bayswater Waves - upgrade roof access system	17,275	17,275	17,275	13,031	0
80973	Bayswater Waves - refurbishment	7,460,847	7,460,847	7,460,847	2,882,820	0
		7,565,242	7,565,242	7,565,242	2,970,471	0
<b>Community capital requests</b>						
80637	Bayswater Elderly Community Help Org - new accessible toilet	36,364	36,364	36,364	0	0
80959	Bayswater State Emergency Services - New Storage Shed	0	17,318	17,318	17,318	0
81070	Hillcrest Pre School - install wall and door	6,724	6,724	6,724	3,821	0
81071	Frank Drago Res - Bayswater Bowling Club - kitchen renewal	55,100	55,100	55,100	53,099	0
81073	Bayswater Family Centre - fence replacement	13,585	13,585	13,585	8,675	0
81074	Bayswater Family Centre - doorway upgrade	16,962	16,962	16,962	20,817	0
81075	Wotton Reserve - bar area flooring renewal	25,730	25,730	25,730	15,618	0
81078	Upper Hillcrest Reserve - storeroom refurbish	6,393	6,393	6,393	5,000	0
81079	Frank Drago Reserve - LED lighting upgrade	5,363	5,363	5,363	5,767	0
		166,221	183,539	183,539	130,114	0
<b>Building upgrade</b>						
80860	The RISE - non-slip floor on balcony	15,000	0	0	0	0
		15,000	0	0	0	0

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
<b>Building new</b>						
80821	Waste Disposal Facility - hazardous household waste shed	18,000	11,117	11,117	12,605	0
		18,000	11,117	11,117	12,605	0
<b>Plant and equipment</b>						
80976	Civic Centre - renew air-conditioning	230,326	230,326	230,326	0	0
80987	Morley Noranda Recreation Club - renew cool room	172,744	172,744	172,744	172,922	0
80999	The RISE - Unplanned Capital	10,000	10,000	10,000	0	0
		413,070	413,070	413,070	172,922	0
<b>Sustainable environment</b>						
80936	Solar PV installation program	22,843	40,939	40,939	20,620	0
		22,843	40,939	40,939	20,620	0
<b>COVID-19 \$5m Stimulus Package Projects</b>						
80613	Morley Sport & Recreation Ctre - basketball court extension	450,000	492,761	492,761	226,387	0
80614	Bayswater Waves - Refurbish 25m pool, pool hall, plant room	290,000	729,879	729,879	632,919	0
80619	Energy Efficiency Projects	20,190	22,424	22,424	17,985	0
		760,190	1,245,064	1,245,064	877,292	0
<b>Water Facilities</b>						
80787	Bayswater Waves - Unplanned capital expenditure	50,000	45,735	45,735	25,005	0
		50,000	45,735	45,735	25,005	0
<b>Sport &amp; Recreation Facilities</b>						
80646	Grand Prom Self Cleaning Toilet - Upgrade external façade	85,251	73,073	73,073	93,859	0
80670	The RISE - Replacement of Air con units	115,163	115,163	115,163	124,765	0
80690	The RISE - Disability access ramp construction	112,015	0	0	0	0
80764	Lightning Park Recreation Centre - Spectator shelter	30,000	30,000	30,000	0	0
81096	The RISE - Hot water cystem	0	65,000	65,000	83,000	0
		342,429	283,236	283,236	301,623	0
Total Buildings		13,371,608	13,770,280	13,770,280	5,292,993	(3,054)
<b>Furniture and equipment</b>						
<b>Community capital requests</b>						
81072	Bayswater Waves - storage and display cabinets	9,200	9,200	9,200	9,200	0
		9,200	9,200	9,200	9,200	0

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
<b>Furniture and equipment</b>						
80863	Bayswater Waves - replace dumbbells, rack	0	18,000	18,000	16,767	0
80997	The RISE - Function Equipment renewal	20,200	20,200	20,200	18,252	0
81000	Morley Library - Public Seating renewal	8,500	8,500	8,500	5,910	0
		28,700	46,700	46,700	40,929	0
<b>IT capital</b>						
80088	Virtual Infrastructure Server Replacement Program	127,595	127,595	127,595	129,404	0
80091	Workstation replacement program	72,995	72,995	72,995	77,933	0
81097	Embleton Room- Wireless Microphone system	0	35,000	35,000	2,876	0
81098	Council chamber upgrade	0	30,200	30,200	0	0
		200,590	265,790	265,790	210,213	0
<b>IT renewal</b>						
80067	Enhanced tree management	0	0	0	3,407	0
80387	General IT Equipment Replacement Program	58,140	58,140	58,140	46,403	0
80388	Plant Replacement Program - lge. format scanner and printer	22,000	22,000	22,000	2,488	0
80872	Spatial Virtual Machine hosts	71,442	75,000	75,000	71,442	0
80873	Spatial Virtual Machine storage	66,934	66,934	66,934	61,500	0
		218,516	222,074	222,074	185,240	0
<b>CCTV Renewal</b>						
80274	CCTV Infrastructure replacement program	28,841	28,841	28,841	28,747	0
80489	CCTV Servers - replacement	29,120	29,120	29,120	4,400	(4,400)
		57,961	57,961	57,961	33,147	(4,400)
<b>Plant and equipment</b>						
80874	City-wide - traffic counter program	15,735	15,735	15,735	20,548	0
80995	Bayswater Waves - Floor Scrubber	10,011	10,011	10,011	9,799	(9,799)
80996	Bayswater Waves - Health Club - Strength Equipment renewal	150,000	150,000	150,000	0	0
80998	The RISE - Sports Court Netting renewal	20,000	20,000	20,000	20,440	(16,352)
81001	Spatial Services - Geodetic Surveying Equipment renewal	115,000	115,000	115,000	114,002	0
		310,746	310,746	310,746	164,789	(26,151)
Total Furniture and equipment		825,713	912,471	912,471	643,517	(30,551)

Plant and equipment

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
<b>Plant and equipment</b>						
80257	Plant and Fleet Replacement Program	2,186,471	2,052,918	2,052,918	1,234,662	0
80956	New FTE Plant and Equipment	386,300	389,300	389,300	36,675	0
		2,572,771	2,442,218	2,442,218	1,271,337	0
Total Plant and equipment		2,572,771	2,442,218	2,442,218	1,271,337	0
<b>Roads</b>						
<b>Road construction</b>						
80198	Resurface Right of Ways	109,141	74,764	74,764	23,491	0
80245	Traffic management - general	84,861	115,840	115,840	80,241	0
80247	Traffic management - paving	20,980	20,980	20,980	23,538	0
80426	Design of slip lane at 60 Russell Street corner Walter Road	50,000	163,000	163,000	179,474	0
80960	Low Cost Urban Safety Design & Construction - Frank Drago	630,045	630,045	630,045	779,902	(5,382)
80961	Low Cost Urban Safety Design & Construction - Bayswater Wave	651,047	651,047	651,047	483,128	0
81063	Low Cost Urban Safety Program	1,332,204	461,484	461,484	852	0
81081	Low Cost Urban Safety Design & Construction-Weld Square	0	277,795	277,795	19,220	(1,320)
81082	Low Cost Urban Safety Design & Construction-Jubilee Reserve	0	538	538	0	0
81083	Low Cost Urban Safety Design & Construction-Shearn Park	0	166,828	166,828	66,535	(1,320)
81084	Low Cost Urban Safety Design & Construction-Maylands Strip	0	257,064	257,064	14,555	(1,320)
81085	Low Cost Urban Safety Design & Construction-Hillcrest	0	52,123	52,123	667	0
81086	Low Cost Urban Safety Design & Construction-Broadway Arboret	0	2,557	2,557	0	0
81087	Low Cost Urban Safety Design & Construction-Tonkin Business	0	5,034	5,034	0	0
81088	Low Cost Urban Safety Design & Construction-Maylands Peninsu	0	30,800	30,800	3,475	0
81089	Low Cost Urban Safety Design & Construction-Beaufort Park	0	18,954	18,954	15,558	0
81090	Low Cost Urban Safety Design & Construction-RA Cook Park	0	53,308	53,308	2,132	0
81091	Low Cost Urban Safety Design & Construction-Ashfield Flats	0	5,719	5,719	7	0
		2,878,278	2,987,880	2,987,880	1,692,774	(9,342)
<b>Road renewal</b>						
81020	Roads Program - Kerbing Renewal	10,490	10,490	10,490	431	0
81021	Slip lane - 60 Russell Street corner Walter Road	1,085,694	1,085,694	1,085,694	0	0
81023	Road Resurfacing - Rokeford Way - Wylde to Boxhill	149,899	149,899	149,899	140,716	0
81024	Road Resurfacing - Boxhill St - Wylde to Cul-de-sac	100,912	100,912	100,912	51,935	0
81025	Road Resurfacing - Tillingdon Way - Boxhill to Wolseley	143,815	143,815	143,815	64,991	(2,780)
81026	Road Resurfacing - Cheam Place - Boxhill to Cooper	45,054	45,054	45,054	25,361	0
81029	Road Resurfacing - Cooper Rd - Wolseley to Lincoln	156,822	156,822	156,822	165,267	0
81030	Road Resurfacing - Crowhurst Way - Wolseley to McGilvray	172,033	172,033	172,033	143,446	0



		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
81031	Road Resurfacing - Holilond Way - Lincoln W to Lincoln E	175,180	175,180	175,180	151,169	0
81032	Road Resurfacing - Lincoln Rd - McGilvray to Camboon	299,735	299,735	299,735	280,321	0
81035	Road Resurfacing - Robann Way - Lincoln to McGilvray	219,237	219,237	219,237	145,539	0
81036	Road Resurfacing - Brand Place - Lincoln to Cul-de-sac	68,184	68,184	68,184	55,198	0
81038	Road Resurfacing - Challenger Ave - Bottlebrush to Cassia	86,331	86,331	86,331	297	0
81039	Road Resurfacing - Vista Crt - Challenger to Cul-de-sac	10,804	10,804	10,804	0	0
81040	Road Resurfacing - Niagara Place - Challenger to Cul-de-sac	27,693	27,693	27,693	0	0
81041	Road Resurfacing - Doonside Place - Challenger to Cul-de-sac	14,686	14,686	14,686	0	0
81042	Road Resurfacing - Discovery Drv - Telstar to Wheatstone	40,910	40,910	40,910	148	0
81043	Road Resurfacing - Wentworth Grove - Discovery to Cul-de-sac	26,224	26,224	26,224	94	0
81044	Road Resurfacing - Fisk Place - Wentworth to Cul-de-sac	10,490	10,490	10,490	0	0
81045	Road Resurfacing - St George Grove - Discovery to Cul-de-sac	22,553	22,553	22,553	0	0
81046	Road Resurfacing - Wheatstone Drv - Solas Place to LGA Bdy	82,869	82,869	82,869	148	0
81047	Road Resurfacing - Brunel Place - Wheatstone to Cul-de-sac	27,063	27,063	27,063	0	0
81048	Road Resurfacing - Barnes Wy - Solas to Morley	104,898	104,898	104,898	0	0
81049	Road Resurfacing - Aussat Drv - Barnes to LGA Bdy	104,898	104,898	104,898	0	0
81050	Road Resurfacing - Cornwall Close - Barnes to Cul-de-sac	27,273	27,273	27,273	0	0
81051	Road Resurfacing - Todd Crt - Cornwall to Cul-de-sac	7,343	7,343	7,343	0	0
81052	Traffic Management - Wotton St - Cul-de-sac	15,735	15,735	15,735	0	0
81053	Arterial Roads - Benara Rd/Beechboro Rd - Intersection	146,857	146,857	146,857	16,578	0
81054	Arterial Roads - Broun Ave/Russell St - Intersection	73,429	73,429	73,429	81,290	0
81055	Arterial Roads - Coode St - Beaufort St to Walter Rd W	769,935	769,935	769,935	727,468	0
81056	Arterial Roads - Beaufort St - The Strand To Grand Prom	342,934	342,934	342,934	323,102	0
		4,569,980	4,569,980	4,569,980	2,373,497	(2,780)
<b>Roads to recovery</b>						
81022	Road Resurfacing - Wylde Rd - McGilvray to Cul-de-sac	132,624	132,624	132,624	126,685	0
81027	Road Resurfacing - Cooper Rd - Wylde to Wolseley	136,053	136,053	136,053	70,811	0
81028	Road Resurfacing - Wolseley Rd - McGilvray to Camboon	185,145	185,145	185,145	109,092	0
81033	Road Resurfacing - Ballan Court - Challenger to Cul-de-sac	11,539	11,539	11,539	0	0
81034	Road Resurfacing - Viscount Rd - Lincoln to Cul-de-sac	25,490	25,490	25,490	32,218	0
81037	Road Resurfacing - Jennifer Rd - Robann to Morley	12,588	12,588	12,588	12,311	0
		503,439	503,439	503,439	351,118	0
<b>Black spot state</b>						
80881	Camboon Road & Wolseley Rd - install island/street lighting	110,000	117,122	117,122	130,810	0
80882	Walter Road West and Coode St - install right turn signal	129,700	129,700	129,700	28,967	0
		239,700	246,822	246,822	159,777	0

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
<b>Black spot federal</b>						
80883	Crimea St and Westlake Rd - splitter islands/street lighting	0	0	0	20,903	0
		0	0	0	20,903	0
<b>Base road grant</b>						
80317	Drainage kerb renewal	0	0	0	1,416	0
80318	Carpark Resurfacing Program	62,965	62,965	62,965	70,701	0
80518	Resurface - Gittos - Luderman/Cul-de-sac	0	0	0	658	0
		62,965	62,965	62,965	72,775	0
<b>Traffic management</b>						
80297	Traffic Management - Disability Access Committee	20,980	20,980	20,980	25,742	(2,493)
80752	Riverside Gardens - Carpark extension	0	16,731	16,731	260	0
		20,980	37,711	37,711	26,002	(2,493)
<b>Other road construction</b>						
80745	Clarkson to Tranby - Resurface Cycleway	39,887	46,711	46,711	41,153	0
80747	Towns Development Program - Various	0	0	0	970	0
80909	Baigup to Riverside Gardens - resurface cycleway	90,374	84,310	84,310	10,567	0
80912	Vernon Street, Noranda - Right of Way reconstruction	20,399	32,973	32,973	0	0
80966	Peninsula Rd and Wall St - Re-asphalt	0	0	0	14,992	0
		150,660	163,994	163,994	67,681	0
<b>Arterial road construction</b>						
80707	Crimea Street, Morley	0	0	0	329	0
80913	Beaufort Str/Grand Promenade - 4-way intersection resurface	112,308	104,767	104,767	141,728	0
		112,308	104,767	104,767	142,058	0
<b>Other infrastructure construction</b>						
80801	Noranda Netball Court Carpark	29,766	4,200	4,200	0	0
80918	Hamilton Street Carpark - construction	17,000	48,944	48,944	5,441	0
80922	Verge Paving - paving of small areas under traffic	26,252	25,124	25,124	24,130	0
		73,018	78,268	78,268	29,571	0
<b>Metropolitan Regional Road Group Projects</b>						
80923	Widgee Road, Noranda - resurface	0	0	0	3,102	0
		0	0	0	3,102	0

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
<b>Not Applicable</b>						
81100	Traffic Calming Railway Pde Coode - Drake -Rose	0	0	0	57,840	0
		0	0	0	57,840	0
Total Roads		8,611,328	8,755,826	8,755,826	4,997,098	(14,615)
<b>Footpath</b>						
<b>Other road construction</b>						
80910	Drake Street - Bay View Street - train station - new pathway	129,556	106,371	106,371	98,309	(8,110)
80911	Drake Street - Broun Avenue/Rothbury Road - new pathway	39,234	36,602	36,602	0	0
		168,790	142,973	142,973	98,309	(8,110)
<b>Footpath construction</b>						
80063	New footpath construction and Local Bike Plan	212,057	275,105	275,105	185,491	(1,320)
80431	Footpath - Bookham Street and Boag Place	40,939	27,406	27,406	36,974	0
80924	Crimea Street - Morley Drive to Fedders St - pathway	192,790	179,854	179,854	193,133	0
80926	Robann Way - Lincoln Road to Jennifer Road - pathway	66,425	61,968	61,968	74,744	0
80927	Timms Place - Halvorson Road to Morley Drive - pathway	47,411	47,411	47,411	69,537	0
80994	Crimea St - Fedders St to Deschamp Rd - new path	100,702	100,702	100,702	112,959	0
		660,324	692,446	692,446	672,839	(1,320)
<b>Not Applicable</b>						
81099	Foot path Installation-Skew st- Cantelebury st	0	0	0	25,476	(1,375)
		0	0	0	25,476	(1,375)
Total Footpath		829,114	835,419	835,419	796,624	(10,805)
<b>Drainage</b>						
<b>Drainage construction</b>						
80248	Urban water sensitive design	192,542	215,987	215,987	1,070	0
80697	Nora Hughes Park - living stream	32,200	32,200	32,200	0	0
80928	City-wide - optimise drainage amenity	94,029	94,029	94,029	25,298	0
		318,771	342,216	342,216	26,368	0
<b>Drainage renewal</b>						
80929	City-wide - drainage grates renewal	73,429	73,429	73,429	77,473	0
81080	Drainage Program - Upgrade	31,469	31,469	31,469	20,524	0

	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
	\$	\$	\$	\$	\$
	104,898	104,898	104,898	97,997	0
<b>Sustainable environment</b>					
80993 Bowden St Res - Bayswater Brook & water design initiatives	50,000	50,000	50,000	0	0
	50,000	50,000	50,000	0	0
<b>Other infrastructure renewal</b>					
80704 Drainage Sump Fencing Program	50,358	57,553	57,553	6,998	0
	50,358	57,553	57,553	6,998	0
Total Drainage	524,027	554,667	554,667	131,363	0
<b>Park development</b>					
<b>Entry statement</b>					
80534 Bayswater Library/Bert Wright Sculpture	10,000	20,000	20,000	0	0
	10,000	20,000	20,000	0	0
<b>Other infrastructure construction</b>					
80916 Bardon Park - Malgamongup - signage	0	6,410	6,410	2,860	0
80919 Maylands Brickworks - signage	10,000	1,390	1,390	1,390	0
	10,000	7,800	7,800	4,250	0
<b>Park development construction</b>					
80040 Tree Planting	0	0	0	21	0
80242 Riverbank restoration	73,282	92,292	92,292	0	0
80775 Dog Exercise Area - construction	7,993	7,993	7,993	0	0
80806 Mahogany Reserve Redevelopment	0	17,808	17,808	0	0
80930 Arbor Park - park redevelopment (Our Park - Our Place)	20,000	20,000	20,000	28,027	0
80931 Bert Wright Park - implement concept plan	47,996	78,729	78,729	33,713	0
80933 Gibbney Reserve East - park redevelopment	368,871	371,410	371,410	437,766	0
80943 Cloughton Reserve - excersie equipment	25,000	25,000	25,000	23,652	0
80970 Samphire restoration	0	0	0	4,800	0
81004 Birkett Street Reserve - redevelopment	185,224	185,224	185,224	59,331	0
81005 Feredy Street Reserve - redevelopment	114,222	114,222	114,222	102,094	0
81007 Frank Drago - 2023 Womens World Cup upgrades	100,000	100,000	100,000	50,962	0
81009 Upper Hillcrest Reserve - cricket net fencing replacement	25,000	25,000	25,000	16,090	0
	967,588	1,037,678	1,037,678	756,456	0

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
<b>Sustainable environment</b>						
80269	Baigup Wetland Stage 1 - activity centre and interpretation	0	22,000	22,000	107,707	0
80273	Maylands Lakes restoration Stage 2	134,000	568,626	568,626	135,717	0
80622	Russell St Living Stream Link Agreement	10,000	10,000	10,000	0	0
80696	Arbor Park upgrade - Greening Australia project	53,961	53,961	53,961	0	0
81018	Arbor Park - stage 3	50,000	50,000	50,000	0	0
81061	Maylands Lakes bank renaturalisation & improve water quality	450,000	450,000	450,000	20,926	0
		697,961	1,154,587	1,154,587	264,350	0
<b>Tree management</b>						
81019	Riverside Gardens Urban Forest	650,000	650,000	650,000	0	0
		650,000	650,000	650,000	0	0
<b>Drink fountains</b>						
80380	Drinks Fountains Replacement Program	0	0	0	48	0
80971	Lake Bungana - drink fountain	15,000	15,000	15,000	15,179	0
		15,000	15,000	15,000	15,226	0
<b>Playground</b>						
81010	Kelvin Street/Sherwood Street Reserve - play space renewal	30,000	30,000	30,000	29,191	0
81011	Lower Hillcrest Reserve - play space renewal	60,000	60,000	60,000	8,785	0
81012	Waltham Reserve - rubber pitching base renewal	10,000	10,000	10,000	8,714	0
81013	Crimea Reserve - skate park surface renewal	100,000	100,000	100,000	0	0
		200,000	200,000	200,000	46,689	0
<b>Floodlights</b>						
81003	RA Cook Reserve - upgrade LED floodlights	264,000	264,000	264,000	88,000	0
81006	Upper Hillcrest Reserve - upgrade lighting	75,000	75,000	75,000	73,801	0
81067	Frank Drago Reserve - floodlight relamp	7,500	7,500	7,500	7,800	0
81068	Grand Prom Reserve - floodlight relamp	7,500	7,500	7,500	7,300	0
81069	Noranda Sporting Complex - Soccer - floodlight relamp	10,000	10,000	10,000	7,920	0
		364,000	364,000	364,000	184,821	0
<b>Other infrastructure construction</b>						
80595	Hinds Reserve - construction of a multi-user access ramp	21,076	21,076	21,076	0	0
80940	Bayswater Morley Cricket Club - shade shelter	9,091	9,091	9,091	7,709	0
80941	Bedford Bowling Club - synthetic surface	232,373	0	0	0	0
80942	Lightning Swamp Bushland - limestone wall	0	80,000	80,000	75,185	0

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
		\$	\$	\$	\$	\$
80944	Morley Bowling Club - synthetic surface	272,727	195,334	195,334	13,516	0
80945	Natural Environment Improvement Program	0	29,299	29,299	33,902	0
80946	Wotton Skate Park and surrounding facilities	500,000	1,465,617	1,465,617	1,275,789	0
81062	Tranby House Reserve Foreshore - rehab and revegetation	1,000,000	1,000,000	1,000,000	0	0
		2,035,267	2,800,417	2,800,417	1,406,101	0
<b>Other infrastructure renewal</b>						
80753	Bore and Pump Maintenance Program	0	22,073	22,073	27,101	0
80755	Critical Asset Renewal Program	375,854	434,811	434,811	336,863	0
		375,854	456,884	456,884	363,965	0
<b>COVID-19 \$5m Stimulus Package Projects</b>						
80235	Bore and pump maintenance program	61,741	61,741	61,741	55,795	0
80364	Maylands Waterland redevelopment	179,000	117,743	117,743	236,031	0
		240,741	179,484	179,484	291,826	0
Total Park development		5,566,411	6,885,850	6,885,850	3,333,684	0
<b>Other infrastructure</b>						
<b>Street lights</b>						
80250	Street light upgrade	57,694	57,694	57,694	47,052	0
80805	Street Lighting Upgrades	356,312	277,358	277,358	177,330	0
80915	Decorative street light replacement	20,980	20,980	20,980	20,530	0
		434,986	356,032	356,032	244,912	0
<b>Other infrastructure construction</b>						
80917	Doyle Street and Linton Place - public access	20,000	20,000	20,000	5,943	0
81002	Bus Shelters - Upgrade program	15,735	15,735	15,735	0	0
		35,735	35,735	35,735	5,943	0
<b>Sustainable environment</b>						
80935	Emmission reduction and rewable energy implementation	50,292	50,292	50,292	36,161	0
		50,292	50,292	50,292	36,161	0
<b>Floodlights</b>						
80939	RA Cook Reserve - floodlight renewal	50,000	33,000	33,000	17,000	0
		50,000	33,000	33,000	17,000	0

	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments
	\$	\$	\$	\$	\$
<b>Other infrastructure construction</b>					
80252 Bus shelters	20,991	20,991	20,991	12,466	0
80392 Maylands Town Centre - City-led infrastructure activation	15,000	15,000	15,000	0	0
80393 Bayswater Town Centre City-led Infrastructure Activation	10,000	21,407	21,407	0	0
80693 Bedford Shopping Precincts Regeneration Project	60,000	60,000	60,000	48,295	0
80954 Cloughton Reserve - passive lighting	0	14,427	14,427	11,598	0
80957 Morley Activity Centre - streetscape improvement (RAC Grant)	0	68,280	68,280	127,796	0
80967 Grand Prom - Shopping Precinct Regeneration (RAC Grant)	30,000	77,345	77,345	109,322	(7,300)
81066 Street light - LED replacement	200,000	200,000	200,000	0	0
	335,991	477,450	477,450	309,478	(7,300)
<b>COVID-19 \$5m Stimulus Package Projects</b>					
80617 Passive Light Replacement Program	20,980	20,980	20,980	30,223	0
	20,980	20,980	20,980	30,223	0
Total Other infrastructure	927,984	973,489	973,489	643,717	(7,300)
<b>Intangible assets</b>					
<b>IT capital</b>					
80870 ERP implementation	750,000	865,477	865,477	429,151	0
	750,000	865,477	865,477	429,151	0
<b>Software</b>					
80950 Website development for online bookings	50,000	32,310	32,310	14,152	0
	50,000	32,310	32,310	14,152	0
Total Intangible assets	800,000	897,787	897,787	443,303	0
<b>Assets Held for Sale</b>					
<b>Aged Persons Homes</b>					
80794 Aged Persons Homes - Capital works	1,000,000	1,000,000	1,000,000	249,091	0
	1,000,000	1,000,000	1,000,000	249,091	0
Total Assets Held for Sale	1,000,000	1,000,000	1,000,000	249,091	0
<b>Total capital projects</b>	35,028,956	37,028,007	37,028,007	17,802,727	(66,325)

**10.2.2 Investment Report for the Period Ended 30 June 2023**

<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	1. Investment Register [ <b>10.2.2.1</b> - 1 page] 2. Investment Summary [ <b>10.2.2.2</b> - 1 page] 3. Investment Portfolio [ <b>10.2.2.3</b> - 1 page]

**SUMMARY**

This report presents the City's Investment Portfolio for the period ended 30 June 2023.

**COUNCIL RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council receives the Investment Portfolio Report for the period ended 30 June 2023 with investments totalling \$87,119,314.16.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke 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.

<b>S&amp;P Long-Term Rating</b>	<b>S&amp;P Short-Term Rating</b>	<b>Maximum Risk Limit % Credit Rating</b>
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 30 June 2023 were \$87,119,314.16.

Of the total investment portfolio, \$52,478,553.56 is internally restricted and \$2,893,811.24 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 31% 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.

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
<b>Conclusion</b>	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 30 June 2023 with investments totalling \$87,119,314.16.

**City of Bayswater  
Investment Register  
Balance as at 30 June 2023**

Investment Number	Bank	Lodgement Date	Maturity Date	Rate %	Principal \$	Accrued Interest \$	Maturity Interest \$	Maturity Amount \$
200816	Commonwealth Bank	21/02/23	04/07/23	4.34	1,100,000.00	16,872.49	17,395.67	1,117,395.67
200817	Commonwealth Bank	21/02/23	11/07/23	4.34	1,771,934.93	27,179.05	29,496.65	1,801,431.58
200823	National Australia Bank	07/03/23	18/07/23	4.42	1,200,000.00	16,711.23	19,326.90	1,219,326.90
200858	Commonwealth Bank	15/06/23	18/07/23	4.30	2,000,000.00	3,534.25	7,775.34	2,007,775.34
200825	Westpac Bank	17/03/23	25/07/23	4.59	2,700,000.00	35,651.10	44,139.45	2,744,139.45
200826	Westpac Bank	21/03/23	01/08/23	4.52	1,850,000.00	23,138.68	30,469.75	1,880,469.75
200827	Westpac Bank	28/03/23	08/08/23	4.52	1,700,000.00	19,788.93	27,999.23	1,727,999.23
200859	Commonwealth Bank	15/06/23	08/08/23	4.30	1,000,000.00	1,767.12	6,361.64	1,006,361.64
200830	Suncorp Bank	04/04/23	15/08/23	4.48	1,623,934.25	17,340.95	26,509.73	1,650,443.98
200834	Westpac Bank	18/04/23	22/08/23	4.52	900,000.00	8,136.00	14,042.96	914,042.96
200842	Commonwealth Bank	09/05/23	22/08/23	4.69	1,021,441.10	6,824.91	13,781.06	1,035,222.16
200854	Bendigo Bank	15/06/23	22/08/23	4.62	1,000,000.00	1,898.63	8,607.12	1,008,607.12
200835	Bendigo Bank	26/04/23	29/08/23	4.60	1,516,680.82	12,424.32	23,892.92	1,540,573.74
200853	Bendigo Bank	15/06/23	05/09/23	4.62	2,000,000.00	3,797.26	20,758.36	2,020,758.36
200843	Commonwealth Bank	09/05/23	12/09/23	4.74	900,000.00	6,077.59	14,726.47	914,726.47
200852	Westpac Bank	13/06/23	12/09/23	5.08	1,658,769.77	3,924.69	21,008.66	1,679,778.43
200857	Commonwealth Bank	15/06/23	12/09/23	4.62	2,000,000.00	3,797.26	22,530.41	2,022,530.41
200855	Suncorp Bank	15/06/23	19/09/23	5.10	2,500,000.00	5,239.73	33,534.25	2,533,534.25
200863	Commonwealth Bank	20/06/23	26/09/23	5.11	804,188.49	1,125.86	11,033.47	815,221.96
200856	Suncorp Bank	15/06/23	03/10/23	5.10	2,500,000.00	5,239.73	38,424.66	2,538,424.66
<b>Muni General Funds Total</b>					<b>31,746,949.36</b>	<b>220,469.78</b>	<b>431,814.70</b>	<b>32,178,764.06</b>
200814	Commonwealth Bank	15/02/23	18/07/23	4.46	5,495,192.98	90,648.10	102,734.51	5,597,927.49
200821	Commonwealth Bank	21/02/23	25/07/23	4.48	1,043,131.41	16,516.34	19,717.18	1,062,848.59
200828	Bank of Queensland	28/03/23	29/08/23	4.50	2,831,371.60	32,812.88	53,757.27	2,885,128.87
200836	Westpac Bank	25/04/23	26/09/23	4.61	5,296,947.82	44,154.78	103,027.81	5,399,975.63
200846	Commonwealth Bank	16/05/23	17/10/23	4.83	1,911,828.30	11,384.54	38,960.44	1,950,788.74
200841	Suncorp Bank	09/05/23	14/11/23	4.81	2,401,038.78	16,453.36	59,801.65	2,460,840.43
200849	Suncorp Bank	06/06/23	21/11/23	4.97	3,298,625.63	10,779.73	75,458.09	3,374,083.72
<b>Muni Reserve Total</b>					<b>22,278,136.52</b>	<b>222,749.74</b>	<b>453,456.98</b>	<b>22,731,593.50</b>
200860	Bendigo Bank	20/06/23	25/07/23	4.35	705,133.34	840.36	2,941.28	708,074.62
200822	ING Bank	28/02/23	08/08/23	4.50	516,989.56	7,776.09	10,261.89	527,251.45
200832	Bank of Queensland	11/04/23	14/11/23	4.80	1,053,260.03	11,080.87	30,056.87	1,083,316.90
200837	Westpac Bank	25/04/23	30/01/24	4.72	618,428.31	5,278.16	22,392.19	640,820.50
<b>Trust Specific Total</b>					<b>2,893,811.24</b>	<b>24,975.49</b>	<b>65,652.22</b>	<b>2,959,463.46</b>
200800	Suncorp Bank	13/12/22	04/07/23	4.21	1,352,297.94	31,039.50	31,663.41	1,383,961.35
200815	Commonwealth Bank	15/02/23	15/08/23	4.57	1,711,599.65	28,930.72	38,788.60	1,750,388.25
200820	Commonwealth Bank	14/02/23	26/09/23	4.62	1,803,407.43	31,044.30	51,131.79	1,854,539.22
200824	Westpac Bank	17/03/23	17/10/23	4.79	1,140,000.00	15,708.58	32,015.57	1,172,015.57
200850	Westpac Bank	06/06/23	24/10/23	4.92	1,134,484.67	3,670.14	21,409.12	1,155,893.79
200838	Bank of Queensland	27/04/23	28/11/23	4.70	1,472,435.80	12,134.48	40,764.28	1,513,200.08
200845	Bank of Queensland	16/05/23	05/12/23	4.90	1,319,950.82	7,973.95	35,971.37	1,355,922.19
200844	Suncorp Bank	10/05/23	12/12/23	4.81	1,300,000.00	8,737.07	37,004.05	1,337,004.05
<b>Aged General Funds Total</b>					<b>11,234,176.31</b>	<b>139,238.74</b>	<b>288,748.20</b>	<b>11,522,924.51</b>
200851	National Australia Bank	13/06/23	19/12/23	5.20	45,224.76	109.53	1,217.72	46,442.48
<b>Aged Mertome Gardens Total</b>					<b>45,224.76</b>	<b>109.53</b>	<b>1,217.72</b>	<b>46,442.48</b>
200847	Bendigo Bank	30/05/23	01/08/23	4.25	1,109,375.30	4,004.39	8,137.95	1,117,513.25
200864	Bendigo Bank	27/06/23	05/09/23	4.75	1,294,165.15	505.26	11,789.31	1,305,954.46
<b>Aged Prudential Requirements Reserve Total</b>					<b>2,403,540.45</b>	<b>4,509.65</b>	<b>19,927.26</b>	<b>2,423,467.71</b>
200794	Suncorp Bank	08/11/22	11/07/23	4.35	2,072,319.37	57,792.16	60,508.89	2,132,828.26
200786	Westpac Bank	19/10/22	19/07/23	4.39	1,063,020.99	32,474.85	34,904.08	1,097,925.07
200819	Commonwealth Bank	21/02/23	01/08/23	4.48	3,099,867.59	49,081.52	61,256.78	3,161,124.37
200848	Westpac Bank	30/05/23	05/09/23	4.80	982,633.10	4,005.91	12,663.85	995,296.95
200861	Suncorp Bank	20/06/23	26/09/23	5.11	1,600,000.00	2,240.00	21,952.00	1,621,952.00
200862	Commonwealth Bank	20/06/23	26/09/23	5.11	1,052,073.59	1,472.90	14,434.45	1,066,508.04
200829	Bank of Queensland	28/03/23	03/10/23	4.60	3,979,928.17	47,148.52	94,798.62	4,074,726.79
200833	Bank of Queensland	11/04/23	14/11/23	4.80	1,542,742.19	16,230.49	44,025.21	1,586,767.40
200839	Bendigo Bank	02/05/23	12/12/23	4.60	1,124,890.52	8,364.25	31,755.81	1,156,646.33
<b>Aged General Reserve Total</b>					<b>16,517,475.52</b>	<b>218,810.62</b>	<b>376,299.69</b>	<b>16,893,775.21</b>
<b>Total</b>					<b>87,119,314.16</b>	<b>830,863.54</b>	<b>1,637,116.77</b>	<b>88,756,430.93</b>

**City of Bayswater  
Investment Summary  
Balance as at 30 June 2023**

**Investments By Maturity Date**

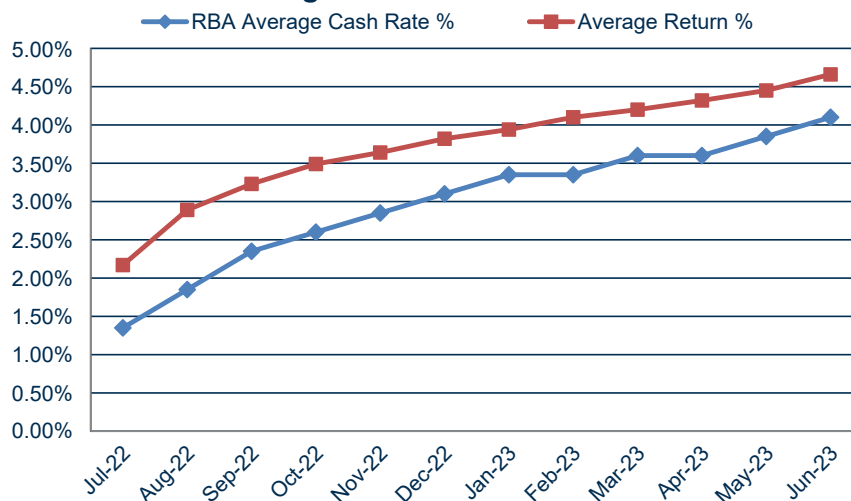
Maturity Dates	Principal	Portfolio %	Number of Investments
Less than 30 days	\$20,503,030.96	24%	11
Between 30 days and 60 days	\$19,881,259.87	23%	13
Between 61 days and 90 days	\$21,892,185.35	25%	12
Between 91 days and 180 days	\$24,224,409.67	28%	14
Between 181 days and 1 year	\$618,428.31	1%	1
<b>Total</b>	<b>\$87,119,314.16</b>	<b>100%</b>	<b>51</b>

**Allocation of Investments**

S&P Rating (Short-term)	Bank	Amount Invested	Amount Invested %	Threshold %
A-1+	National Australia Bank	\$1,245,224.76	1%	45%
A-1+	Westpac	\$19,044,284.66	22%	45%
A-1+	Commonwealth Bank	\$26,714,665.47	31%	45%
A-1	Suncorp**	\$18,648,215.97	21%	35%
A-2	Bank of Queensland	\$12,199,688.61	14%	30%
A-2	Bendigo Bank **	\$8,750,245.13	10%	30%
A-2	ING	\$516,989.56	1%	30%
<b>Total</b>		<b>\$87,119,314.16</b>	<b>100%</b>	

\*\* Fossil fuel free investment

**Average Return on Investment**



**City of Bayswater  
Investment Portfolio  
Balance as at 30 June 2023**

Source	Description	Total \$	Internally restricted \$	Externally restricted \$
Municipal	Investment - CoB General Funds	31,746,949.36	-	-
	Investment - CoB Reserve	22,278,136.52	22,278,136.52	-
	Investment - Trust	2,893,811.24	-	2,893,811.24
<b>Sub Total</b>		<b>56,918,897.12</b>	<b>22,278,136.52</b>	<b>2,893,811.24</b>
Aged	Investment - Aged General Funds	11,234,176.31	11,234,176.31	-
	Investment - Prudential Requirements Reserve	2,448,765.21	2,448,765.21	-
	Investment - Aged General Reserve	16,517,475.52	16,517,475.52	-
<b>Sub Total</b>		<b>30,200,417.04</b>	<b>30,200,417.04</b>	<b>-</b>
<b>Grand Total</b>		<b>87,119,314.16</b>	<b>52,478,553.56</b>	<b>2,893,811.24</b>

**10.2.3 List of Payments for the month of June 2023**

<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Schedule of Accounts Municipal Fund [<b>10.2.3.1</b> - 11 pages]</li> <li>2. Schedule of Accounts Aged Persons Home Account [<b>10.2.3.2</b> - 1 page]</li> <li>3. Schedule of Accounts Trust Fund [<b>10.2.3.3</b> - 1 page]</li> <li>4. Summary of Corporate Credit Card Expenses [<b>10.2.3.4</b> - 2 pages]</li> <li>5. Electronic Fund Transfers [<b>10.2.3.5</b> - 1 page]</li> </ol>

**SUMMARY**

This report presents the list of payments, comprising **Attachments 1, 2, 3, 4 and 5** made under delegated authority for the month of June 2023 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 June 2023 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 – Aged Persons Homes Account (**Attachment 2**);
3. Schedule of Accounts – Trust Fund (**Attachment 3**);
4. Summary of Corporate Credit Card Expenses (**Attachment 4**); and
5. Electronic Fund Transfers (**Attachment 5**).

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke 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 June 2023 are included in **Attachment 1**.

Payments drawn from the Aged Persons Homes Account for the month of June 2023 are included in **Attachment 2**.

Payments drawn from the Trust Fund for the month of June 2023 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**

<b><i>Payment Type</i></b>	<b><i>Reference</i></b>	<b><i>Amount \$</i></b>
<b><i>Municipal Account</i></b> BPay Direct Credits Electronic Fund Transfers (EFTs)	BP000205-208, DC000419-425, DC000427-431, EF076039-EF076238 EF076240-EF076354 EF076356-EF076592 EF076600-EF076789	<b>\$9,173,574.50</b>
<b><i>Aged Persons Homes</i></b> Electronic Fund Transfers (EFTs)	EF076051-EF076052 EF076355 EF076593-EF076595	<b>\$99,584.53</b>
<b><i>Trust Fund</i></b> Electronic Fund Transfers (EFTs)	EF076239, EF076596 EF076597-EF076599	<b>\$30,545.53</b>
<b><i>Credit Cards</i></b> Credit Card Transaction	30 May 2023 to 28 June 2023	<b>\$25,308.34</b>
<b><i>Direct Debit</i></b> Electronic Fund Transfers	1 June 2023 to 30 June 2023	<b>\$19,390,670.69</b>
	<b>Total</b>	<b>\$28,719,683.59</b>

The following payments from previous months were cancelled in June 2023.

- Municipal Account:
  - EF075546 - \$187.00
  - EF075774 - \$1,435.00
  - EF076053 - \$1,000.00
  - EF076058 - \$500.00
  - EF076580 - \$187.00

## LEGISLATIVE COMPLIANCE

Council Policy – Procurement.

Council has delegated to the CEO the exercise of its authority to make payments from the Municipal, 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 officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

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
<b>Conclusion</b>	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 June 2023 comprising **Attachments 1, 2, 3, 4 and 5.**



**City of Bayswater**  
**List of Payment - Municipal**  
**for the period 1 June 2023 to 30 June 2023**

<b>Reference</b>	<b>Date</b>	<b>Creditor Name</b>	<b>Invoice details</b>	<b>Amount Paid</b>
<b>Payments</b>				<b>\$</b>
BP000205	08/06/23	Water Corporation	Water usage charges	3,507.12
BP000206	14/06/23	Water Corporation	Water usage charges	334.24
BP000207	21/06/23	Water Corporation	Water usage charges	17,800.41
BP000208	29/06/23	Water Corporation	Water usage charges	13,358.68
DC000419	14/06/23	Easisalary Pty Ltd	Payroll payment	7,451.45
DC000420	14/06/23	Superchoice	Payroll payment	191,342.94
DC000421	09/06/23	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	1,863.00
DC000422	21/06/23	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	2,106.00
DC000423	13/03/23	Local Community Insurance Services	Insurance premium	-442.96
DC000424	21/06/23	Water Corporation	Water usage charges	-670.33
DC000425	21/06/23	Water Corporation	Water usage charges	-224.08
DC000427	13/03/23	Local Community Insurance Services	Insurance premium	-442.96
DC000428	09/06/23	Screenlink Pty Ltd T/A Perth Mobility Scooters	Credit Note	-1,620.00
DC000429	13/03/23	Local Community Insurance Services	Insurance premium	442.96
DC000430	21/06/23	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	81.00
DC000431	28/06/23	Easisalary Pty Ltd	Payroll payment	7,451.45
EF076039	01/06/23	Anthony Paul Lowe T/A Creative Brick Paving	Construction and civil works payments	1,500.00
EF076040	01/06/23	Assunta Meleca	Councillor allowances and reimbursements	3,046.49
EF076041	01/06/23	Catherine Ehrhardt	Councillor allowances and reimbursements	4,999.85
EF076042	01/06/23	Daniel Bull	Councillor allowances and reimbursements	3,046.49
EF076043	01/06/23	Elli Petersen-Pik	Councillor allowances and reimbursements	3,046.49
EF076044	01/06/23	Filomena Piffaretti	Councillor allowances and reimbursements	12,238.72
EF076045	01/06/23	Giorgia Johnson	Councillor allowances and reimbursements	3,046.49
EF076046	01/06/23	Joshua Eveson	Councillor allowances and reimbursements	3,046.49
EF076047	01/06/23	Lorna J Clarke	Councillor allowances and reimbursements	3,046.49
EF076048	01/06/23	Michelle Louise Sutherland	Councillor allowances and reimbursements	3,046.49
EF076049	01/06/23	Sally Palmer	Councillor allowances and reimbursements	3,046.49
EF076050	01/06/23	Steven George Ostaszewskyj	Councillor allowances and reimbursements	3,046.49
EF076053	08/06/23	Ali Raza Abdullahi	Cancelled Payment	1,000.00
EF076054	08/06/23	Alicia Cipollini	Refund animal sterilisation	150.00
EF076055	08/06/23	Annalisa Martino Da Fonseca	Donation	1,200.00
EF076056	08/06/23	Anthony Edward Knott	Refund miscellaneous	716.80
EF076057	08/06/23	Belinda Somers	Refund swimming lessons	64.80
EF076058	08/06/23	Sonia Turkington	Cancelled Payment	500.00
EF076059	08/06/23	Catherine Brannen	Refund swimming lessons	48.45
EF076060	08/06/23	Catherine Brannen	Refund swimming lessons	51.00
EF076061	08/06/23	Core Business Australia Pty Ltd	Labour hire and temporary replacement	6,039.00
EF076062	08/06/23	Dar Al Tawheed Youth Centre	Refund facility hire bond	1,000.00
EF076063	08/06/23	Department of Justice Operating	Refund infringement	207.80
EF076064	08/06/23	Dorothy Bagshaw	Youth and seniors community activities	1,500.00
EF076065	08/06/23	Eastern Metropolitan Regional Council	Waste collection and hygiene services	79,304.26
EF076066	08/06/23	Ebony Brandis-Vegar	Refund swimming lessons	129.20
EF076067	08/06/23	Elejo Pty Ltd T/A Cecchi's	Grants & funding	2,200.00
EF076068	08/06/23	GFG Consulting	Professional consultancy services	29,071.90
EF076069	08/06/23	GFG Temporary Assist	Labour hire and temporary replacement	53,054.83
EF076070	08/06/23	Grow	Refund facility hire bond	694.00
EF076071	08/06/23	Henry on Eighth	Grants & funding	2,124.10
EF076072	08/06/23	Janine Weetman	Refund animal sterilisation	150.00
EF076073	08/06/23	Kai Tang	Refund residential verge deposit	1,200.00
EF076074	08/06/23	Kirsty Louise Croft	Staff allowances and reimbursements	860.25
EF076075	08/06/23	Kurt Tanner	Memberships and subscriptions	34.25
EF076076	08/06/23	Mohamed Guled	Refund facility hire bond	1,000.00
EF076077	08/06/23	Sherrilyn Bagshaw	Youth and seniors community activities	1,000.00
EF076078	08/06/23	Nana Asomani-Poku	Refund rates overpayment	1,206.47
EF076079	08/06/23	Nick and Amy Evitt	Refund animal sterilisation	150.00
EF076080	08/06/23	Noranda Primary School	Youth and seniors community activities	220.00
EF076081	08/06/23	Officeworks	Printing and graphic design expenses	601.50
EF076082	08/06/23	Olivia Kimble	Refund rates overpayment	1,196.58
EF076083	08/06/23	OneMusic Australia	Memberships and subscriptions	16,456.58
EF076084	08/06/23	Paddle WA	Refund bond	350.00
EF076085	08/06/23	Perth Homeless Support Group	Refund facility hire bond	500.00
EF076086	08/06/23	Phenjit Lusanandana	Refund licence fee	430.85
EF076087	08/06/23	Phoebe Dean	Refund health centre memberships	171.00
EF076088	08/06/23	PT Interest Bearing	Refund rates overpayment	1,036.14
EF076089	08/06/23	RCA of Perth, Infant Jesus School	Refund bond	550.00
EF076090	08/06/23	Shane Ferguson	Staff allowances and reimbursements	1,500.00

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				\$
EF076091	08/06/23	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	611.40
EF076092	08/06/23	Telstra Limited	Office telephone and communication expenses	8,755.30
EF076093	08/06/23	Visan Contracting Pty Ltd	Refund residential verge deposit	1,435.00
EF076094	08/06/23	WA Commercial Real Estate	Refund miscellaneous	60.50
EF076095	08/06/23	Zipform Pty Ltd	Postage and courier charges	7,324.11
EF076096	08/06/23	3 Monkeys Audiovisual	Minor Equipment Purchase	4,414.56
EF076097	08/06/23	AAAC Towing Pty Ltd	Vehicle towing	165.00
EF076098	08/06/23	Abstract Investments (WA) T/A Smoke & Mirrors Audio Vis	Equipment hire	1,020.00
EF076099	08/06/23	Adecco Australia Pty Ltd	Labour hire and temporary replacement	1,650.57
EF076100	08/06/23	AFL Sports Ready Ltd	Labour hire and temporary replacement	18,577.02
EF076101	08/06/23	Ahern Australia Pty Ltd	Plant and vehicle repairs	1,018.34
EF076102	08/06/23	ALS Library Services Pty Ltd	Book purchases	63.81
EF076103	08/06/23	Amalgam Recruitment	Labour hire and temporary replacement	1,019.30
EF076104	08/06/23	AMS Technology Group Pty Ltd	Aquatic maintenance and services	13,209.21
EF076105	08/06/23	Aquamoni Pty Ltd	Garden Maintenance	14,814.80
EF076106	08/06/23	Arbor West Pty Ltd T/A Classic Tree Services	Garden Maintenance	10,377.40
EF076107	08/06/23	Arboriculture Australia Ltd	Memberships and subscriptions	880.00
EF076108	08/06/23	Arventa Pty Ltd	Memberships and subscriptions	5,418.01
EF076109	08/06/23	Australia Post	Postage and courier charges	4,392.32
EF076110	08/06/23	Australian Services Union	Payroll payment	257.00
EF076111	08/06/23	Australian Taxation Office	Payroll payment	281,602.00
EF076112	08/06/23	Axiis Contracting Pty Ltd	Construction and civil works payments	21,221.34
EF076113	08/06/23	Battery King Australia Pty Ltd	Plant and vehicle parts and materials	1,131.90
EF076114	08/06/23	Beak Engineering (Aust) Pty Ltd T/A Ausnet Industries	Parks & gardens contract payments	5,093.00
EF076115	08/06/23	Bioscience Pty Ltd	Garden Maintenance	6,050.00
EF076116	08/06/23	BOC Ltd	Minor Equipment Purchase	679.69
EF076117	08/06/23	Boya Equipment Pty Ltd	Plant and vehicle parts and materials	223.63
EF076118	08/06/23	Boyan Electrical Services	Building maintenance and services	4,253.70
EF076119	08/06/23	Bridgestone Aust Ltd	Plant and vehicle repairs	2,510.64
EF076120	08/06/23	Brownes Foods Operations Pty Ltd	Office stationery and consumables	177.66
EF076121	08/06/23	Bunnings Group Ltd	Environmental Health Services & Supplies	2,672.65
EF076122	08/06/23	Carol Foley	Youth and seniors community activities	200.00
EF076123	08/06/23	Cat Haven	Animal supplies & services	163.35
EF076124	08/06/23	Cherry Court Vet Clinic	Animal supplies & services	110.00
EF076125	08/06/23	Child Support Agency	Payroll payment	1,547.26
EF076126	08/06/23	Cleanaway Equipment Services Pty Ltd	Cleaning supplies	527.37
EF076127	08/06/23	Cleanaway Pty Ltd	Waste collection and hygiene services	2,259.40
EF076128	08/06/23	Cleverpatch Pty Ltd	Youth and seniors community activities	396.36
EF076129	08/06/23	CNW Pty Ltd	Construction and civil works payments	1,091.27
EF076130	08/06/23	COB - Sundowner Club	Payroll payment	96.00
EF076131	08/06/23	Contra-flow Pty Ltd	Traffic management	13,449.90
EF076132	08/06/23	Danish Patisserie	Youth and seniors community activities	90.20
EF076133	08/06/23	Data Diction Pty Ltd	Memberships and subscriptions	4,400.00
EF076134	08/06/23	Data#3 Ltd	IT network maintenance	3,197.36
EF076135	08/06/23	David Alexander Whish-Wilson	Youth and seniors community activities	374.00
EF076136	08/06/23	Detail West	Plant and vehicle repairs	130.00
EF076137	08/06/23	Diana Kudsee	Youth and seniors community activities	160.00
EF076138	08/06/23	E Fire & Safety	Building maintenance and services	1,947.00
EF076139	08/06/23	Easisalary Pty Ltd	Staff superannuation & other deductions	1,931.78
EF076140	08/06/23	Epic Catering Services	Staff training, development and support	1,415.15
EF076141	08/06/23	Europcar WA	Insurance excess	1,000.00
EF076142	08/06/23	Evenflow Irrigation	Construction and civil works payments	12,045.00
EF076143	08/06/23	Exbo Signage and Digital Pty Ltd T/A Bokay Signage	Signage and banners	1,115.70
EF076144	08/06/23	Fencing Supply Centre	Fencing	220.00
EF076145	08/06/23	Fuel Distributors of WA Pty Ltd	Fuel and oil	43,062.72
EF076146	08/06/23	Galaxy 42 Pty Ltd T/A Atturra Business Applications	Professional consultancy services	1,815.00
EF076147	08/06/23	Galleria Toyota	Plant and vehicle parts and materials	354.28
EF076148	08/06/23	Grainne Wray	Youth and seniors community activities	560.00
EF076149	08/06/23	Growise Pty Ltd	Parks & gardens materials	533.50
EF076150	08/06/23	Hart Sport	Minor Equipment Purchase	368.25
EF076151	08/06/23	Health Insurance Fund of WA	Payroll payment	288.95
EF076152	08/06/23	Heritage Way Pty Ltd	Parks & gardens plants and trees	13,905.10
EF076153	08/06/23	Hilda Ho	Staff allowances and reimbursements	790.00
EF076154	08/06/23	Hospital Benefit Fund of WA	Payroll payment	1,002.69
EF076155	08/06/23	Industrial Power Equipment Pty Ltd T/A Garpen	Minor Equipment Purchase	626.51
EF076156	08/06/23	IPWEA-WA Division	Staff training, development and support	150.00
EF076157	08/06/23	Jason Green T/A Green Works	Painting services	3,000.00
EF076158	08/06/23	Jason Wilson T/A Accent Painting Perth	Painting services	2,860.00
EF076159	08/06/23	Bedford-Dianella Vet Centre	Animal supplies & services	55.00
EF076160	08/06/23	Landgate	Gross rental valuation charges	5,457.00

<b>Reference</b>	<b>Date</b>	<b>Creditor Name</b>	<b>Invoice details</b>	<b>Amount Paid</b>
<b>Payments</b>				<b>\$</b>
EF076161	08/06/23	Les Mills Australia	Memberships and subscriptions	448.96
EF076162	08/06/23	Major Motors Pty Ltd	Plant and vehicle parts and materials	297.32
EF076163	08/06/23	Manheim Pty Ltd	Transport and storage charges	110.00
EF076164	08/06/23	Marketforce Pty Ltd	Printing and graphic design expenses	1,420.47
EF076165	08/06/23	Maylands Historical and Peninsula Association Inc	Youth and seniors community activities	50.00
EF076166	08/06/23	McLeods	Legal expenses and court costs	32,229.12
EF076167	08/06/23	Message Media	Fees and charges	77.02
EF076168	08/06/23	Miltom Pty Ltd T/A Classic Hire	Equipment hire	302.50
EF076169	08/06/23	Moduplay Group Pty Ltd	Construction and civil works payments	55,979.00
EF076170	08/06/23	Morley/Noranda Recreation Club Inc	Garden Maintenance	22,756.25
EF076171	08/06/23	Move & Nourish with Kasse	Youth and seniors community activities	520.00
EF076172	08/06/23	Natural Area Holdings Pty Ltd	Garden Maintenance	3,179.44
EF076173	08/06/23	Nutrien Ag Solutions	Parks & gardens materials	183.15
EF076174	08/06/23	Objective Corporation Ltd	Software Maintenance	22,670.06
EF076175	08/06/23	Paragon Constructions Solutions Pty Ltd	Construction and civil works payments	165,186.44
EF076176	08/06/23	Paywise Pty Ltd	Payroll payment	1,197.76
EF076177	08/06/23	Powervac Pty Ltd	Building supplies and hardware	236.50
EF076178	08/06/23	Prestige Property Maintenance Pty Ltd	Garden Maintenance	20,332.00
EF076179	08/06/23	Quality Press	Printing and graphic design expenses	242.00
EF076180	08/06/23	Redman Solutions Pty Ltd	Professional consultancy services	17,600.00
EF076181	08/06/23	Rentokil Initial Pty Ltd	Building maintenance and services	2,728.00
EF076182	08/06/23	Repco	Plant and vehicle repairs	320.87
EF076183	08/06/23	Resource Furniture	Equipment purchases	6,656.10
EF076184	08/06/23	Revive Resources Pty Ltd	Street Sweeping	4,356.00
EF076185	08/06/23	Riskwest	Legal expenses and court costs	9,240.00
EF076186	08/06/23	Rubek Automatic Doors	Building maintenance and services	253.00
EF076187	08/06/23	Ruth Kilpatrick	Youth and seniors community activities	945.00
EF076188	08/06/23	The Trustee for the Sail City Unit Trust T/AS Sail City Unit	Building supplies and hardware	1,845.00
EF076189	08/06/23	The Trustee for the Gherbaz Family Trust T/A Lock Joint A	Construction and civil works tools and materials	183.70
EF076190	08/06/23	Saquite Pty Ltd T/A Child Education Services	Youth and seniors community activities	214.10
EF076191	08/06/23	Skilled Services WA Pty Ltd	Construction and civil works payments	2,773.10
EF076192	08/06/23	Sonic Health Plus Pty Ltd	Medical services and materials	467.50
EF076193	08/06/23	Sportsworld of WA	Aquatic chemicals and consumables	242.00
EF076194	08/06/23	St John Ambulance Western Australia Ltd	Staff training, development and support	2,340.00
EF076195	08/06/23	Statewide Cleaning Supplies Pty Ltd	Cleaning services	2,718.72
EF076196	08/06/23	T J Depiazzi & Sons	Garden Maintenance	4,316.40
EF076197	08/06/23	Team Global Express Pty Ltd T/A IPEC Pty Ltd	Postage and courier charges	457.25
EF076198	08/06/23	Technologically Speaking	Youth and seniors community activities	600.00
EF076199	08/06/23	Techworks Plumbing Pty Ltd Techworks Plumbing Pty Ltd	Building maintenance and services	3,080.56
EF076200	08/06/23	The Book Cover Co	Office stationery and consumables	313.10
EF076201	08/06/23	The Goods Australia	Cleaning supplies	1,108.14
EF076202	08/06/23	The Morley Veterinary Hospital	Animal supplies & services	387.00
EF076203	08/06/23	The O'Grady Family Trust T/A Efficient Site Services	Construction and civil works payments	1,100.00
EF076204	08/06/23	Totally Board Pty Ltd	Youth and seniors community activities	150.00
EF076205	08/06/23	Ultipos Australia	Office stationery and consumables	121.00
EF076206	08/06/23	Verse Group Pty Ltd	Labour hire and temporary replacement	5,390.00
EF076207	08/06/23	LGRCEU	Payroll payment	968.00
EF076208	08/06/23	Wanneroo Agricultural Machinery	Plant and vehicle parts and materials	1,134.90
EF076209	08/06/23	William Buck Consulting (WA) Pty Ltd	Audit services	11,880.00
EF076210	08/06/23	Winc Australia Pty Ltd	Office stationery and consumables	3.87
EF076211	08/06/23	Woolworths Ltd (WA)	Functions and events catering expenses	265.89
EF076212	08/06/23	Work Clobber	Staff uniforms and protective equipment	450.00
EF076213	08/06/23	WPC Group Ltd	Labour hire and temporary replacement	5,487.40
EF076214	14/06/23	A1 Pools P/L	Refund bond	1,435.00
EF076215	14/06/23	Ali Raza Abdullahi	Refund facility hire bond	1,000.00
EF076216	14/06/23	AlintaGas Sales Pty Ltd	Gas usage charges	707.20
EF076217	14/06/23	Amaro & Co Pty Ltd Trading As Volare Bar	Grants & funding	2,124.10
EF076218	14/06/23	Barbara Blaszcak	Refund facility hire bond	578.80
EF076219	14/06/23	BizFurn Express Australia	OSH Equipment	5,092.15
EF076220	14/06/23	BuildingLines Approvals Pty Ltd	Refund bond	1,400.00
EF076221	14/06/23	CMM Carpentry	Refund bond	1,400.00
EF076222	14/06/23	Couplers Pty Ltd	Plant and vehicle parts and materials	453.88
EF076223	14/06/23	Department of Fire and Emergency Services	Emergency Services Levy	1,064,258.46
EF076224	14/06/23	Maylands Park Lottery Centre & Newsagency	Memberships and subscriptions	349.68
EF076225	14/06/23	Embers Golf Club	Donation	200.00
EF076226	14/06/23	Garden Care West (WA)	Parks & gardens contract payments	231.00
EF076227	14/06/23	James Hawkins	Refund health centre memberships	118.03
EF076228	14/06/23	Kiwanis Club of Perth Inc	Donation	500.00
EF076229	14/06/23	Luisa Teh	Cloth Nappy Rebate	100.00
EF076230	14/06/23	Mindful Homes P/L	Refund bond	1,400.00

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				\$
EF076231	14/06/23	Morley Canvas	Parks & gardens materials	858.00
EF076232	14/06/23	Ms Marie B Sell	Refund rates overpayment	250.00
EF076233	14/06/23	Pravneet Kaur	Cloth Nappy Rebate	100.00
EF076234	14/06/23	Pulse Locating	Parks & gardens contract payments	825.00
EF076235	14/06/23	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	1,109.65
EF076236	14/06/23	Telstra Limited	Office telephone and communication expenses	424.96
EF076237	14/06/23	Western Australia Police	Volunteer reimbursements and expenses	16.70
EF076238	14/06/23	Western Australia Treasury Corporation	Loan repayments	212,137.03
EF076240	14/06/23	A1 Locksmiths	Key / Lock Services	62.50
EF076241	14/06/23	AAAC Towing Pty Ltd	Vehicle towing	165.00
EF076242	14/06/23	Activ Foundation Incorporated	Parks & gardens plants and trees	6,276.60
EF076243	14/06/23	Adecco Australia Pty Ltd	Labour hire and temporary replacement	2,888.50
EF076244	14/06/23	Adsamotion Pty Ltd T/A Bollinger Automation	Minor Equipment Purchase	1,820.00
EF076245	14/06/23	ADT Security	Building maintenance and services	52.00
EF076246	14/06/23	AL Morley Pty Ltd	Plant and vehicle repairs	160.00
EF076247	14/06/23	ALS Library Services Pty Ltd	Book purchases	476.85
EF076248	14/06/23	Amalgam Recruitment	Labour hire and temporary replacement	906.05
EF076249	14/06/23	Amanda Jayne Bridgeman	Youth and seniors community activities	374.00
EF076250	14/06/23	AMS Technology Group Pty Ltd	Building maintenance and services	302.50
EF076251	14/06/23	Australia Day Council of WA Inc	Memberships and subscriptions	720.00
EF076252	14/06/23	Australia Post	Postage and courier charges	6,372.56
EF076253	14/06/23	Australian Institute of Building Surveyors	Conference expenses	1,168.00
EF076254	14/06/23	Australian Institute of Management WA HRD Ctr Ltd	Staff training, development and support	836.00
EF076255	14/06/23	Axiis Contracting Pty Ltd	Equipment purchases	67,171.73
EF076256	14/06/23	Bayswater Tennis Club	Parks & gardens contract payments	11,825.00
EF076257	14/06/23	Be Media Group Pty Ltd	Marketing and promotional material	3,355.00
EF076258	14/06/23	Beaver Tree Services Australia Pty Ltd	Parks & gardens tree pruning & assoc. services	3,393.50
EF076259	14/06/23	Blackwoods Atkins	OSH Equipment	412.34
EF076260	14/06/23	BMH Electrical Contractors Pty Ltd	Construction and civil works payments	23,491.12
EF076261	14/06/23	BOC Ltd	Minor Equipment Purchase	705.99
EF076262	14/06/23	Boyan Electrical Services	Electrical Installation & Repair	7,915.11
EF076263	14/06/23	BP Australia Pty Ltd	Fuel and oil	1,936.78
EF076264	14/06/23	Bridgestone Aust Ltd	Plant and vehicle repairs	3,129.26
EF076265	14/06/23	Brownes Foods Operations Pty Ltd	Office stationery and consumables	177.66
EF076266	14/06/23	Bunnings Group Ltd	Minor Equipment Purchase	1,809.85
EF076267	14/06/23	Cat Haven	Animal supplies & services	635.25
EF076268	14/06/23	Cherry Court Vet Clinic	Animal supplies & services	55.00
EF076269	14/06/23	Cleantex Pty Ltd	Cleaning services	314.09
EF076270	14/06/23	CNW Pty Ltd	Construction and civil works tools and materials	614.35
EF076271	14/06/23	Cohesis Pty Ltd	Professional consultancy services	21,261.90
EF076272	14/06/23	Contra-flow Pty Ltd	Garden Maintenance	16,843.02
EF076273	14/06/23	Corsign WA Pty Ltd	Signage and banners	559.24
EF076274	14/06/23	CRPM Services High Pressure Cleaning	Graffiti Removal	1,732.50
EF076275	14/06/23	Danish Patisserie	Functions and events catering expenses	114.84
EF076276	14/06/23	Data#3 Ltd	Software Maintenance	2,754.31
EF076277	14/06/23	Department of the Premier and Cabinet	Advertising public notices	265.20
EF076278	14/06/23	Direct Communications	Plant and vehicle parts and materials	745.69
EF076279	14/06/23	E Fire & Safety	Building maintenance and services	3,104.75
EF076280	14/06/23	Elders Rural Services Australia Limited	Parks & gardens materials	721.60
EF076281	14/06/23	Exbo Signage and Digital Pty Ltd T/A Bokay Signage	Plant and vehicle repairs	1,869.93
EF076282	14/06/23	Fasta Courier Unit Trust	Postage and courier charges	175.53
EF076283	14/06/23	Flexi Staff Group Pty Ltd	Labour hire and temporary replacement	5,919.71
EF076284	14/06/23	Fuel Distributors of WA Pty Ltd	Fuel and oil	5,876.21
EF076285	14/06/23	GFG Temporary Assist	Professional consultancy services	10,890.00
EF076286	14/06/23	Grainne Wray	Youth and seniors community activities	400.00
EF076287	14/06/23	Green Workz Pty Ltd	Parks & gardens materials	7,249.00
EF076288	14/06/23	Group Maintenance (1982) Pty Ltd	Cleaning services	314.88
EF076289	14/06/23	Hart Sport	Recreation and gymnasium equipment	596.60
EF076290	14/06/23	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	18,117.81
EF076291	14/06/23	Intelife Group Limited	Building maintenance and services	3,722.40
EF076292	14/06/23	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens materials	1,207.38
EF076293	14/06/23	Leonie Helen Thompson T/A The Poster Girls	Memberships and subscriptions	224.40
EF076294	14/06/23	LGConnect Pty Ltd	Professional consultancy services	11,322.50
EF076295	14/06/23	Linemarking WA Pty Ltd	Signage and banners	6,567.00
EF076296	14/06/23	Living Turf	Parks & gardens materials	3,509.00
EF076297	14/06/23	M & B Sales Pty Ltd	Building supplies and hardware	201.16
EF076298	14/06/23	Manheim Pty Ltd	Transport and storage charges	385.00
EF076299	14/06/23	Marawar Pty Ltd	Painting services	2,277.00
EF076300	14/06/23	Marketforce Pty Ltd	Marketing and promotional material	893.19
EF076301	14/06/23	McIntosh Holdings Pty Ltd	Plant and vehicle repairs	228.80

Reference	Date	Creditor Name	Invoice details	Amount Paid
<b>Payments</b>				<b>\$</b>
EF076302	14/06/23	McLeods	Legal expenses and court costs	3,283.11
EF076303	14/06/23	Moray & Agnew	Legal expenses and court costs	1,430.00
EF076304	14/06/23	Morley Mower Centre	Plant and vehicle parts and materials	278.40
EF076305	14/06/23	Move & Nourish with Kasse	Youth and seniors community activities	195.00
EF076306	14/06/23	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & gardens contract payments	7,091.91
EF076307	14/06/23	Natural Area Holdings Pty Ltd	Parks & gardens contract payments	592.02
EF076308	14/06/23	Nutrien Ag Solutions	Parks & gardens materials	1,480.05
EF076309	14/06/23	OKMG Pty Ltd	Printing and graphic design expenses	2,021.80
EF076310	14/06/23	Pases Aqua Pty Ltd	Garden Maintenance	9,050.80
EF076311	14/06/23	Pave-Art	Aquatic maintenance and services	9,835.00
EF076312	14/06/23	Philip Gresley	Fees and charges	2,100.00
EF076313	14/06/23	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	605.00
EF076314	14/06/23	Porter Equipment Australia Pty Ltd	Plant and vehicle parts and materials	444.35
EF076315	14/06/23	Priority 1 Fire and Safety Pty Ltd	Staff training, development and support	2,420.00
EF076316	14/06/23	Pro-Lamps Pty Ltd	Building supplies and hardware	33.00
EF076317	14/06/23	Repco	Plant and vehicle repairs	265.01
EF076318	14/06/23	Revive Resources Pty Ltd	Street Sweeping	3,894.00
EF076319	14/06/23	Ricoh Australia Pty Ltd	Photocopying contract charges	5,236.17
EF076320	14/06/23	Robange Trading Pty Ltd T/A Fully Promoted Morley	Staff uniforms and protective equipment	878.96
EF076321	14/06/23	RTS Training	Staff training, development and support	380.00
EF076322	14/06/23	RTV Computers Pty Ltd	Information technology minor purchases	2,805.00
EF076323	14/06/23	SAI Global Australia Pty Ltd	Memberships and subscriptions	3,272.13
EF076324	14/06/23	Security Management Australasia Pty Ltd	Buildings and events security expenses	825.00
EF076325	14/06/23	ServiceFM Pty Ltd	Building maintenance and services	732.05
EF076326	14/06/23	Slimline Warehouse Display Shop	Minor Equipment Purchase	461.91
EF076327	14/06/23	Sonic Health Plus Pty Ltd	Medical services and materials	1,845.80
EF076328	14/06/23	Southern Cross Protection Pty Ltd	Fees and charges	2,644.31
EF076329	14/06/23	Sports Turf Technology Pty Ltd	Parks & gardens contract payments	15,500.54
EF076330	14/06/23	Sprayline Spraying Equipment	Plant and vehicle parts and materials	114.93
EF076331	14/06/23	St John Ambulance Western Australia Ltd	Medical services and materials	499.90
EF076332	14/06/23	Straker Translations Australia Pty Ltd	Document management and archiving	368.72
EF076333	14/06/23	Stratco (WA) Pty Ltd	Construction and civil works tools and materials	429.05
EF076334	14/06/23	Sunny Industrial Brushware Pty Ltd	Plant and vehicle parts and materials	1,651.76
EF076335	14/06/23	TDAA Australia Pty Ltd T/A The Drug Detection Agency	Staff training, development and support	3,740.00
EF076336	14/06/23	Team Global Express Pty Ltd T/A IPEC Pty Ltd	Postage and courier charges	762.08
EF076337	14/06/23	Technology One Limited	Software Maintenance	4,515.74
EF076338	14/06/23	Techsand Pty Ltd	Construction and civil works payments	5,148.00
EF076339	14/06/23	The Helen Hardcastle Trust T/A Learning Horizons	Staff training, development and support	2,970.00
EF076340	14/06/23	The O'Grady Family Trust T/A Efficient Site Services	Parks & gardens contract payments	7,095.00
EF076341	14/06/23	The Trustee for McCartney Family Trust T/A Kerb Doctor	Construction and civil works payments	1,642.64
EF076342	14/06/23	The Trustee for Rabblement Trust	Book purchases	449.85
EF076343	14/06/23	Totally Board Pty Ltd	Youth and seniors community activities	150.00
EF076344	14/06/23	T-Quip	Garden Maintenance	998.75
EF076345	14/06/23	Tresit Pty Ltd	Staff uniforms and protective equipment	253.92
EF076346	14/06/23	Verse Group Pty Ltd	Professional consultancy services	5,390.00
EF076347	14/06/23	Wanneroo Agricultural Machinery	Plant and vehicle parts and materials	2,402.80
EF076348	14/06/23	West Coast Turf	Garden Maintenance	3,093.20
EF076349	14/06/23	Westbooks	Book purchases	267.93
EF076350	14/06/23	Westworks Group	Garden Maintenance	3,171.19
EF076351	14/06/23	Woolworths Ltd (WA)	Functions and events catering expenses	51.76
EF076352	14/06/23	Work Clobber	Staff uniforms and protective equipment	474.90
EF076353	14/06/23	Workpower Inc	Garden Maintenance	23,654.35
EF076354	14/06/23	WPC Group Ltd	Labour hire and temporary replacement	6,126.82
EF076356	21/06/23	4Park Pty Ltd T/A Forpark Australia	Parks & gardens contract payments	52,853.68
EF076357	21/06/23	A1 Locksmiths	Key / Lock Services	2,188.50
EF076358	21/06/23	AAAC Towing Pty Ltd	Vehicle towing	165.00
EF076359	21/06/23	Abco Products	Cleaning supplies	4,562.63
EF076360	21/06/23	Access Icon Pty Ltd T/A Cascada Group	Construction and civil works tools and materials	20,552.40
EF076361	21/06/23	ACO Pty Ltd	Construction and civil works tools and materials	5,229.40
EF076362	21/06/23	Action Glass & Aluminium	Equipment purchases	13,867.70
EF076363	21/06/23	Adecco Australia Pty Ltd	Labour hire and temporary replacement	1,650.57
EF076364	21/06/23	AFL Sports Ready Ltd	Trainee	20,459.87
EF076365	21/06/23	AMS Technology Group Pty Ltd	Building maintenance and services	595.18
EF076366	21/06/23	Anton & Jo Pty Ltd T/A Bayswater News & Lotteries	Memberships and subscriptions	372.17
EF076367	21/06/23	Arbor West Pty Ltd T/A Classic Tree Services	Parks & gardens contract payments	13,556.40
EF076368	21/06/23	Arteil (W.A.) Pty Ltd	Office equipment operating charges	411.40
EF076369	21/06/23	ATC Work Smart	Trainee	121.09
EF076370	21/06/23	Auscontact Association Ltd	Staff training, development and support	880.00
EF076371	21/06/23	Australian Local Government Women' Association WA Bra	Memberships and subscriptions	50.00
EF076372	21/06/23	Australia Post	Publications	13,838.37

<b>Reference</b>	<b>Date</b>	<b>Creditor Name</b>	<b>Invoice details</b>	<b>Amount Paid</b>
<b>Payments</b>				<b>\$</b>
EF076373	21/06/23	Australian Agribusiness (Holdings) Pty Ltd T/A Nuturf	Parks & gardens materials	44,059.40
EF076374	21/06/23	Australian Institute of Building Surveyors	Staff training, development and support	1,168.00
EF076375	21/06/23	Australian Services Union	Payroll payment	257.00
EF076376	21/06/23	Australian Taxation Office	Payroll payment	293,875.00
EF076377	21/06/23	Axiis Contracting Pty Ltd	Construction and civil works payments	105,662.31
EF076378	21/06/23	Baileys Fertilisers	Parks & gardens materials	4,653.00
EF076379	21/06/23	Bedford/Morley Cricket Club Inc	Parks & gardens contract payments	3,362.71
EF076380	21/06/23	Bell Trading Trust T/As North Star Security Nominees PL	Building maintenance and services	308.00
EF076381	21/06/23	Benara Nurseries	Parks & gardens materials	34,152.17
EF076382	21/06/23	Blackwoods Atkins	OSH Equipment	765.03
EF076383	21/06/23	Boyan Electrical Services	Electrical Installation & Repair	17,181.45
EF076384	21/06/23	BP Medical	Environmental Health Services & Supplies	156.49
EF076385	21/06/23	Brownes Foods Operations Pty Ltd	Office stationery and consumables	79.38
EF076386	21/06/23	Bucher Municipal Pty Ltd	Plant and vehicle parts and materials	525.18
EF076387	21/06/23	Bunnings Group Ltd	Minor Equipment Purchase	3,988.26
EF076388	21/06/23	Byprogress Pty Ltd T/As Monsterball Amusements	Youth and seniors community activities	1,094.99
EF076389	21/06/23	Cai Fences	Garden Maintenance	1,595.75
EF076390	21/06/23	Capital Recycling	Tipping Fee	10,309.20
EF076391	21/06/23	Carol Foley	Youth and seniors community activities	200.00
EF076392	21/06/23	Carramar Resource Industries	Parks & gardens materials	968.00
EF076393	21/06/23	Ceiling Manufacturers of Australia	Building supplies and hardware	387.20
EF076394	21/06/23	Chalcedony Investments Pty Ltd T/A Interlink Training	Staff training, development and support	2,500.00
EF076395	21/06/23	Chargebay Pty Ltd	Licence and permit renewal	3,581.60
EF076396	21/06/23	Chemform	Cleaning supplies	479.16
EF076397	21/06/23	Child Support Agency	Payroll payment	1,547.26
EF076398	21/06/23	Club Fed Pty Ltd T/A Evolve WA	Conference expenses	1,050.00
EF076399	21/06/23	CNW Pty Ltd	Construction and civil works tools and materials	4,859.94
EF076400	21/06/23	COB - Sundowner Club	Payroll payment	96.00
EF076401	21/06/23	Colleagues Nagels Pty Ltd	Signage and banners	375.00
EF076402	21/06/23	Contra-flow Pty Ltd	Garden Maintenance	33,870.58
EF076403	21/06/23	Core Business Australia Pty Ltd	Labour hire and temporary replacement	5,404.41
EF076404	21/06/23	Cornerstone Legal WA Pty Ltd	Legal expenses and court costs	7,469.00
EF076405	21/06/23	Corsign WA Pty Ltd	Traffic management	15,314.42
EF076406	21/06/23	Cranetech Australia Pty Ltd	Plant and vehicle parts and materials	366.63
EF076407	21/06/23	Data#3 Ltd	Software Maintenance	4,599.76
EF076408	21/06/23	DCA Cities Holdings Pty Ltd	Minor Equipment Purchase	1,012.00
EF076409	21/06/23	Dean's Autoglass	Plant and vehicle repairs	352.00
EF076410	21/06/23	Decipha Pty Ltd	Postage and courier charges	1,357.02
EF076411	21/06/23	Department of Transport - Vehicle Search	Vehicle searches	1,033.15
EF076412	21/06/23	Detail West	Plant and vehicle repairs	130.00
EF076413	21/06/23	Devco Plumbing	Building maintenance and services	69,770.80
EF076414	21/06/23	Diana Kudsee	Youth and seniors community activities	170.00
EF076415	21/06/23	Direct Communications	Equipment Maintenance	2,748.02
EF076416	21/06/23	Downer Edi Engineering Power Pty Ltd	Minor Equipment Purchase	2,050.93
EF076417	21/06/23	Doyoudare Pty Ltd T/A Noranda IGA	Animal supplies & services	34.20
EF076418	21/06/23	DS Workwear & Safety	Staff uniforms and protective equipment	22.95
EF076419	21/06/23	E Fire & Safety	Building maintenance and services	19,649.30
EF076420	21/06/23	Elite Pool Covers Holdings Pty Ltd	Aquatic maintenance and services	1,430.00
EF076421	21/06/23	Environmental Health Australia (WA) Inc.	Environmental Health Services & Supplies	2,952.00
EF076422	21/06/23	Environmental Industries Pty Ltd	Garden Maintenance	10,250.34
EF076423	21/06/23	Ethan Grace Pty Ltd T/A Air Tools WA	Building maintenance and services	3,215.00
EF076424	21/06/23	Europcar WA	Vehicle & plant hire	6,869.28
EF076425	21/06/23	Exbo Signage and Digital Pty Ltd T/A Bokay Signage	Signage and banners	2,766.90
EF076426	21/06/23	FE Technologies	Software Maintenance	13,934.80
EF076427	21/06/23	Fenstra Pty Ltd T/A Centurion Temporary Fencing	Parks & gardens contract payments	907.50
EF076428	21/06/23	Flexi Staff Group Pty Ltd	Labour hire and temporary replacement	7,041.82
EF076429	21/06/23	Forestvale Trees Pty Ltd	Garden Maintenance	64,812.00
EF076430	21/06/23	Fuel Distributors of WA Pty Ltd	Fuel and oil	4,183.91
EF076431	21/06/23	FUJIFILM Business Innovation Australia Pty Ltd	Printing and graphic design expenses	166.64
EF076432	21/06/23	Galaxy 42 Pty Ltd T/A Atturra Business Applications	Software Maintenance	7,260.00
EF076433	21/06/23	Gembira Holdings Pty Ltd T/As BCJ Plastic Products	Construction and civil works tools and materials	292.82
EF076434	21/06/23	GFG Consulting	Professional consultancy services	16,217.30
EF076435	21/06/23	GFG Temporary Assist	Labour hire and temporary replacement	14,463.35
EF076436	21/06/23	GHD Pty Ltd	Garden Maintenance	5,428.50
EF076437	21/06/23	Green Workz Pty Ltd	Parks & gardens materials	541.20
EF076438	21/06/23	Starship Australia Pty Ltd T/A Gryphon Garage Doors	Building maintenance and services	195.00
EF076439	21/06/23	Health Insurance Fund of WA	Payroll payment	288.95
EF076440	21/06/23	Heritage Way Pty Ltd	Garden Maintenance	2,228.98
EF076441	21/06/23	Hickey Constructions Pty Ltd	Building maintenance and services	26,682.54
EF076442	21/06/23	Hospital Benefit Fund of WA	Payroll payment	1,002.69

<b>Reference</b>	<b>Date</b>	<b>Creditor Name</b>	<b>Invoice details</b>	<b>Amount Paid</b>
<b>Payments</b>				<b>\$</b>
EF076443	21/06/23	Hydra Storm	Construction and civil works tools and materials	6,738.60
EF076444	21/06/23	Hydroquip Pumps	Parks & gardens reticulation repairs & upgrades	28,165.62
EF076445	21/06/23	Instant Fence Hire	Parks & gardens materials	607.20
EF076446	21/06/23	Instant Toilet & Showers Pty Ltd T/A Instant Products Hire	Equipment hire	3,289.00
EF076447	21/06/23	Iron on Patches Australia	Library book stock and materials	1,100.00
EF076448	21/06/23	IWM (PBH) Pty Ltd T/A Perth Bin Hire	Waste collection and hygiene services	2,247.47
EF076449	21/06/23	Ixom Operations Pty Ltd	Aquatic chemicals and consumables	3,659.41
EF076450	21/06/23	De Rizzo Painting Service Pty Ltd	Painting services	10,912.00
EF076451	21/06/23	Jason Wilson T/A Accent Painting Perth	Painting services	3,828.00
EF076452	21/06/23	JB Hi-Fi Group Pty Ltd	Minor Equipment Purchase	14,774.50
EF076453	21/06/23	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens materials	7,455.41
EF076454	21/06/23	Kestral Computing Pty Ltd	IT systems licensing fees and support	1,187.22
EF076455	21/06/23	K-Line Fencing Group	Fencing	6,268.90
EF076456	21/06/23	KLMedia Pty Ltd T/A All Access Australasia	Library book stock and materials	494.05
EF076457	21/06/23	Kompan Playscape Pty Ltd	Equipment purchases	2,475.00
EF076458	21/06/23	Bedford-Dianella Vet Centre	Animal supplies & services	55.00
EF076459	21/06/23	Landgate	Title Search	424.41
EF076460	21/06/23	Landmark Engineering & Design Pty Ltd T/A Exteria	Garden Maintenance	61,820.00
EF076461	21/06/23	Les Mills Australia	Memberships and subscriptions	1,123.04
EF076462	21/06/23	Linemarking WA Pty Ltd	Signage and banners	2,731.30
EF076463	21/06/23	Living Turf	Parks & gardens materials	15,724.50
EF076464	21/06/23	Local Government Professionals Aust WA	Staff training, development and support	30.00
EF076465	21/06/23	Lock, Stock & Farrell Locksmith Pty Ltd	Key / Lock Services	115.75
EF076466	21/06/23	Logic Cranes and Hoists	Equipment Maintenance	520.85
EF076467	21/06/23	Luke Donovan Riley T/As Luke Riley Creative	Photography / Video Production	340.00
EF076468	21/06/23	Mader Contracting Pty Ltd	Labour hire and temporary replacement	12,622.50
EF076469	21/06/23	Magpies Magazine	Memberships and subscriptions	57.00
EF076470	21/06/23	Manheim Pty Ltd	Transport and storage charges	55.00
EF076471	21/06/23	Marketforce Pty Ltd	Advertising public notices	5,901.76
EF076472	21/06/23	Marquee Magic	Equipment hire	1,761.00
EF076473	21/06/23	Maxwell Robinson & Phelps	Animal supplies & services	1,980.00
EF076474	21/06/23	McGees Property	Market Valuation	2,145.00
EF076475	21/06/23	McLeods	Legal expenses and court costs	22,130.72
EF076476	21/06/23	Menchetti Consolidated Pty Ltd	Construction and civil works tools and materials	113,698.23
EF076477	21/06/23	Mikevie Pty Ltd T/A ABM Landscaping	Parks & gardens contract payments	13,150.50
EF076478	21/06/23	Miltom Pty Ltd T/A Classic Hire	Garden Maintenance	580.80
EF076479	21/06/23	Mircs Pty Ltd T/As Mircomm Group	Building maintenance and services	6,343.70
EF076480	21/06/23	Morley Mower Centre	Plant and vehicle repairs	355.85
EF076481	21/06/23	Morus Pty Ltd T/A Greendrop Solutions	Parks & gardens materials	16,434.00
EF076482	21/06/23	Move & Nourish with Kasse	Youth and seniors community activities	325.00
EF076483	21/06/23	MPK Tree Management Pty Ltd T/A MPK Tree Services	Garden Maintenance	37,546.59
EF076484	21/06/23	National Measurement Institute	Management fee	1,650.00
EF076485	21/06/23	Nestle Australia Ltd	Office stationery and consumables	1,408.34
EF076486	21/06/23	OKMG Pty Ltd	Printing and graphic design expenses	2,021.80
EF076487	21/06/23	Paywise Pty Ltd	Payroll payment	1,197.76
EF076488	21/06/23	Plantrite	Parks & gardens plants and trees	1,782.11
EF076489	21/06/23	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	197.62
EF076490	21/06/23	Prestige Property Maintenance Pty Ltd	Garden Maintenance	38,449.45
EF076491	21/06/23	Product Recovery Industries Pty Ltd	Tipping Fee	808.50
EF076492	21/06/23	Pro-Lamps Pty Ltd	Building supplies and hardware	158.40
EF076493	21/06/23	Quality Press	Printing and graphic design expenses	15,521.00
EF076494	21/06/23	Relationships Australia Western Australia	Staff training, development and support	814.00
EF076495	21/06/23	Rentokil Initial Pty Ltd	Building maintenance and services	338.36
EF076496	21/06/23	Repco	Plant and vehicle repairs	874.86
EF076497	21/06/23	The Trustee for Bergsma Family Trust T/A JAD Enterprises	Animal supplies & services	3,517.02
EF076498	21/06/23	Rosmech Sales & Service Pty Ltd	Plant and vehicle parts and materials	207.09
EF076499	21/06/23	Rubek Automatic Doors	Building maintenance and services	580.80
EF076500	21/06/23	RW Consulting Services Pty Ltd	Professional consultancy services	4,554.00
EF076501	21/06/23	The Trustee for Farrell Family Trust T/AS Noranda Meats	Functions and events catering expenses	195.00
EF076502	21/06/23	Schindler Lifts Australia Pty Ltd	Building maintenance and services	6,895.75
EF076503	21/06/23	Sea Containers Australia	Aquatic maintenance and services	99.00
EF076504	21/06/23	Seek Limited	Advertising recruitment	370.37
EF076505	21/06/23	Services Australia	Fees and charges	69.30
EF076506	21/06/23	Shelter WA	Memberships and subscriptions	74.25
EF076507	21/06/23	Solar Ban WA	Plant and vehicle parts and materials	275.00
EF076508	21/06/23	Sonic Health Plus Pty Ltd	Medical services and materials	690.80
EF076509	21/06/23	Southern Cross Protection Pty Ltd	Petty cash reimbursement	836.52
EF076510	21/06/23	Sports Turf Technology Pty Ltd	Garden Maintenance	2,907.79
EF076511	21/06/23	St John Ambulance Western Australia Ltd	Equipment purchases	100.95
EF076512	21/06/23	State Wide Turf Services	Garden Maintenance	2,173.60

Reference	Date	Creditor Name	Invoice details	Amount Paid
<b>Payments</b>				<b>\$</b>
EF076513	21/06/23	Statewide Cleaning Supplies Pty Ltd	Minor Equipment Purchase	1,527.81
EF076514	21/06/23	Steve's Sand Sifting for Playground Services	Garden Maintenance	1,674.64
EF076515	21/06/23	Sunny Industrial Brushware Pty Ltd	Plant and vehicle parts and materials	2,221.56
EF076516	21/06/23	Miracle Recreation Equipment	Parks & gardens materials	3,459.50
EF076517	21/06/23	T J Depiazzi & Sons	Parks & gardens materials	3,060.64
EF076518	21/06/23	T Rogue Investments Pty Ltd	Building maintenance and services	1,654.00
EF076519	21/06/23	Talis Consultants	Professional consultancy services	10,667.00
EF076520	21/06/23	Team Global Express Pty Ltd T/A IPEC Pty Ltd	Postage and courier charges	381.04
EF076521	21/06/23	Techworks Plumbing Pty Ltd Techworks Plumbing Pty Ltd	Vehicle & plant hire	33,651.04
EF076522	21/06/23	The Florist Tree	Parks & gardens materials	810.00
EF076523	21/06/23	The O'Grady Family Trust T/A Efficient Site Services	Garden Maintenance	29,810.00
EF076524	21/06/23	The Trustee for McCartney Family Trust T/A Kerb Doctor	Construction and civil works payments	15,395.75
EF076525	21/06/23	Total Packaging (WA) Pty Ltd	Animal supplies & services	16,107.52
EF076526	21/06/23	T-Quip	Plant and vehicle repairs	1,899.35
EF076527	21/06/23	Turf Care WA Pty Ltd	Garden Maintenance	7,466.44
EF076528	21/06/23	Tyrecycle Pty Ltd	Waste collection and hygiene services	1,442.72
EF076529	21/06/23	VendorPanel	Memberships and subscriptions	15,689.71
EF076530	21/06/23	Viking Rentals	Cleaning services	647.90
EF076531	21/06/23	Vorgee Pty Ltd	Aquatic chemicals and consumables	774.35
EF076532	21/06/23	LGRCEU	Payroll payment	990.00
EF076533	21/06/23	Wanneroo Agricultural Machinery	Plant and vehicle parts and materials	1,157.20
EF076534	21/06/23	Water Engineering & Research Solutions Pty Ltd	Construction and civil works payments	24,580.00
EF076535	21/06/23	Wattleup Tractors	Plant and vehicle parts and materials	504.94
EF076536	21/06/23	Wavesound Pty Ltd	Book purchases	127.71
EF076537	21/06/23	WC Convenience Management Pty Ltd T/A WC Innovation	Cleaning services	5,699.44
EF076538	21/06/23	Wesbar Vanquip Pty Ltd	Plant and vehicle repairs	660.00
EF076539	21/06/23	West Coast Turf	Parks & gardens materials	14,649.25
EF076540	21/06/23	Western Power	Electricity charges - Street lighting	1,320.00
EF076541	21/06/23	Western Resource Recovery	Waste collection and hygiene services	3,077.53
EF076542	21/06/23	William Buck Consulting (WA) Pty Ltd	Audit services	4,347.65
EF076543	21/06/23	Winc Australia Pty Ltd	Minor Equipment Purchase	9,072.16
EF076544	21/06/23	Work Clobber	Staff uniforms and protective equipment	808.02
EF076545	21/06/23	Workpower Inc	Garden Maintenance	15,611.74
EF076546	21/06/23	Zircodata Pty Ltd	Transport and storage charges	488.53
EF076547	21/06/23	Adrian Muir Sykes T/A Native Pollinate Apiarist Services S	Parks & gardens materials	365.00
EF076548	21/06/23	AlintaGas Sales Pty Ltd	Gas usage charges	165.70
EF076549	21/06/23	Allianz Australia Insurance Limited	Refund miscellaneous	184.04
EF076550	21/06/23	Ananda Marga Universal Relief Team Ltd	Grants & funding	5,500.00
EF076551	21/06/23	Cancer Council WA	Refund miscellaneous	2,410.90
EF076552	21/06/23	Cleanaway Pty Ltd	Waste collection and hygiene services	446,680.23
EF076553	21/06/23	Coby Pamela Lorraine Grant	Grants & funding	990.00
EF076554	21/06/23	C-Wise	Parks & gardens materials	13,202.64
EF076555	21/06/23	Diane Yoon	Staff allowances and reimbursements	1,260.00
EF076556	21/06/23	Department of Water & Environmental Regulation	Licence and permit renewal	1,738.00
EF076557	21/06/23	Eastern Metropolitan Regional Council	Waste collection and hygiene services	318,033.65
EF076558	21/06/23	Ellenby Tree Farm	Parks & gardens plants and trees	9,885.15
EF076559	21/06/23	Endeavour Homes	Refund residential verge deposit	857.40
EF076560	21/06/23	Galvins Plumbing Supplies	Building supplies and hardware	318.45
EF076561	21/06/23	Garden Care West (WA)	Garden Maintenance	3,888.71
EF076562	21/06/23	Great Aussie Patios	Refund planning fees	147.00
EF076563	21/06/23	HSI APAC Pty Ltd T/A Donesafe	Memberships and subscriptions	16,500.00
EF076564	21/06/23	Jane Frances Wetherall	Sitting Fee	425.00
EF076565	21/06/23	John Martin Robley T/A Noranda Veterinary Clinic	Animal supplies & services	55.00
EF076566	21/06/23	John Morris Scientific Pty Ltd	Environmental testing and sampling	1,344.09
EF076567	21/06/23	KBD WA Pty Ltd ATF Dobson Family Trust	Grants & funding	2,000.00
EF076568	21/06/23	Kids Camps Inc	Grants & funding	5,460.40
EF076569	21/06/23	LGISWA	Refund miscellaneous	1,000.00
EF076570	21/06/23	Listech Pty Ltd	Software Maintenance	3,123.57
EF076571	21/06/23	Monica & Ivan Fuentes	Donation	200.00
EF076572	21/06/23	Nestor Group Pty Ltd	Refund residential verge deposit	1,435.00
EF076573	21/06/23	Officeworks	Office stationery and consumables	259.50
EF076574	21/06/23	Paul Ryder	Staff allowances and reimbursements	3,000.00
EF076575	21/06/23	Philip Elliott	Grants & funding	2,124.00
EF076576	21/06/23	Plunkett Homes	Refund residential verge deposit	972.39
EF076577	21/06/23	Rebecca J Hughes	Venue hire	350.00
EF076578	21/06/23	Shaun Borg	Refund dog registration	28.30
EF076579	21/06/23	Signbiz WA	Signage and banners	1,303.50
EF076580	21/06/23	Simon Gilbert	Cancelled Payment	187.00
EF076581	21/06/23	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	1,278.15
EF076582	21/06/23	SSB Pty Ltd	Refund residential verge deposit	1,400.00



<b>Reference</b>	<b>Date</b>	<b>Creditor Name</b>	<b>Invoice details</b>	<b>Amount Paid</b>
<b>Payments</b>				<b>\$</b>
EF076583	21/06/23	Susan Perrin	Cloth Nappy Rebate	100.00
EF076584	21/06/23	Synergy	Electricity charges - Street lighting	133,744.39
EF076585	21/06/23	Tangent Nominees Pty Ltd	Refund residential verge deposit	972.39
EF076586	21/06/23	Tangent Nominees Pty Ltd	Refund residential verge deposit	1,400.00
EF076587	21/06/23	Telstra Limited	Office telephone and communication expenses	8,927.29
EF076588	21/06/23	Ultimate Positioning Group Pty Ltd	Equipment purchases	3,311.00
EF076589	21/06/23	WA Local Government Association	Grants & funding	31,032.42
EF076590	21/06/23	Wesfarmers Kleenheat Gas Pty Ltd	Gas usage charges	1,103.51
EF076591	21/06/23	Western Australia Police	Memberships and subscriptions	50.70
EF076592	21/06/23	Westpine Holdings Pty Ltd	Refund residential verge deposit	1,435.00
EF076600	29/06/23	Acurix Networks Pty Ltd	Software Maintenance	1,821.60
EF076601	29/06/23	AlintaGas Sales Pty Ltd	Gas usage charges	1,229.40
EF076602	29/06/23	Amanda Anderson	Refund bond	327.80
EF076603	29/06/23	Angela Batchelor	Refund dog registration	150.00
EF076604	29/06/23	Audrey Usikov	Refund facility hire bond	500.00
EF076605	29/06/23	Bayswater Ind Est	Refund bond	1,000.00
EF076606	29/06/23	Bayswater State Emergency Services	Emergency Services Levy	3,031.89
EF076607	29/06/23	Bayswater Village Retail Traders Associa	Grants & funding	14,536.00
EF076608	29/06/23	Berringa Park Friends Group	Donation	500.00
EF076609	29/06/23	Bradley Roberts	Refund swimming lessons	136.00
EF076610	29/06/23	Brammer Constructions Pty Ltd	Refund bond	1,435.00
EF076611	29/06/23	Chadson Engineering Pty Ltd	Minor Equipment Purchase	2,151.87
EF076612	29/06/23	City Subaru	Plant and vehicle purchasing	79,523.20
EF076613	29/06/23	Claire Brooks	Refund facility hire bond	255.00
EF076614	29/06/23	Cleanaway Pty Ltd	Waste collection and hygiene services	541,818.87
EF076615	29/06/23	Coleman Rail	Refund facility hire bond	550.00
EF076616	29/06/23	CSP Group Pty Ltd T/A Stihl Shop Osborne Park	Minor Equipment Purchase	889.15
EF076617	29/06/23	Culture Counts (Australia) Pty Ltd	Memberships and subscriptions	2,200.00
EF076618	29/06/23	Custombuilt Homes Pty Ltd	Refund bond	1,400.00
EF076619	29/06/23	David Gray & Co Pty Ltd	Pest control	1,299.10
EF076620	29/06/23	Department of Transport - Vehicle Search	Vehicle searches	2,148.20
EF076621	29/06/23	Easisalary Pty Ltd	Staff superannuation & other deductions	1,530.97
EF076622	29/06/23	Eastern Metropolitan Regional Council	Waste collection and hygiene services	245,186.98
EF076623	29/06/23	Elaborate Design Homes	Refund bond	1,400.00
EF076624	29/06/23	Elite Compliance	Refund bond	1,435.00
EF076625	29/06/23	Elite Property Group (WA) Pty Ltd	Refund bond	1,400.00
EF076626	29/06/23	Essential First Choice Homes Pty Ltd	Refund bond	1,400.00
EF076627	29/06/23	Essential First Choice Homes Pty Ltd	Refund residential verge deposit	1,400.00
EF076628	29/06/23	G & C Craine	Refund health centre memberships	540.80
EF076629	29/06/23	Galvins Plumbing Supplies	Building maintenance and services	3.63
EF076630	29/06/23	Garden Care West (WA)	Garden Maintenance	231.00
EF076631	29/06/23	Hampton Park Primary School	Refund facility hire bond	550.00
EF076632	29/06/23	HSI APAC Pty Ltd T/A Donesafe	Memberships and subscriptions	19,057.50
EF076633	29/06/23	Jane Frances Wetherall	Sitting Fee	700.00
EF076634	29/06/23	Mary-Anne Deans	Staff allowances and reimbursements	238.34
EF076635	29/06/23	Jeanette Gordon	Donation	300.00
EF076636	29/06/23	Jessica Devereux	Staff allowances and reimbursements	36.00
EF076637	29/06/23	Joshua Eveson	Refund facility hire bond	550.00
EF076638	29/06/23	Karen G Weaver	Refund bond	429.21
EF076639	29/06/23	Kelly Rowland	Staff allowances and reimbursements	130.00
EF076640	29/06/23	Kelyn Training Services	Staff training, development and support	1,940.00
EF076641	29/06/23	Mount Lawley Primary School	Refund swimming lessons	300.00
EF076642	29/06/23	Officeworks	Office stationery and consumables	22.17
EF076643	29/06/23	Personal Advocacy Service	Donation	500.00
EF076644	29/06/23	Pia Duxbury	Refund facility hire bond	550.00
EF076645	29/06/23	Plunkett Homes (1903) Pty Ltd	Refund bond	1,400.00
EF076646	29/06/23	Pure Homes T/A B1 Homes	Refund bond	1,400.00
EF076647	29/06/23	Redink Homes	Refund bond	1,400.00
EF076648	29/06/23	Sdood Al-auqaili	Refund facility hire bond	1,000.00
EF076649	29/06/23	Shire of Augusta Margaret River	Staff leave and entitlement	1,895.01
EF076650	29/06/23	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	2,907.35
EF076651	29/06/23	Strata Elite T/A The Owners of Rangeview	Refund miscellaneous	19.00
EF076652	29/06/23	Subeyr Mohamed Saalax	Refund facility hire bond	1,155.00
EF076653	29/06/23	Synergy	Electricity charges - Street lighting	116,043.80
EF076654	29/06/23	Tania Veaudry	Refund swimming lessons	64.60
EF076655	29/06/23	Tania Veaudry	Refund swimming lessons	68.00
EF076656	29/06/23	Telstra Limited	Office telephone and communication expenses	751.86
EF076657	29/06/23	The Fruit Box Group Pty Ltd	Functions and events catering expenses	55.80
EF076658	29/06/23	Thomasz Developments	Refund bond	1,435.00
EF076659	29/06/23	Tiana Martelli	Donation	200.00

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				\$
EF076660	29/06/23	Tracey M Stewart and Barry J Driscoll	Refund rates overpayment	88.52
EF076661	29/06/23	Wesfarmers Kleenheat Gas Pty Ltd	Gas usage charges	1,157.13
EF076662	29/06/23	West Australian Ballet Company (Inc)	Refund bond	48.62
EF076663	29/06/23	Westbooks	Book purchases	914.52
EF076664	29/06/23	Yelena Lambrichs	Refund bond	1,400.00
EF076665	29/06/23	Yvonne Pratley	Refund facility hire bond	52.70
EF076666	29/06/23	Zelda M Naidoo	Refund facility hire bond	1,000.00
EF076667	29/06/23	Acclaimed Catering Pty Ltd	Functions and events catering expenses	1,496.00
EF076668	29/06/23	Adelphi Tailoring Co	Staff uniforms and protective equipment	627.55
EF076669	29/06/23	ADT Security	Building maintenance and services	233.78
EF076670	29/06/23	Adventure Kids Entertainment	Marketing and promotional material	3,600.00
EF076671	29/06/23	Allstate Kerbing & Concrete	Garden Maintenance	1,733.60
EF076672	29/06/23	ALS Library Services Pty Ltd	Book purchases	410.99
EF076673	29/06/23	Alyka Pty Ltd	Software Maintenance	43,945.00
EF076674	29/06/23	AMS Technology Group Pty Ltd	Minor Equipment Purchase	3,114.84
EF076675	29/06/23	Anton & Jo Pty Ltd T/A Bayswater News & Lotteries	Memberships and subscriptions	312.32
EF076676	29/06/23	Apace Aid Incorporated	Garden Maintenance	2,200.00
EF076677	29/06/23	Artificial Intelligence Investment Holdings Pty Ltd T/AS ICU	Buildings and events security expenses	5,764.00
EF076678	29/06/23	Asphaltech Pty Ltd	Construction and civil works tools and materials	1,253.51
EF076679	29/06/23	ATC Work Smart	Trainee	1,075.76
EF076680	29/06/23	Avantgarde Technologies Pty Ltd	Equipment Maintenance	1,051.60
EF076681	29/06/23	Axiis Contracting Pty Ltd	Construction and civil works payments	215,310.26
EF076682	29/06/23	Be Media Group Pty Ltd	Functions and events marketing expenses	1,650.00
EF076683	29/06/23	Bell Trading Trust T/As North Star Security Nominees PL	Building supplies and hardware	1,656.60
EF076684	29/06/23	Boyan Electrical Services	Construction and civil works payments	41,200.78
EF076685	29/06/23	Bridgestone Aust Ltd	Plant and vehicle parts and materials	1,811.48
EF076686	29/06/23	Bucher Municipal Pty Ltd	Plant and vehicle parts and materials	547.27
EF076687	29/06/23	Bunnings Group Ltd	Minor Equipment Purchase	226.69
EF076688	29/06/23	Cai Fences	Garden Maintenance	9,845.00
EF076689	29/06/23	Camboon Primary School	Youth and seniors community activities	330.00
EF076690	29/06/23	Cat Haven	Animal supplies & services	176.00
EF076691	29/06/23	Ceiling Manufacturers of Australia	Building supplies and hardware	1,958.44
EF076692	29/06/23	Cleantex Pty Ltd	Staff uniforms and protective equipment	317.22
EF076693	29/06/23	CNW Pty Ltd	Construction and civil works tools and materials	927.82
EF076694	29/06/23	Contra-flow Pty Ltd	Traffic management	15,490.04
EF076695	29/06/23	CRPM Services High Pressure Cleaning	Cleaning services	15,708.00
EF076696	29/06/23	CyberCX Pty Ltd	Software Maintenance	14,883.00
EF076697	29/06/23	Danish Patisserie	Functions and events catering expenses	200.39
EF076698	29/06/23	Dismantle	Grants & funding	5,500.00
EF076699	29/06/23	DS Workwear & Safety	Staff uniforms and protective equipment	199.95
EF076700	29/06/23	Epic Catering Services	Functions and events catering expenses	572.00
EF076701	29/06/23	Es2 Pty Ltd	Software Maintenance	100,812.20
EF076702	29/06/23	Europcar WA	Vehicle & plant hire	1,153.02
EF076703	29/06/23	Fasta Courier Unit Trust	Legal expenses and court costs	94.19
EF076704	29/06/23	Fleet Fitness	Equipment Maintenance	663.85
EF076705	29/06/23	Flexi Staff Group Pty Ltd	Labour hire and temporary replacement	15,626.69
EF076706	29/06/23	Fuel Distributors of WA Pty Ltd	Fuel and oil	20,717.72
EF076707	29/06/23	Full Circle Roof Plumbing	Building maintenance and services	500.00
EF076708	29/06/23	GHD Pty Ltd	Parks & gardens contract payments	7,327.93
EF076709	29/06/23	Green Workz Pty Ltd	Signage and banners	491.70
EF076710	29/06/23	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	956.74
EF076711	29/06/23	ID Rent Pty Ltd	Equipment hire	88.00
EF076712	29/06/23	Inst of Public Works Engineering Australasia Ltd	Memberships and subscriptions	5,047.90
EF076713	29/06/23	Intelife Group Limited	Cleaning services	1,902.56
EF076714	29/06/23	IWM (PBH) Pty Ltd T/A Perth Bin Hire	Waste collection and hygiene services	187.00
EF076715	29/06/23	Josh Byrne and Associates	Professional consultancy services	2,992.00
EF076716	29/06/23	Leonie Helen Thompson T/A The Poster Girls	Memberships and subscriptions	224.40
EF076717	29/06/23	Life Apparel Co Pty Ltd	Staff uniforms and protective equipment	699.48
EF076718	29/06/23	Linemarking WA Pty Ltd	Professional consultancy services	4,421.67
EF076719	29/06/23	Local Government Professionals Aust WA	Staff training, development and support	60.00
EF076720	29/06/23	Maia Financial Pty Ltd	Equipment hire	20,338.58
EF076721	29/06/23	Manheim Pty Ltd	Transport and storage charges	55.00
EF076722	29/06/23	Masonry Management Services Pty Ltd	Garden Maintenance	2,013.00
EF076723	29/06/23	Maxwell Robinson & Phelps	Building maintenance and services	784.00
EF076724	29/06/23	McInerney Ford	Plant and vehicle parts and materials	544.50
EF076725	29/06/23	McLeods	Legal expenses and court costs	11,940.08
EF076726	29/06/23	Megan Rigby	Staff allowances and reimbursements	85.00
EF076727	29/06/23	MPK Tree Management Pty Ltd T/A MPK Tree Services	Garden Maintenance	87,616.39
EF076728	29/06/23	Natural Area Holdings Pty Ltd	Fencing	54,555.74
EF076729	29/06/23	Ngala-Boodja/Aboriginal Land Care	Garden Maintenance	3,000.69

Reference	Date	Creditor Name	Invoice details	Amount Paid
<b>Payments</b>				<b>\$</b>
EF076730	29/06/23	Nobuo Hara	Youth and seniors community activities	400.00
EF076731	29/06/23	Nyoongar Outreach Services Inc.	Community engagement framework	27,498.90
EF076732	29/06/23	Orana House Inc	Grants & funding	5,425.20
EF076733	29/06/23	Orbit Health & Fitness Solutions	Building maintenance and services	2,049.91
EF076734	29/06/23	Paragon Constructions Solutions Pty Ltd	Construction and civil works payments	1,021,357.76
EF076735	29/06/23	PAV Sales & Installation	Equipment Maintenance	1,374.00
EF076736	29/06/23	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	266.28
EF076737	29/06/23	Porter Consulting Engineers	Construction and civil works payments	11,990.00
EF076738	29/06/23	Prestige Property Maintenance Pty Ltd	Garden Maintenance	63,526.81
EF076739	29/06/23	Promolab	Staff uniforms and protective equipment	7,075.20
EF076740	29/06/23	Protector Fire Services	Staff training, development and support	215.60
EF076741	29/06/23	Pump Control Systems	Equipment purchases	6,354.70
EF076742	29/06/23	Quality Press	Printing and graphic design expenses	3,197.70
EF076743	29/06/23	Redfish Technologies Pty Ltd	Minor Equipment Purchase	3,163.20
EF076744	29/06/23	Rentokil Initial Pty Ltd	Building maintenance and services	4,210.88
EF076745	29/06/23	Repco	Plant and vehicle parts and materials	1,701.70
EF076746	29/06/23	Research Solutions (WA) Pty Ltd	Professional consultancy services	14,190.00
EF076747	29/06/23	Revive Resources Pty Ltd	Street Sweeping	7,722.00
EF076748	29/06/23	Ricoh Australia Pty Ltd	Photocopying contract charges	1,107.08
EF076749	29/06/23	Royal Life Saving Society	Youth and seniors community activities	406.00
EF076750	29/06/23	The Trustee for the Sail City Unit Trust T/A Sail City Unit	Building supplies and hardware	1,906.90
EF076751	29/06/23	Samantha Hughes	Youth and seniors community activities	990.00
EF076752	29/06/23	Serenity Risk Solutions Pty Ltd	Buildings and events security expenses	2,132.68
EF076753	29/06/23	Setonix Digital Pty Ltd	Equipment Maintenance	7,969.50
EF076754	29/06/23	Floorcraft	Building maintenance and services	8,558.00
EF076755	29/06/23	Signman	Painting services	1,980.00
EF076756	29/06/23	Statewide Cleaning Supplies Pty Ltd	Cleaning supplies	123.50
EF076757	29/06/23	Stratagreen	Parks & gardens materials	7,864.69
EF076758	29/06/23	T J Depiazzi & Sons	Garden Maintenance	7,194.00
EF076759	29/06/23	The Book Cover Co	Office stationery and consumables	30.80
EF076760	29/06/23	The Goods Australia	Cleaning supplies	1,321.97
EF076761	29/06/23	The Helen Hardcastle Trust T/A Learning Horizons	Professional consultancy services	14,300.00
EF076762	29/06/23	The Nappy Guru	Marketing and promotional material	1,350.00
EF076763	29/06/23	The O'Grady Family Trust T/A Efficient Site Services	Construction and civil works payments	5,593.50
EF076764	29/06/23	The Trustee for Blackwood Services Unit Trust	Aquatic maintenance and services	12,166.87
EF076765	29/06/23	The Trustee for McCartney Family Trust T/A Kerb Doctor	Parks & gardens materials	3,476.00
EF076766	29/06/23	The Trustee for Rabblement Trust	Youth and seniors community activities	465.21
EF076767	29/06/23	The Trustee for the Dzodzoz Family Trust	Parks & gardens contract payments	12,273.25
EF076768	29/06/23	Thomson Reuters (Professional) Australia Limited	Licence and permit renewal	26,244.59
EF076769	29/06/23	Totally Board Pty Ltd	Youth and seniors community activities	165.00
EF076770	29/06/23	Training Services Australia	Staff training, development and support	1,045.00
EF076771	29/06/23	The trustee for Grano Unit Trust T/A Grano Direct	Construction and civil works tools and materials	294.18
EF076772	29/06/23	Urban Development Inst of Aust (WA) Division	Staff training, development and support	90.00
EF076773	29/06/23	Van Ryt Industries	Construction and civil works payments	9,145.40
EF076774	29/06/23	WA Hino Sales and Service	Plant and vehicle repairs	1,160.75
EF076775	29/06/23	Winc Australia Pty Ltd	Office stationery and consumables	416.87
EF076776	29/06/23	WPC Group Ltd	Labour hire and temporary replacement	6,923.26
EF076777	29/06/23	Zornitsa Krasteva Damatova	Youth and seniors community activities	387.50
EF076778	30/06/23	Assunta Meleca	Councillor allowances and reimbursements	2,948.04
EF076779	30/06/23	Catherine Ehrhardt	Councillor allowances and reimbursements	4,838.51
EF076780	30/06/23	Daniel Bull	Councillor allowances and reimbursements	2,948.04
EF076781	30/06/23	Elli Petersen-Pik	Councillor allowances and reimbursements	2,948.04
EF076782	30/06/23	Filomena Piffaretti	Councillor allowances and reimbursements	11,843.72
EF076783	30/06/23	Giorgia Johnson	Councillor allowances and reimbursements	2,948.04
EF076784	30/06/23	JB Hi-Fi Group Pty Ltd	IT software/hardware upgrades & replacement	405.00
EF076785	30/06/23	Joshua Eveson	Councillor allowances and reimbursements	2,948.04
EF076786	30/06/23	Lorna J Clarke	Councillor allowances and reimbursements	2,948.04
EF076787	30/06/23	Michelle Louise Sutherland	Councillor allowances and reimbursements	2,948.04
EF076788	30/06/23	Sally Palmer	Councillor allowances and reimbursements	2,948.04
EF076789	30/06/23	Steven George Ostaszewskyj	Councillor allowances and reimbursements	2,948.04
				9,173,574.50
<b>Cancelled Payments</b>				
EF075546	15/06/23	Payment - EF075546		-187.00
EF075774	09/06/23	Payment - EF075774		-1,435.00
EF076053	09/06/23	Payment - EF076053		-1,000.00
EF076058	27/06/23	Payment - EF076058		-500.00
EF076580	27/06/23	Payment - EF076580		-187.00
				-3,309.00

## City of Bayswater

## List of Payment - Aged

For the period from 1 June 2023 to 30 June 2023

<i>Reference</i>	<i>Date</i>	<i>Creditor Name</i>	<i>Invoice details</i>	<i>Amount Paid</i>
<b>Payments</b>				<b>\$</b>
EF076051	08/06/23	Fresh Fields Management (Mertome Village) Pty Ltd	Garden Maintenance	29,201.09
EF076052	08/06/23	Jackson McDonald	Legal expenses and court costs	24,036.10
EF076355	21/06/23	Fresh Fields Management (Mertome Village) Pty Ltd	Garden Maintenance	9,854.44
EF076593	29/06/23	Burgess Rawson (WA) Pty Ltd	Lease and rental payments	4,275.00
EF076594	29/06/23	CIVAS (NSW) Pty Ltd - Colliers Valuation and Advisory Serv	Asset Valuation Fees	9,350.00
EF076595	29/06/23	Jackson McDonald	Legal expenses and court costs	22,867.90
				<hr/>
				99,584.53
<b>Cancelled Payments</b>				
				<hr/>
				0.00
				<hr/>
				0.00

**City of Bayswater**  
**List of Payment - Trust**  
**For the period from 1 June 2023 to 30 June 2023**

<i>Reference</i>	<i>Date</i>	<i>Creditor Name</i>	<i>Invoice details</i>	<i>Amount Paid</i>
<b>Payments</b>				<b>\$</b>
EF076239	14/06/23	Construction Training Fund	Building Services Levy	6,019.16
EF076596	29/06/23	Construction Training Fund	Building Services Levy	7,243.71
EF076597	29/06/23	Department of Mines, Industry Regulation and Safety	Building Services Levy	15,844.21
EF076598	29/06/23	Pharren Silver	Refund bond	500.00
EF076599	29/06/23	Residential Building WA Pty Ltd	Refund BSL	938.45
				<hr/> 30,545.53
<b>Cancelled Payments</b>				
				<hr/> 0.00
				0.00

**City of Bayswater**  
**Corporate Credit Card Transactions**  
**For the period from 30 May 2023 to 28 June 2023**

Date	Supplier	Description	Amount \$
<b>Chief Executive Officer</b>			
01/06/23	OFFICEWORKS	Office stationery and consumables	31.11
05/06/23	Acre Espresso Bar	Food & Drinks	72.60
05/06/23	City of Perth	Parking Fees	24.23
05/06/23	City of Perth	Parking Fees	24.23
05/06/23	Acre Espresso Bar	Food & Drinks	9.50
09/06/23	Acre Espresso Bar	Food & Drinks	61.10
09/06/23	City of Perth	Parking Fees	24.23
09/06/23	City of Perth	Parking Fees	24.23
12/06/23	Perth Airport Pty Ltd	Conference expenses	181.02
13/06/23	Dome Developments Pty Ltd T/AS Dome Bassendean	Food & Drinks	52.35
13/06/23	Aerial CG	Conference expenses	37.01
13/06/23	Aerial CG	Conference expenses	33.34
13/06/23	Hateldon Pty Ltd T/A Finlay & Sons No 917	Food & Drinks	19.20
13/06/23	Live Payments	Conference expenses	16.85
14/06/23	Akiba	Conference expenses	407.00
14/06/23	McDonalds Manuka	Conference expenses	29.40
14/06/23	McDonalds Manuka	Conference expenses	25.60
14/06/23	ACT Cabs	Conference expenses	22.00
14/06/23	Aerial CG	Conference expenses	10.97
15/06/23	ACT Cabs	Conference expenses	32.50
15/06/23	ACT Cabs	Conference expenses	20.84
15/06/23	ACT Cabs	Conference expenses	16.01
15/06/23	Aerial CG	Conference expenses	15.70
15/06/23	Aerial CG	Conference expenses	11.71
15/06/23	GM Cabs	Conference expenses	10.55
16/06/23	Aerial CG	Conference expenses	22.42
16/06/23	Aerial CG	Conference expenses	15.38
16/06/23	ACT Cabs	Conference expenses	14.96
16/06/23	ACT Cabs	Conference expenses	10.97
19/06/23	The Trustee for Viewgrand Trust E T/As Hyatt Hotel Canberra	Conference expenses	1,643.79
19/06/23	The Trustee for Viewgrand Trust E T/As Hyatt Hotel Canberra	Conference expenses	1,494.45
19/06/23	The Trustee for Viewgrand Trust E T/As Hyatt Hotel Canberra	Conference expenses	1,272.71
19/06/23	Burbury Hotel Pty Ltd	Conference expenses	315.00
19/06/23	ACT Cabs	Conference expenses	28.51
21/06/23	CEDA	Conference expenses	558.00
23/06/23	Woolworths Ltd (WA)	Food & Drinks	61.21
<b>Card total</b>			<b>6,650.68</b>
<b>Director Community and Development</b>			
31/05/23	Dropbox	Software Maintenance	592.50
01/06/23	CreateSend	Memberships and subscriptions	110.00
05/06/23	CreateSend	Memberships and subscriptions	273.90
05/06/23	City of Perth	Parking Fees	13.12
07/06/23	Trello	Memberships and subscriptions	115.17
08/06/23	Diversified Exhibitions	Staff training, development and support	1,593.24
08/06/23	Qantas	Insurance premium	57.00
09/06/23	Qantas	Conference expenses	785.90
09/06/23	Institute of Public Administration Australia	Memberships and subscriptions	150.00
20/06/23	Harvey Norman	Marketing and promotional material	459.00
20/06/23	Dreamtime Kullilla-Art	Marketing and promotional material	386.69
20/06/23	Toys R Us	Marketing and promotional material	32.94
21/06/23	OFFICEWORKS	Equipment purchases	458.00
23/06/23	<a href="http://WWW.Coursehero.Com">WWW.Coursehero.Com</a>	IT network maintenance	178.87
23/06/23	Australian Financial Securities Authority	Vehicle searches	2.00
23/06/23	Australian Financial Securities Authority	Vehicle searches	2.00
23/06/23	Australian Financial Securities Authority	Vehicle searches	2.00
26/06/23	Our Table	Staff Amenities	62.00
27/06/23	Sketch Bubble	Software Maintenance	341.95
27/06/23	Shutterstock Ireland	Software Maintenance	226.71
28/06/23	Eventbrite	Marketing and promotional material	22.75
<b>Card total</b>			<b>5,865.74</b>

**City of Bayswater  
Corporate Credit Card Transactions  
For the period from 30 May 2023 to 28 June 2023**

Date	Supplier	Description	Amount \$
<b>Director Major Projects</b>			
07/06/23	Sendgrid	Memberships and subscriptions	138.13
13/06/23	Meta Platforms Ireland Ltd T/A Facebook	Memberships and subscriptions	1,126.53
22/06/23	West Australian Newspapers Ltd	Memberships and subscriptions	28.00
26/06/23	Varsity Morley	Staff Amenities	42.00
26/06/23	City of Perth	Parking Fees	6.06
26/06/23	City of Vincent	Parking Fees	4.50
28/06/23	Wilson - Parking	Parking Fees	32.40
<b>Card total</b>			<b>1,377.62</b>
<b>Director Corporate Services</b>			
13/06/23	Futurelearn.Com	Staff training, development and support	239.00
13/06/23	Futurelearn.Com	Staff training, development and support	149.00
14/06/23	iStock	Memberships and subscriptions	2,494.80
16/06/23	Dropbox	Memberships and subscriptions	306.90
19/06/23	Hootsuite Media Inc	Memberships and subscriptions	658.90
<b>Card total</b>			<b>3,848.60</b>
<b>Director Works and Infrastructure</b>			
01/06/23	Dymocks Online	Engineering Works Materials	44.98
05/06/23	Dymocks Online	Refund Engineering Works Materials	(44.98)
09/06/23	Ocean Beach Hotel	Parking Fees	20.50
09/06/23	TOWN OF CAMBRIDGE	Parking Fees	5.80
19/06/23	The Trustee for Viewgrand Trust E T/As Hyatt Hotel Canberra	Conference expenses	1,653.41
19/06/23	The Trustee for Viewgrand Trust E T/As Hyatt Hotel Canberra	Conference expenses	1,614.43
19/06/23	The Trustee for Viewgrand Trust E T/As Hyatt Hotel Canberra	Conference expenses	311.13
21/06/23	Underconsideration	Memberships and subscriptions	29.93
23/06/23	Clariden Global	Staff training, development and support	3,600.50
28/06/23	INSTITUTE OF PUBLIC WORKS ENGINEERING AUST	Memberships and subscriptions	330.00
<b>Card total</b>			<b>7,565.70</b>
<b>Grand Total</b>			<b>25,308.34</b>

**City of Bayswater**  
**Electronic Fund Transfers**  
**For the period from 1 June 2023 to 30 June 2023**

<b>Date</b>	<b>Description</b>	<b>Amount \$</b>
<b>Municipal Account</b>		
05/06/23	NAB Transact Fee	17.00
05/06/23	NAB Transact Fee	26.00
05/06/23	NAB Transact Fee	79.60
06/06/23	New Term Deposit	3,215,042.63
08/06/23	NAB Bpay Batch Fee	0.21
14/06/23	NAB Bpay Batch Fee	0.21
14/06/23	Wages	927,866.83
15/06/23	New Term Deposit	3,000,000.00
15/06/23	New Term Deposit	5,000,000.00
15/06/23	New Term Deposit	5,000,000.00
20/06/23	Wages	8,169.18
21/06/23	NAB Bpay Batch Fee	8.40
28/06/23	Wages	1,231,571.08
28/06/23	Wages	100,991.72
30/06/23	NAB Bpay Batch Fee	3.57
30/06/23	NAB Merchant Fee	60.00
30/06/23	NAB Merchant Fee	133.08
30/06/23	NAB National Bpay Charge Fee	730.40
30/06/23	NAB Merchant Fee	889.59
30/06/23	NAB Merchant Fee	901.33
30/06/23	NAB Merchant Fee	1,242.61
		<hr/> 18,487,733.44
<b>Aged Persons Homes Account</b>		
07/06/23	Juniper NH Benefits	59,905.31
07/06/23	Juniper NH Benefits	62,224.00
07/06/23	Juniper NH Benefits	780,807.94
		<hr/> 902,937.25
<b>Total</b>		<hr/> <hr/> 19,390,670.69



**10.2.4 Exemption from Rates - Brightwater Care Group Inc. Osborne Park**

<b>Applicant/Proponent:</b>	Brightwater Care Group
<b>Owner:</b>	Department of Housing
<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	Nil

**SUMMARY**

This report provides details of a rates exemption application from Brightwater Care Group under s6.26(2)(g) of the *Local Government Act 1995* (the Act) from 1 July 2023 for the property located at 5 Caledonian Avenue, Maylands.

**COUNCIL RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council grants a rates exemption in accordance with section 6.26(2)(g) of the *Local Government Act 1995* to Brightwater Care Group for 5 Caledonian Avenue, Maylands effective from 1 July 2023.

Cr Sally Palmer Moved, Cr Lorna Clarke Seconded

**CARRIED: 8/3**

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

**Against:** *Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.*

**BACKGROUND**

The City has received an application from Brightwater Care Group for an exemption from rates under section 6.26(2)(g) of the *Local Government Act 1995* for 5 Caledonian Avenue, Maylands.

Section 6.26 of the Act defines non-rateable land uses and includes Crown land, schools, places of worship and charitable purposes.

**EXTERNAL CONSULTATION**

Other local governments including City of Wanneroo and City of Stirling confirmed they are granting a rates exemption to Brightwater Care Group properties for the same property usage as stated in this report.

**OFFICER'S COMMENTS**

The property is located at 5 Caledonian Avenue, Maylands and is owned by the Department of Housing but leased to Brightwater Care Group. The property is classified as residential group dwelling premises and the property is leased, under a peppercorn Lease Agreement between the Department of Housing and Brightwater Care Group. Under the lease, it states that Brightwater Care Group is responsible for all rates and charges for the property.

Brightwater Care Group is an organisation that provides disability housing, long-term accommodation and 24/7 support services to people in need. They provide a safe and secure home to vulnerable clients. Any revenue received is directed back into the organisation's objectives and goals to provide accommodation and care services for vulnerable clients.

Brightwater Care Group is registered with the Australia Charities and Not-for-Profits Commission and is receiving an exemption from the Australian Taxation Office for income tax.

This application can be considered under section 6.26(2)(g) of the *Local Government Act 1995*, which states "land used exclusively for charitable purposes" is not rateable.

The rates exemption process involves a review of relevant documentation. This includes audited financial statements, statement and objects of the organisation, relevant charitable and tax exemption certificates, the organisations constitution, leases (if applicable), statutory declarations and any other relevant documentation.

Rent is payable by the residents to reside at the property. The rent they charge is consistent with the legislated standard of 25% of the Disability Support Pension and does not cover the full cost of the services provided.

The following is applied to clarify what is meant by the term 'charitable purpose'; the purpose must either fall within the list of purposes detailed in the Charitable Uses Act of 1601 or within one of the following four categories of charitable purpose as set out under Pemsell's rule:

1. Relief of poverty
2. Advancement of education
3. Advancement of religion; and
4. Other purposes beneficial to the community not falling under any of the preceding categories.

The use of the property is for the provision of affordable disability housing under the Community Disability Housing Program and is eligible for a rates exemption under 6.26(2)(g) of the *Local Government Act 1995*.

## LEGISLATIVE COMPLIANCE

Section 6.26(2) of the *Local Government Act 1995* applies.

## 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.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Medium
Governance	Low	Low
Community and Stakeholder	Moderate	Medium
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	Granting the rates exemption maintains a consistent approach to rating across the City as well as other Councils.	

## FINANCIAL IMPLICATIONS

The estimated loss of rates revenue for 2023/24 on 5 Caledonian Avenue, Maylands, if the rates exemption were to be granted effective 1 July 2023, would be \$3,460.00. The exemption application was lodged in June 2023; therefore, the exemption is recommended to be effective from 1 July 2023. The applicant will still be liable for the Emergency Services Levy and other government charges such as the domestic rubbish charge and underground power.

**STRATEGIC IMPLICATIONS**

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

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way.

Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

**CONCLUSION**

It is recommended that a rate exemption be granted to Brightwater Care Group. The use of this property is for providing affordable disability housing, and as such the land is being used exclusively for 'charitable purpose' under Section 6.26(2)(g) of the *Local Government Act 1995*.

**10.3 Infrastructure and Assets Directorate Reports****10.3.1 Expressions of Interest to Lease Community Office Suites at The RISE**

<b>Responsible Branch:</b>	Transport and Buildings
<b>Responsible Directorate:</b>	Infrastructure and Assets
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. EOI Qualitative Criteria [10.3.1.1 - 1 page]</li> <li>2. Lease Assessment Criteria [10.3.1.2 - 4 pages]</li> <li>3. Community Facility Lease and Licence User Agreement Policy [10.3.1.3 - 10 pages]</li> </ol>

**MR LUKE BOTICA, DIRECTOR INFRASTRUCTURE AND ASSETS, DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Mr Luke Botica, Director Infrastructure and Assets declared an impartial interest in this item as he has an association with the Institute of Public Works Engineering Australasia (IPWEA), through his membership with the organisation. Mr Botica is not an office bearer for IPWEA and was not part of the assessment panel for the expression of interest process. However, Mr Botica was responsible for the review and authorisation of this report to Council.*

**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 has visited their office on a social capacity at Noranda. Cr Sally Palmer remained in the Council Chambers and voted on this item.*

**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 Orana House is mentioned in the report and she has attended a number of events there. Cr Filomena Piffaretti, Mayor remained in the Council Chambers and voted on this item.*

**CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Lorna Clarke declared an impartial interest in this item as she has previously suggested to people who have attended birthday parties and celebrations that they make a donation to Orana House rather than provide gifts. Cr Lorna Clarke remained in the meeting (via electronic means) and voted on this item.*

**SUMMARY**

Council consideration is sought in relation to the expressions of interest (EOI) received to lease community offices suites 1, 5 and 6 at The RISE, 28 Eighth Avenue, Maylands.

In accordance with the *Community Facility Lease and Licence/User Agreement Policy*, EOI submissions are to be assessed by a panel against the City's Community Lease KPI's Assessment Criteria and presented to Council.

The City received 11 submissions, with five of the submissions providing all required information to be assessed by the panel.

**COUNCIL RESOLUTION  
(OFFICER'S RECOMMENDATION)**

**That Council:**

1. **Authorises the Chief Executive Officer to lease Office Suite 6 at The RISE to Workpower Inc. subject to:**
  - (a) The lease being in accordance with the *Community Facility Lease and Licence/User Agreement Policy*, as per Category 4 Large Not-for-Profit Organisations, State and National Clubs/Associations;
  - (b) Tenancy term of five years; and
  - (c) The lease being approved by Lotterywest.
2. **Authorises the Chief Executive Officer to lease Office Suite 1 at The RISE to Orana House Inc. subject to:**
  - (a) The lease being in accordance with the *City of Bayswater Community Facility Lease and Licence/User Agreement Policy*, as per Category 1b - Not-for-Profit Community Groups and Organisations;
  - (b) Tenancy term of five years; and
  - (c) The lease being approved by Lotterywest.
3. **Authorises the Chief Executive Officer to lease Office Suite 5 at The RISE to the Institute of Public Works Engineering Australasia (IPWEA), subject to:**
  - (a) The lease being in accordance with the *Community Facility Lease and Licence/User Agreement Policy*, as per Category 4 Large Not-for-Profit Organisations, State and National Clubs/Associations;
  - (b) Tenancy term of five years; and
  - (c) The lease being approved by Lotterywest.

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

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

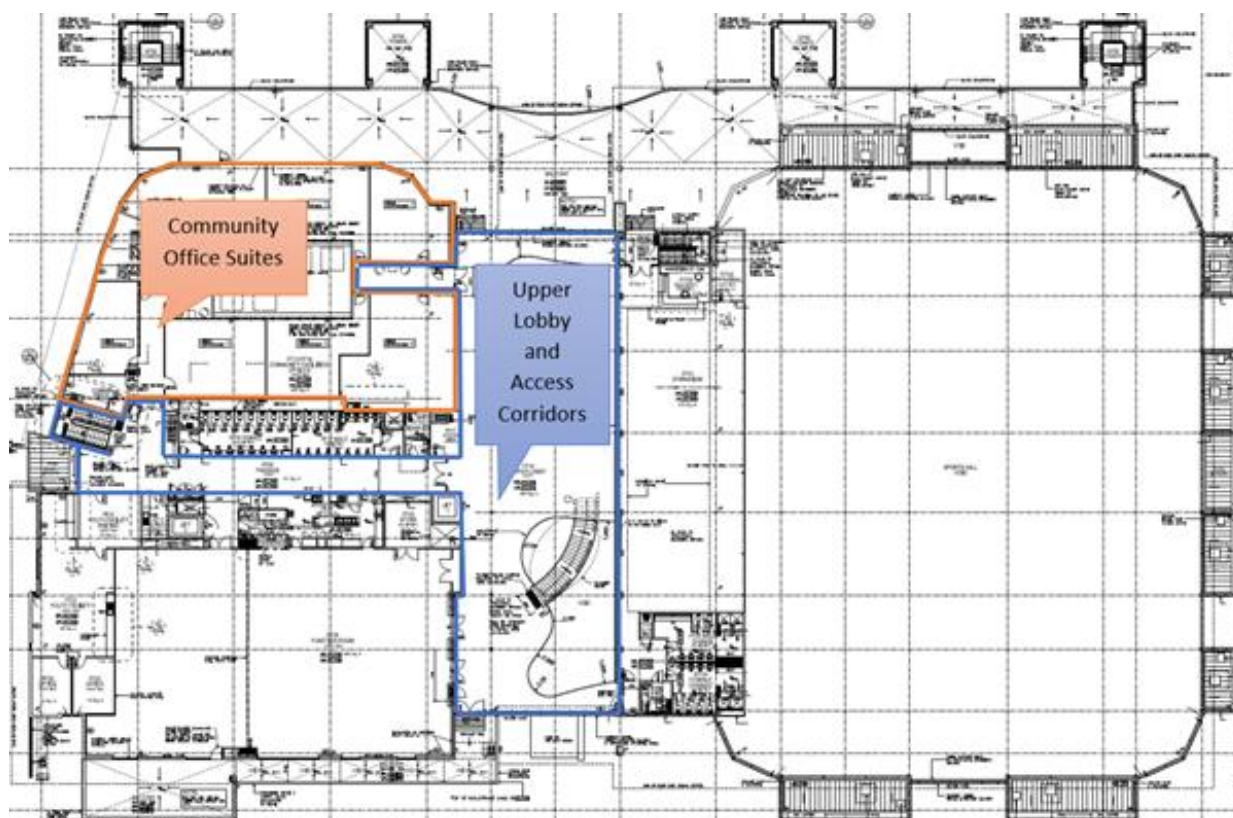
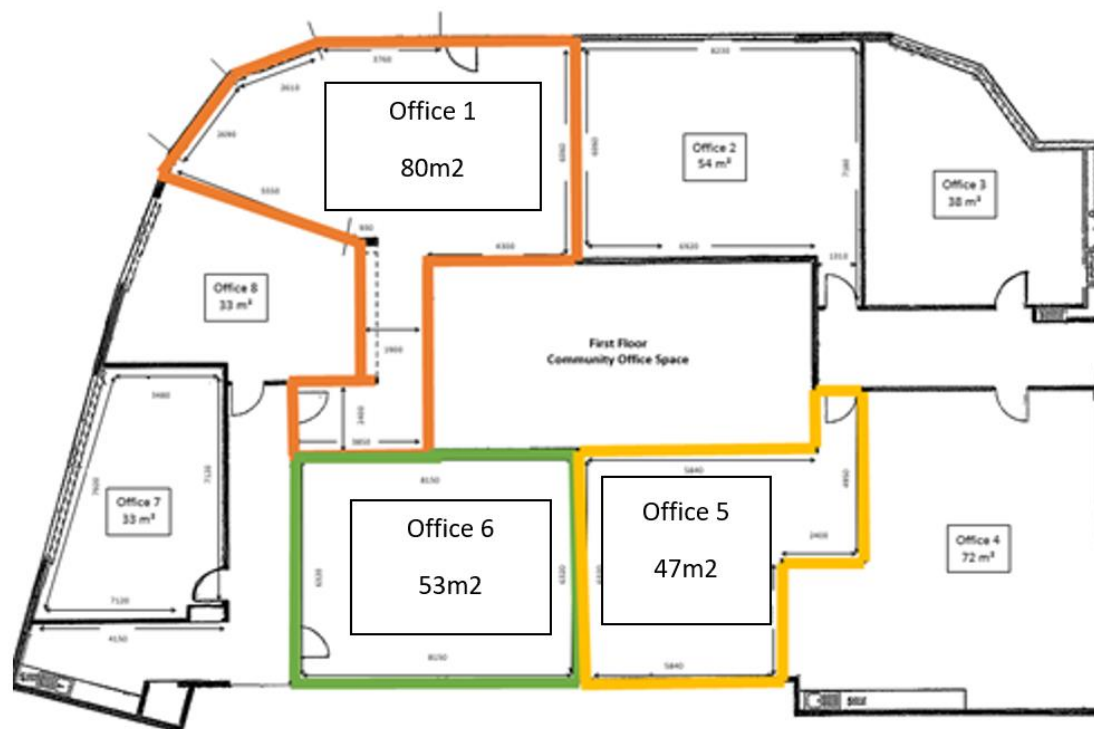
**Against:** *Nil.*

**BACKGROUND**

The RISE, located at 28 Eighth Avenue, Maylands, hosts eight first floor office suites for occupation/use by not-for-profit organisations. Office suites 1, 5 and 6 were previously leased to community groups and had become vacant during the COVID-19 pandemic due to the tenants either opting to not renew their tenancy, or terminating their lease early because of operational funding constraints.

Each office suite comprises carpeted flooring, data points for internet connection and two onsite secure car parking bays located within the undercroft garage.

The maps below highlight the office suites available for lease and depicts the office suites in relation to the rest of the facility:



EOIs were called for the vacant suites and this report is presented to Council for approval to lease the suites to the recommended organisations.

## EXTERNAL CONSULTATION

### Property Valuation

Prior to advertising the office suites for lease, the City engaged McGees Property to prepare a market rental valuation for a hypothetical office tenancy of the first-floor office suites. McGees Property provided a gross market rental rate of \$280 per square metre per annum, exclusive of GST.

### Expression of Interest

The City welcomed EOIs from the public to lease the three vacant office suites for a period of 14 days from Friday 21 April 2023 until Monday 8 May 2023. The EOI was advertised by the following methods:

- Listing in The West Australian newspaper;
- Advertisement on the City's Facebook page;
- Advertisement on the City's Linked-in profile;
- An email sent to all existing community lease holders and to those on the City's 'lease enquiries waitlist'; and
- Tenderlink website.

### Lotterywest Building Grant Agreement

Pursuant to the Building Grant Agreement in place until September 2030, between the City and Lotterywest for financial contribution to the construction of The RISE; the City is only able to lease the areas of the first floor to not-for-profit, charitable/benevolent organisations and must first seek Lotterywest's approval for any new leases and/or licenses. Commercial or profit-generating activity may not be considered. Based on this, the City only accepted submissions from organisations that could demonstrate a not-for-profit, charitable or benevolent status.

## OFFICER'S COMMENTS

### Submissions

All submissions were to be submitted via the City's online portal on Tenderlink and were required to include the following information to be considered for assessment against the City's Community Lease KPI's Assessment Criteria:

- Perspective Lessee Application Form completed in full, including required attachments;
- A clear demonstration of how they satisfy each of the City's Lease Assessment Criteria;
- Summary of the organisation concept and financial overview;
- A concise organisational plan detailing the proposed use and vision for the space;
- High level plans for any proposed fit-outs or alterations to the premises, and demonstration of the financial ability to fund such works; and
- A statement of attendance by either the applicant or a representative, at one of the mandatory premises' inspections.

The City received 11 submissions during the EOI period, with five of the submissions providing all required information to be eligible for assessment against the City's Lease Assessment Criteria, as shown in **Attachment 1**.

A summary of each of the five compliant submissions is provided below:

Workpower Inc.

Workpower Inc. assist people with disabilities to gain employment by conducting various “job ready” programs including education, training, work experience and volunteering. They also assist school leavers’ transition from education to employment. If successful, Workpower proposes to base their NDIS Employment Support Services at The RISE.

Workpower currently holds a lease with the City to operate the Noranda Nursery on Della Road, Noranda.

Orana House Inc.

Orana House provides support services and refuge to women and children experiencing family and domestic violence (FDV). They have experienced substantial growth over the last two years and now require additional office space from which to run their operations. The space would be used to house their Housing and Families Program which has been developed to enable women and children who have experienced FDV to gain secure tenancies within the private rental market.

Orana House is also currently a lease holder of another City owned property in a different location.

The Institute of Public Works Engineering Australasia

The Institute of Public Works Engineering Australasia (IPWEA) is a professional organisation providing member services and advocacy for those involved in delivering public works and engineering services to the community. The office suite would be used by staff during the week to carry out the business of the Foundation, and host small meetings and interviews with scholarship recipients, research leaders etc.

*IPWEA have declared Mr Doug Pearson (former Director of Major Projects and Commercial Activities) as a conflict of interest in their submission, as Mr Pearson is a Trustee of the foundation. Mr Pearson was not a part of the assessment panel for the expression of interest process and was not responsible for the authorisation of this report to Council.*

Polonia WA Inc.

The Polish community has a long-standing history and relationship with the City of Bayswater. The existing Polish community spaces are now too small or unsuitable to meet the growing needs of the community, however keeping their activities in Maylands would maintain accessibility, and attract even more people to the City. As a peak-body for the Polish community, they propose to use the space to store and operate a Polish language library and Polish community archives, conduct regular book club meetings, host regular educational and cultural activities, and as office/storage space for Polish Camps for Kids.

Kiwanis Club of Perth Inc.

Kiwanis is a global organisation of volunteers dedicated to improving the lives of children, one community at a time. The Club would use the office space for administration, meetings and storage. Kiwanis currently utilises space at the Roxy Theatre in Maylands for storage and to host meetings.

Assessment

Submissions were evaluated by a panel against the lease assessment criteria under the Community and Commercial Lease KPI's and Assessment Criteria Management Practice ('the management practice'). An extract of the lease assessment criteria which was used to assess the submissions is included in **Attachment 2**.



The below table outlines the scores of the assessment:

Assessment Criteria	Workpower Inc.	Orana House Inc.	IPWEA	Polonia WA Inc.	Kiwanis Club of Perth Inc.
<b>1. Financial Sustainability</b>	13.33%	12.22%	13.81%	2.86%	2.54%
<b>2. Environmental Sustainability</b>	11.90%	10.48%	7.14%	9.52%	7.14%
<b>3. Strategic Alignment</b>	14.29%	14.29%	6.19%	5.24%	4.76%
<b>4. Community Benefit</b>	13.33%	13.81%	6.19%	9.52%	5.71%
<b>5. Governance and Development</b>	14.29%	13.81%	12.86%	9.05%	8.57%
<b>6. Efficiency of Use</b>	14.29%	13.81%	12.38%	7.62%	3.81%
<b>7. Appropriate Use</b>	14.29%	14.29%	13.33%	8.10%	10.48%
<b>Total Score</b>	<b>95.71%</b>	<b>92.70%</b>	<b>71.90%</b>	<b>51.90%</b>	<b>43.02%</b>

Under the management practice, an overall performance rating between 81-100% is considered 'Excellent. Highly recommended to lease to this Lessee'. An overall performance rating between 66-80% is considered 'Good. Recommended to lease to this Lessee'.

The following three submissions scored the highest when assessed against the lease assessment criteria and it is therefore recommended that they are chosen to lease one of the three available office suites:

- Workpower Inc. – score of 95.71%
- Orana House Inc. – score of 92.70%
- IPWEA Inc. – score of 71.90%

#### Tenant Categories

Under the City's Community Facility Lease and Licence/User Agreement Policy (**Attachment 3**); the three highest scoring submissions would fall under the following tenant categories and be responsible for the applicable lease fees and charges:

Tenant	Category	Annual Rent	Outgoings
Workpower Inc	Cat 4	40% of market valuation + GST	Utility usage applicable to the tenant's use of the premises
Orana House Inc.	Cat 1b	\$1,390 + GST	Utility usage applicable to the tenant's use of the premises
IPWEA Inc.	Cat 4	40% of market valuation + GST	Utility usage applicable to the tenant's use of the premises

Notwithstanding the above; the following terms are specific to The RISE:

- Emergency Services Levy (ESL) is not individually charged at this site.
- Waste, Gas and Water usage is not individually charged, as these are communal services at The RISE.
- Each office suite is sub-metered for electricity. Tenants will pay for the electricity usage applicable to their use of the premises.

#### Office Suite Preferences

Submitters were asked to state which of the three available office suites they would prefer to lease, with Workpower, Orana House and IPWEA identifying office suite 1 as their first preference. Each of the submissions have included a second preference, should their first preference not be available.

##### Workpower Inc. – Preferred Office Suites 1 and 6

Workpower has requested to lease both office 1 and office 6 to be used as their NDIS Employment Hub, and their main location for employment programs, training and meetings. Workpower proposes to use both office suites in a full-time capacity from Monday to Friday, 8:00am to 5:00pm, with six staff members permanently based in this location.

Workpower does not intend to make any structural modifications to the offices.

##### Orana House Inc. – Preferred Office Suite 1

Orana House has requested to lease office 1, which would be used to house approximately 3 - 5 staff members, initially consisting of the General Manager, and the Housing and Families Program staff. Long term, Orana House plans to also base their Business, Human Resources and Administrative staff at this location. Orana House proposes that the space will be utilised on a full-time basis - Monday to Friday, between 8:30am and 4:30pm.

Orana House has given preference to office 1 as it is the only office space that provides two exit points. They have noted this as a consideration when working with women and children experiencing family and domestic violence, as it provides an alternative exit point for clients and staff should a perpetrator enter the location unexpectedly.

Orana House has also stated that they would consider other office suites, should office 1 not be available.

##### IPWEA – Preferred Office Suite 1

IPWEA has requested to lease office suite 1 as the Foundation's professional office for staff to carry out the business of the foundation, and to host small meetings with the Chair of the Foundation. IPWEA proposes to use the space in a full-time capacity, Monday to Friday, from 8:00am to 6:00pm, with two staff members based on site and the occasional attendance of Trustees.

IPWEA has confirmed that no fit outs or alterations to the existing layout would be required. Should office 1 not be available, IPWEA has requested office 6 as their second preference, and have proposed that they will fit out the space with two internal partitioned offices, similar to what is currently in situ in office 1.

Based on the information provided and the proposed usage outlined in each submission, City officers recommend the following office suites are offered to the three highest scoring submissions:

#### Office Suite 6 (53m<sup>2</sup>) – Workpower

Whilst Workpower has requested to lease both offices 1 and 6, office 6 may provide Workpower with a space to house their NDIS Employment Hub and 6 staff members for day-to-day operations. They could make use of the readily available meeting rooms at The RISE when hosting training programs and meetings, by booking these rooms directly through the staff at The RISE.

#### Office Suite 1 (80m<sup>2</sup>) – Orana House

Office 1 would provide Orana House with sufficient space to base their Housing and Families Program and the General Manager of the organisation in this location, with room for expansion to move other areas of the organisation to this location. The two entry/exit points to this office would also be appropriate, given the nature of their operations.

#### Office Suite 5 (47m<sup>2</sup>)– IPWEA

As IPWEA's submission proposes two staff members making use of the space on a full-time basis, office 5 may provide a suitable space for the staff to carry out the day-to-day business of the foundation and sufficient space to host small meetings. Should additional space be required for hosting meetings, IPWEA could make use of the available meeting rooms for hire at The RISE. There is one pre-existing partitioned office within office 5, however IPWEA may wish to add an additional partitioned office as mentioned in their submission.

Alternatively, as Workpower and Orana House both scored in the highest performance rating between 81-100%, Council may also wish to consider the following options:

#### Office Suites 1 and 6 (133m<sup>2</sup> combined) – Workpower

Council may wish to consider leasing both office 1 and 6 to Workpower as they have requested in their submission, providing Workpower with the required space to house staff and host meetings/training programs.

#### Office Suite 5 (47m<sup>2</sup>) – Orana House

Council may wish to consider leasing office 5 to Orana House, in lieu of office 1 not being available should it be leased to Workpower. Whilst not Orana House's first preference, office 5 can still provide a space for Orana House to house their Housing and Families Program and offers an existing internal partitioned office for use by the General Manager.

### **LEGISLATIVE COMPLIANCE**

Any new leases will be in accordance with the City's Community Facility Lease and Licence/User Agreement Policy.

Section 3.58 of the *Local Government Act 1995* applies to the disposal of land by lease agreement.

### **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.

<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
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
<b>Conclusion</b>	It is considered that the officer's recommendation has a moderate community and stakeholder risk, as some community members and stakeholders may be opposed to leasing the three vacant office suites to the proposed Lessee's	

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Lease of office suite 6 to Workpower Inc.

**Asset Category:** Other **Source of Funds:** Municipal

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

**Notes:** The costs include the preparation of lease documents by City officers and estimated annual rental income based on the proposed tenancy.

Costs do not include any legal assistance fees that may be required during lease negotiations.

**Item 2:** Lease of office suite 1 to Orana House Inc.

**Asset Category:** Other **Source of Funds:** Municipal

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

**Notes:** The costs include the preparation of lease documents by City officers and estimated annual rental income based on the proposed tenancy.

Costs do not include any legal assistance fees that may be required during lease negotiations.

**Item 3:** Lease of office suite 5 to IPWEA Inc.

**Asset Category:** Other **Source of Funds:** Municipal

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

**Notes:** The costs include the preparation of lease documents by City officers and estimated annual rental income based on the proposed tenancy.

Costs do not include any legal assistance fees that may be required during lease negotiations.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	-	\$900	\$6,529 inc. GST p/a	5	-	-
2	-	-	\$900	\$1,529 inc. GST p/a	5	-	-
3	-	-	\$900	\$5,790 inc. GST p/a	5	-	-

## STRATEGIC IMPLICATIONS

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

Theme: Community

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

## CONCLUSION

In light of the above; it is recommended that Council authorises the Chief Executive Officer to lease the three vacant office suites to the following organisations in accordance with the City's

Community Facility Lease and Licence/User Agreement Policy, subject to the following key terms and approval being granted by Lotterywest:

Workpower Inc. – Office Suite 6 (53m<sup>2</sup>)

- Lease Term: 5 Years
- Rent: 40% of market valuation (\$5,936 p/a) plus GST and indexed annually to CPI
- Utility Charges: Electricity costs to be paid by the tenant

Orana House Inc. – Office Suite 1 (80m<sup>2</sup>)

- Lease Term: 5 years
- Rent: \$1,390 p/a plus GST and indexed annually to CPI
- Utility Charges: Electricity costs to be paid by the tenant

IPWEA – Office Suite 5 (47m<sup>2</sup>)

- Lease term: 5 years
- Rent: 40% of market valuation (\$5,264 p/a) plus GST and indexed annually to CPI
- Utility Charges: Electricity costs to be paid by the tenant

Criteria as stated in EOI	Institute of Public Works Engineering Australasia WA Inc.	Kiwanis Club of Perth Inc.	Orana House Inc.	Polonia WA Inc.	Weight Watches Federation WA Inc.	Workpower Inc.	Bayswater Community Financial Services Limited	Deafblind West Australians Inc.	Neighbourhood Watch Asian Community Services Inc.	The Islamic Centre of WA	The Russian Social Club of WA Inc.
1. Organisation is Not-for-Profit, Charitable/Benevolent	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
2. Statement of attendance at mandatory premises inspection	Yes	No	Yes	Yes	No	Yes	No	No	No	No	No
		Representative did attend, however statement of attendance not provided, as requested			Representative did attend, however statement of attendance not provided, as requested						
3. Perspective lessee application form completed in full (including	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
4. Clearly demonstrated how they satisfy each of the lease assessment	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No
5. Concise summary of organisation concept and financial overview	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No
6. Concise business/organisational plan, detailing the proposed use and vision for the space, including:	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No
(a) Activities/services to be undertaken	Yes	Yes	Yes	Yes		Yes					
(b) Proposed days and hours of use	Yes	Yes	Yes	Yes		Yes					
(c) Number of key staff and/or members who will typically make use of the site daily	Yes	Yes	Yes	Yes		Yes					
7. High level plans for any proposed fit-outs or alterations to the premises and clearly demonstrate financial ability to fund works	Yes	N/A	N/A	Yes	N/A	Yes	N/A	N/A	N/A	N/A	N/A
Progress to assessment:	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No
Comments:	Applicant has addressed all of the lease assessment criteria and have provided all required information/documentation. Including plans for office space fit-out.	Applicant has addressed all of the lease assessment criteria and provided all required information, minus a statement of attendance at the mandatory premises inspection. However, officers note that the applicant did in fact attend an inspection of the premises.	Applicant has addressed all of the lease assessment criteria and provided all required information.	Applicant has addressed all of the lease assessment criteria and have provided all required information/documentation. Including plans for office space fit-out.	Applicant has not demonstrated how they satisfy lease assessment criteria, summary of organisation concept and financial overview or provided business/organisation plan. Officers note that the applicant did attend an inspection of the premises.	Applicant has addressed all of the lease assessment criteria and have provided all required information/documentation. Including plans for office space fit-out.	The organisation is not a Not-for-Profit, Charitable/Benevolent. Applicant, nor provided summary of organisation concept and financial overview, or provided business/organisation plan or undertaken the mandatory attendance inspection.	Applicant has not demonstrated how they satisfy lease assessment criteria. Have not provided summary of organisation concept, financial overview, business/organisation plan or undertaken the mandatory attendance inspection.	Applicant has not demonstrated how they satisfy lease assessment criteria. Have not provided summary of organisation concept, financial overview, business/organisation plan or undertaken the mandatory attendance inspection.	Applicant has not demonstrated how they satisfy lease assessment criteria. Have not provided summary of organisation concept, financial overview, business/organisation plan or undertaken the mandatory attendance inspection.	Applicant has not demonstrated how they satisfy lease assessment criteria. Have not provided summary of organisation concept, financial overview, business/organisation plan or undertaken the mandatory attendance inspection.

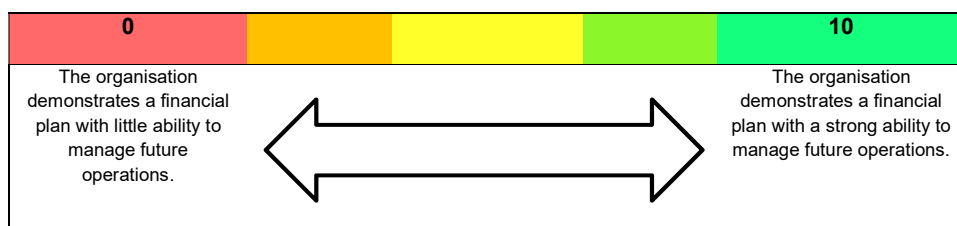
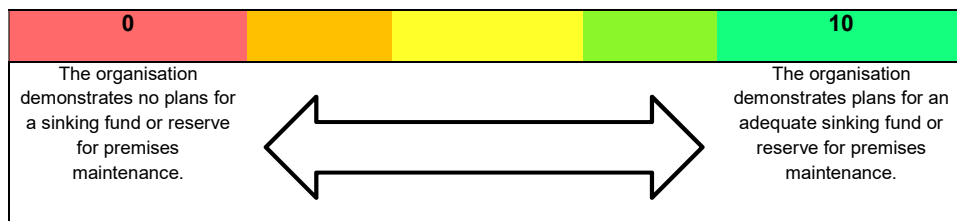
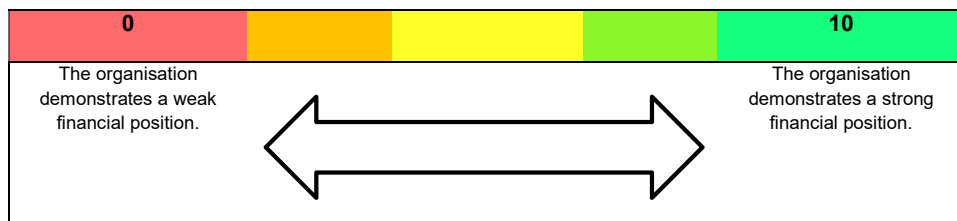
## LEASE ASSESSMENT CRITERIA

This criteria is used when assessing expressions of interest (EOI) for new leases. Each EOI is assessed against each criteria with a score between 0 and 10.

### Criterion 1: Financial Sustainability

Evidence of financial sustainability including:

- A strong financial position – adequate finances to cover operating costs;
- Plans for a sinking fund or reserve for premises maintenance; and
- A sound financial plan to manage future operations.

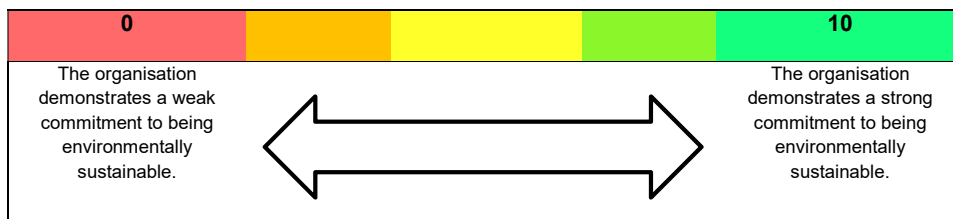


### Criterion 2: Environmental Sustainability

Evidence of an environmental sustainability plan demonstrating a commitment to:

- Using power, water and gas efficiently;
- Recycling;
- Sustainable travel behaviour, including walking, cycling and catching public transport;

- Avoiding the use of single use plastic;
- Using environmentally sensitive products for cleaning and other operations; and
- Promoting and educating members, customers, volunteers and staff about environmentally sustainable practices.



### Criterion 3: Strategic Alignment

Evidence that the services provided align with the current strategies of the City, such as the:

- Strategic Community Plan;
- Corporate Business Plan;
- Long Term Financial Plan;
- Asset Management Strategic Plan;
- Local Homelessness Strategy;
- Reconciliation Action Plan;
- Town Centre Activation Plans;
- Youth Action Plan;
- Access and Inclusion Plan;
- Local Planning Strategy; and/or
- Community Recreation Plan.

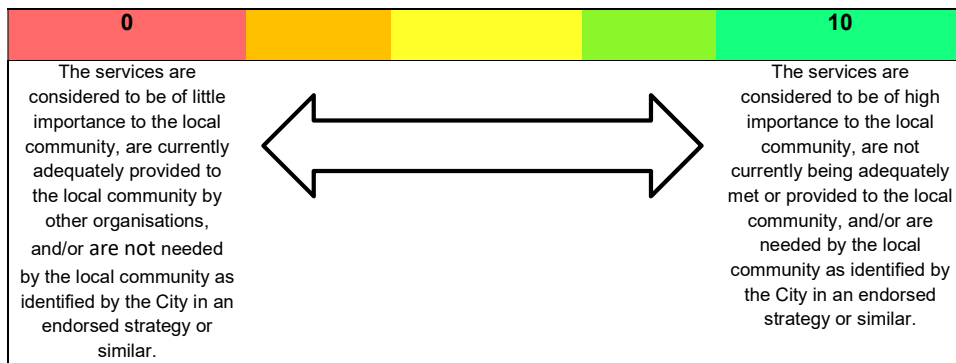


### Criterion 4: Community Benefit

Evidence that community benefit will be realised by providing a service:

- That is of high importance to the local community; and
- That is not currently being adequately met or provided to the local community.
- That is needed by the local community as identified by the City in an endorsed strategy or similar.

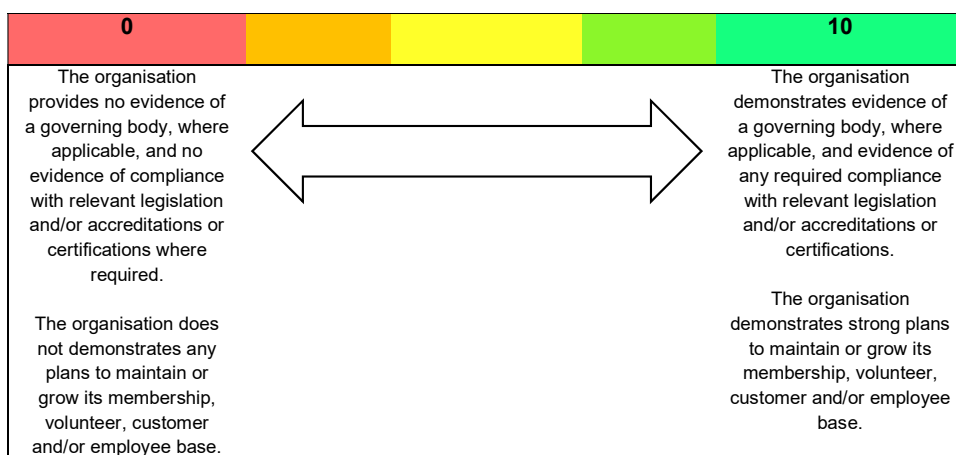




#### Criterion 5: Governance and Development

Evidence of sound governance and plans for organisational growth and development including:

- Evidence of a governing body, where applicable;
- Evidence of compliance with relevant legislation and/or accreditations or certifications required for the nature of the organisation; and
- Plans to maintain or grow membership, volunteer, customer and/or employee base.



#### Criterion 6: Efficiency of Use

Evidence that the lessee intends to maximise the use of the premises by:

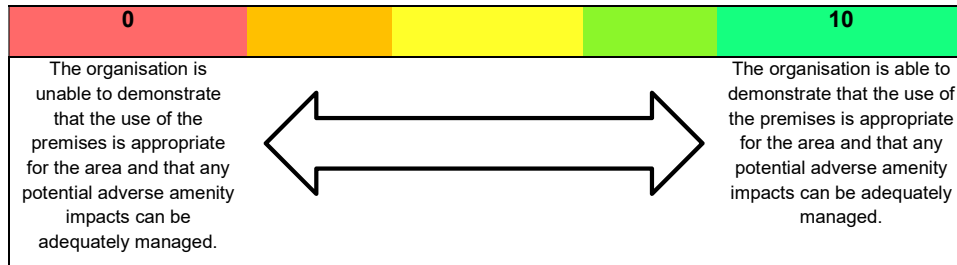
- Using the premises to its maximum potential themselves; and/or
- Advertising and making the premises available to other organisations when not in use.



**Criterion 7: Appropriate Use**

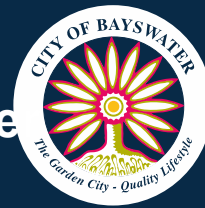
Evidence that:

- The use of the premises is appropriate for the area; and
- Any potential adverse amenity impacts can be adequately managed, such as carparking, noise, and anti-social behaviour.



City of  
**Bayswater**

# Community Facility Lease and Licence/User Agreement Policy



<b>Responsible Division</b>	Works and Infrastructure
<b>Responsible Business Unit</b>	Building Works
<b>Responsible Officer</b>	Community Lease Officer
<b>Affected Business Units</b>	Building Works
<b>ECM Document Set ID</b>	4281523

## Purpose

To provide a structured framework and basic principles to ensure a consistent and equitable approach to the management of community lease and licence/user agreements, for the use and tenancy of City owned and managed properties, including land. This policy will provide guidance to City officers to assess and negotiate tenancy agreements.

## Scope

This policy applies to all Community Lease and Licence/User Agreements for the use of City owned and managed properties. The policy defines clear tenant categories and associated roles and responsibilities of each party under a tenancy agreement, and provides basic principles for the consistent, equitable and effective management of the City's community leases, licences and user agreements.

## Definitions

For the purpose of this policy —

**Agreement:** a legally binding arrangement between parties, i.e. a Lease, License or User Agreement.

**Authorised Contact/s:** individuals of a group, organisation or club who have been nominated as the primary contacts for all lease, licence or user agreement correspondence.

**City:** City of Bayswater.

**Council:** a body of individuals elected by City ratepayers to manage the affairs of the City

**Facility:** land or building owned or managed by the City

**Lease:** a contract by which one party conveys land, property or service to another for a specified time usually in return of periodic payment.

**Licence:** a contract for the non-exclusive use of a facility.

**Licensee:** a person, group, club or organisation that holds a licence for the use of a facility.

**Lessee:** a person, group, club or organisation that holds the lease for the exclusive use of a facility.

**Lessor:** the owner of an asset that is leased to another party.

**Not for Profit:** an organisation that does not operate for the financial gain of a group or individual

**Public Liability Insurance:** a type of insurance that covers an organisation or group against losses or damage to a third party as a result of that group's or organisation's activities.

**Sub-tenant:** someone who occupies all or part of a premises under a lease agreement with the original/primary tenant of the premises.

**Tenant/s:** a person or persons who occupy a facility leased from the City, also known as lessee

**User Agreement:** contractual arrangement outlining the terms and conditions associated with usage, as negotiated.

## Policy Statement

1. The City will provide a range of well-maintained and well managed community facilities and enter into agreements with community based not-for-profit organisations and sporting and recreational groups to support community needs and engagement.
2. The City will ensure consistent and fair access to its community facilities for locally based groups/clubs and larger not-for-profit organisations which provide benefit to the community.
3. The City will aim to increase community access to activities and services by ensuring optimal utilisation of City facilities by encouraging multiuse, integration and co-location.
4. Any new tenancy agreements should be negotiated on the terms set out in this policy.
5. For the purposes of tenancy negotiation, all community lease and licences shall be classified into one of the categories as outlined in **Annexure 1**.
6. Council's adopted standard community lease agreement will be applied to all new community leases, including renewals of existing tenants. The standard community lease agreement will not be varied, unless it is required to meet the operational needs of the tenant, and only then will minor variations be made under delegated authority.
7. The City reserves the right in all cases to inspect the premises and ensure lease conditions and Key Performance Indicators are being met.

## Types of Agreements

8. The City will enter into one of the following agreements for the use of City owned and managed facilities:
  - a. Lease – provides exclusive use of a facility or a portion of a facility for an agreed term.
  - b. Licence – contractual agreement for the non-exclusive use of a premises under particular conditions, such as permitted access between agreed times only. Generally, will include regular payment as a consideration.
  - c. User Agreement – contractual tenancy agreement which outlines the terms and conditions associated with the usage of the facility. The terms of a user agreement are not usually standard and are negotiated between the two parties.

### Advertising a Facility for Lease/Licence and Lease/Licence Applications

9. The City will advertise and seek expressions of interest (EOI's) for consideration, to lease or licence a facility or portion of a facility when:
  - An existing building or space becomes vacant;
  - An existing agreement expires and is not renewed;
  - For reasons, an agreement is terminated by either party; and
  - A new building is constructed on land owned or managed by the City.
10. EOI submissions will be assessed by a panel against the City's Lease Assessment Criteria and presented to Council for consideration.
11. All EOI submissions must demonstrate how they satisfy each of the City's Lease Assessment Criteria and provide a formal proposal including the following:
  - A comprehensive business/organisation plan detailing the applicant's vision for the proposed lease space; and
  - Evidence that the proposed service/activities provides community benefit and/or an identified need of the community.

### Lease Administration and Management

12. Lease/licence tenure, fees and charges and all tenant obligations shall be as applicable to the respective tenant category outlined in **Annexure 1**.
13. Where practicable, utility charges will be individually metered for each tenant, otherwise an equitable percentage of the overall site utility charges will be applied.
14. The City will undertake annual property inspections to ensure lease conditions and will provide the tenant with a copy of the inspection report and appropriate feedback. Prior notice of the inspection will be given to the tenants.
15. The tenant is expected to maintain and keep the premises clean and in good repair. Tenants are to report any maintenance, damage, or repair requirements to the City in writing and in a timely manner.
16. All maintenance and repair requests will be considered by the relevant City officer/s and only undertaken if deemed necessary.
17. Approved maintenance or repairs will be undertaken by the City within a reasonable timeframe determined by the level of urgency.
18. Tenants are not permitted to sub-let any part of the leased premises without the written consent from the City and then must use the City's standard sub-lease agreement.

## Annual Audit

19. On the anniversary of the tenancy agreement, the City will assess the tenant's annual performance against the City's Lease Key Performance indicators (KPI's) and provide appropriate feedback on their performance. Tenants are required to complete the City's annual audit information request and provide copies of:

- Public Liability insurance with a minimum \$10 million coverage, preference being given to minimum coverage of \$20 million;
- Pest control certificate;
- Up to date authorised contacts list;
- An up to date key register
- Organisation financials/accounts;
- AGM Minutes;
- Playground inspection certificate (if applicable);
- Any required maintenance records where maintenance is required as part of the lease; and
- Copies of any required certifications or accreditations associated with the organisation.

## Related Legislation

*Local Government Act 1995 (WA)*

*Local Government (Functions and General) Regulations 1996*

*Residential Tenancies Act 1987 (WA)*

*Residential Park (Long-Stay Tenants) Act 2006 (WA) & Regulations*

## Related Documentation

City of Bayswater Community Lease Agreement

City of Bayswater Community and Commercial Lease KPI's and Assessment Criteria

City of Bayswater Breach of Lease Policy

## Document details

<b>Relevant delegations</b>	EF – D11 Leasing Agreements		
<b>Risk evaluation</b>	Moderate		
<b>Council adoption</b>	19 April 2011	<b>Resolution</b>	11.2.7
<b>Reviewed/modified</b>	1 March 2016	<b>Resolution</b>	
	9 April 2019		10.1.1
	28 June 2022		10.6.1.1

## Annexure 1

## Category 1a – Small Volunteer Community Groups

<b>Criteria</b>	Locally based organisations with a voluntary management committee and are a stand-alone Not-for-Profit organisation/community group (whether incorporated or not). Run solely by volunteers and facilitates programs/activities specifically targeted at local residents. Demonstrates a limited or no capacity to generate revenue through facility use and/or activities. Income is generally limited to low membership fees. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .
<b>Tenancy Term</b>	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
<b>Lease Fees and Charges</b>	Annual Rent: \$1.00  Outgoings: <ul style="list-style-type: none"> <li>• Emergency Services Levy (<i>exemptions for historical societies</i>)</li> <li>• All utility costs related to the tenants use of the premises (<i>exemptions for historical societies</i>)</li> <li>• Waste charges (<i>exceptions for historical societies</i>)</li> <li>• Annual routine maintenance charges applicable to the facility discounted by 50% (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems)</li> </ul> *Local Government Rates will not be charged by the City*
<b>Tenant Obligations</b>	<ul style="list-style-type: none"> <li>• Contents, public liability insurance and any other insurances associated with the tenants use of the facility</li> <li>• Internal and external cleaning (including annual carpet cleaning)</li> <li>• Consumables associated with the facility and the tenants use.</li> <li>• Pest control (excluding termite inspections and treatment)</li> <li>• Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.</li> </ul>
<b>City Obligations</b>	<ul style="list-style-type: none"> <li>• Building insurance</li> <li>• Building structural repairs and maintenance.</li> <li>• Gutter cleaning</li> <li>• External Drainage</li> <li>• Servicing of all inbuilt mechanical systems, security systems and fire safety systems (routine maintenance) with the cost being born by the tenant</li> <li>• Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect)</li> <li>• Annual termite inspections and treatments as required.</li> </ul>

## Annexure 1

## Category 1b – Not-for-Profit Community Groups and Organisations

<b>Criteria</b>	<p>Locally based Not-for-Profit organisation, club, or community group run by volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i>. Servicing a wider catchment than the City of Bayswater District with their primary base of operations located within the City of Bayswater. Demonstrates an affordable membership regime and facilitates programs and activities that add value to the social and community fabric of the City. Has the capacity to generate revenue through membership, use of the premises, or activities consistent with the organisations purpose.</p>
<b>Tenancy Term</b>	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
<b>Lease Fees and Charges</b>	<p>Annual Rent: \$1,390 plus GST and indexed annually to CPI</p> <p>Outgoings:</p> <ul style="list-style-type: none"> <li>• Emergency Services Levy</li> <li>• All utility costs related to the tenants use of the premises</li> <li>• Waste charges</li> <li>• Annual routine maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems)</li> </ul> <p>*Local Government Rates will not be charged by the City*</p>
<b>Tenant Obligations</b>	<ul style="list-style-type: none"> <li>• Contents, public liability insurance and any other insurances associated with the tenants use of the facility</li> <li>• Internal and external cleaning (including annual carpet cleaning)</li> <li>• Consumables associated with the facility and the tenants use.</li> <li>• Pest control (excluding termite inspections and treatment)</li> <li>• Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.</li> </ul>
<b>City Obligations</b>	<ul style="list-style-type: none"> <li>• Building insurance</li> <li>• Building structural repairs and maintenance.</li> <li>• Gutter cleaning</li> <li>• External Drainage</li> <li>• Servicing of all inbuilt mechanical systems, security systems and fire safety systems (routine maintenance) with the cost being born by the tenant</li> <li>• Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect)</li> <li>• Annual termite inspections and treatments as required.</li> </ul>



## Annexure 1

## Category 2 – Sporting Clubs and Recreational Groups

<b>Criteria</b>	Locally based sporting clubs and recreational groups (whether incorporated or not) with a voluntary management committee. Demonstrates an affordable membership regime and facilitates sporting or recreational activities and programs that add value to the social and community fabric of the City. Has the capacity to generate revenue through its use of the property by way of membership, bar/kitchen facilities, or activities consistent with the club/groups purpose. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> . *Excludes state and national sporting/recreational bodies*
<b>Tenancy Term</b>	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
<b>Lease Fees and Charges</b>	Annual Rent: \$1.00  Outgoings: <ul style="list-style-type: none"> <li>• Emergency Services Levy</li> <li>• All utility costs related to the tenants use of the premises</li> <li>• Waste charges</li> <li>• Annual routine maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems)</li> </ul> *Local Government Rates will not be charged by the City*
<b>Tenant Obligations</b>	<ul style="list-style-type: none"> <li>• Contents, public liability insurance and any other insurances associated with the tenants use of the facility</li> <li>• Internal and external cleaning (including annual carpet cleaning)</li> <li>• Consumables associated with the facility and the tenants use.</li> <li>• Pest control (excluding termite inspections and treatment)</li> <li>• Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.</li> </ul>
<b>City Obligations</b>	<ul style="list-style-type: none"> <li>• Building insurance</li> <li>• Building structural repairs and maintenance.</li> <li>• Gutter cleaning</li> <li>• External Drainage</li> <li>• Servicing of all inbuilt mechanical systems, security systems and fire safety systems (routine maintenance) with the cost being born by the tenant</li> <li>• Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect)</li> <li>• Annual termite inspections and treatments as required.</li> </ul>

## Annexure 1

## Category 3 – Community Child Care Centres

<b>Criteria</b> Locally based Not-for-Profit Community Child Care Centres with a voluntary management committee and run by either volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i> . Established to provide community services and has the capacity to generate revenue through its use of the property.	
<b>Tenancy Term</b>	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
<b>Lease Fees and Charges</b>	Annual Rent: \$1,360 plus GST and indexed annually to CPI  Outgoings: <ul style="list-style-type: none"> <li>• Emergency Services Levy</li> <li>• All utility costs related to the tenants use of the premises</li> <li>• Waste charges</li> <li>• Annual routine maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems)</li> </ul> *Local Government Rates will not be charged by the City*
<b>Tenant Obligations</b>	<ul style="list-style-type: none"> <li>• Contents, public liability insurance and any other insurances associated with the tenants use of the facility</li> <li>• Internal and external cleaning (including annual carpet cleaning)</li> <li>• Consumables associated with the facility and the tenants use</li> <li>• Pest control (excluding termite inspections and treatment)</li> <li>• Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.</li> </ul>
<b>City Obligations</b>	<ul style="list-style-type: none"> <li>• Building insurance</li> <li>• Building structural repairs and maintenance.</li> <li>• Gutter cleaning</li> <li>• External Drainage</li> <li>• Servicing of all inbuilt mechanical systems, security systems and fire safety systems (routine maintenance) with the cost being born by the tenant</li> <li>• Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect)</li> <li>• Annual termite inspections and treatments as required</li> </ul>

## Annexure 1

### Category 4 – Large Not-for-Profit Organisations, State and National Clubs/Associations and Places of Worship

<b>Criteria</b> Large Not-for-Profit groups that are professional organisations with paid staff and are generally Government funded, externally funded, or generates its own revenue through membership fees, events, venue hire, services, or other means consistent with the organisations purpose.	
<b>Tenancy Term</b>	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 10 years
<b>Lease Fees and Charges</b>	Annual Rent: 40% of market valuation plus GST, or as otherwise determined by the City following an Expression of Interest Process.  Outgoings: <ul style="list-style-type: none"> <li>• Emergency Services Levy</li> <li>• All utility costs related to the tenants use of the premises</li> <li>• Waste charges</li> <li>• Annual routine maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems)</li> </ul> *Local Government Rates will not be charged by the City*
<b>Tenant Obligations</b>	<ul style="list-style-type: none"> <li>• Contents, public liability insurance and any other insurances associated with the tenants use of the facility</li> <li>• Internal and external cleaning (including annual carpet cleaning)</li> <li>• Consumables associated with the facility and the tenants use</li> <li>• Pest control (excluding termite inspections and treatment)</li> <li>• Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.</li> </ul>
<b>City Obligations</b>	<ul style="list-style-type: none"> <li>• Building insurance</li> <li>• Building structural repairs and maintenance.</li> <li>• Gutter cleaning</li> <li>• External Drainage</li> <li>• Servicing of all inbuilt mechanical systems, security systems and fire safety systems (routine maintenance) with the cost being born by the tenant</li> <li>• Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (unless attributed to tenant's misuse or neglect)</li> <li>• Annual termite inspections and treatments as required</li> </ul>

## Annexure 1

## Category 5 – Child Health Clinics

<b>Criteria</b> Services provided by Community Child Health Nurses which are employed by the Department of Health. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .	
<b>Tenancy Term</b>	Informal User Agreement with a maximum term of 2 years
<b>Lease Fees and Charges</b>	Annual Rent: \$1.00  Outgoings: <ul style="list-style-type: none"> <li>• Emergency Services Levy</li> <li>• All utility costs related to the tenants use of the premises</li> <li>• Waste charges</li> <li>• Annual routine maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems)</li> </ul> *Local Government Rates will not be charged by the City*
<b>Tenant Obligations</b>	<ul style="list-style-type: none"> <li>• Contents, public liability insurance and any other insurances associated with the tenants use of the facility</li> <li>• Internal and external cleaning (including annual carpet cleaning)</li> <li>• Consumables associated with the facility and the tenants use</li> <li>• Pest control (excluding termite inspections and treatment)</li> <li>• Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.</li> </ul>
<b>City Obligations</b>	<ul style="list-style-type: none"> <li>• Building insurance</li> <li>• Building structural repairs and maintenance.</li> <li>• Gutter cleaning</li> <li>• External Drainage</li> <li>• Servicing of all inbuilt mechanical systems, security systems and fire safety systems (routine maintenance) with the cost being born by the tenant</li> <li>• Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (unless attributed to tenant's misuse or neglect)</li> <li>• Annual termite inspections and treatments as required</li> </ul>

**10.3.2 EMRC Council Meeting Minutes - 25 May 2023 and 22 June 2023**

<b>Responsible Branch</b>	Sustainability, Environment and Waste
<b>Responsible Directorate:</b>	Infrastructure and Assets
<b>Authority/Discretion:</b>	Information Purposes
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. EMRC Cash and Investments Report March 2023 [10.3.2.1 - 2 pages]</li> <li>2. EMRC Cash and Investments Report May 2023 [10.3.2.2 - 2 pages]</li> </ol>

**SUMMARY**

For Council to receive:

- The Meeting Minutes, Information Bulletin, and Cash and Investments Report for March 2023, from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 25 May 2023.
- The Unconfirmed Meeting Minutes, Information Bulletin and Investments Report for May 2023 from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 22 June 2023.

**COUNCIL RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council receives:

1. Meeting Minutes, Information Bulletin, and Cash and Investments Report for March 2023, from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 25 May 2023.
2. Unconfirmed Meeting Minutes, Information Bulletin and Investments Report for May 2023, from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 22 June 2023.

**Cr Assunta Meleca Moved, Cr Sally Palmer Seconded**

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

The EMRC held an Ordinary Council Meeting on 25 May 2023, with Cr Steven Ostaszewskyj and Cr Giorgia Johnson (deputising for Cr Michelle Sutherland) in attendance.

The EMRC's Ordinary Council Meeting on 22 June 2023 was attended by Cr Steven Ostaszewskyj and Cr Michelle Sutherland.

**EXTERNAL CONSULTATION**

Not applicable.

## OFFICER'S COMMENTS

The purpose of the report is to provide Council with information detailing the items with implications for the City of Bayswater from the EMRC Council Meetings of 25 May 2023 and 22 June 2023.

Copies of the meeting Minutes and Information Bulletins for May and June 2023 can be viewed on the EMRC website:

[Council Minutes » Eastern Metropolitan Regional Council \(emrc.org.au\)](https://emrc.org.au)

A copy of the Cash and Investments Report for March 2023 is included at **Attachment 1**, and for May 2023 at **Attachment 2**.

Issues considered at the meetings which may impact, or be of interest to, the City of Bayswater are:

### 25 May 2023 Meeting

- Financial Report for Period Ended 31 March 2023 (*page 33 of Council Minutes*)
- Financial Report for Period Ended 30 April 2023 (*page 54 of Council Minutes*)
- Request for Tender RFT 2022-009 – Provision of Transport Services from Hazelmere Resource Recovery Park to East Rockingham and Red Hill Waste Management Facility (*page 81 of Council Minutes*)
- Food Waste for Healthy Soils Deed of Grant (*page 170 of Council Minutes*)
- Making of the EMRC Meeting Procedures Local Law 2023 (*page 86 of Council Minutes*)
- 2022/2023 Council Tonnage Comparisons as at 30 April 2023 (*page 13 of Information Bulletin*)
- Sustainability Team Update – January to March 2023 (*page 32 of Information Bulletin*)
- Corporate Business Plan 2022/2023 - 2026/2027 - Third Quarter Reporting from January to March 2023 (*page 38 of Information Bulletin*)

### 22 June 2023 Meeting

- Financial Report for Period Ended 31 May 2023 (*page 24 of Council Minutes*)
- Review of Council Policies (*page 45 of Council Minutes*)
- Request for Tender RFT 2023-004 - Fire Hydrant Pipework System Upgrade at the Hazelmere Resource Recovery Park (*page 73 of Council Minutes*)
- Municipal Waste Advisory Council (MWAC) Minutes Held 19 April 2023 (*page 84 of Council Minutes*)
- Notice of Motion Received from Cr Steven Ostaszewskyj (*page 105 of Council Minutes*)

## LEGISLATIVE COMPLIANCE

Not applicable.

## 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.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Low	Low
Reputation	Low	Low

Governance	Low	Low
Community and Stakeholder	Low	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	This report is provided for information purposes only.	

## FINANCIAL IMPLICATIONS

As detailed in the attached Minutes.

## STRATEGIC IMPLICATIONS

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

Theme: Environment and Liveability

Goal E4: Lessen the City's Impact on the environment through its buildings, infrastructure, services and targets, such as zero emissions by 2040, and empower the community to live sustainably.

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

## CONCLUSION

For Council to receive:

1. The Meeting Minutes, Information Bulletin, and Cash and Investments Report for March 2023, from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 25 May 2023.
2. The Unconfirmed Meeting Minutes, Information Bulletin and Investments Report for May 2023, from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 22 June 2023.



Attachment 4 | Ordinary Meeting of Council | 25 May 2023 | Item 14.2

## CASH AND INVESTMENTS MARCH 2023

Actual June 2022	Actual Year to Date	(F) = Favourable variation (U) = Unfavourable variation	Full Year			
			Forecast	Budget	Variance	
Municipal Cash and Investments						
5,816,060	6,297,870	Cash at Bank - Municipal Fund 01001/00	7,104,427	2,006,230	5,098,197	(F)
4,050	4,050	Cash on Hand 01019/00 - 02	4,050	4,050	0	(F)
18,270,369	22,497,412	Investments - Municipal Fund 02021/00	21,047,286	22,660,078	(1,612,792)	(U)
24,090,479	28,799,332	Total Municipal Cash	28,155,763	24,670,358	3,485,405	(F)
Restricted Cash and Investments						
2,207,861	2,226,437	Restricted Investments - Plant and Equipment 02022/01	744,742	10,681	734,061	(F)
4,509,687	4,547,630	Restricted Investments - Post Closure Site Rehabilitation Red Hill 02022/02	5,024,020	4,964,929	59,091	(F)
20,460,811	10,271,055	Restricted Investments - Future Development 02022/03	20,412,005	13,134,832	7,277,173	(F)
2,107,483	2,125,215	Restricted Investments - Environmental Monitoring Red Hill 02022/04	2,327,221	2,300,936	26,285	(F)
742,057	748,300	Restricted Investments - Class IV Cells Red Hill 02022/07	743,026	879,352	(136,326)	(U)
17,764,498	8,258,072	Restricted Investments - Secondary Waste Processing 02022/09	10,138,038	16,286,784	(6,148,746)	(U)
2,535,771	2,557,106	Restricted Investments - Class III Cells 02022/10	2,806,872	2,120,087	686,785	(F)
5,345,394	5,390,369	Restricted Investments - EastLink Relocation 02022/13	5,479,583	5,343,168	136,415	(F)
0	15,813,449	Restricted Investments - Committed Funds 02022/14	0	0	0	(F)
253,152	1,139,606	Restricted Investments - Accrued Interest 02022/19	813,643	349,503	464,140	(F)
1,056,069	1,064,955	Restricted Investments - Long Service Leave 02022/90	1,101,625	1,086,614	15,011	(F)
56,982,783	54,142,194	Total Restricted Cash	49,590,775	46,476,886	3,113,889	(F)
81,073,262	82,941,526	TOTAL CASH AND INVESTMENTS	77,746,538	71,147,244	6,599,294	(F)

The Cash at Bank - Municipal Fund represents the balance on the last day of the relevant month. Any portion of the balance available for investment is transferred into the Investment - Municipal Fund account in the following period. Funds held in the Cash at Bank - Municipal Fund continue to accrue interest as per the Westpac commercial rates.



EMRC Investment Report			
March 2023			
I. Overall Portfolio Limits			
S&P Long Term Rating	S&P Short Term Rating	Short Term % Portfolio	Investment Maximum %
AA-	A-1+	57.21%	100.00%
A	A-1	18.95%	100.00%
BBB	A-2	23.84%	40.00%
		100.00%	
II. Single Entity Exposure			
Entity	S&P Long Term Rating	S&P Short Term Rating	Short Term % Portfolio
ANZ Banking Group	AA-	A-1+	0.00%
AMP	BBB	A-2	12.23%
NAB	AA-	A-1+	9.78%
Westpac / St. George Bank	AA-	A-1+	23.59%
Suncorp	A+	A-1	14.67%
BOQ / ME Bank	BBB+	A-2	11.61%
Commonwealth Bank	AA-	A-1+	23.84%
ING	A	A-1	2.45%
Macquarie Bank	A+	A-1	1.83%
			100.00%
* Non-Fossil Fuel ADI (Authorised Deposit Taking Institution)			
III. Term to Maturity Framework			
Investment Policy Guidelines			
Maturity Profile	% Portfolio	% Min	% Max
Less Than 1 Year	100.00%	40%	100%
Greater than 1 year & less than or equal to 3 years	0.00%	0%	60%
	100.00%		
IV. Fossil Fuel Divestment			
Non-Fossil Fuel ADI's	% Portfolio		
Fossil Fuel ADI's	14.67%	85.33%	100.00%



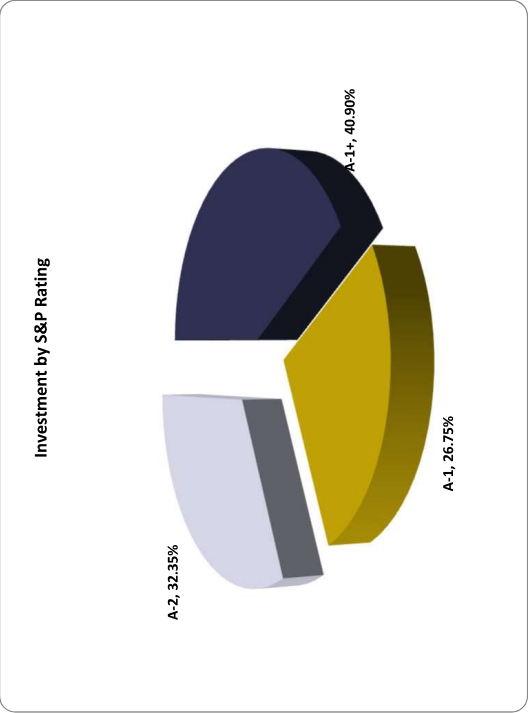
Attachment 4 | Ordinary Meeting of Council | 22 June 2023 | Item 14.2

## CASH AND INVESTMENTS MAY 2023

Actual June 2022	Actual Year to Date	(F) = Favourable variation (U) = Unfavourable variation	Full Year			
			Forecast	Budget	Variance	
Municipal Cash and Investments						
5,816,060	5,867,347	Cash at Bank - Municipal Fund 01001/00	11,426,318	2,006,230	9,420,088	(F)
4,050	4,050	Cash on Hand 01019/00 - 02	4,050	4,050	0	(F)
18,270,369	21,459,232	Investments - Municipal Fund 02021/00	18,204,102	22,660,078	(4,455,976)	(U)
24,090,479	27,330,629	Total Municipal Cash	29,634,470	24,670,358	4,964,112	(F)
Restricted Cash and Investments						
2,207,861	2,249,832	Restricted Investments - Plant and Equipment 02022/01	1,376,707	10,681	1,366,026	(F)
4,509,687	4,595,415	Restricted Investments - Post Closure Site Rehabilitation Red Hill 02022/02	5,338,576	4,964,929	373,647	(F)
20,460,811	10,423,847	Restricted Investments - Future Development 02022/03	23,620,098	13,134,832	10,485,266	(F)
2,107,483	2,147,546	Restricted Investments - Environmental Monitoring Red Hill 02022/04	2,475,147	2,300,936	174,211	(F)
742,057	756,163	Restricted Investments - Class IV Cells Red Hill 02022/07	36,612	879,352	(842,740)	(U)
17,764,498	9,053,086	Restricted Investments - Secondary Waste Processing 02022/09	9,825,096	16,286,784	(6,461,688)	(U)
2,535,770	2,583,975	Restricted Investments - Class III Cells 02022/10	2,366,872	2,120,087	246,785	(F)
5,345,394	5,447,010	Restricted Investments - EastLink Relocation 02022/13	5,479,583	5,343,168	136,415	(F)
0	14,707,747	Restricted Investments - Committed Funds 02022/14	0	0	0	(F)
253,152	904,221	Restricted Investments - Accrued Interest 02022/19	813,643	349,503	464,140	(F)
1,056,070	1,076,145	Restricted Investments - Long Service Leave 02022/90	1,101,625	1,086,614	15,011	(F)
56,982,783	53,944,987	Total Restricted Cash	52,433,959	46,476,886	5,957,073	(F)
81,073,262	81,275,616	TOTAL CASH AND INVESTMENTS	82,068,429	71,147,244	10,921,185	(F)

The Cash at Bank - Municipal Fund represents the balance on the last day of the relevant month. Any portion of the balance available for investment is transferred into the Investment - Municipal Fund account in the following period. Funds held in the Cash at Bank - Municipal Fund continue to accrue interest as per the Westpac commercial rates.

EMRC Investment Report			
May 2023			
I. Overall Portfolio Limits			
S&P Long Term Rating	S&P Short Term Rating	Short Term % Portfolio	Investment Maximum %
AA-	A-1+	40.90%	100.00%
A	A-1	26.75%	100.00%
BBB	A-2	32.35%	40.00%
		100.00%	
II. Single Entity Exposure			
	S&P Long Term Rating	S&P Short Term Rating	Short Term % Portfolio
ANZ Banking Group	AA-	A-1+	0.00%
AMP	BBB	A-2	12.44%
NAB	AA-	A-1+	9.95%
Westpac / St. George Bank	AA-	A-1+	22.86%
Suncorp	A+	A-1	23.64%
BOQ / ME Bank	BBB+	A-2	19.91%
Commonwealth Bank	AA-	A-1+	8.09%
ING	A	A-1	2.49%
Macquarie Bank	A+	A-1	0.62%
		100.00%	
* Non-Fossil Fuel ADI (Authorised Deposit Taking Institution)			
III. Term to Maturity Framework			
Investment Policy Guidelines			
Maturity Profile	% Portfolio	% Min	% Max
Less Than 1 Year	100.00%	40%	100%
Greater than 1 year & less than or equal to 3 years	0.00%	0%	60%
		100.00%	
IV. Fossil Fuel Divestment			
Non-Fossil Fuel ADI's			% Portfolio
Fossil Fuel ADI's			23.64%
			76.36%
			100.00%



**10.4 Community Directorate Reports**

Nil.

**10.5 Sub Committee Reports****10.5.1 Policy Review and Development Committee - 28 June 2023****10.5.1.1 2023 Policy Review Schedule - Progress Report**

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

**SUMMARY**

This report monitors the progress of Policy Reviews against the Policy Review Schedule adopted by Council on 31 January 2023.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council notes the progress of Policy Reviews against the 2023 Policy Review Schedule.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

At its meeting of 28 November 2022, the Policy Review and Development Committee (PRDC) recommended that Council adopted a policy schedule for 2023. The schedule was subsequently adopted by Council at its meeting of 31 January 2023.

At the PRDC meeting of 28 March 2023, the Committee requested for the schedule of policies due in 2023 to be included in the agenda for each Policy meeting so the Committee could monitor progress of policy reviews against the schedule. This is the first report to satisfy that requirement.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The progress of policy reviews against the 2023 Policy Review Schedule is shown in the table below. The schedule is aims to review all of the City's Policies within a two-year period to ensure that all of the City's policies are up to date and relevant.

Five of the policies due to be reviewed at the PRDC meeting of 13 March 2023 were rescheduled to the Policy Committee of June 2023. It should be noted that the review of the Sundry Debt Collection Policy was brought forward to the 13 March 2023 meeting.

Two of the policies due to be reviewed at the PRDC meeting of 28 June 2023 are not yet ready for review and will be presented to the August 2023 PRDC Meeting.

It should be noted that a number of policies that were not scheduled for review have been brought forward for review at the 28 June 2023 PRDC, because of operational, audit or legislative requirements. These include the Grants Program Policy, Volunteer Policy and Elected Members Issue of Stationery and Equipment Policy. There are also a number of new Policies being submitted for consideration at that meeting of the Committee, including the proposed Naming of Parks, Reserves, Streets and Infrastructure Policy, the Complaint Management Policy, and the Integrated Planning and Reporting Policy.

Although this will mean there are a large number of policies to consider at this meeting of the Committee, it was not considered prudent to further delay policy reviews or introduction of important new policies as these are important for managing risks for the City.

Policy Committee Meeting Date	Policy Name	Review Status	Comment
13 March 2023	Cyber Security	Rescheduled	Review of this policy was rescheduled to the June PRDC.
	Use of City Information Resources	Rescheduled	Review of this policy was rescheduled to the June PRDC.
	ICT Business Continuity	Rescheduled	Review of this policy was rescheduled to the June PRDC.
	Investment	Rescheduled	This policy was submitted to the PRDC of 13 March 2023 for consideration, and the Committee referred it to the PRDC of 12 June 2023 to allow more time for Officers to review and redraft the Policy.
	Corporate Credit Card	Completed	The PRDC reviewed this policy at its 13 March 2023 meeting and recommended amendments, which were accepted by Council at its Ordinary Council Meeting of 28 March 2023.
	Rates and Charges Collection	Rescheduled	Review of this policy was rescheduled to the June PRDC.
	Rates Exemption	Rescheduled	Review of this policy was rescheduled to the June PRDC.
	Anniversary Recognitions	Completed	The PRDC reviewed this policy at its 13 March 2023 meeting and recommended amendments, which were accepted by Council at its Ordinary Council Meeting of 28 March 2023.
28 June 2023	Public Reserves - Management of Vegetation Adjacent to Private Property	On-track	This policy is presented for review in the PRDC agenda for 28 June 2023.
	Requirements to Hold a Current Public Liability Insurance	Rescheduled	The City is waiting on advice from its insurer, LGIS, before it is able to finalise this Policy. At this stage it is expected that this Policy will be presented for review at the August meeting of the PRDC.
	Senior and Executive Staff	On-track	This policy is presented for review in the PRDC agenda for 28 June 2023.

Policy Committee Meeting Date	Policy Name	Review Status	Comment
	Attendance at Conferences, Seminars and Training		
	CCTV Management	On-track	This policy is presented for review in the PRDC agenda for 28 June 2023.
	Equal Opportunity	Rescheduled	Review of this policy has been delayed as it has become part of a larger piece of work to develop a People and Culture Policy. The People and Culture Policy is expected to be brought to the Committee for consideration at its August meeting.
	Elected Members Contact with Developers	On-track	This policy is presented for review in the PRDC agenda for 28 June 2023.
	Pedestrian Accessway Closures	On-track	This policy is presented for review in the PRDC agenda for 28 June 2023.
28 August 2023	Loan Borrowing	Not started	This Policy is on track to be reviewed at the PRDC of 28 August 2023.
	Strategic Budget	Not started	This Policy is on track to be reviewed at the PRDC of 28 August 2023.
	Sundry Debt Collection and Recovery	Completed	Review of this policy was brought forward to the PRDC of 13 March 2023. The revised policy was adopted by Council at its meeting of 28 March 2023.
	Cash-backed Reserves	Not started	This Policy is on track to be reviewed at the PRDC of 28 August 2023.
	Infringement Notices	Not started	This Policy is on track to be reviewed at the PRDC of 28 August 2023.
	Volunteer Policy	Not started	This Policy is on track to be reviewed at the PRDC of 28 August 2023.
	Drugs and Alcohol	Not started	This Policy is on track to be reviewed at the PRDC of 28 August 2023.
20 November 2023	Councillor Complaints Policy	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.
	Asset Management	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.
	Fraud and Corruption	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.
	Communications and Social Media	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.
	Use of City of Bayswater Logo	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.
	Privacy	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.
	Elected Members Request for Information	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.
	Occupational Safety and Health	Not started	This Policy is on track to be reviewed at the PRDC of 20 November 2023.

**LEGISLATIVE COMPLIANCE**

Nil.

**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.

<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
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
<b>Conclusion</b>	Tracking the progress of policy reviews against the adopted schedule ensures that the City's policies continue to be effective in managing organisational risks.	

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

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

Theme: Leadership and Governance

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

**CONCLUSION**

This report monitors the progress of Policy Reviews against the Policy Review Schedule adopted by Council on 31 January 2023.

**10.5.1.2 Policy Review: Cyber Security**

<b>Responsible Branch:</b>	Information Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Cyber Security Policy [9.2.1 - 1 page]</li> <li>2. Current Policy with Tracked Changes - Cyber Security Policy [9.2.2 - 2 pages]</li> <li>3. Revised Cyber Security Policy [9.2.3 - 2 pages]</li> </ol>

**SUMMARY**

For the Committee to consider and endorse the updated Cyber Security Policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the revised policy Cyber Security Policy as presented in Attachment 3.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

The Cyber Security Policy sets out the guidelines and procedures that the City follows to protect its information technology (IT) infrastructure, systems, and data from unauthorised access, disruption, theft, or damage. It serves as a comprehensive framework for addressing cybersecurity risks and managing potential incidents. It was first adopted in May 2018 and outlines the actions required to ensure the protection of the City's information and digital services. The Cyber Security policy is necessary because it establishes a framework to protect sensitive information, mitigate risks, comply with regulations, maintain reputation and trust, respond to incidents effectively, foster a security-conscious culture, manage third-party relationships, and ensure business continuity in the face of cyber threats.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The following revisions are proposed to the Cyber Security policy:

<b>Revision</b>	<b>Rationale</b>
Updating policy statements.	Meeting Office of Auditor General requirements for network segregation and device access controls, least privilege access management with multifactor authentication and the adoption of end point security controls (OAG Report 19. Findings 2-4). As well as reflecting current industry guidelines and recommendations.
Updated relevant documentation	Ensure relevancy by adhering to necessary legislation.



A copy of the current policy is presented in **Attachment 1**.

A copy of the current policy, with amendments shown in 'tracked changes' is presented in **Attachment 2**.

A final copy of the revised policy with the amendments is presented in **Attachment 3**.

## LEGISLATIVE COMPLIANCE

Nil.

## 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.

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
<b>Conclusion</b>	The Cyber Security Policy is as assessed low risk as the proposed amendments have been made primarily for clarity and that they are up to date with current standards	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

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

## CONCLUSION

That the Committee endorses the revised Cyber Security policy for submission to Council for consideration.

## COUNCIL POLICY: CYBER SECURITY

**POLICY OWNER:** Manager Information Services

**POLICY STATEMENT:** To protect the City of Bayswater's (the City) ICT assets and ensure cyber security best practice standards.

### POLICY DETAILS

In order to protect intangible ICT assets from attack by parties external to the City and maintain the integrity and confidentiality of the data the City adopts the following policy.

The City will:

1. Implement controls over systems and processes to prevent unauthorised access to City data and ICT assets;
2. Undertake regular audits and testing in order to prevent and remedy:
  - a. Illegal access by unauthorised parties;
  - b. Appropriation of City owned and held data;
  - c. Disruption of the City's normal business activities;
3. Proactively modify and update systems to respond to changing risks and threats to data integrity;
4. Monitor and report on suspected and attempted breaches and remedies applied;
5. Source insurance cover to protect against any threats.
6. Develop Management Practices as required providing procedural guidance to Council and officers about how to implement this policy in the workplace.

### DEFINITIONS:

**"ICT Resources"** means electronic data exchange, via internal and external data networks, internet access, E-mail and any other electronic data transfer using City equipment and services.

**"Intangible ICT Asset"** means the City's intellectual property, typically data which is owned or held by the City and may have a value to others.

### RELATED LEGISLATION AND OTHER REFERENCES

- ISO 27001 Specification for Information Security Management System

<b>Adopted by Council:</b>	22 May 2018
<b>Reviewed</b>	Nil
<b>Strategic Link</b>	Governance and Leadership





# Cyber Security Policy

Responsible Division	Corporate Services
Responsible Business Unit	Information Services
Responsible Officer	Manager Information Services
Affected Business Units	All Business Units
ECM Document Set ID	TBC

## Purpose

To protect the City of Bayswater's (the City) ICT assets and ensure cyber security best practice standards. To enforce the protection of the City of Bayswater's (the City) Information Communication Technology and information assets from information security threats through the implementation of targeted security controls and best practice standards.

## Definitions

For the purpose of this policy —

**ICT Resources** means electronic data exchange, via internal and external data networks, internet access, E-mail and any other electronic data transfer using City equipment and services.

**Intangible ICT Asset** means the City's intellectual property, typically data which is owned or held by the City and may have a value to others.

## Policy Statement

In order to protect intangible ICT and information assets from attack by unauthorised parties external to the City and maintain ensuring that the integrity and the confidentiality, integrity and availability of the data the City's adopts information, the following policy has been adopted.

The City will:

1. Implement access controls over all systems and processes networks to prevent unauthorised access to City's ICT and information data and ICT assets;
2. Undertake regular information security audits and testing in order to prevent and remedy allow remediation of:
  - (a) The potential for illegal access by unauthorised parties;
  - (b) Appropriation Loss or compromise of City owned and held data ICT and information assets;
  - (c) Potential dDisruption of the City's normal business activities;

3. Proactively ~~modify and update systems to respond to changing risks and threats to data integrity; maintain systems in a secure state in response to evolving threats to the organisation.~~
4. Monitor and report on suspected and attempted breaches and remedies applied;
5. Source insurance cover to protect against any threats;
6. ~~Develop Management Practices as required providing procedural guidance to Council and officers about how to implement this policy in the workplace.~~ Develop and Maintain Management Practices as required to provide direction to Council and the City's officers regarding the implementation of this policy in the workplace.

### Related Legislation

Nil.

### Related Documentation

ISO 27001 Specification for Information Security Management Systems

Privacy Act 1998

Office of Digital Government Security Policy

ACSC Essential Eight

### Document details

<b>Relevant delegations</b>	Nil.		
<b>Risk evaluation</b>	High		
<b>Strategic link</b>	<p>Communicate in in a clear and transparent way.</p> <p>Provide the community with useful information about the Council's policies, services and events and advise the community of engagement outcomes.</p>		
<b>Council adoption</b>	22 May 2018	<b>Resolution</b>	13.5
<b>Next review due</b>	June 2025		
<b>Reviewed/modified</b>	22 August 2023	<b>Resolution</b>	TBC



# Cyber Security Policy

<b>Responsible Division</b>	Corporate Services
<b>Responsible Business Unit</b>	Information Services
<b>Responsible Officer</b>	Manager Information Services
<b>Affected Business Units</b>	All Business Units
<b>ECM Document Set ID</b>	TBC

## Purpose

To enforce the protection of the City of Bayswater's (the City) Information Communication Technology and information assets from information security threats through the implementation of targeted security controls and best practice standards.

## Definitions

For the purpose of this policy —

**ICT Resources** means electronic data exchange, via internal and external data networks, internet access, E-mail and any other electronic data transfer using City equipment and services.

**Intangible ICT Asset** means the City's intellectual property, typically data which is owned or held by the City and may have a value to others.

## Policy Statement

In order to protect ICT and information assets from attack by unauthorised parties ensuring that the confidentiality, integrity and availability of the City's information, the following policy has been adopted.

The City will:

1. Implement access controls over all systems and networks to prevent unauthorised access to City's ICT and information assets;
2. Undertake regular information security audits and testing in order to prevent and allow remediation of:
  - (a) The potential for illegal access by unauthorised parties;
  - (b) Loss or compromise of City owned ICT and information assets;
  - (c) Potential disruption of the City's business activities;
3. Proactively maintain systems in a secure state in response to evolving threats to the organisation.
4. Monitor and report on suspected and attempted breaches and remedies applied;
5. Source insurance cover to protect against any threats;

6. Develop and Maintain Management Practices as required to provide direction to Council and the City's officers regarding the implementation of this policy in the workplace.

### Related Legislation

Nil.

### Related Documentation

ISO 27001 Specification for Information Security Management Systems

Privacy Act 1998

Office of Digital Government Security Policy

ACSC Essential Eight

### Document details

<b>Relevant delegations</b>	Nil.		
<b>Risk evaluation</b>	High		
<b>Strategic link</b>	Communicate in in a clear and transparent way. Provide the community with useful information about the Council's policies, services and events and advise the community of engagement outcomes.		
<b>Council adoption</b>	22 May 2018	<b>Resolution</b>	13.5
<b>Next review due</b>	June 2025		
<b>Reviewed/modified</b>	22 August 2023	<b>Resolution</b>	TBC

**10.5.1.3 Policy Review: ICT Business Continuity**

<b>Responsible Branch:</b>	Information Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current ICT Business Continuity Policy [9.3.1 - 1 page]</li> <li>2. Current Policy with Tracked Changes - ICT Business Continuity Policy [9.3.2 - 2 pages]</li> <li>3. Revised ICT Business Continuity Policy [9.3.3 - 2 pages]</li> </ol>

**SUMMARY**

For the Committee to consider and endorse the updated ICT Business Continuity Policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the revised policy ICT Business Continuity Policy as presented in Attachment 3.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

The ICT Business Continuity Policy sets out the requirement to ensure continuity of the business in the event of a significant impact to the City's ICT services. It was first adopted in May 2018 and outlines the actions required to ensure the City's information and digital services are highly available. The ICT Business Continuity Policy is necessary to maintain operational resilience; protect data and information; comply with legal requirements; enhance reputation; and enable effective incident response and recovery. It provides a roadmap for the City to navigate through disruptions, minimise the impact, and continue delivering critical ICT services.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The following revisions are proposed to the ICT Business Continuity policy:

<b>Revision</b>	<b>Rationale</b>
Included a definition for disaster recovery.	For clarification purposes.
Updated policy statements.	Meeting Office of Auditor General requirements for business continuity and disaster recovery planning, backup and recovery techniques and Cybersecurity incident management (OAG Report 19. Finding 6). As well as reflecting

	current industry guidelines and recommendations
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A copy of the current policy is presented in **Attachment 1.**

A copy of the current policy, with amendments shown in 'tracked changes' is presented in **Attachment 2.**

A final copy of the revised policy with the amendments is presented in **Attachment 3.**

## LEGISLATIVE COMPLIANCE

Nil.

## 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.

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
<b>Conclusion</b>	The ICT Business Continuity Policy is as assessed low risk as the proposed amendments have been made primarily for clarity and that they are up to date with current standards.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

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

## CONCLUSION

That the Committee endorses the revised policy ICT Business Continuity Policy for submission to Council for consideration.



## COUNCIL POLICY: ICT BUSINESS CONTINUITY

**POLICY OWNER:** Manager Information Services

**POLICY STATEMENT:** To ensure continuity of business in the event of failure or loss of primary ICT infrastructure.

**POLICY DETAILS:**

In order to ensure that the City of Bayswater's (the City) information and digital services are always available to all stakeholders, the City adopts the following policy:

1. The City's Disaster Recovery Plan provides for changing ICT environments and requirements for city business continuity and is updated annually;
2. City data is protected by back up procedures and regular reviews of redundancies, storage infrastructure and the changing value of information over time;
3. IT specific risk assessment criteria and mitigation strategies are applied to all corporate projects and business as usual activities.
4. Management Practices will be developed as required to provide procedural guidance to Council and officers about how to implement this policy in the workplace.

**DEFINITIONS:**

"**ICT infrastructure**" means physical infrastructure to deliver information and communication of data to City stakeholders, both internal and external - includes servers, connections to mobile devices, cable, towers, remote storage and computers.

**RELATED LEGISLATION AND OTHER REFERENCES**

Nil



<b>Adopted by Council:</b>	22 May 2018
<b>Reviewed</b>	Nil
<b>Strategic Link</b>	Governance and Leadership



# ICT Business Continuity Policy

Responsible Division	Corporate Services
Responsible Business Unit	Information Services
Responsible Officer	Manager Information Services
Affected Business Units	All Business Units
ECM Document Set ID	TBC

## Purpose

To ensure continuity of the business in the event of failure or loss a significant impact to the City's of primary ICT Information Communication Technology infrastructure, functionality or services.

## Definitions

For the purpose of this policy —

**Disaster Recovery** refers to the process and strategies implemented to restore and resume normal operations of an organization's systems, technologies, and infrastructure following a disruptive event or disaster. It involves the systematic planning, implementation, and testing of measures to minimize downtime, recover data, and ensure business continuity after a significant incident.

**ICT Infrastructure** means physical infrastructure to deliver information and communication of data to City stakeholders, both internal and external - includes servers, connections to mobile devices, cable, towers, remote storage and computers.

## Policy Statement

In order to ensure that the City of Bayswater's (the City) information and digital services are always available to all stakeholders, the City adopts the following policy:

1. The City's Disaster Recovery Plan provides for changing variations within ICT environments that will enable continuity in information services, and requirements for city business continuity and is updated annually. The Disaster Recovery Plan is tested and updated on an annual basis.
2. City data is protected by back up procedures and regular reviews of redundancies, storage infrastructure and the changing value of information over time; City information and data are protected by backup procedures and regular reviews of technology redundancies, storage infrastructure and the evolving value of the City's information (value to the City and to Cybercriminals).
3. ICT specific risk assessment criteria and mitigation strategies are applied to all corporate projects and business as usual activities.

4. Management Practices ~~will behave~~ been developed as required to provide procedural ~~guidance~~direction to Council and the City's officers ~~about how to~~regarding the implementation of this policy ~~in~~ within the workplace.

### Related Legislation

Nil.

### Related Documentation

Nil.

### Document details

Relevant delegations	Nil.		
Risk evaluation	Low		
Strategic link	Communicate in in a clear and transparent way. Provide the community with useful information about the Council's policies, services and events and advise the community of engagement outcomes.		
Council adoption	22 May 2018	Resolution	13.5
Next review due	June 2027		
Reviewed/modified	22 August 2023	Resolution	TBC



# ICT Business Continuity Policy

<b>Responsible Division</b>	Corporate Services
<b>Responsible Business Unit</b>	Information Services
<b>Responsible Officer</b>	Manager Information Services
<b>Affected Business Units</b>	All Business Units
<b>ECM Document Set ID</b>	TBC

## Purpose

To ensure continuity of the business in the event of a significant impact to the City's Information Communication Technology infrastructure, functionality or services.

## Definitions

For the purpose of this policy —

**Disaster Recovery** refers to the process and strategies implemented to restore and resume normal operations of an organization's systems, technologies, and infrastructure following a disruptive event or disaster. It involves the systematic planning, implementation, and testing of measures to minimize downtime, recover data, and ensure business continuity after a significant incident.

**ICT Infrastructure** means physical infrastructure to deliver information and communication of data to City stakeholders, both internal and external - includes servers, connections to mobile devices, cable, towers, remote storage and computers.

## Policy Statement

In order to ensure that the City of Bayswater's (the City) information and digital services are always available to all stakeholders, the City adopts the following policy:

1. The City's Disaster Recovery Plan provides for variations within ICT environments that will enable continuity in information services. The Disaster Recovery Plan is tested and updated on an annual basis.
2. City information and data are protected by backup procedures and regular reviews of technology redundancies, storage infrastructure and the evolving value of the City's information (value to the City and to Cybercriminals).
3. ICT specific risk assessment criteria and mitigation strategies are applied to all corporate projects and business as usual activities.
4. Management Practices have been developed as required to provide procedural direction to Council and the City's officers regarding the implementation of this policy within the workplace.

## Related Legislation

Nil.

## Related Documentation

Nil.

## Document details

<b>Relevant delegations</b>	Nil.		
<b>Risk evaluation</b>	Low		
<b>Strategic link</b>	Communicate in in a clear and transparent way. Provide the community with useful information about the Council's policies, services and events and advise the community of engagement outcomes.		
<b>Council adoption</b>	22 May 2018	<b>Resolution</b>	13.5
<b>Next review due</b>	June 2027		
<b>Reviewed/modified</b>	22 August 2023	<b>Resolution</b>	TBC

**10.5.1.4 Policy Review: Use of City Information Resources**

<b>Responsible Branch:</b>	Information Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Use of City Information Resources Policy [9.4.1 - 1 page]</li> <li>2. Current Policy with Tracked Changes - Use of City Information Resources Policy [9.4.2 - 2 pages]</li> <li>3. Revised Use of City Information Resources Policy [9.4.3 - 2 pages]</li> </ol>

**SUMMARY**

For Council to consider and endorse the updated Use of City Information Resources Policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the revised policy Use of City Information Resources Policy as presented in Attachment 3.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

The Use of City Information Resources policy is essential for efficient management, security, compliance, fairness, resource allocation, collaboration, and continuity of the City's information assets. It helps establish guidelines, procedures, and standards to govern the use of these resources and ensure their effective and responsible utilisation for the benefit of the City and its residents. The policy was first adopted in May 2018 and helps the City establish a framework for responsible and efficient use of information resources throughout its operations.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The following revisions are proposed to the Use of City Information Resources policy:

<b>Revision</b>	<b>Rationale</b>
Updating policy statements.	Meeting Office of Auditor General requirements for the classification of sensitive information, service provider security assurance and information security framework implementation (OAG Report 19 – Finding 5). As well as reflecting current industry guidelines and recommendations.
Updated relevant documentation	Ensure relevancy by adhering to necessary frameworks.

A copy of the current policy is presented in **Attachment 1**.

A copy of the current policy, with amendments shown in 'tracked changes' is presented in **Attachment 2**.

A final copy of the revised policy with the amendments is presented in **Attachment 3**.

## LEGISLATIVE COMPLIANCE

Nil.

## 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.

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
<b>Conclusion</b>	The Use of City Information Resources Policy is as assessed low risk as the proposed amendments have been made primarily for clarity and ensuring that they are up to date with current industry standards.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

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

## CONCLUSION

That the Committee endorses the revised policy Use of City Information Resources for submission to Council for consideration.

## COUNCIL POLICY: USE OF CITY INFORMATION RESOURCES

**POLICY OWNER:** Manager Information Services

**POLICY STATEMENT:** To ensure proper usage of all information and communications technology (ICT) resources, including any electronic data transfer using the City of Bayswater's (the City) ICT resources.



### POLICY DETAILS

In order to protect the integrity of the City's data and ICT facilities, the City adopts the following policy:

1. The use of ICT resources should be consistent with the City's business operations.
2. Persons are accountable for their use of the City's ICT facilities.
3. The network, and its connections to other networks, is to be used only in a manner that is consistent with these purposes and within the spirit of this Policy.
4. This includes, but is not limited to:
  - a. Access to information that relates to the City's functions, objectives and mission.
  - b. Access to information that relates to authorised professional employee development.
  - c. Business communications with external parties and organisations that relate to the City's functions, objectives and mission.
  - d. Conducting research that relates to the City's functions, objectives and mission.
  - e. Compliance reporting (e.g. finance)
  - f. Maintaining relevant professional business relationships with other organisations, groups and colleagues.
5. Limited personal use is permitted but must not interfere with the City's business operations.
6. Improper use of the City's ICT facilities will be addressed in accordance with this policy and may lead to disciplinary action, criminal prosecution, or both.

### DEFINITIONS:

**"ICT Resources"** means electronic data exchange, via internal and external data networks, internet access, E-mail and any other electronic data transfer using City of Bayswater equipment and services.

### RELATED LEGISLATION AND OTHER REFERENCES

- *State Records Act 2000*
- *Freedom of Information Act 1992*
- *City of Bayswater - Code of Ethics for Employees*

<b>Adopted by Council:</b>	22 May 2018
<b>Reviewed</b>	Nil
<b>Strategic Link</b>	Governance and Leadership





# Use of City Information Resources Policy

<b>Responsible Division</b>	Corporate Services
<b>Responsible Business Unit</b>	Information Services
<b>Responsible Officer</b>	Manager Information Services
<b>Affected Business Units</b>	All Business Units
<b>ECM Document Set ID</b>	TBC

## Purpose

To ensure proper acceptable use of all information and Communications Technology (ICT) resources, including any the electronic data transfer using of any of the City of Bayswater's (the City) ICT resources information assets.

## Definitions

For the purpose of this policy —

**ICT Resources** means electronic data exchange, via internal and external data networks, internet access, E-mail and any other electronic data transfer using City of Bayswater equipment and services.

## Policy Statement

In order to protect the integrity of the City's data and ICT facilities, the City adopts the following policy:

1. The use of the City's ICT resources must should be consistent with the City's business operations.
2. All pPersons are accountable for their use of the City's ICT facilities and the handling of information.
3. The network, and its connections to other networks are, is to be used only in a manner that is consistent with these purposes and within the spirit of this Policy aims and requirements of the City and with this policy, including.
4. This includes, but is not limited to:
  - a. The control of aAccess to information that relates relating to the City's functions, objectives and mission.
  - b. The control of aAccess to all information that relates to authorised professional employee development relating to the City's employees.
  - c. Business communications with external parties and organisations that relate to the City's functions, objectives and mission. The control of access to all information entrusted to the City by residents of the City of Bayswater.

- d. Conducting research that relates to the City's functions, objectives and mission. The protection of business communications with external parties that relate to the City's functions objectives and or mission.
  - e. Compliance reporting ~~(e.g. finance)~~
  - f. Maintaining relevant professional business relationships with other organisations, groups and colleagues. Access to the City's ICT and Information assets is to be limited to those persons that have a genuine business need-to-know and is to be allocated on a strict least-privilege basis.
  - a. Maintaining relevant professional business relationships with other organisations and agencies.
5. Limited personal use (occasional use and low network traffic) is permitted but must not interfere with the City's business operations.
  6. Improper use of the City's ICT facilities will be addressed in accordance with this policy and may lead to disciplinary action, criminal prosecution, or both.

## Related Legislation

*State Records Act 2000*

*Freedom of Information Act 1992*

*Privacy Act 1988*

*WA Government Office of Digital Government Security Policy*

## Related Documentation

City of Bayswater - Code of Ethics for Employees

## Document details

Relevant delegations	Nil.		
Risk evaluation	High		
Strategic link	Communicate in in a clear and transparent way. Provide the community with useful information about the Council's policies, services and events and advise the community of engagement outcomes.		
Council adoption	22 May 2018	Resolution	13.5
Next review due	June 2025		
Reviewed/modified	22 August 2023	Resolution	TBC



# Use of City Information Resources Policy

<b>Responsible Division</b>	Corporate Services
<b>Responsible Business Unit</b>	Information Services
<b>Responsible Officer</b>	Manager Information Services
<b>Affected Business Units</b>	All Business Units
<b>ECM Document Set ID</b>	TBC

## Purpose

To ensure acceptable use of all Information and Communications Technology (ICT) resources, including the electronic transfer of any of the City of Bayswater's (the City) information assets.

## Definitions

For the purpose of this policy —

**ICT Resources** means electronic data exchange, via internal and external data networks, internet access, E-mail and any other electronic data transfer using City of Bayswater equipment and services.

## Policy Statement

In order to protect the integrity of the City's data and ICT facilities, the City adopts the following policy

1. The use of the City's ICT resources must be consistent with the City's business operations.
2. All persons are accountable for their use of the City's ICT facilities and the handling of information.
3. The network, and its networks are to be used only in a manner that is consistent with the aims and requirements of the City and with this policy, including but not limited to:
  - a) The control of access to information relating to the City's functions, objectives and mission.
  - b) The control of access to all information relating to the City's employees.
  - c) The control of access to all information entrusted to the City by residents of the City of Bayswater.
  - d) The protection of business communications with external parties that relate to the City's functions objectives and or mission.
  - e) Compliance reporting
  - f) Access to the City's ICT and Information assets is to be limited to those persons that have a genuine business need-to-know and is to be allocated on a strict least-privilege basis.
4. Maintaining relevant professional business relationships with other organisations and agencies.

5. Limited personal (occasional use and low network traffic) use is permitted but must not interfere with the City's business operations.
6. Improper use of the City's ICT facilities will be addressed in accordance with this policy and may lead to disciplinary action, criminal prosecution, or both.

## Related Legislation

*State Records Act 2000*

*Freedom of Information Act 1992*

*Privacy Act 1988*

*WA Government Office of Digital Government Security Policy*

## Related Documentation

City of Bayswater - Code of Ethics for Employees

## Document details

<b>Relevant delegations</b>	Nil.		
<b>Risk evaluation</b>	High		
<b>Strategic link</b>	Communicate in in a clear and transparent way. Provide the community with useful information about the Council's policies, services and events and advise the community of engagement outcomes.		
<b>Council adoption</b>	22 May 2018	<b>Resolution</b>	13.5
<b>Next review due</b>	June 2025		
<b>Reviewed/modified</b>	22 August 2023	<b>Resolution</b>	TBC

**10.5.1.5 Policy Review: Rates and Charges Collection**

<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Rates and Charges Collection Policy [9.5.1 - 2 pages]

**SUMMARY**

For Council to consider the Rates and Charges Collection Policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the 'Rates and Charges Collection Policy' as per Attachment 1.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

**BACKGROUND**

The Rates and Charges Collection Policy is intended to set out the requirements for the management of the City's rates and charges collection. It was first adopted in April 1996 and most recently reviewed in March 2018. It is critical to the financial performance of the organisation as it provides a framework to ensure the efficient and effective recovery of outstanding rates and charges and is aligned to the requirements of the Delegated Authority Register FM-D06 Recovery of Unpaid Rates or Service.

**EXTERNAL CONSULTATION**

No consultation has yet occurred with the public or other agencies regarding this policy.

**OFFICER'S COMMENTS**

There are no recommended changes to the Rates and Charges Collection Policy other than re-formatting.

A copy of the policy is provided in Attachment 1.

**LEGISLATIVE COMPLIANCE**

*Local Government Act 1995*

6.55. *Recovery of rates and service charges*

- (1) *Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —*
- (i) *the owner at the time of the compilation of the rate record; or*
  - (ii) *a person who whilst the rates or service charges are unpaid becomes the owner of the land.*

## 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.

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
<b>Conclusion</b>	That Council adopts the 'Rates and Charges Collection' Policy. As rates are a property related debt they will eventually be received by the city and outstanding rates are subject to penalty interest.	

## FINANCIAL IMPLICATIONS

As rates and charges are generally a property related debt, it would only be in exceptional circumstances that rates are not collected or ultimately written-off. For that reason the financial implications are negligible.

## STRATEGIC IMPLICATIONS

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

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

## CONCLUSION

That the Committee endorses the policy 'Rates and Charges Collection' for submission to Council for consideration.

# Rates & Charges Collection Policy



<b>Responsible Division</b>	Corporate & Strategy
<b>Responsible Business Unit/s</b>	Financial Services
<b>Responsible Officer</b>	Manager Financial Services
<b>Affected Business Unit/s</b>	Financial Services
<b>Document Ref</b>	TBA

## Purpose

The City of Bayswater is committed to ensuring that all ratepayers are treated fairly and consistently in the process for collection of rates and charges and that the City's financial resources are appropriately managed.

This policy outlines the City of Bayswater's position for efficient and effective collection of rates and charges and reimbursements.

## Policy Statement

In line with this strategic goal a refund of rates money paid by ratepayers will occur, on request, when a ratepayer is on an instalment plan and an over payment occurs on an instalment.

The City may develop such internal processes and management practices as it considers appropriate to implement this policy and to give effect to, and ensure consistency with, the relevant provisions of the *Local Government Act 1995*.

## Definitions

*Nil*

## Related Legislation

*Rates and Charges (Rebates and Deferments) Act 1992*

*Local Government Act 1995:*

- *section 6.55*
- *section 6.60*
- *section 6.64*

## Related Documentation

*Nil*

<b>Relevant Delegations:</b>	Delegated Authority Register FM-D06 Recovery of Unpaid Rates or Service
<b>Risk Evaluation</b>	Low
<b>Council Adoption</b>	23 April 1996
<b>Review/Modified</b>	24 April 2001
<b>Review/Modified</b>	27 May 2008
<b>Review/Modified</b>	8 March 2016
<b>Review/Modified</b>	28 Feb 2017
<b>Review/Modified</b>	27 March 2018



**10.5.1.6 Policy Review: Rates Exemption Policy**

<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate Services
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Rate Exemption Policy [9.6.1 - 1 page]</li> <li>2. Current Policy with Tracked Changes - Rates Exemption Policy [9.6.2 - 2 pages]</li> <li>3. Revised Rates Exemption Policy [9.6.3 - 2 pages]</li> </ol>

**SUMMARY**

For Council to consider the revised Rates Exemption Policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the revised Rate Exemption Policy as presented in Attachment 3.

**Cr Assunta Meleca Moved, Cr Sally Palmer Seconded**

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

The Rates Exemption Policy is intended to guide the management of the City's Rates Exemption process. It was first adopted in April 1996 and most recently reviewed in April 2018. It is critical to the provision of efficient and effective management of rates exempt property's and is aligned to the requirements of the Delegated Authority Register FS-D13 Rateable Land.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The only change to the Rates Exemption Policy is that all rateable properties (including properties used for charitable purposes) that have been granted a rates exemption from the City are reviewed every 3 years. The current policy requires properties used for charitable purposes to be reviewed every year, however this is a very onerous process and 3 years is common practice. It should also be noted that the City can amend the rate record from 5 years preceding the current financial year.

A copy of the current policy is presented in Attachment 1.

A copy of the current policy, with amendments shown in 'tracked changes' is presented in Attachment 2.

A final copy of the revised policy with the amendments is presented in Attachment 3.

## LEGISLATIVE COMPLIANCE

### Local Government Act 1995

Some of the more relevant sections of 6.26 'Recovery of rates and service charges' includes:

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
  - (a) *land which is the property of the Crown and —*
    - (i) *is being used or held for a public purpose*
  - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
  - (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
  - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
  - (g) *land used exclusively for charitable purposes; and*

## 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.

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
<b>Conclusion</b>	That Council adopts the revised 'Rates Exemption' Policy. Rates are a property related debt and if a property is rateable, rates will be paid. By reviewing rates-exempt properties every 3 years, if there were a change to rateable status of a property they would be retrospectively levied.	

## FINANCIAL IMPLICATIONS

Regarding rates exemptions due to religious and charitable purposes (excluding school/educational purposes), total lost income on an annual basis is \$0.6M. The 2022-23 budget for rates income is \$54.4M.

## STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance  
 Goal L4: Communicate in a clear and transparent way.

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

## **CONCLUSION**

That the Committee endorses the revised policy 'Rates Exemption' for submission to Council for consideration.

## COUNCIL POLICY: RATE EXEMPTION POLICY

**POLICY OWNER:** Director Finance and Corporate Services

**POLICY STATEMENT:** To ensure a consistent and objective approach to rate exemptions under the *Local Government Act 1995*.

### POLICY DETAILS

An application for a rates exemption under the *Local Government Act 1995* should be made in writing and may be in a form determined by the City.

A rates exemption for land used exclusively for charitable purposes under section 6.26(2)(g) of the *Local Government Act 1995* should be reviewed once a year for continued eligibility. All other exempt properties should be reviewed every three years.

The City may develop appropriate guidelines and forms to implement this policy and to comply with its obligations under the *Local Government Act 1995*.

### DEFINITIONS

Nil.

### RELATED LEGISLATION AND OTHER REFERENCES

*Local Government Act 1995*



<b>Adopted by Council:</b>	23 April 1996
<b>Reviewed</b>	24 April 2001, 28 February 2017, 24 April 2018
<b>Strategic Link</b>	Governance and Leadership

# Rate Exemption Policy



**Responsible Division** Corporate & Strategy Corporate Services

**Responsible Business Unit/s** Financial Services

**Responsible Officer** Manager Financial Services

**Affected Business Unit/s** Financial Services

**Document Ref** TBA

## Purpose

To ensure a consistent and objective approach to rate exemptions under the *Local Government Act 1995*.

## Policy Statement

An application for a rates exemption under the *Local Government Act 1995* should be made in writing and may be in a form determined by the City.

Those properties that have previously been granted rates exemption status will be reviewed every three years to ensure the exemption still applies and the collection of rates is not required. ~~A rate exemption for land used exclusively for charitable purposes under section 6.26(2)(g) of the Local Government Act 1995 should be reviewed once a year for continued eligibility. All other exempt properties should be reviewed every three years.~~

The City may develop appropriate guidelines and forms to implement this policy and to comply with its obligations under the *Local Government Act 1995*.

## Definitions

*Nil*

## Related Legislation

*Local Government Act 1995 (WA)*

## Related Documentation

*Nil*

**Relevant Delegations****Risk Evaluation****Council Adoption**

<b>Review/Modified</b>	Insert Date
------------------------	-------------

<b>Review/Modified</b>	Insert Date
------------------------	-------------

<b>Review/Modified</b>	Insert Date
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# Rate Exemption Policy



<b>Responsible Division</b>	Corporate Services
<b>Responsible Business Unit/s</b>	Financial Services
<b>Responsible Officer</b>	Manager Financial Services
<b>Affected Business Unit/s</b>	Financial Services
<b>Document Ref</b>	TBA

## Purpose

To ensure a consistent and objective approach to rate exemptions under the *Local Government Act 1995*.

## Policy Statement

An application for a rates exemption under the *Local Government Act 1995* should be made in writing and may be in a form determined by the City.

Those properties that have previously been granted rates exemption status will be reviewed every three years to ensure the exemption still applies and the collection of rates is not required.

The City may develop appropriate guidelines and forms to implement this policy and to comply with its obligations under the *Local Government Act 1995*.

## Definitions

*Nil*

## Related Legislation

*Local Government Act 1995 (WA)*

## Related Documentation

*Nil*

<b>Relevant Delegations</b>	<b>FS-D13 Rateable Land</b>
<b>Risk Evaluation</b>	<b>Low</b>
<b>Council Adoption</b>	<b>23 April 1996</b>
<b>Review/Modified</b>	<b>24 April 2001</b>
<b>Review/Modified</b>	<b>28 February 2017</b>
<b>Review/Modified</b>	<b>24 April 2018</b>



**10.5.1.7 Policy Review: Investment**

<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate & Strategy
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Investment Policy [9.7.1 - 5 pages]</li> <li>2. Current Policy with Tracked Changes - Investment Policy [9.7.2 - 5 pages]</li> <li>3. Revised Investment Policy [9.7.3 - 5 pages]</li> </ol>
<b>Refer:</b>	Item 13.4.1 OCM 27.06.2017 Item 10.5.2.3 OCM 23.06.2020

**CR LORNA CLARKE DECLARED A FINANCIAL INTEREST**

*In accordance with section 5.60A of the Local Government Act 1995, Cr Lorna Clarke declared a financial interest in this item as this item relates to choices of investment around energy uses and she works for the ERA, which regulates energy entities. At 7:40pm, Cr Lorna Clarke withdrew from the meeting and did not participate in consideration or voting on this item.*

**SUMMARY**

For Council to consider amending the Investment Policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)**

That Council adopts the revised Investment Policy as outlined in Attachment 3.

Cr Georgia Johnson Moved, Cr Catherine Ehrhardt, Deputy Mayor 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 Georgia Johnson.

**Against:** Nil.

*At 7:41pm Cr Lorna Clarke returned to the meeting.*

**BACKGROUND**

The Investment Policy sets out the requirements for the management of the City's cash and investment portfolio. It was first adopted in September 2016 and has been reviewed in both June 2017 and June 2020. It is critical to the financial performance and reputation of the organisation to have a robust Investment Policy. This Policy has enabled the City to manage its investments appropriately from both a strategic and compliance perspective.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The current wording in the policy regarding divestment requires 'that preference is to be given to financial institutions that have no current record of funding fossil fuels and do not invest in or finance

the fossil fuel industry, subject to all such investments meeting the risk ratings, favourable returns and diversification limits set out in the Investment Policy. The City will use resources such as Market Forces in determining fossil-free investments.

The recommended policy change is 'that preference is to be given to financial institutions that have no current record of funding fossil fuels and do not invest in or finance the fossil fuel industry, subject to all such investments meeting the risk ratings, not resulting in less favourable returns and meets diversification limits set out in the Investment Policy. The City will use resources such as Market Forces in determining fossil-free investments.

This simply adds some clarity that although preference will be given to authorised deposit-taking institutions in consideration of their part in funding the fossil fuel industry, this doesn't result in an adverse financial impact to the City

A copy of the current policy is presented in **Attachment 1**.

A copy of the current policy, with amendments shown in 'tracked changes' is presented in **Attachment 2**.

A final copy of the revised policy with the amendments, is presented in **Attachment 3**.

## LEGISLATIVE COMPLIANCE

All investments are to comply with the following:

- *Local Government Act 1995* – Section 6.14;
- *Trustees Act 1962* – Part III Investments;
- *Local Government (Financial Management) Regulations 1996* – Regulation 19,19C,28 and 49; and
- Australian Accounting Standards.

## 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.

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	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	That Council adopts the revised Investment Policy.	

## FINANCIAL IMPLICATIONS

The interest earnings from investment will have an impact on the City's financials.

## STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

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

## **CONCLUSION**

That Council adopts the revised Investment Policy.

# Investment Policy



<b>Responsible Division</b>	Corporate & Strategy
<b>Responsible Business Unit/s</b>	Financial Services
<b>Responsible Officer</b>	Manager Financial Services
<b>Affected Business Unit/s</b>	All Branches
<b>Document Ref</b>	3698740

## Purpose

The Investment Policy sets out the requirements for the management of the City's cash and investment portfolio.

## Policy Statement

This policy sets the following objectives:

- safeguard the City's cash and investments portfolio;
- achieve appropriate earnings; and
- manage the City's cash resources to ensure sufficient liquidity to meet the City's business objectives over the long, medium and short term.

This policy reinforces the City's ongoing commitment to maintaining a conservative risk and return portfolio; an important feature of its ongoing prudent financial management practices.

## Scope

This policy applies to all managers and employees who actively manage the City's cash and investments or have the responsibility for employees who actively manage the City's cash and investments.

## Definitions

Standard and Poor's (S&P) Credit Ratings is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation based on relevant risk factors. Credit ratings are based on the following considerations:

- likelihood of payment;
- nature and provisions of the obligation; and
- protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

Long-term risk ratings (greater than 12 months to maturity)

Category	Definition
AAA	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
AA	An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.
A	An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.
BBB	An obligation rated 'BBB' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Short-term risk ratings (less than 12 months to maturity)

Category	Definition
A-1	A short-term obligation rated 'A-1' is rated in the highest category by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
A-2	A short-term obligation rated 'A-2' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
A-3	A short-term obligation rated 'A-3' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Reference:

<https://www.spratings.com/documents/20184/86966/Standard+%26+Poor%27s+Ratings+Definitions/fd2a2a96-be56-47b8-9ad2-390f3878d6c6>

## Related Legislation

All investments are to comply with the following:

- *Local Government Act 1995* – Section 6.14;
- *Trustees Act 1962* – Part III Investments;
- *Local Government (Financial Management) Regulations 1996* – Regulations 19, 19C, 28 and 49; and
- Australian Accounting Standards.

## PRUDENT PERSON STANDARD

The City requires that all investment activities be exercised with the care, diligence and skill of a prudent person, and not for speculative purposes.

Officers shall not engage in activities that would conflict with the proper execution and management of the City's investment portfolio. Any potential conflicts of interest should be appropriately disclosed to the Chief Executive Officer in accordance with the City's Code of Ethics.

**APPROVED INVESTMENTS**

Investments are limited to:

- Interest-bearing deposits with an authorised deposit-taking institution (ADI) as defined in the *Banking Act 1959 (Commonwealth)* section 5 for a term not exceeding three years;
- Interest-bearing deposits with the Western Australian Treasury Corporation established by the *West Australian Corporation Act 1986*, not exceeding three years; and
- Bonds guaranteed by the Commonwealth Government, or a State or Territory Government for a maturity term not exceeding three years.

All investments are to be in Australian currency.

**PROHIBITIVE INVESTMENTS**

The City is not able to do any of the following:

- deposit with any institution except an authorised deposit-taking institution;
- deposit for a fixed term exceeding three years;
- invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- invest in bonds with a maturity term of more than three years; nor
- invest in a foreign currency.

In addition the Investment Policy prohibits any investment carried out for speculative purposes and includes derivative-based instruments such as mortgage and asset-backed securities, 'principal only' investments and 'stand-alone' securities such as Collateral Debt Obligations (CDO's).

**DIVESTMENT**

When exercising the power of investment, preference is to be given to financial institutions that have no current record of funding fossil fuels and do not invest in or finance the fossil fuel industry, subject to all such investments meeting the risk ratings, favourable returns and diversification limits set out in the Investment Policy. The City will use resources such as Market Forces in determining fossil-free investments <https://www.marketforces.org.au/info/compare-bank-table/>

**RISK MANAGEMENT GUIDELINES**

Investments are to comply with:

- Portfolio Credit Framework: limit overall credit exposure of the portfolio (Direct investment maximum);
- Counterparty Credit Framework: limit exposure to individual ADI counterparties / institutions (Exposure to a single institution); and
- Term to Maturity Framework: limits on period of maturity.

Investments must have a credit rating and the credit rating structure of the total portfolio must comply with the contents of the following table:

S&P Long-Term Rating	S&P Short-Term Rating	Direct Investment Maximum % (as a % of Total Portfolio)	Exposure to a Single Institution (as a % of Total Portfolio)
AAA	A-1+	100%	45%
AA	A-1	100%	35%
A	A-2	80%	30%

If any ADI's or investments are downgraded to an extent that they no longer comply they will be divested as soon as practicable, subject to the risks of default and prevailing market liquidity.

### INVESTMENT ADVISOR

Council approval is required to appoint an Investment Advisor to provide expert financial advice. The Investment Advisor must be authorised by an entity licensed by the Australian Securities and Investment Commission. The Investment Advisor is required to have no actual or potential conflict of interest in relation to investment products being recommended, and may recommend the most appropriate products within the terms and conditions of the Investment Policy.

Managed funds on advice from the City's financial advisor, if limited to cash funds or cash plus funds, would take into account the need for funds over a twelve-month period and the security of the principal of the investment. In terms of the various risk levels, with any investment advisor/s approved by the City, the maximum amount of investment held on advice should not exceed 5% of average annual funds invested by the City.

### AUDIT

All of the City's investments are to be held in the name of the 'City of Bayswater'. Certificates are to be provided by the ADI and reconciled monthly to the City's financial records.

The City's records are to show a clear and transparent record of investment holdings in accordance with terms, percentage exposure and maturities, and comply with the *Local Government Act 1995* and its subordinate legislation.

### REPORTING AND REVIEW

The City will maintain a separate record of money it has invested. Pursuant to the *Local Government (Financial Management) Regulations 1996* the City will provide a monthly report to Council on investments. This report will include (among other things): the total value of the portfolio; net investment income for the month; and a complete schedule of all investments within the total portfolio.

Investment performance will be measured monthly in relation to the Reserve Bank of Australia (RBA) average cash rate.

The City will undertake an annual review of its Investment Policy. If there are any significant changes to the Act, Regulations, issued guidelines, or if the market changes to a degree that warrants an earlier examination, the policy will be reviewed and referred to Council for further consideration.

**Relevant Delegations**

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**Risk Evaluation**

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<b>Council Adoption</b>	13 September 2016
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<b>Review/Modified</b>	27 June 2017
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<b>Review/Modified</b>	23 June 2020
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<b>Review/Modified</b>	
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# Investment Policy

**Responsible Division** Corporate & Strategy Corporate Services

**Responsible Business Unit** Financial Services

**Responsible Officer** Manager Financial Services

**Affected Business Units** All Branches

**ECM Document Set ID** 3698740

## Purpose

The Investment Policy sets out the requirements for the management of the City's cash and investment portfolio.

## Scope

This policy applies to all managers and employees who actively manage the City's cash and investments or have the responsibility for employees who actively manage the City's cash and investments.

## Definitions

Standard and Poor's (S&P) Credit Ratings is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation based on relevant risk factors. Credit ratings are based on the following considerations:

- likelihood of payment;
- nature and provisions of the obligation; and
- protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

Long-term risk ratings (greater than 12 months to maturity)

Category	Definition
AAA	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
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BBB	An obligation rated 'BBB' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Short-term risk ratings (less than 12 months to maturity)

Category	Definition
A-1	A short-term obligation rated 'A-1' is rated in the highest category by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
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A-3	A short-term obligation rated 'A-3' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Reference:

<https://www.spratings.com/documents/20184/86966/Standard+%26+Poor%27s+Ratings+Definitions/fda2a96-be56-47b8-9ad2-390f3878d6c6>

## Policy Statement

This policy sets the following objectives:

- safeguard the City's cash and investments portfolio;
- achieve appropriate earnings; and
- manage the City's cash resources to ensure sufficient liquidity to meet the City's business objectives over the long, medium and short term.

This policy reinforces the City's ongoing commitment to maintaining a conservative risk and return portfolio; an important feature of its ongoing prudent financial management practices.

## Related Legislation

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;
- Trustees Act 1962 – Part III Investments;
- Local Government (Financial Management) Regulations 1996 – Regulations 19, 19C, 28 and 49; and
- Australian Accounting Standards.

### PRUDENT PERSON STANDARD

The City requires that all investment activities be exercised with the care, diligence and skill of a prudent person, and not for speculative purposes.

Officers shall not engage in activities that would conflict with the proper execution and management of the City's investment portfolio. Any potential conflicts of interest should be appropriately disclosed to the Chief Executive Officer in accordance with the City's Code of Ethics.

### APPROVED INVESTMENTS

Investments are limited to:

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- Bonds guaranteed by the Commonwealth Government, or a State or Territory Government for a maturity term not exceeding three years.

All investments are to be in Australian currency.

### PROHIBITIVE INVESTMENTS

The City is not able to do any of the following:

- deposit with any institution except an authorised deposit-taking institution;
- deposit for a fixed term exceeding three years;
- invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- invest in bonds with a maturity term of more than three years; nor
- invest in a foreign currency.

In addition, the Investment Policy prohibits any investment carried out for speculative purposes and includes derivative-based instruments such as mortgage and asset-backed securities, 'principal only' investments and 'stand-alone' securities such as Collateral Debt Obligations (CDO's).

**DIVESTMENT**

When exercising the power of investment, preference is to be given to financial institutions that have no current record of funding fossil fuels and do not invest in or finance the fossil fuel industry, subject to all such investments meeting the risk ratings, [not resulting in less](#) favourable returns and [meets](#) diversification limits set out in the Investment Policy. The City will use resources such as Market Forces in determining fossil-free investments <https://www.marketforces.org.au/info/compare-bank-table/>

**RISK MANAGEMENT GUIDELINES**

Investments are to comply with:

- Portfolio Credit Framework: limit overall credit exposure of the portfolio (Direct investment maximum);
- Counterparty Credit Framework: limit exposure to individual ADI counterparties / institutions (Exposure to a single institution); and
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Investments must have a credit rating and the credit rating structure of the total portfolio must comply with the contents of the following table.

S&P Long-Term Rating	S&P Short-Term Rating	Direct Investment Maximum % (as a % of Total Portfolio)	Exposure to a Single Institution (as a % of Total Portfolio)
AAA	A-1+	100%	45%
AA	A-1	100%	35%
A	A-2	80%	30%

If any ADI's or investments are downgraded to an extent that they no longer comply they will be divested as soon as practicable, subject to the risks of default and prevailing market liquidity.

**INVESTMENT ADVISOR**

Council approval is required to appoint an Investment Advisor to provide expert financial advice. The Investment Advisor must be authorised by an entity licensed by the Australian Securities and Investment Commission. The Investment Advisor is required to have no actual or potential conflict of interest in relation to investment products being recommended, and may recommend the most appropriate products within the terms and conditions of the Investment Policy.

Managed funds on advice from the City's financial advisor, if limited to cash funds or cash plus funds, would take into account the need for funds over a twelve-month period and the security of the principal of the investment. In terms of the various risk levels, with any investment advisor/s approved by the City, the maximum amount of investment held on advice should not exceed 5% of average annual funds invested by the City.

**AUDIT**

All of the City's investments are to be held in the name of the 'City of Bayswater'. Certificates are to be provided by the ADI and reconciled monthly to the City's financial records.

The City's records are to show a clear and transparent record of investment holdings in accordance with terms, percentage exposure and maturities, and comply with the Local Government Act 1995 and its subordinate legislation.

### REPORTING AND REVIEW

The City will maintain a separate record of money it has invested. Pursuant to the *Local Government (Financial Management) Regulations 1996* the City will provide a monthly report to Council on investments. This report will include (among other things): the total value of the portfolio; net investment income for the month; and a complete schedule of all investments within the total portfolio.

Investment performance will be measured monthly in relation to the Reserve Bank of Australia (RBA) average cash rate.

The City will undertake an annual review of its Investment Policy. If there are any significant changes to the Act, Regulations, issued guidelines, or if the market changes to a degree that warrants an earlier examination, the policy will be reviewed and referred to Council for further consideration.

### Related Documentation

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### Document details

<b>Relevant delegations</b>	<a href="#">M-D01 Power to Invest</a>		
<b>Risk evaluation</b>	<a href="#">Low</a>		
<b>Strategic link</b>	<a href="#">Goal L2:</a> <a href="#">Plan and deliver projects and services in a sustainable way.</a> <a href="#">Work together to deliver the best outcomes for the community by managing financial resources in a financially sustainable way.</a>		
<b>Council adoption</b>	13 September 2016	<b>Resolution</b>	13.5
<b>Next review due</b>	<del>27 June 2017</del> <a href="#">14 March 2023</a>		
<b>Reviewed/modified</b>	<del>23 June 2020</del> <a href="#">TBA</a>	<b>Resolution</b>	10.5.2.3



# Investment Policy

<b>Responsible Division</b>	Corporate Services
<b>Responsible Business Unit</b>	Financial Services
<b>Responsible Officer</b>	Manager Financial Services
<b>Affected Business Units</b>	All Branches
<b>ECM Document Set ID</b>	3698740

## Purpose

The Investment Policy sets out the requirements for the management of the City's cash and investment portfolio.

## Scope

This policy applies to all managers and employees who actively manage the City's cash and investments or have the responsibility for employees who actively manage the City's cash and investments.

## Definitions

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Reference:

<https://www.spratings.com/documents/20184/86966/Standard+%26+Poor%27s+Ratings+Definitions/fda2a96-be56-47b8-9ad2-390f3878d6c6>

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In addition, the Investment Policy prohibits any investment carried out for speculative purposes and includes derivative-based instruments such as mortgage and asset-backed securities, 'principal only' investments and 'stand-alone' securities such as Collateral Debt Obligations (CDO's).

## **DIVESTMENT**

The City acknowledges climate change and attempts to reduce its investments that fund the fossil fuel industry and contribute to greenhouse gas emissions. Providing the cost is no more than 5 basis points and the associated risks within those limits provided in this policy then preference can be given to those ADI's not involved with investing or lending to the fossil fuel industry

## **RISK MANAGEMENT GUIDELINES**

Investments are to comply with:

- Portfolio Credit Framework: limit overall credit exposure of the portfolio (Direct investment maximum);
- Counterparty Credit Framework: limit exposure to individual ADI counterparties / institutions (Exposure to a single institution); and
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Investments must have a credit rating and the credit rating structure of the total portfolio must comply with the contents of the following table.

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The City will maintain a separate record of money it has invested. Pursuant to the *Local Government (Financial Management) Regulations 1996* the City will provide a monthly report to Council on investments. This report will include (among other things): the total value of the portfolio; net investment income for the month; and a complete schedule of all investments within the total portfolio.

Investment performance will be measured monthly in relation to the Reserve Bank of Australia (RBA) average cash rate.

The City will undertake an annual review of its Investment Policy. If there are any significant changes to the Act, Regulations, issued guidelines, or if the market changes to a degree that warrants an earlier examination, the policy will be reviewed and referred to Council for further consideration.

**Related Documentation**

Nil.

**Document details**

<b>Relevant delegations</b>	M-D01 Power to Invest		
<b>Risk evaluation</b>	Low		
<b>Strategic link</b>	Goal L2:	Plan and deliver projects and services in a sustainable way. Work together to deliver the best outcomes for the community by managing in a financially sustainable way.	
<b>Council adoption</b>	13 September 2016	<b>Resolution</b>	13.5
<b>Next review due</b>	27 June 2017		
<b>Reviewed/modified</b>	23 June 2020	<b>Resolution</b>	10.5.2.3

### 10.5.1.8 Policy Review: Public Reserves - Management of Vegetation Adjacent to Private Property

<b>Responsible Branch:</b>	Parks and Gardens
<b>Responsible Directorate:</b>	Works and Infrastructure
<b>Authority/Discretion:</b>	{custom-field-authority-discretion}
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Current Policy [9.8.1 - 2 pages] 2. Revised Policy with tracked changes [9.8.2 - 4 pages] 3. Revised Policy [9.8.3 - 2 pages]
<b>Refer:</b>	

#### SUMMARY

For Council to consider the revised *Requested Management of Vegetation Within Public Reserves Policy*.

#### OFFICER'S RECOMMENDATION

That Council adopts the revised policy, Requested Management of Vegetation Within Public Reserves, as contained in Attachment 3.

#### COUNCIL RESOLUTION

##### (COMMITTEE RECOMMENDATION TO COUNCIL)

That Council adopts the revised Requested Management of Vegetation Within Public Reserves Policy as outlined in Attachment 3, with the following amendments:

1. The Purpose be updated to include the words "*or occupiers*", following the words "*property owners*".
2. All references to the Director Works and Infrastructure to be updated to "*the relevant director*".
3. The following sentence to be added to the end of clause 6. of the Policy Statement: "*Pensioners are exempt from the requirement to pay for vegetation management requests made under this Policy*".
4. The reference to the *Bush Fires Act* in clause 8. of the Policy Statement be corrected to include the year of the Act (1954).
5. A reference to the *Bush Fires Act 1954* to be inserted into the Related Legislation section.

Cr Sally Palmer Moved, Cr Giorgia Johnson Seconded

CARRIED: 10/1

**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, Cr Dan Bull and Cr Giorgia Johnson.

**Against:** Cr Lorna Clarke.

## BACKGROUND

The review of the current *Public Reserves – Management of Vegetation Adjacent to Private Property Policy* was due as part of the City's annual policy review cycle, and accordingly, has been reviewed by City officers.

## EXTERNAL CONSULTATION

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

## OFFICER'S COMMENTS

The following revisions are proposed to the Requested Management of Vegetation Within Public Reserves policy:

Revision	Rationale
Change policy title	The new title is more relevant as the policy covers how the City manages requests relating to vegetation in public reserves.
Define policy scope and meaning of vegetation	Clarify that the policy deals with vegetation that is not considered a tree as trees are covered under the Urban Tree Planting and Maintenance Policy.
Simplification of request process	Ensure there is no ambiguity and provides decision making discretion to Director rather than Council. Also removes compliance measures that are no longer relevant.
Inclusion of related legislation and documentation	Provides a reference to policy statements.

A copy of the current policy is provided in [\*\*Attachment 1\*\*](#).

A copy of the revised policy, with amendments shown as tracked changes, is provided in [\*\*Attachment 2\*\*](#).

A clean copy of the revised policy, with amendments included, is provided in [\*\*Attachment 3\*\*](#).

## LEGISLATIVE COMPLIANCE

- *Environmental Protections Act 1986*

Removal of vegetation in public reserves must be compliant to protections provided under the *Environmental Protection Act*.

## 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.

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
<b>Conclusion</b>	The risk associated with adopting the revised policy is low, as the simplification achieved will ensure that related matters will be resolved quickly at an operational level.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

- Theme: Environment and Liveability
- Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.
- Goal E5: Protect and enhance the City's natural environment and biodiversity and encourage the community to participate in its protection.
- Theme: Leadership and Governance
- Goal L3: Provide good customer service.
- Respond to the needs of our community in a respectful and timely way.

## CONCLUSION

The current policy, *Public Reserves – Management of Vegetation Adjacent to Private Property Policy*, has been reviewed and simplified to provide more clarity on definitions, scope, the request process, and related legislation. It is therefore recommended that the revised policy, re-titled as the *Requested Management of Vegetation Within Public Reserves Policy*, be presented to Council for adoption.

## PUBLIC RESERVES - MANAGEMENT OF VEGETATION ADJACENT TO PRIVATE PROPERTY POLICY

Responsible Division	Technical Services
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	Parks and Gardens, Engineering



### PURPOSE:

To establish guidelines where Council may approve the pruning, removal and replacing of trees and other vegetation in public reserves.

### POLICY STATEMENT:

- a) Any owner or occupier of land within the district must not prune or remove vegetation or direct another person to do the same on public reserves within the district without first receiving approval by Council.
- b) Any owner or occupier of land within the district may apply to Council to have vegetation in public reserves pruned, removed and/or replaced. The application will be placed before Council for consideration and shall include an indemnification statement in accordance with the following:
  - The landowner/applicant indemnifies the City of Bayswater against all actions, claims, damages, costs and expenses whatsoever in respect of damage to property and the death or injury to any person arising out of the pruning or removal of vegetation and trees by the landowner/applicant or its employees or contractors on the reserve or park the subject of this application.
  - If pruning or removal is carried out by the Council staff the requirement for indemnification is waived.
- c) The Council will consider the application provided the following requirements have been adhered to:
  - (i) The City's staff and the applicant have met on site to prepare a maintenance plan for the proposal;
  - (ii) No more than 50% of each boundary length of any private property adjacent to public reserves may be removed at any one application and the pruning/removal cannot extend beyond a 30m parallel alignment of the private property;
  - (iii) Any plant to be removed will be replaced with an alternative species approved by Council;
  - (iv) The cost of the initial pruning, removal and/or replacement of vegetation, unless otherwise specified by Council, shall be borne by the applicant;
  - (v) The ongoing maintenance of the vegetation will be included in the Council's maintenance programmes; and
  - (vi) Where there is conflict between preservation of vegetation on the reserve and preservation of panoramic views, the preservation of vegetation will have priority.
- d) Where the landowner/applicant does not have approval to prune and/or remove vegetation or prunes and/or removes vegetation beyond the limit of their approval, then Council may prosecute under the provisions of the *Local Government (Uniform Local Provisions) Regulations 1996 and the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws 2001*.

- e) Where the unauthorised pruning and/or removal of vegetation is within the Department of Parks and Wildlife's (DPAW) areas of responsibility, all information will be forwarded to DPAW for potential prosecution.
- f) Where unauthorised pruning, vandalism, poisoning or removal of vegetation occurs within the City of Bayswater owned or managed land, the Director of Technical Services will take action as follows:
  - (i) Where the plant is less than 2m tall and/or less than four plants are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
  - (ii) Where the plant is greater than 2m tall and/or more than three plants are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
  - (iii) Write to affected residents in the vicinity advising of the poisoning of the tree(s) and the City's actions in response to the vandalism
  - (iv) A sign can be removed prior to the 2 year period if a resident applies to the City to replace the vandalised vegetation (of a similar size and species) at a 2:1 ratio at their own cost.
- g) The City is to construct and maintain suitable firebreaks in accordance with the current order of the *Bush Fires Act 1954*.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Nil*

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	25 November 2005
Reviewed / Modified	Date	14 February 2006
Reviewed / Modified	Date	18 October 2007
Reviewed / Modified	Date	19 April 2016





## Public Reserves—Requested Management of Vegetation Within Public Reserves Policy Adjacent to Private Property Policy

<b>Responsible Division</b>	<del>Technical Services</del> Works and Infrastructure
<b>Responsible Business Unit</b>	Parks and Gardens
<b>Responsible Officer</b>	Manager Parks and Gardens, <u>Manager Sustainability, Environment, Sustainability and Waste</u>
<b>Affected Business Units</b>	Parks and Gardens, <u>Engineering Sustainability, Environment, Sustainability and Waste</u>
<b>ECM Document Set ID</b>	[ECM document set ID]

### Purpose

This policy provides guidance on how requests from property owners to manage vegetation within public reserves will be handled by the City. To establish guidelines where Council may approve the pruning, removal and replacing of trees and other vegetation in public reserves.

### Scope

This policy covers management of vegetation within public reserves and not the management of trees which is covered under the Urban Tree Planting and Maintenance Policy.

### Definitions

**vegetation** means any other plant that is not considered a tree.

### Policy Statement

1. An owner or occupier of a property adjacent to a public reserve can request vegetation within 10m of their property to be managed by the City to reduce perceived risk or impacts to their property.
2. A request can be for the removal, pruning and or replacement of vegetation and will be assessed on its merits by the Director Works and Infrastructure.
3. Requests to manage vegetation to improve views will not be considered.
4. Preference will be given to the preservation of vegetation that is considered as threatened species, or endemic to the local area, and or provides important habitat for local fauna.
5. Any vegetation that is approved to be removed will be replaced at the discretion of the Director Works and Infrastructure with species appropriate for the local area and environmental requirements.



6. Approved works will be undertaken by the City at the cost of the property owner who made the request.
7. Any person who removes vegetation without the approval of the Director Works and Infrastructure will be prosecuted under the provisions of the relevant Local Government Regulations or Thoroughfares Local Law, and may be referred to Department of Biodiversity, Conservation and Attractions (DBCA) if the removal has taken place within natural areas under their responsibility.
8. The City is to provide and maintain suitable firebreaks in accordance with the current order of the Bush Fires Act.

~~Any owner or occupier of land within the district must not prune or remove vegetation or direct another person to do the same on public reserves within the district without first receiving approval by Council.~~

~~Any owner or occupier of land within the district may apply to Council to have vegetation in public reserves pruned, removed and/or replaced. The application will be placed before Council for consideration and shall include an indemnification statement in accordance with the following:~~

- ~~• The landowner/applicant indemnifies the City of Bayswater against all actions, claims, damages, costs and expenses whatsoever in respect of damage to property and the death or injury to any person arising out of the pruning or removal of vegetation and trees by the landowner/applicant or its employees or contractors on the reserve or park the subject of this application.~~
- ~~• If pruning or removal is carried out by the Council staff the requirement for indemnification is waived.~~

~~The Council will consider the application provided the following requirements have been adhered to:~~

~~The City's staff and the applicant have met on site to prepare a maintenance plan for the proposal;~~

- ~~(I) No more than 50% of each boundary length of any private property adjacent to public reserves may be removed at any one application and the pruning/removal cannot extend beyond a 30m parallel alignment of the private property;~~
- ~~(II) Any plant to be removed will be replaced with an alternative species approved by Council;~~
- ~~(III) The cost of the initial pruning, removal and/or replacement of vegetation, unless otherwise specified by Council, shall be borne by the applicant;~~
- ~~(IV) The ongoing maintenance of the vegetation will be included in the Council's maintenance programmes; and~~
- ~~(V) Where there is conflict between preservation of vegetation on the reserve and preservation of panoramic views, the preservation of vegetation will have priority.~~

~~Where the landowner/applicant does not have approval to prune and/or remove vegetation or prunes and/or removes vegetation beyond the limit of their approval, then Council may prosecute under the provisions of the Local Government (Uniform Local Provisions) Regulations 1996 and the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws 2001.~~

~~Where the unauthorised pruning and/or removal of vegetation is within the Department of Parks and Wildlife's (DPAW) areas of responsibility, all information will be forwarded to DPAW for potential prosecution.~~

~~Where unauthorised pruning, vandalism, poisoning or removal of vegetation occurs within the City of Bayswater owned or managed land, the Director of Technical Services will take action as follows:~~

- ~~a. Where the plant is less than 2m tall and/or less than four plants are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.~~
- ~~b. Where the plant is greater than 2m tall and/or more than three plants are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.~~
- ~~c. Write to affected residents in the vicinity advising of the poisoning of the tree(s) and the City's actions in response to the vandalism~~
- ~~d. A sign can be removed prior to the 2 year period if a resident applies to the City to replace the vandalised vegetation (of a similar size and species) at a 2:1 ratio at their own cost.~~

~~The City is to construct and maintain suitable firebreaks in accordance with the current order of the *Bush Fires Act 1954*.~~

## Related Legislation

~~Local Government (Miscellaneous Provisions) Act 1995~~

~~Environmental Protections Act 1986~~

~~Thoroughfares Local Law 2020~~

~~Section 444 of Criminal Code WA~~

~~[List related legislation and sections]~~

## Related Documentation

~~[List related documents]~~

~~Urban Tree Planting and Maintenance Policy~~

## Document details

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

Revision details	[description]
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Tracked changes



## Requested Management of Vegetation Within Public Reserves Policy

<b>Responsible Division</b>	Works and Infrastructure
<b>Responsible Business Unit</b>	Parks and Gardens
<b>Responsible Officer</b>	Manager Parks and Gardens, Manager Sustainability, Environment, and Waste
<b>Affected Business Units</b>	Parks and Gardens; Sustainability, Environment and Waste
<b>ECM Document Set ID</b>	[ECM document set ID]

### Purpose

This policy provides guidance on how requests from property owners to manage vegetation within public reserves will be handled by the City.

### Scope

This policy covers management of vegetation within public reserves and not the management of trees which is covered under the Urban Tree Planting and Maintenance Policy.

### Definitions

**vegetation** means any other plant that is not considered a tree.

### Policy Statement

1. An owner or occupier of a property adjacent to a public reserve can request vegetation within 10m of their property to be managed by the City to reduce perceived risk or impacts to their property.
2. A request can be for the removal, pruning and or replacement of vegetation and will be assessed on its merits by the Director Works and Infrastructure.
3. Requests to manage vegetation to improve views will not be considered.
4. Preference will be given to the preservation of vegetation that is considered as threatened species, or endemic to the local area, and or provides important habitat for local fauna.
5. Any vegetation that is approved to be removed will be replaced at the discretion of the Director Works and Infrastructure with species appropriate for the local area and environmental requirements.
6. Approved works will be undertaken by the City at the cost of the property owner who made the request.
7. Any person who removes vegetation without the approval of the Director Works and Infrastructure will be prosecuted under the provisions of the relevant Local Government Regulations or Thoroughfares Local Law, and may be referred to Department of Biodiversity, Conservation and Attractions (DBCA) if the removal has taken place within natural areas under their responsibility.

8. The City is to provide and maintain suitable firebreaks in accordance with the current order of the Bush Fires Act.

### Related Legislation

*Local Government (Miscellaneous Provisions) Act 1995*

*Environmental Protection Act 1986*

*Thoroughfares Local Law 2020*

*Section 444 of Criminal Code WA*

### Related Documentation

*Urban Tree Planting and Maintenance Policy*

### Document details

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

**10.5.1.9 Policy Review: Pedestrian Accessway Closures**

<b>Responsible Branch:</b>	Community Development
<b>Responsible Directorate:</b>	Development and Place
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>Existing Pedestrian Accessway Closures Policy [<b>9.9.1</b> - 2 pages]</li> <li>Pedestrian Accessway Closure Policy with Track Changes into Guidelines [<b>9.9.2</b> - 3 pages]</li> <li>Pedestrian Accessway Closures and Gating Guidelines [<b>9.9.3</b> - 3 pages]</li> </ol>
<b>Refer:</b>	Item 12.4.3 OCM: 22.03.2005

**SUMMARY**

For Council to consider rescinding the Pedestrian Accessway Closures Policy and noting the Pedestrian Accessway Closures and Gating Guidelines.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

**That Council:**

- Rescinds the Pedestrian Accessway Closures Policy; and**
- Notes the Pedestrian Accessway Closures and Gating Guidelines provided in Attachment 3.**

**Cr Assunta Meleca Moved, Cr Sally Palmer Seconded**

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

The Pedestrian Accessway Closures Policy sets out the procedure for closure of Pedestrian Accessways (PAW) within the City of Bayswater. The policy was first adopted in April 1996 and was updated to reflect the current formatting and branding in March 2016.

In 2009 the then Department of Planning released the "Procedure for the Closure of Pedestrian Access Ways Planning Guidelines" which sets out the general process for the closure of PAWs. The City's proposed guidelines reflect this document and detail how they will be implemented by the City.

The City frequently receives requests to close PAWs throughout the City. The proposed guidelines detail the process for permanent PAW closure (formal closure through the *Land Administration Act 1997*) and semi-permanent PAW closures (through gating of PAWs).

A copy of the existing Pedestrian Accessway Closures policy is included as **Attachment 1**.

## EXTERNAL CONSULTATION

No consultation is proposed to occur with the public or other agencies on this matter.

## OFFICER'S COMMENTS

The City has reviewed the existing PAW Closure Policy and found that the information is still relevant, however it is not considered necessary to be a policy and instead should be guidelines as it outlines an operational process. Considering this it is recommended that the policy be rescinded and that they are replaced by new guidelines, to be noted by Council. **Attachment 2** shows the changes between the existing policy and the proposed guidelines. A clean copy of the guidelines are included in **Attachment 3**.

There are several proposed differences between the existing policy and the proposed guidelines, the key changes are addressed below.

### Title

The title has been changed to 'Pedestrian Accessway Closures and Gating Guidelines'. The title has been updated to include gating requests, as the City has been receiving more requests for gating of PAWs. It was considered appropriate to include a section on gating as a part of the guidelines to address these requests.

### Preamble

A new preamble has been added to the guidelines. Most of the preamble was included in the 'policy statement' in the existing policy. The following comments have been added to clarify the City's position on PAWs:

*"The purpose of PAWs is to provide a direct access option to and from destinations within the pedestrian network, and it is the City's preference is to keep PAWs an open and barrier free access route. When submitting a request for closure or gating of a PAW, the requestor will need to ensure they provide significant justification and reasoning for Council to consider supporting the request."*

The City considers that PAWs provide essential access for pedestrians across the City. The City will consider all alternatives before gating and closing PAWs as it limits pedestrian permeability. Where there is justification for closing / gating a PAW the City will undertake the process identified within the guidelines.

### PAW Closure Requests

A new section on the process for PAW closure requests has been included in the guidelines. The process is generally the same as under the existing policy.

Provision 2 has been updated to provide greater clarity on how the closure request will be advertised and to simplify the process. New provisions 3, 4 and 5 have also been added as follows:

1. *In the event there the gating is not unanimously supported by adjoining landowners, or adjoining landowners are unwilling to purchase the land, the PAW will not be gated.*
4. *In the event there is support for the gating the matter will be presented to Council. Should Council resolve not to proceed with the gating of a PAW, further requests to gate the PAW will not be considered within 12 months of the resolution date.*
5. *In the event a request to reconsider a PAW gating is received after the 12 month period, the matter will be referred to Council for consideration prior to undertaking any notification or advertising procedures."*

These provisions are proposed to provide greater clarity to the requestor on the process after consultation with the adjoining landowners. It is the City's position that given the purpose of PAWs

is to provide access for the community, unless there is unanimous support for the closure the City will not progress a closure request.

### Gating a PAW

As detailed above the City is receiving more requests for gating PAWs in-lieu of permanently closing them. To address this it is proposed to include a new 'Gating of PAW' section within the guidelines. The key difference is that the City's relevant service areas will be requested to provide comment on the request and whether there is capacity within their team.

## **LEGISLATIVE COMPLIANCE**

Section 9.59 of the *Local Government Act 1995*

## **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.

<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
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
<b>Conclusion</b>	<p>It is considered that the Officer's Recommendation is low risk and supports the City in providing up to date and informative guidelines regarding PAWs closures and gating to the community.</p> <p>Should the Officer's Recommendation not be adopted, the existing policy will continue to be applicable. The existing policy is considered to provide limited guidance on the process for requesting a PAW closure and do not include any information requesting gating of PAWs.</p>	

## **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.

## **CONCLUSION**

In light of the above, it is recommended that Council rescinds the current Pedestrian Accessway Closures Policy, and notes the revised 'Pedestrian Accessway Closures and Gating Guidelines'.



## PEDESTRIAN ACCESSWAY CLOSURES 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 outline matters to be taken into consideration when assessing proposals for the closure of Pedestrian Access Ways (PAW).

### POLICY STATEMENT:

Requests to close pedestrian access ways (PAW) are often made on the grounds of security, safety and amenity. However, these PAWs were created to provide improved pedestrian access to services and facilities within a neighbourhood. In considering closure requests, a balance needs to be found between pedestrian access and concerns regarding residents' amenity and security.

The process for considering and implementing PAW closure requests is governed by the requirements and procedures of the Western Australian Planning Commission and the Department for Land Administration. This policy has regard to these requirements.

1. All applications for the closure of a Pedestrian Access Way (PAW) shall include information provided by the applicant(s) addressing the following matters:
  - a) The impact of the PAW on the adjoining landowners security and amenity;
  - b) The physical state of the PAW;
  - c) Access links that the PAW provides to community facilities such as (but not limited to):
    - (i) Schools & Other Education Facilities
    - (ii) Shopping
    - (iii) Parks & Recreation
    - (iv) Community Facilities
    - (v) Employment
    - (vi) Public Transport
    - (vii) Aged Persons & Disabled Facilities
  - d) Quality of alternative routes; and
  - e) Relationship to the surrounding pedestrian network.
2. Prior to submitting the application to Council for consideration to initiate the closure procedures, the following actions shall be undertaken:
  - a) Comments shall be sought from all adjoining landowners to determine the desirability of closure;
  - b) Comments shall be sought from all adjoining landowners to determine the capacity to dispose of the land should the closure be implemented; and
  - c) The proposed closure will be advertised for public comment, including:
    - (i) Placement of an advertisement in local newspaper(s);
    - (ii) Placement of signs at either end of the PAW;
    - (iii) Notification of affected servicing agencies; and

- (iv) Notification of surrounding residents.
3. Prior to the commencement of advertising for a PAW closure, the applicant shall pay the relevant advertising fee, as adopted in the annual schedule of fees.
  4. The inability to appropriately dispose of the resultant PAW land to the adjoining owners, due to either the reasons that they object to the closure, or are unwilling to purchase the land, will preclude the closure of the PAW.
  5. Should Council resolve not to proceed with the closure of a PAW, further requests to close the PAW will not be considered within 12 months of the resolution date.
  6. All requests to reconsider a PAW closure at the expiration of this 12 month period shall be referred to Council for consideration prior to undertaking any notification or advertising procedures.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

Section 9.59 of the Local Government Act 1995

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	25 August 1998
Reviewed / Modified	Date	25 January 2005
Reviewed / Modified	Date	1 March 2016



## PEDESTRIAN ACCESSWAY CLOSURES AND GATING GUIDELINES POLICY

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

Requests to close a pedestrian access ways (PAW) are often made on the grounds of security, safety and amenity. However, these PAWs were created to provide improved pedestrian access to services and facilities within a neighbourhood. In considering closure and gating request, a balance needs to be found between pedestrian access and concerns regarding residents' amenity and security.

The purpose of PAWs is to provide a direct access option to and from destinations within the pedestrian network, and it is the City's preference is to keep PAWs an open and barrier free access route. When submitting a request for closure or gating of a PAW, the requestor will need to ensure they provide significant justification and reasoning for Council to consider supporting the request.

### PURPOSE:

To outline matters to be taken into consideration when assessing proposals for the closure of Pedestrian Access Ways (PAW).

### PAW Closure Requests

#### POLICY STATEMENT:

Requests to close pedestrian access ways (PAW) are often made on the grounds of security, safety and amenity. However, these PAWs were created to provide improved pedestrian access to services and facilities within a neighbourhood. In considering closure requests, a balance needs to be found between pedestrian access and concerns regarding residents' amenity and security.

The process for considering and implementing PAW closure requests is governed by the requirements and procedures of the Western Australian Planning Commission and the Department for Land Administration. This policy has regard to these requirements.

When considering closing a PAW, the City must take into account how the closure would affect the community who utilises the PAWs as access to facilities, amenities and surrounding areas.

1. All applications ~~requests~~ for the closure of a ~~P A W~~ Pedestrian Access Way (PAW) shall ~~is to~~ include information provided by the ~~requestor~~ applicant(s) addressing the following matters:
  - a) The impact of the PAW on the adjoining landowner; ~~security and amenity~~;
  - b) The physical state of the PAW;
  - c) Access links that the PAW provides to community facilities such as (but not limited to):
    - i. Schools ~~and~~ & ~~o~~Other ~~e~~Education ~~f~~Facilities

- ii. Shopping;
  - iii. Parks ~~and~~ & Recreation;
  - iv. Community ~~f~~Facilities;
  - v. Employment;
  - vi. Public ~~t~~Transport;
  - vii. ~~Facilities for a~~Aged ~~p~~Persons & ~~and people with a disability~~; Disabled Facilities
- d) Quality of alternative routes; and
  - e) Relationship to the surrounding pedestrian network.
2. ~~Prior to submitting the application to Council for consideration to initiate the closure procedures, the following actions shall be undertaken:~~
2. Once a request for closure is considered by the City, the proposed closure will be advertised for public comment by way of;
- a) ~~Comments shall be sought from all adjoining landowners to determine the desirability of closure;~~
  - b) ~~Comments shall be sought from all adjoining landowners to determine the capacity to dispose of the land should the closure be implemented; and~~
  - c) ~~The proposed closure will be advertised for public comment, including:~~
    - a) (i) Placement of an advertisement in local newspaper(s);
    - b) (ii) Placement of signs at either end of the PAW;
    - e) (iii) ~~Request for comment from affected servicing agencies; and Notification of affected servicing agencies; and~~
    - d) Request for comment from surrounding landowners.
3. In the event the closure is not unanimously supported by adjoining landowners, the PAW will not be closed.
4. In the event there is unanimous support for the closure, the matter will be presented to Council. Should Council resolve not to proceed with the closure of a PAW, further requests to close the PAW will not be considered within 12 months of the resolution date.
5. In the event a request to reconsider a PAW closure is received after the 12 month period, the matter will be referred to Council for consideration prior to undertaking any notification or advertising procedures.

### Gating of PAW

For each PAW gating request, the City is to consider how the locked gates may affect not only the limited access to facilities and adjoining areas at night, but also the City's capacity for staff attend the gates at the designated times to lock and unlock them.

- 1. All requests for the installation of gates along a PAW is to include information provided by the requestor(s) addressing the following matters:
  - a) The impact of the PAW on the adjoining landowner;
  - b) The preferred times the gates are to be locked each night and unlocked each morning;
  - c) The physical state of the PAW;
  - d) Access links that the PAW provides to community facilities such as (but not limited to):
    - (i) Schools and other education facilities;

- (ii) Shopping;
  - (iii) Parks and recreation;
  - (iv) Community facilities;
  - (v) Employment;
  - (vi) Public transport;
  - (vii) Facilities for aged persons and people with disability;
  - e) Quality of alternative routes; and
  - f) Relationship to the surrounding pedestrian network
2. Once a request for gating is considered by the City, the proposed gating will be advertised for public comment by way of;
    - a) Seeking comments from the all relevant services areas within the City to determine the ability to manage the locking and unlocking of the gates; and
    - b) The proposed gating will be advertised for public comment including;
      - i. Placement of an advertisement in local newspaper(s);
      - ii. Placement of signs at either end of the PAW;
      - iii. Request for comment from affected servicing agencies; and
      - iv. Request for comment from surrounding landowners.
  3. In the event the gating is not unanimously supported by adjoining landowners, the PAW will not be gated.
  4. In the event there is unanimous support for the gating the matter will be presented to Council. Should Council resolve not to proceed with the gating of a PAW, further requests to gate the PAW will not be considered within 12 months of the resolution date.
  5. In the event a request to reconsider a PAW gating is received after the 12 month period, the matter will be referred to Council for consideration prior to undertaking any notification or advertising procedures.
  6. Should the gating of the PAW not be supported, the City may consider the installation of additional lighting, such as solar lighting, to assist with visibility and security at night along the PAW.





# Pedestrian Accessway Closures and Gating Guidelines

61 Broun Avenue, Morley WA 6062 | P: 9272 0622 | F: 9272 0665 | mail@bayswater.wa.gov.au | www.bayswater.wa.gov.au

## Introduction

Requests to close a pedestrian accessways (PAW) are often made on the grounds of security, safety and amenity. However, these PAWs were created to provide improved pedestrian access to services and facilities within a neighbourhood. In considering closure and gating requests, a balance needs to be found between pedestrian access and concerns regarding residents' amenity and security.

The purpose of PAWs is to provide a direct access option to and from destinations within the pedestrian network, and it is the City's preference is to keep PAWs an open and barrier free access route. When submitting a request for closure or gating of a PAW, the requestor will need to ensure they provide significant justification and reasoning for Council to consider supporting the request.

## PAW Closure Requests

When considering closing a PAW, the City is to take into account how the closure would affect the community who utilises the PAW as access to facilities, amenities and surrounding areas.

1. All requests for the closure of a PAW is to include information provided by the requestor addressing the following matters:
  - (a) The impact of the PAW on the adjoining landowner;
  - (b) The physical state of the PAW;
  - (c) Any access links that the PAW provides to community facilities such as (but not limited to):
    - i. Schools and other education facilities;
    - ii. Shopping;
    - iii. Parks and recreation;
    - iv. Community facilities;
    - v. Employment;
    - vi. Public transport;
    - vii. Facilities for aged persons and people with disability;
  - (d) Quality of alternative routes; and
  - (e) Relationship to the surrounding pedestrian network.
2. Once a request for closure is considered by the City, the proposed closure will be advertised for public comment by way of;
  - (a) Placement of an advertisement in local newspaper(s);
  - (b) Placement of signs at either end of the PAW;
  - (c) Request for comment from affected servicing agencies; and
  - (d) Request for comment from surrounding landowners.
3. In the event the closure is not unanimously supported by adjoining landowners, the PAW will not be closed.

4. In the event there is unanimous support for the closure, the matter will be presented to Council. Should Council resolve not to proceed with the closure of a PAW, further requests to close the PAW will not be considered within 12 months of the resolution date.
5. In the event a request to reconsider a PAW closure is received after the 12 month period, the matter will be referred to Council for consideration prior to undertaking any notification or advertising procedures.

## Gating of PAW

For each PAW gating request, the City is to consider how the locked gates may affect not only the limited access to facilities and adjoining areas at night, but also the City's capacity for staff to attend the gates at the designated times to lock and unlock them.

1. All requests for the installation of gates along a PAW is to include information provided by the requestor addressing the following matters:
  - (a) The impact of the PAW on the adjoining landowner;
  - (b) The preferred times the gates are to be locked each night and unlocked each morning;
  - (c) The physical state of the PAW;
  - (d) Access links that the PAW provides to community facilities such as (but not limited to):
    - i. Schools and other education facilities;
    - ii. Shopping;
    - iii. Parks and recreation;
    - iv. Community facilities;
    - v. Employment;
    - vi. Public transport;
    - vii. Facilities for aged persons and people with disability;
  - (e) Quality of alternative routes; and
  - (f) Relationship to the surrounding pedestrian network.
2. Once a request for gating is considered by the City, the proposed gating will be advertised for public comment by way of:
  - (a) Seeking comments from the all relevant services areas within the City to determine the ability to manage the locking and unlocking of the gates; and
  - (b) The proposed gating will be advertised for public comment including:
    - i. Placement of an advertisement in local newspaper(s);
    - ii. Placement of signs at either end of the PAW;
    - iii. Request for comment from affected servicing agencies; and
    - iv. Request for comment from surrounding landowners.
    - v.
3. In the event the gating is not unanimously supported by adjoining landowners, the PAW will not be gated.

4. In the event there is unanimous support for the gating the matter will be presented to Council. Should Council resolve not to proceed with the gating of a PAW, further requests to gate the PAW will not be considered within 12 months of the resolution date.
5. In the event a request to reconsider a PAW gating is received after the 12 month period, the matter will be referred to Council for consideration prior to undertaking any notification or advertising procedures.
6. Should the gating of the PAW not be supported, the City may consider the installation of additional lighting, such as solar lighting, to assist with visibility and security at night along the PAW.

Draft



**10.5.1.10 Policy Review: Naming of Parks, Reserves, Streets and Infrastructure Policy**

<b>Responsible Branch:</b>	Development and Place
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Original Naming of Buildings and Infrastructure Policy [9.10.1 - 2 pages]</li> <li>2. Amended Naming of Buildings and Infrastructure Policy – Track changes [9.10.2 - 4 pages]</li> <li>3. Amended Naming of Buildings and Infrastructure Policy [9.10.3 - 3 pages]</li> </ol>

**SUMMARY**

Council consideration is sought in relation to the proposed modifications to the City's Naming of Buildings and Infrastructure Policy (Naming Policy) relating to the naming of buildings and infrastructure.

The existing policy outlines the requirements for the naming of parks, reserves, streets and infrastructure (geographical features) within the City. However, the process and delegation for approving the naming of these geographical features has changed under Landgate's current Policies and Standards for Geographical Naming in Western Australia and the City's Naming Policy is required to be modified to reflect Landgate's current Policy requirements and procedures.

The purpose of the Naming Policy is to provide a consistent approach for the naming of buildings, infrastructure and facilities within the City of Bayswater. This policy is necessary to outline naming requirements for these features which are required to be approved by the City.

The proposed modified policy will bring it in line with Landgate's Policies and procedures, the current City policy format and improve its readability.

**COUNCIL RESOLUTION****(COMMITTEE RECOMMENDATION)**

**That Council adopts the revised Naming of Buildings and Infrastructure Policy as contained in Attachment 3, amended to remove the words "for at least 10 years." from clause 4(c) of the Requirements Section.**

**Cr Assunta Meleca Moved, Cr Sally Palmer Seconded**

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

The need to provide guidance on naming geographical features within the City remains current. However, it requires some changes to bring it in line with Landgate's Policies and procedures, and the City's policy format. The policy was originally adopted by Council on 23 April 1996 and subsequently modified in September 1998, January 2005, March 2016 and August 2017.

Separate to the Naming Policy, the City is preparing a new policy which provides guidance on naming, dual naming and renaming parks, reserves and other infrastructure to Aboriginal names within the City. This policy is still in the process of being drafted and its progress is dependent on

getting agreement on the naming process from Aboriginal and Torres Strait Islander groups and the City's Reconciliation Advisory Committee. In light of this, it is yet to be scheduled for a future Committee / Ordinary Council Meeting.

## EXTERNAL CONSULTATION

No external consultation is proposed. This policy has been prepared in accordance with Landgate *Policies and Standards for Geographical Naming in Western Australia*. It is considered that public consultation is not required.

## OFFICER'S COMMENTS

The City's current policy sets out the requirements for the naming of parks, reserves, streets and infrastructure. In 2017, Landgate updated *Policies and Standards for Geographical Naming in Western Australia* which details that the City only has delegation to approve names for buildings, infrastructure and facilities. Landgate has the delegated authority to formally approve names for parks, reserves and roads. Considering these changes, the proposed modified Naming Policy has been updated to apply specifically to and set out the requirements for the naming of buildings, infrastructure and facilities, which the City has delegation to approve. It is considered that the proposed modified policy will provide greater clarity on what the City will consider through the amended provisions.

The proposed modified Naming Policy, as contained in **Attachment 3** to this report, updates the existing policy in accordance with the current City of Bayswater policy format. The policy updates include new objectives, a policy scope, new definition, updates to the requirements and a new related documentation section. The modified purpose and requirements are aligned with the intent of the existing policy, with adjustments to the wording to improve readability, and to reflect Landgate's current Policies and procedures. The key changes made to each section of the policy are summarised below.

### Title

The title of the policy has been modified to Naming of Buildings and Infrastructure Policy. The original name reads as Naming of Parks, Reserves, Streets and Infrastructure Policy. 'Buildings' has been included as the policy now provides requirements for the naming and renaming of buildings within the City of Bayswater. 'Parks,' 'Reserves,' and 'Streets' have been removed as the policy no longer provides guidance on these features as the delegation to approve these features is with Landgate, and Landgate have updated their policies to provide detailed requirements and processes superseding the need for their City to provide guidance on these matters.

### Objectives

A series of three new objectives have been added to the draft modified policy. The objectives of the draft modified policy are derived from the purpose, identified in the existing policy. They reinforce that the policy aims to ensure a transparent and consistent approach for the naming of buildings, infrastructure and facilities. The objectives also encourage names to be of significance to the community and provide an opportunity to honour individuals and groups who deserve recognition signage on a site at the planning and design stage of a development.

### Scope

The existing policy includes a 'Policy Statement' section, in accordance with the City's current policy format which has been changed to 'Scope' in the draft modified policy. The scope clarifies what the policy applies to, and sets out the requirements for, the naming of buildings, infrastructure and facilities within the City of Bayswater.

### Definitions

A new definition has been added to the draft modified policy to provide clarity and assist with the naming of geographical features within the City of Bayswater.

### Requirements

#### Naming of Buildings, Infrastructure and Facilities

The existing provisions have been modified to provide clarity on the requirements for naming buildings, infrastructure and facilities within the City of Bayswater whilst ensuring consistency with Landgate's *Policies and Standards for Geographical Naming in Western Australia*. Reference to parks, reserves and roads have been removed from this section as the naming of these geographical features are required to be considered under a new separate process as briefly outlined below.

The naming of buildings and infrastructure are to be approved by the City of Bayswater.

#### Parks, Reserves and Roads

Reference to parks, reserves and roads have been removed from this policy as the naming of these geographical features are now required to be in accordance with Landgate's *Policies and Standards for Geographical Naming in Western Australia* and be formally approved by Landgate.

The City will create a webpage providing a link to Landgate's naming of Parks, Reserves and Roads process when considering and applying for the naming of these features.

## **LEGISLATIVE COMPLIANCE**

Section 2.7 of the *Local Government Act 1995* sets out the role of Council to direct and control the local government's affairs, is responsible for the performance of local government functions and is to determine the local government's policies.

## **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.

<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
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
<b>Conclusion</b>	<p>It is considered that this option has a low risk as it is consistent with the existing policy and Landgate's policies and procedures.</p> <p>If Council does not adopt the proposed modified policy as contained in Attachment 3 to this report it is considered that this will have 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 the provisions align with Landgate's Policies and procedures. It is also considered that there is moderate community and stakeholder risk due to there being uncertainties in relation to the process of naming geographical features within the City of Bayswater.</p>	

## **FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

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

Theme: Environment and Liveability

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

Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.

It is considered that the proposed draft modified Naming Policy ensures a consistent approach is applied for the naming of buildings, infrastructure and facilities, ensures names are of significance to the community and provides an opportunity to honour individuals and groups who deserve recognition.

**CONCLUSION**

The proposed draft modified 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 Naming of Buildings and Infrastructure policy is adopted by Council.

## NAMING OF PARKS, RESERVES, STREETS & INFRASTRUCTURE POLICY

Responsible Division	Planning and Development Services
Responsible Business Unit/s	Strategic Planning and Place Services, Recreation Services
Responsible Officer	Manager Strategic Planning and Place
Affected Business Unit/s	Strategic Planning and Place Services, Recreation Services



### PURPOSE:

To outline the City of Bayswater's requirements, in support of the consistent approach for the naming of parks, reserves, streets and infrastructure as set out by the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.

### POLICY STATEMENT:

In accordance with Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia:

1. The naming of a park, reserve, street and infrastructure shall be determined by Council.
2. A list of all names and their origins will be kept within a Geographic Names Register.
3. Priority will be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area.
4. Components of recreational reserves (e.g. pavilions, ovals, gardens etc.) may:
  - a. be named in honour of community members who have contributed towards the establishment of the particular facility or towards the community in general. Such proposals may include forename/surname combinations; or
  - b. have commercial short term names for the purposes of event promotion or sponsorship. Any proposed sponsorship signage shall be in accordance with the Sponsorship Signage on Reserves Policy.
5. All requests for the naming of a park, street, reserve or infrastructure must be identified within one of the following categories:
  - a. A figure of local historical note;
  - b. Geographic feature(s); or
  - c. Other acceptable theme(s).
6. Requests for the naming of a park, street, reserve or infrastructure after a person must be made in writing and contain the following details of the person intended to be recognised:
  - a. Name;
  - b. Date of birth and year of death, if applicable;

- c. Detailed information and supporting documentation (e.g. letters, newspaper articles, oral histories, photographs etc.) to demonstrate the person's contribution(s)/relevance to the local community; and
  - d. Evidence of all efforts to gain consent from family members of the person who is being recognised in the name.
7. Names chosen for City parks, reserves, streets and infrastructure are expected to be permanent, and re-naming is discouraged. Renaming will only be considered in exceptional circumstances and where significant community support has been demonstrated.
  8. Nothing in this policy prevents Council from approving short term names for the purposes of event promotion or sponsorship.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

Section 2.7(2)(b) of the Local Government Act 1995

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	22 September 1998
Reviewed / Modified	Date	25 January 2005
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	15 August 2017
Reviewed / Modified	Date	





# Naming of ~~Parks, Reserves, Streets~~ & **Buildings and** Infrastructure 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

To outline the City of Bayswater's requirements, in support of the **provide a** consistent approach for the naming of parks, reserves, streets **buildings**, and infrastructure **and facilities** as set out by the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.

## Objective

The objectives of this policy are to:

1. Ensure a transparent and consistent approach for the naming of buildings, infrastructure and facilities.
2. Encourage the names of buildings, infrastructure and facilities to be of significance to the community and provide an opportunity to honour individuals and groups who deserve recognition.
3. Provide the opportunity to emphasise important landmarks, geographical features or historical events.

## Scope

This policy applies to, and sets out the requirements for, the naming of buildings, infrastructure and facilities within the City of Bayswater.

This policy does not provide guidance to the naming of parks, reserves and roads. *Policies and Standards for Geographical Naming in Western Australia* sets out the requirements for naming these geographical features which are to be formally approved by Landgate.

## Definitions

**Buildings, infrastructure and facilities** means the physical structures that provides a community benefit or service within the City of Bayswater. For instance, libraries, educational facilities (school), sporting and recreation centre, community hall, places of worship or a similar area used by the local community.

Nil

## Policy Statement Requirements

### Naming of buildings, infrastructure and facilities

The naming and renaming of buildings, infrastructure and facilities shall be in accordance with the following: ~~Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia~~

1. Any person, community group, organisation, government department or local authority can request a new name or an amendment to an existing name.
2. The naming of a park, ~~reserve, street and~~ building, infrastructure or facility shall be determined by Council.
3. A formal request in writing shall be submitted to the City of Bayswater which clearly outlines how the name satisfies the requirements of this policy.
4. ~~A list of all names and their origins will be kept within a Geographic Names Register.~~
5. ~~Priority will be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area.~~
6. ~~Components of recreational reserves (e.g. pavilions, ovals, gardens etc.) may:~~
  - ~~(a) be named in honour of community members who have contributed towards the establishment of the particular facility or towards the community in general. Such proposals may include forename/surname combinations; or~~
  - ~~(b) have commercial short term names for the purposes of event promotion or sponsorship. Any proposed sponsorship signage shall be in accordance with the Sponsorship Signage on Reserves Policy.~~
4. Suitable names for such features should be assessed against the following criteria:
  - (a) Whether the name has geographical, historical, cultural or local significance.
  - (b) If a living person is nominated, they must have contributed significant time, money or services to the community that were not part of their work, for at least 10 years.
  - (c) Named after people who have been recognised in their field of expertise at a state, national or higher level, for at least 10 years.
  - (d) Names shall not include persons who have been convicted of criminal offences.
  - (e) Family names that have already been used are not to be considered even though it refers to a different family. Consideration may be given to using the person's full name for example Joe Smith Library.
  - (f) Buildings, infrastructure and facilities named after a person may include an appended functional title where this would serve to clarify the location of the building or assist in identification.
  - (g) Any new name for a building, infrastructure or facility shall not conflict with existing names.
  - (h) Corporate names shall not be supported for permanent recognition. Exceptions allowed if there is a proven historical association with the area.



5. All requests for the naming of a park, street, reserve or infrastructure must be identified within one of the following categories:
  - (i) A figure of local historical note;
  - (j) Geographic feature(s); or
  - (k) Other acceptable theme(s).
5. Requests for the naming of a park, street, reserve or infrastructure after a person must be made in writing and contain the following details of the person intended to be recognised:
  - (a) Name.
  - (b) Date of birth and year of death, if applicable.
  - (c) Detailed information and supporting documentation (such as e.g. letters, newspaper articles, oral histories, photographs etc.) to demonstrate the person's contribution(s) and/or relevance to the local community; and
  - (d) Evidence of all efforts to liaise with gain consent from family members of the person who is being recognised in the name to gain their support.
6. Names chosen for City parks, reserves, streets and infrastructure are expected to be permanent, and re-naming is discouraged. Renaming will only be considered in exceptional circumstances and where significant community support has been demonstrated.
7. Nothing in this policy prevents Council from may approve ing short term names for the purposes of event promotion or sponsorship.
8. Landgate is to be notified of such naming actions so that the information is included in the State's Gazetteer and made available for use by the community, essential and emergency service responders.

## Related Legislation

- Section 2.7(2)(b) of the Local Government Act 1995

## Related Documentation

- Policies and Standards for Geographical Naming in Western Australia (Landgate)
- Aboriginal and Dual Naming Guidelines (Landgate)
- Landgate Naming and Renaming online application forms and Policies and Standards for Geographical Naming in Western Australia are available here [Toolkit for Local Government - Landgate](#)

Relevant Delegations	
Council Adoption	23 April 1996
Review / Modified	22 September 1998
Review / Modified	25 January 2005
Review / Modified	1 March 2016
Review / Modified	15 August 2017
Review / Modified	

DRAFT

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

To provide a consistent approach for the naming of buildings, infrastructure and facilities.

## Objective

The objectives of this policy are to:

1. Ensure a transparent and consistent approach for the naming of buildings, infrastructure and facilities.
2. Encourage the names of buildings, infrastructure and facilities to be of significance to the community and provide an opportunity to honour individuals and groups who deserve recognition.
3. Provide the opportunity to emphasise important landmarks, geographical features or historical events.

## Scope

This policy applies to, and sets out the requirements for, the naming of buildings, infrastructure and facilities within the City of Bayswater.

This policy does not provide guidance to the naming of parks, reserves and roads. *Policies and Standards for Geographical Naming in Western Australia* sets out the requirements for naming these geographical features which are to be formally approved by Landgate.

## Definitions

**Buildings, infrastructure and facilities** means the physical structures that provides a community benefit or service within the City of Bayswater. For instance, libraries, educational facilities (school), sporting and recreation centre, community hall, places of worship or a similar area used by the local community.

## Requirements

### Naming of buildings, infrastructure and facilities

The naming and renaming of buildings, infrastructure and facilities shall be in accordance with the following:

1. Any person, community group, organisation, government department or local authority can request a new name or an amendment to an existing name.
2. The naming of a building, infrastructure or facility shall be determined by Council.
3. A formal request in writing shall be submitted to the City of Bayswater which clearly outlines how the name satisfies the requirements of this policy.
4. Suitable names for such features should be assessed against the following criteria:
  - (a) Whether the name has geographical, historical, cultural or local significance.
  - (b) If a living person is nominated, they must have contributed significant time, money or services to the community that were not part of their work, for at least 10 years.
  - (c) Named after people who have been recognised in their field of expertise at a state, national or higher level, for at least 10 years.
  - (d) Names shall not include persons who have been convicted of criminal offences.
  - (e) Family names that have already been used are not to be considered even though it refers to a different family. Consideration may be given to using the person's full name for example Joe Smith Library.
  - (f) Buildings, infrastructure and facilities named after a person may include an appended functional title where this would serve to clarify the location of the building or assist in identification.
  - (g) Any new name for a building, infrastructure or facility shall not conflict with existing names.
  - (h) Corporate names shall not be supported for permanent recognition. Exceptions allowed if there is a proven historical association with the area.
5. Requests for naming after a person must contain the following details of the person intended to be recognised:
  - (a) Name.
  - (b) Date of birth and year of death, if applicable.
  - (c) Detailed information and supporting documentation (such as letters, newspaper articles, oral histories, photographs) to demonstrate the person's contribution(s) and/or relevance to the local community.
  - (d) Evidence of all efforts to liaise with family members of the person who is being recognised in the name to gain their support.
6. Names are expected to be permanent, and re-naming is discouraged. Renaming will only be considered in exceptional circumstances and where significant community support has been demonstrated.
7. Council may approve short term names for the purposes of event promotion or sponsorship.
8. Landgate is to be notified of such naming actions so that the information is included in the State's Gazetteer and made available for use by the community, essential and emergency service responders.

## Related Legislation

- Section 2.7(2)(b) of the *Local Government Act 1995*

## Related Documentation

- Policies and Standards for Geographical Naming in Western Australia (Landgate)
- Aboriginal and Dual Naming Guidelines (Landgate)
- Landgate Naming and Renaming online application forms and Policies and Standards for Geographical Naming in Western Australia are available here [Toolkit for Local Government - Landgate](#)

Relevant Delegations	
Council Adoption	23 April 1996
Review / Modified	22 September 1998
Review / Modified	25 January 2005
Review / Modified	1 March 2016
Review / Modified	15 August 2017
Review / Modified	

**10.5.1.11 Policy Review: Grants Program Policy**

<b>Responsible Branch:</b>	Community Development
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>Existing City of Bayswater Grants Program Policy [9.11.1 - 5 pages]</li> <li>Revised City of Bayswater Grants Program Policy - with Track Changes shown [9.11.2 - 5 pages]</li> <li>Revised City of Bayswater Grants Program Policy - without Track Changes shown [9.11.3 - 5 pages]</li> </ol>
<b>Refer:</b>	Item 10.4.5: OCM 26.04.2023

**CR LORNA CLARKE DECLARED A FINANCIAL INTEREST**

*In accordance with section 5.60A of the Local Government Act 1995, Cr Lorna Clarke declared a financial interest in this item as the item relates to changes to the heritage program and she lives in a heritage listed house. At 7:44pm, Cr Lorna Clarke withdrew from the meeting and did not participate in consideration or voting on this item.*

**SUMMARY**

The revised City of Bayswater Grants Program Policy is the result of Council consideration of the proposed City's community events for 2023/24 where it was suggested that the City considers providing greater flexibility of grant rounds for the funding stream, and changing Community Events Grant from two rounds per financial year to all year round.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)**

That Council adopts the revised City of Bayswater Grants Program Policy as contained in Attachment 3.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor 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 7:45pm Cr Lorna Clarke returned to the meeting.*

**BACKGROUND**

Council at its Ordinary Council Meeting held 26 April 2023, considered the proposed 2023/24 City community events. This included the relocation of \$22,500 to increase the Community Events Grants to \$62,500 for 2023/24.

Council resolved as follows:

*“That Council:*

1. *Approves the proposed City’s community events for 2023/24 as contained in Table in this report.*
2. *Allocates the following funds for the community events in the 2023/24 budget:*
  - (a) *An amount of \$249,069 to deliver the proposed 2023/24 community events as contained in Table 1; and*
  - (b) *An amount of \$62,500 to deliver the 2023/24 Community Events Grants.”*

As a result of Council consideration of the above matter, the City seeks to revise the current grants policy to reflect greater flexibility from two grant rounds, for the Community Event Grants, to all year round.

## EXTERNAL CONSULTATION

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

## OFFICER'S COMMENTS

The City proposes to open grant rounds to be available to the community all year round enabling greater flexibility. Should the community not take up the opportunities to run smaller events, the City would be agile in response, consider collaborations with key stakeholders and connect event organisers to; leverage events and festival programs to maximise outcomes and support public-facing activation.

The key points of the revisions were text amendments to point 2; Community Events Grant to include a broader reference to location and community cultural diversity. The following revisions are proposed to the City of Bayswater Grants Program Policy:

Revision	Rationale
Revise text in table in 2. Community Events’ row, ‘Summary’ column - Events located in the City showcasing City assets and parks, open to the public, encourage activation, connection, cultural diversity and vibrancy within the City of Bayswater area.	The change would accept applications for events in all locations within the City, and refers to a focus on cultural diversity and vibrancy.
Revise text in table in 2. Community Events’ row, ‘No. of Rounds per Financial Year’ column – Open all year round.	The change offers greater flexibility to the City and community to accept community event applications for grants.

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

A copy of the clean policy, with amendments included, is provided in **Attachments 3**.

## LEGISLATIVE COMPLIANCE

- *Local Government Act 1995; and*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*

## 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.

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
<b>Conclusion</b>	It is considered that this will bring more flexibility to the City community event grants, and overall assessed as a low risk to the City.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

- Theme: Community
- Goal C2: Celebrate multiculturalism, arts and culture by supporting local events and initiatives.
- Goal C3: Maximise the use of the City's park and facilities by all sections of the community.
- Goal C4: Empower the community by helping them develop social connections.
- Theme: Leadership and Governance
- Goal L2: Plan and deliver projects and services in a sustainable way. Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

## CONCLUSION

In light of the above, it is recommended that Council endorses the revised City of Bayswater Grants Program Policy.





# City of Bayswater Grants Program Policy

<b>Responsible Division</b>	Community and Development
<b>Responsible Business Unit</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Community Development Planning and Place Corporate and Strategy Project Services Sustainability, Environment and Waste
<b>ECM Document Set ID</b>	4281423

## Purpose

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

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

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

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

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

## Scope

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

## Definitions

For the purpose of this Policy —

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

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

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

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

An incorporated association can:

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

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

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

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

## Policy Statement

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

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

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

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

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

## Related Legislation

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

## Related Documentation

- *City of Bayswater Policy Framework;*
- *City of Bayswater Strategic Community Plan;*
- *Delegations Register;*
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- *Play Space Strategy;*
- *Heritage Fund Policy (2008)*
- *Major Town Centre Events Policy (2012)*
- *Community Facility Lease and License Policy; and*
- *Sponsorship of Assets, Services and Activities Policy.*

## Document details

**Relevant delegations** Simple Majority required.

**Risk evaluation** Low

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

Theme: Community

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

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

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

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

Theme: Environment and Liveability

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

<b>Council adoption</b>	28 June 2022	<b>Resolution</b>	10.6.1.3
<b>Next review due</b>	28 June 2026		



# City of Bayswater Grants Program Policy

<b>Responsible Division</b>	Community and Development
<b>Responsible Business Unit</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Community Development Planning and Place Corporate and Strategy Project Services Sustainability, Environment and Waste
<b>ECM Document Set ID</b>	[ECM document set ID] - Pending draft endorsement

## Purpose

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

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

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

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

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

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

## Definitions

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

## Policy Statement

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

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

No.	Funding Stream	Summary	No. of Rounds per Financial Year
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Note: \* The Major Town Centre Event Funding is renamed the Town Centre Events.

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## Related Legislation

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## Document details

**Relevant delegations** Simple Majority required.

**Risk evaluation** Low

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

Theme: Community

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

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Theme: Environment and Liveability

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

<b>Council adoption</b>	[date]	<b>Resolution</b>	[Item no.]
<b>Next review due</b>	(four years as per OCM 24/08/2021)		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[Item no.]
<b>Revision details</b>	[revision no] [description]		



# City of Bayswater Grants Program Policy

<b>Responsible Division</b>	Community and Development
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<b>Responsible Officer</b>	Manager Community Development
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<b>ECM Document Set ID</b>	[ECM document set ID] - Pending draft endorsement

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## Policy Statement

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

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

## Related Legislation

- *Local Government Act 1995 (WA);*
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- *Heritage Fund Policy (2008)*
- *Major Town Centre Events Policy (2012)*
- *Community Facility Lease and License Policy; and*
- *Sponsorship of Assets, Services and Activities Policy.*

## Document details

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

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

<b>Council adoption</b>	[date]	<b>Resolution</b>	[Item no.]
<b>Next review due</b>	(every four years; 2026)		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[Item no.]
<b>Revision details</b>	[revision no] [description]		

**10.5.1.12 Policy Review: Volunteer Policy**

<b>Responsible Branch:</b>	Community Development
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>Existing Volunteer- Policy-090419 [<b>9.12.1</b> - 1 page]</li> <li>Revised Volunteer Policy - with Tracked Changes shown [<b>9.12.2</b> - 2 pages]</li> <li>Revised Volunteer Policy - with Changes included [<b>9.12.3</b> - 2 pages]</li> </ol>

**SUMMARY**

The revised City of Bayswater Volunteer Policy is the result of a recent broader review of volunteer management, along with a volunteer risk assessment and associated management practices, guidelines and forms used by the City.

There have been minor amendments to the existing Volunteer Policy (**Attachment 1**) including;

- Reformatted into new template;
- Minor typographical amendments and reference to environmental groups;
- Reference to related documentation; and
- Revised reference to the new *Work Health and Safety Act 2020*.

**ADDITIONAL INFORMATION**

In relation to the revised Volunteer Policy with tracked changes contained in **Attachment 2**, there appears to be an anomaly in the tracked changed text. The text and associated formatting under 'Scope' implies that some of this text is in the current Volunteer Policy, however this is not the case as the whole Scope section and text is new and should have been all underlined to indicate this. Accordingly, the Scope section in **Attachment 2** should read and be formatted as follows:

**"Scope**

This policy is for the management of volunteers within the City of Bayswater. It includes volunteers across all volunteer service areas in the City and includes Friends of Groups who support environmental community works."

The above does not impact the Officer's Recommendation.

**RECOMMENDATION IMPLICATIONS**

In light of the above, the Officer's Recommendation remains unchanged.

**COUNCIL RESOLUTION  
(COMMITTEE/OFFICER'S RECOMMENDATION)**

**That Council adopts the revised Volunteer Policy as contained in Attachment 3.**

**Cr Assunta Meleca Moved, Cr Sally Palmer Seconded**

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**



**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

## BACKGROUND

As part of the Volunteer Risk Assessment process, it was identified that the Volunteer Policy was due to be reviewed along with the Volunteer Management Practice, and associated management practices, guidelines and forms used.

In December 2022, the City commenced the risk assessment process to commence the review of volunteer management documents. As a result of the risk assessment a number of treatment plans were recommended to increase the effectiveness of the risk controls.

The key points of the risk assessment were:

- Development of a Document Management Register to review and update all outdated documents including Volunteer Policy, Management Practice, Procedures, Handbooks and Forms;
- Establishment of a working group to ensure adherence to the management practice;
- Development of Challenging Workplace Behaviour Guidelines;
- Presentation of the review outcomes to the Executive Management Team;
- Strategic alignment; and
- Ongoing monitoring of all volunteer management practice, policy and processes.

## EXTERNAL CONSULTATION

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

The City engaged with supervisors and volunteers through supervisor monthly meetings and the monthly volunteer meetings. The regular meetings were reinstated in late 2022, as a result of the risk review process.

City officers met weekly for six weeks to review all documentation, develop the risk review and undergo the consultation with volunteers and supervisors. A total of 22 documents were reviewed, updated and added to the volunteer management register for ongoing monitoring.

## OFFICER'S COMMENTS

The following revisions are proposed to the Volunteer' Policy:

Revision	Rationale
Reformat	New template exists since the last review
Typographical edits	Minor adjustments
Edit to related legislation	<i>Occupational Safety and Health Act 2004</i> updated to the <i>Work Health and Safety Act 2020</i>

A copy of the revised policy, with amendments shown in 'tracked changes' is provided in **Attachment 2**. The monitoring to all documents relating to volunteer management is contained in a new register for ongoing monitoring, as an outcome of the broader volunteer management review.

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

### LEGISLATIVE COMPLIANCE

- *Local Government Act 1995;*
- *Work Health and Safety Act 2020;* and
- *Equal Opportunity Act 1984.*

### 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.

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
<b>Conclusion</b>	It is considered that this will bring the policy up to date with the City's current policy template, reference to the legislation and slight improvement to text.	

### FINANCIAL IMPLICATIONS

Nil.

### STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2023 (as amended), the following applies to the Volunteer Management and Policy:

Theme: Community  
Goal C2: Accessible services that recognise diversity.

Theme: Leadership and Governance  
Goal L1: Accountable and good governance  
Goal L2: Proactively communicates and consults  
Goal L3: Strong stewardship and leadership

### CONCLUSION

In light of the above, it is recommended that Council endorses the revised Volunteer Policy.

## VOLUNTEER POLICY

Responsible Division	Community and Development
Responsible Business Unit/s	Community Development
Responsible Officer	Manager Community Development
Affected Business Unit/s	Community Development
ECM Reference	3406378



### PURPOSE:

To ensure volunteer management systems and processes are in place that:

- Recognise the valuable contribution of City of Bayswater registered volunteers
- Ensure compliance and industry leading volunteer management, particularly in the areas of recruitment, training, Occupational Health and Safety and support of volunteers

### POLICY STATEMENT:

The City of Bayswater values and acknowledges the contributions made by volunteers who connect and participate in the community by freely sharing their time, skills and knowledge through volunteering within programs and projects managed by the City.

The City maintains a Volunteer Management Practice to guide the management of registered volunteers in line with industry leading standards, and the provision of:

- Healthy and safe working environments;
- Clarity regarding their role, organisational values, expectations and relevant policies and procedures;
- Appropriate training, induction and instruction to conduct their role;
- An environment free from bullying, harassment and any form of discrimination;
- Access to a grievance process;
- Recognition and celebration of the City's registered volunteers;
- A Volunteer handbook and other tools containing relevant information and guidance.

### DEFINITIONS:

*Nil*

### RELATED LEGISLATION:

*Occupational Safety and Health Act 2004*

*Equal Opportunity Act 1984*

*Local Government Act 1995*

### RELATED DOCUMENTATION:

*City of Bayswater Volunteer Management Practice*

Council Adoption	Date	27 August 2002
Reviewed / Modified	Date	22 March 2005
Reviewed / Modified	Date	26 August 2014
Policy Reformatted	Date	1 March 2016
Reviewed / Modified	Date	22 February 2017 (Committee)
Reviewed / Modified	Date	9 April 2019



# Volunteer Policy

<b>Responsible Division</b>	Community and Development
<b>Responsible Business Unit</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Community Development
<b>ECM Document Set ID</b>	3406378 TBC

## Purpose

To ensure volunteer management systems and processes are in place that;

- Recognise the valuable contribution of City of Bayswater registered volunteers; and
- Ensure compliance and industry leading volunteer management, particularly in the areas of recruitment, training, Occupational Health and Safety and support of volunteers.

## Objectives

## Scope

This policy is for the management of volunteers within the City of Bayswater. It includes volunteers across all volunteer service areas in the City. It doesn't, and, includes Friends of Groups who support environmental community works.-

## Definitions

Nil

## Policy Statement

The City of Bayswater values and acknowledges the contributions made by volunteers who connect and participate in the community by freely sharing their time, skills and knowledge through volunteering within programs and projects managed by the City.

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- Access to a grievance process;
- Recognition and celebration of the City's registered volunteers; and
- A Volunteer handbook and other tools containing relevant information and guidance.

## Related Legislation

Work Health and Safety Act ~~2004~~ 2020

Equal Opportunity Act 1984

Local Government Act 1995

## Related Documentation

City of Bayswater Volunteer Management Practice & Volunteer toolkit.

## Document details

Relevant delegations	<a href="#">n/a</a>		
Risk evaluation	<a href="#">Low</a>		
Strategic link	<a href="#">In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:</a>  <a href="#">Theme: Community</a> <a href="#">Goal C2: Accessible services that recognise diversity.</a>  <a href="#">Theme: Leadership and Governance</a> <a href="#">Goal L1: Accountable and good governance:</a> <a href="#">Ensure policies, procedures and practices are effective</a>		
Council adoption	TBA	Resolution	TBA
Next review due	TBA		



# Volunteer Policy

<b>Responsible Division</b>	Community and Development
<b>Responsible Business Unit</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Community Development
<b>ECM Document Set ID</b>	TBC

## Purpose

To ensure volunteer management systems and processes are in place that;

- Recognise the valuable contribution of City of Bayswater registered volunteers; and
- Ensure compliance and industry leading volunteer management, particularly in the areas of recruitment, training, Occupational Health and Safety and support of volunteers.

## Objectives

### Scope

This policy is for the management of volunteers within the City of Bayswater. It includes volunteers across all volunteer service areas in the City, and includes Friends of Groups who support environmental community works.

## Definitions

Nil.

## Policy Statement

The City of Bayswater values and acknowledges the contributions made by volunteers who connect and participate in the community by freely sharing their time, skills and knowledge through volunteering within programs and projects managed by the City.

The City maintains a Volunteer Management Practice to guide the management of registered volunteers in line with industry leading standards, and the provision of:

- Healthy and safe working environments;
- Clarity regarding their role, organisational values, expectations and relevant policies and procedures;
- Appropriate training, induction and instruction to conduct their role;
- An environment free from bullying, harassment and any form of discrimination;
- Access to a grievance process;

- Recognition and celebration of the City's registered volunteers; and
- A Volunteer handbook and other tools containing relevant information and guidance.

### Related Legislation

- *Work Health and Safety Act 2020;*
- *Equal Opportunity Act 1984; and*
- *Local Government Act 1995.*

### Related Documentation

City of Bayswater Volunteer Management Practice and Volunteer toolkit.

### Document details

<b>Relevant delegations</b>	n/a
<b>Risk evaluation</b>	Low
<b>Strategic link</b>	<p>In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:</p> <p>Theme: Community Goal C2: Accessible services that recognise diversity.</p> <p>Theme: Leadership and Governance Goal L1: Accountable and good governance. Ensure policies, procedures and practices are effective</p>
<b>Council adoption</b>	TBA
<b>Resolution</b>	TBA
<b>Next review due</b>	TBA

**10.5.1.13 New Policy: Complaint Management Policy**

<b>Responsible Branch:</b>	Community Development
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Proposed Complaint Management Policy [9.13.1 - 4 pages]
<b>Refer:</b>	Item 10.6.2.10: OCM 31.01.2023

**SUMMARY**

The development of this policy is to address recommendations of the Audit and Risk Report, to develop an overarching policy and procedure for customer services, which identify all systems that interact with customers including references to the Elected Members enquiry processes.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the new Policy, 'Complaint Management Policy' as outlined in Attachment 1.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

As part of the 2022/23 Internal Audit Program, Council endorsed at the Ordinary Council Meeting held on 31 January 2023, the Customer Requests and Complaint Handling, Escalation, and Resolution internal audit report. The internal audit was performed in accordance with the requirements of the ARMC and within the internal audit services delivered by William Buck.

The objective of the review was to determine whether appropriate documented controls around customer services exist and are adequately designed, operationally effective and are consistent with City's policies, management practices and procedures, regulatory requirements and sector better practice guidance.

There are several functions within the City that interact directly with the customers in receiving enquiries, as well as, returning to customers with responses.

**EXTERNAL CONSULTATION**

No consultation has yet occurred with the public or other agencies on this matter. Internal consultation was undertaken by an internal working group, the Customer First Working Group. This group was established to address the specific recommendations of the 2022/23 internal audit program and to report back to the ELT and Audit and Risk Management Committee.



## OFFICER'S COMMENTS

The first recommendation was to develop a Complaint Management Policy. This policy has been prepared and is contained in **Attachment 1**.

The policy sets out how the City will effectively and appropriately engage in the handling and management of complaints received from customers. It provides a framework that will ensure efficient, impartial and respectful handling of complaints from submission until a resolution is reached, and enables the City to use the complaint data to enhance business practices and increase customer satisfaction levels.

The policy also addresses lodging complaints, anonymous complaints, unreasonable complaint conduct and confidentiality.

Should Council endorse the new policy, the City would support the policy with revised management practices and procedures. This will provide guidance to officers and applies to all City employees including volunteers and contractors. Incorporated into the management practices is dealing with unreasonable complainant conduct.

## LEGISLATIVE COMPLIANCE

- *The Local Government Act 1995*; and
- *Local Government Act 1995 - Section 7.1A.*

## 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.

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
<b>Conclusion</b>	It is considered that the proposed policy would provide an improvement to the City's management of complaints procedures, and overall assessed as a low risk to the City.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2023, the following applies to the Customer Request and Complaint Handling, Escalation and Resolution Audit:

Theme: Community  
 Goal C2: Accessible services that recognise diversity.

Theme: Leadership and Governance  
 Goal L1: Accountable and good governance

Goal L2: Proactively communicates and consults  
Goal L3: Strong stewardship and leadership

This policy provides direction and guidance for officers at all levels regarding how the City will engage in handling complaints. The policy formally recognises the rights of all complainants, the requirement for communication channels to be highly accessible, processes transparent, and consideration to given to the needs of the City's diverse community.

## **CONCLUSION**

In light of the above, it is recommended that Council endorses the new policy, 'Complaint Management Policy'.



# Complaint Management Policy

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

## Purpose

This policy sets out how the City of Bayswater (the City) will effectively and appropriately engage in the handling and management of complaints received from customers and stakeholders.

## Objectives

1. To provide a framework that will ensure complaints are managed quickly, fairly and respectfully from the time of receipt through to an outcome and enable the City to use complaint data to improve business practices and increase customer satisfaction levels.
2. To ensure community confidence in how the City handles complaints by implementing processes that ensure transparency and reinforce accountability.

## Scope

1. This policy is for complaints relating to the City of Bayswater, its services and standard of services. This includes complaints regarding:
  - (a) Decisions made by City employees;
  - (b) The conduct of City employees; and
  - (c) City practices, policies and procedures.
2. The items listed below are outside the scope of this policy and covered by a separate process.
  - (a) A request for City services;
  - (b) A request for documents, information or explanation of policies or procedures;
  - (c) A request for the City to exercise a regulatory function;
  - (d) The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy;
  - (e) A submission relating to the exercise of a regulatory function;
  - (f) A petition; and
  - (g) A complaint concerning Elected Members, Committee Members and Candidates.

## Definitions

For the purpose of this policy:

**Complaint** means: an expression of dissatisfaction with a level of service, repeated lack of promised service or response, or the conduct of any person employed by the City of Bayswater, made to the City of Bayswater.

**Feedback** means: a compliment, criticism, comment or suggestion where a response is not sought, or not reasonable to expect.

**Request** means: an enquiry for assistance to action, inspect, remove, replace or repair a City service.

**Complainant** means: the customer or entity expressing dissatisfaction.

**Customer** means: residents, ratepayers, businesses and members of the public receiving advice, using a City service or facility; engaging in a business relationship; or any other person or organisation having an interest in the functions or activities of the City of Bayswater.

**Employee** means: all City employees and volunteers or contractors performing work for the City of Bayswater.

**Policy** means: this City of Bayswater policy titled 'Complaint Management Policy.'

## Policy Statement

1. The City recognises that effective complaint handling is integral to providing excellent customer service. The City values all complaints, and encourages a customer focused, objective and proactive approach to complaints management.
2. The City recognises the right of customers to make complaints and considers complaint handling to be an essential part of serving the community in an accountable, open and transparent manner.
3. The City's Customer Service Charter will guide how the City will acknowledge and respond to complaints.
4. The City is committed to resolving complaints, using a customer-focused approach that encourages conciliation. The City will ensure anyone who is dissatisfied with a City service can easily and simply make a complaint and provide feedback.
5. The collection and reporting of complaint data will guide quality improvement of City services.
6. Complaint handling processes will be highly accessible, culturally appropriate and take into consideration the needs of all within our diverse community. Designated methods, channels and locations to lodge complaints will be highly visible and easily accessible to customers.
7. When possible, the utmost confidentiality and respect for personal privacy will be applied to the management and handling of all complaints.
8. Actions to ensure all employees are aware of the Complaint Management Policy and the relevant internal complaint handling practice and procedures will have a high priority.
9. The City will keep the complainant (and if applicable, the person who is the subject of the complaint) advised of the progress and outcome of their complaint.
10. All complaints will receive a procedurally focused fair hearing. The City will accord all parties to a complaint (complainant and respondent) natural justice.
11. A complainant's conduct may be considered unreasonable if the nature or frequency of the conduct:
  - (a) consumes a disproportionate amount of City resources that results in being detrimental to the needs of other complainants, and/or
  - (b) raises significant health or safety issues for City employees.

12. The City is committed to procedural fairness and will be guided by the Ombudsman of Western Australia, Guidelines on Effective Complaint Handling; and the Investigation of Complaints documents.
13. Complainant's may exercise their right not to make a complaint directly to the City but may elect to engage with an external oversight body such as the Corruption and Crime Commission, Public Sector Commission, Ombudsman Western Australia etc. In these instances, the complainants may still elect to refer the complaint to the City for investigation with an outcome report being provided to the agency. In some cases, the oversight body may conduct their own investigation with, or without, the City's knowledge.

### **Lodging Complaints**

1. Complaints will able to be lodged by telephone, email, in writing, via the City's website, and in person.

### **Anonymous Complaints**

1. The City understands that some customers may wish to remain anonymous. Anonymous complaints will be acted upon; however, they may limit the City's ability to fully investigate the matter and resolve the complaint.
2. When sufficient information is provided to the City, the City will manage the complaint in accordance with the City's Complaint Management Policy and Complaint Handling Management Practice and associated procedure. As a complaint is anonymous, the City will be unable to provide feedback on decisions made or action taken.

### **Confidentiality**

1. The City will protect complainant confidentiality by:
  - (a) Using a unique identification number for each complaint through City ECM records;
  - (b) Ensuring access to the complaint database is restricted to authorised employees only through the use of restricted access code for complaints;
  - (c) Accepting anonymous complaints;
  - (d) Only disclosing identity or personal details to authorised employees; and
  - (e) De-identifying complainants in complaint reporting.

### **Unreasonable Complaint Conduct**

1. A complainant's conduct may be considered unreasonable if it involves:
  - (a) Unreasonable persistence;
  - (b) Unreasonable demands;
  - (c) Unreasonable lack of cooperation;
  - (d) Unreasonable arguments; or
  - (e) Unreasonable behaviour.
2. In these circumstances, special measures to deal with this conduct may be required. The Ombudsman of Western Australia Managing Unreasonable Complaint Conduct Practice Manual will inform these measures.
3. When a complainant engages in unreasonable conduct, the Chief Executive Officer, or their delegate, will decide how to manage the communication with the complainant. The complainant will be informed of the decision.

## Reviews

1. A complainant has a right to request a review of the processes undertaken and the decision made regarding their complaint. This can include a request to investigate the actions involved in the complaint handling process.
2. Where a complainant is dissatisfied with how the City dealt with their complaint, and/or the final determination of the complaint by the City, the complainant may request a secondary review.
3. An investigation of a complaint would occur as per the Ombudsman of Western Australia Investigation of Complaints six-step process chart, and includes compliance with the procedural and evidentiary requirements.

## Related Legislation

- *Local Government (Rules of Conduct) Regulations 2007;*
- *Local Government Act 1995;*
- *Freedom of Information Act 1992;*
- *Public Interest Disclosures Act 2003;*
- *Crime, Corruption and Misconduct Act 2003;* and
- *State Records Act 2000.*

## Related Documentation

City of Bayswater Customer Service Charter

City of Bayswater Code of Conduct

Councillor Complaint Policy

Ombudsman of Western Australia; Guidelines on Effective Complaint Handling; the Investigation of Complaints; and the Managing Unreasonable Complaint Conduct Practice Manual

## Document details

Relevant delegations	Nil.		
Risk evaluation	High		
Strategic link	Provide good customer service: Respond to the needs of our community in a respectful and timely way. 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.		
Council adoption	TBA	Resolution	TBA
Next review due	TBA		

**10.5.1.14 Policy Review: CCTV Management**

<b>Responsible Branch:</b>	Rangers and Security
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. CCTV Management Policy [ <b>10.5.1.14.1</b> - 1 page] 2. CCTV Management Policy Tracked Changes [ <b>10.5.1.14.2</b> - 2 pages] 3. CCTV Management Policy Draft [ <b>10.5.1.14.3</b> - 2 pages]
<b>Refer:</b>	Item 11.5: OCM 08.12.2009

**SUMMARY**

For Council to consider the outcome of the recent review of the City's CCTV Management Policy, and the consequent recommended changes to the policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)**

That Council adopts the revised CCTV Management Policy as contained in Attachment 3.

Cr Josh Eveson Moved, Cr Sally Palmer Seconded

**CARRIED: 10/1**

**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, Cr Dan Bull and Cr Giorgia Johnson.*

**Against:** *Cr Lorna Clarke.*

**BACKGROUND**

The CCTV Management Policy outlines the City's position in providing a closed circuit television (CCTV) system that assists to decrease crime and anti-social behaviour, improves the detection of crime and identification of offenders and supports the protection of community assets. The policy was initially adopted in December 2009 and previously reviewed in May 2018.

The previous review amended the policy by removing operational processes regarding the installation, use and access of CCTV systems and shifting the focus on the strategic statement of the City seeking to effectively protect people and assets within the City.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The following revisions are proposed to the CCTV Management Policy:

<b>Revision</b>	<b>Rationale</b>
Change: 'Policy details' to 'Purpose'	The heading title 'Policy details' has been changed to 'Purpose' in line with the City's current written style guide.
Change: Layout to current format	The policy format has been changed to reflect the City's current written style guide.

Add: Partners in Government Agreement 2021	The Partners in Government Agreement, endorsed on 20 September 2021, establishes the foundation for a positive relationship between the State Government and local government. A fundamental principle of the agreement is that State Government agencies and local governments will share data and information to realise greater community impact.
Delete: <i>Local Government Act 1995, Criminal Code Compilation Act 1913 and Criminal Procedures Act 2004</i> from related documentation.	The <i>Local Government Act 1995, Criminal Code Compilation Act 1913</i> and <i>Criminal Procedures Act 2004</i> are not considered relevant to this policy.

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

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

## LEGISLATIVE COMPLIANCE

The *Surveillance Devices Act 1998* is the primary legislation relevant to this Policy. This legislation regulates the use of audio and optical surveillance devices in respect of private conversations and private activities.

## 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.

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
<b>Conclusion</b>	The risk associated with adopting the revised policy is low as formatting amendments are aligned to the City's written style guide, the deletions ensure that correct legislation is referred to when considering this policy, and the addition of the Partners in Government agreement ensures contemporary information sharing directions are considered in the policy.	

## FINANCIAL IMPLICATIONS

There are no financial implications with respect to this matter.



**STRATEGIC IMPLICATIONS**

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

Theme: Community.

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

Theme: Environment and liveability.

Goal E3: Improve the City's walking and cycling network and create safer streets.

The amended policy aligns to creating a safe and inviting place for people to come together and improving the City's walking and cycling network and creating safer streets by contributing to providing a safe and secure environment by providing quality CCTV service and infrastructure.

**CONCLUSION**

In light of the above, it is recommended that Council adopts the revised CCTV Management Policy.

## COUNCIL POLICY: CCTV MANAGEMENT

**POLICY OWNER: CHIEF EXECUTIVE OFFICER**

### POLICY STATEMENT:

This policy outlines the City of Bayswater's position in providing a Closed Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protecting community assets and improving the detection of crime and conviction of offenders.

### POLICY DETAILS:

The City has a key role in supporting our community to feel safe and secure.

The City will deploy, operate and manage its CCTV systems in accordance with the City's CCTV Strategy. The purpose of the CCTV strategy is to:

- Provide a clear vision and framework for how CCTV can best be used to enhance the safety and security of our community;
- Position the City for future technological advances;
- Ensure adherence to relevant legislation, standards and guidelines;
- Provide for collaborative opportunities with key stakeholders.

The City may develop such internal processes and management practices as it considers appropriate to implement this policy and to give effect to, and ensure consistency with, the relevant provisions of related Legislation.

### DEFINITIONS:

"CCTV" means any combination of cameras, lenses video/digital recorders and/or accessories installed for the purpose of monitoring and recording visual activity.

### RELATED LEGISLATION AND OTHER REFERENCES:

*Local Government Act (1995)*

*Criminal Code Act Compilation Act 1913*

*Criminal Procedures Act (2004) WA*

*State Records Act (2000) WA*

*Surveillance Devices Act (1988) WA*

*Security and Related Activities (Control) Act (1996) WA*

*Freedom of Information Act (1992) WA*

Memorandum of Understanding – Western Australia Police and City of Bayswater – 10/05/2016

CCTV Strategy 2018 -2022

Community Safety and Crime Prevention Plan

<b>Adopted by Council</b>	8 December 2009
<b>Reviewed</b>	22 May 2018
<b>Strategic Link</b>	Our Community and Leadership and Governance





# CCTV Management Policy

<b>Responsible Directorate</b>	Community and Development
<b>Responsible Business Unit</b>	Rangers and Security
<b>Responsible Officer</b>	Manager Rangers and Security
<b>Affected Business Units</b>	Rangers and Security, Information Services
<b>ECM Document Set ID</b>	<u><b>4469440</b></u>

## **Policy details Purpose**

The City has a key role in supporting our community to feel safe and secure.

The City will deploy, operate and manage its CCTV systems in accordance with the City's CCTV Strategy. The purpose of the CCTV strategy is to:

- Provide a clear vision and framework for how CCTV can best be used to enhance the safety and security of our community;
- Position the City for future technological advances;
- Ensure adherence to relevant legislation, standards and guidelines;
- Provide for collaborative opportunities with key stakeholders.

The City may develop such internal processes and management practices as it considers appropriate to implement this policy and to give effect to, and ensure consistency with, the relevant provisions of related Legislation.

## **Definitions**

"CCTV" means any combination of cameras, lenses video/digital recorders and/or accessories installed for the purpose of monitoring and recording visual activity

## **Policy statement**

This policy outlines the City of Bayswater's position in providing a Closed Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protecting community assets and improving the detection of crime and conviction of offenders.

## **Related documentation**

*Local Government Act (1995)*  
*Criminal Code Compilation Act 1913*  
*Criminal Procedures Act (2004) WA*  
*State Records Act (2000) WA*  
*Surveillance Devices Act (1988) WA*

*Security and related Activities (Control) Act (1996) WA*  
*Freedom of Information Act (1992) WA*  
Memorandum of Understanding—Western Australia police and City of Bayswater 10/05/2016  
Partners in Government Agreement 2021  
CCTV strategy 2018 -~~2022~~2028  
Community Safety and Crime Prevention Plan

### Document details

Relevant delegations      Nil

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Risk evaluation      Low

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Strategic link      Our community

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# CCTV Management Policy

**Responsible Directorate** Community and Development

**Responsible Business Unit** Rangers and Security

**Responsible Officer** Manager Rangers and Security

**Affected Business Units** Rangers and Security, Information Services

**ECM Document Set ID** 4469440

## Purpose

The City has a key role in supporting our community to feel safe and secure.

The City will deploy, operate and manage its CCTV systems in accordance with the City's CCTV Strategy. The purpose of the CCTV strategy is to:

- Provide a clear vision and framework for how CCTV can best be used to enhance the safety and security of our community;
- Position the City for future technological advances;
- Ensure adherence to relevant legislation, standards and guidelines;
- Provide for collaborative opportunities with key stakeholders.

The City may develop such internal processes and management practices as it considers appropriate to implement this policy and to give effect to, and ensure consistency with, the relevant provisions of related Legislation.

## Definitions

"CCTV" means any combination of cameras, lenses video/digital recorders and/or accessories installed for the purpose of monitoring and recording visual activity

## Policy statement

This policy outlines the City of Bayswater's position in providing a Closed Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protecting community assets and improving the detection of crime and conviction of offenders.

## Related documentation

*State Records Act (2000) WA*

*Surveillance Devices Act (1988) WA*

Partners in Government Agreement 2021  
CCTV strategy 2018 -2028  
Community Safety and Crime Prevention Plan

### Document details

Relevant delegations	Nil
Risk evaluation	Low
Strategic link	Our community

**10.5.1.15 New Policy: Integrated Planning and Reporting**

<b>Responsible Branch:</b>	Governance and Organisational Planning and Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. NEW Policy Integrated Planning and Reporting Draft for PRD [9.15.1 - 4 pages]
<b>Refer:</b>	Nil

**SUMMARY**

A new policy has been developed, for consideration by the Committee and Council, setting out the City's commitment and approach to integrated planning and reporting.

The development of this policy was a recommendation arising from the Financial Sustainability Review 2020.

The policy will be supported by an internal management practice that will be finalised following Council consideration of the policy.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the new policy 'Integrated Planning and Reporting' as contained in Attachment 1.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

**BACKGROUND**

The Paxon Group Financial Sustainability Review 2020, included the following recommendation, which was agreed to by the Council in 2021:

*"A specific policy document should be introduced which sets principles for the integrated planning and review process. Guidance is provided in the suite of documents published by the DLGSC."*

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

Integrated Planning and Reporting requirements for local governments are set by the State government through the *Local Government Act 1995* and associated regulations.

The Department of Local Government, Sport and Cultural Industries (the Department) provides guidance to local governments through guidelines and advisory standards which aim to complement the minimum legislative requirements.

The City has had in place, for a number of years, the key components of the Integrated Planning and Reporting Framework, namely: The Strategic Community Plan; the Corporate Business Plan; the Annual Budget; and the Annual Report.

In addition to the above, the City has also developed informing strategies and plans such as the Long-Term Financial Plan, Asset Management Plans and a Workforce Plan. However, over more recent years the City has fallen behind in maintaining and updating these important resourcing plans.

The recommendation arising from the Paxon Group Financial Sustainability Review, is for the City to re-confirm its commitment to the development and ongoing review of these plans to ensure the City's implementation of integrated planning and reporting processes.

The attached draft policy 'Integrated Planning and Reporting' sets out the objectives of integrated planning and reporting; and identifies the suite of documents that form the core components of the framework. The policy establishes when Council approval of these documents is required, and how frequently they should be reviewed.

In addition to the policy, the CEO will also ensure that a supporting management practice is developed to ensure ongoing compliance with legislative requirements, and to embed a Council-led business planning process that links community and Council priorities to financial capacity, service and project delivery and asset management.

A copy of the new policy is provided in **Attachment 1**.

## LEGISLATIVE COMPLIANCE

All local governments are required to produce a plan for the future under s5.56 (1) *Local Government Act 1995*.

The [Local Government \(Administration\) Regulations 1996](#) provide an outline of the minimum requirements to meet this requirement, which includes the development of a Strategic Community Plan and a Corporate Business Plan.

Existing Council Policies, that are related to this policy, include:

- Strategic Budget Policy
- Asset Management Policy

Following consideration of this policy by Council, the above policies will be reviewed to determine if any consequential amendments are required.

## 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.

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
<b>Conclusion</b>	The adoption of this policy will fulfil an internal audit recommendation, and re-confirm the Council's commitment to the implementation of integrated planning and reporting at the City of Bayswater.	

### FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of this policy.

### STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance

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

### CONCLUSION

That the Committee endorses the new policy 'Integrated Planning and Reporting' for submission to Council for consideration.



# Integrated Planning and Reporting

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Governance and Organisational Development and Planning
<b>Responsible Officer</b>	Manager, Governance and Organisational Development and Planning
<b>Affected Business Units</b>	Integrated Planning and Reporting Services: Financial Services; People, Culture and Safety; Asset Management Services; and all other Branches.
<b>ECM Document Set ID</b>	TBA

## Purpose

This Policy establishes the City's commitment and approach to integrated planning and reporting (IPR).

## Scope

This Policy applies to the City's strategic and operational business planning, budgeting and reporting processes. This policy sets out the key components of IPR, and the City's commitment to preparing and implementing the IPR suite of documents to ensure integrated planning and reporting processes.

This policy is not intended to set out the more detailed management practices established to support the ongoing delivery of IPR.

## Definitions

Nil.

## Policy Statement

### Objectives

The objectives of integrated planning and reporting are to ensure that:

- Community input is regularly gathered and considered as part of business planning processes;
- Long-term strategic objectives are agreed to and clearly articulated and linked to service delivery, project delivery and asset management;
- Resourcing requirements are identified;
- Long-term financial implications are clearly articulated; and
- Community outcomes are monitored and reported on.

## Integrated Planning

The core components of the City's integrated planning and reporting framework are:

### **1. Strategic Community Plan**

The Strategic Community Plan (SCP), is a Council adopted plan, that sets out the Council vision, strategic direction, and long and medium-term priorities based on community input, with a 10-year horizon.

A major review of the SCP will be completed every 4 years, and a desktop review completed every 2 years. Reviews will be conducted following Council elections.

### **2. Corporate Business Plan**

The Corporate Business Plan, is a Council adopted plan, that sets out a four-year delivery program (services and projects), aligned to the Strategic Community Plan, and accompanied by four-year financial projections.

The Corporate Business Plan will be developed based on detailed service plans and project plans (that show resourcing requirements and costs, and any changes to service levels) and will be reviewed and updated annually.

Through the Council-led business planning process, Council will identify service and project priorities, and any changes to services, service levels or resourcing will be incorporated and adopted by the Council through the Corporate Business Plan and Annual Budget. The Corporate Business Plan decisions will drive the development of the Annual Budget.

### **3. Annual Budget**

The Annual Budget provides the City's budgeted financial statements for the year. The Annual Budget will be prepared alongside the Corporate Business Plan to ensure services and projects are appropriately resourced. The Annual Budget will be considered and adopted by the Council annually.

### **4. Informing Strategies & Plans**

The City will maintain a suite of informing strategies and plans. Progress against any actions contained in these plans will be considered by the Council as an input into the annual business planning processes. The suite of informing strategies and plans will include:

#### **4.1 Long-Term Financial Plan**

This plan sets out the City's financial position over a 10-year period, and will be updated each year to show the City's revised position to ensure long term financial sustainability. This plan will undergo an annual review, and will be endorsed by Council annually.

#### **4.2 Asset Management Plans**

These plans set out the City's approach to managing its assets to deliver specified service levels. These plans will undergo an annual desktop review, and will be considered as an input to the Long-Term Financial Plan.

#### **4.3 Workforce Plan**

This plan identifies workforce needs to deliver organisational objectives. This plan will undergo an annual desktop review, and will be considered as an input to the Corporate Business Plan.

#### *4.4 Issue specific plans*

The City has a range of issue specific plans and strategies (for example Environmental Liveability Framework, Local Bike Plan, etc) that inform Council priority setting. These plans will be submitted to Council for endorsement as required.

### **5. Risk Management**

The City's approach to risk management is aligned with the delivery of the City's IPR framework. The results of risk reviews will be considered as an input into the business planning process and risk appetite and tolerance levels will guide scenario planning in the Long-Term Financial Plan.

## **Integrated Reporting**

### **6. Annual Report**

The City will prepare an Annual Report outlining the key achievements and progress towards achieving the priorities established through the Strategic Community Plan and the Corporate Business Plan. This is supplemented with the audited Annual Financial Statements that encapsulates the financial performance of the City.

### **7. Performance Reporting**

In addition to the Annual Report, the City will prepare a range of regular performance reports providing updates to the relevant Committee and Council, on progress against services and projects in the Corporate Business Plan.

An annual review of all issue specific informing strategies and plans will be undertaken and a report provided to the relevant Committee and Council.

## **Related Legislation**

All local governments are required to produce a plan for the future under s5.56 (1) *Local Government Act 1995*. The *Local Government (Administration) Regulations 1996* provide an outline of the minimum requirements to meet this requirement, which includes the development of a Strategic Community Plan and a Corporate Business Plan.

All local governments are required to adopt an annual budget under s6.2(1) of the *Local Government Act 1995*. The *Local Government (Financial Management) Regulations 1996* outline the specific requirements.

## **Related Documentation**

- Strategic Budget Policy
- Asset Management Policy
- Department of Local Government, Sport and Cultural Industries – Integrated Planning and Reporting, Framework and Guidelines

**Document details**

<b>Relevant delegations</b>	Nil		
<b>Risk evaluation</b>	Moderate		
<b>Strategic link</b>	Communicate in a clear and transparent way		
<b>Council adoption</b>	TBA	<b>Resolution</b>	TBA
<b>Next review due</b>	June 2025		

**10.5.1.16 Policy Review: Elected Members Contact with Developers**

<b>Responsible Branch:</b>	Governance and Organisational Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Quasi-Judicial
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Current Policy with Tracked Changes [9.16.1 - 3 pages] 2. Revised Draft Policy [9.16.2 - 2 pages]
<b>Refer:</b>	Item: OCM 14.11.2017 Item 13.3.1 OCM 27.03.2018

**SUMMARY**

This report presents the Elected Members Contact with Developers Policy for review.

**COUNCIL RESOLUTION****(COMMITTEE RECOMMENDATION)**

That Council adopts the revised Elected Members Contact with Developers Policy as contained in Attachment 2, amended to reinsert Clause 3., which reads *"Planning or Development Proposals with a Residential Design Code of R25 or below are exempt from this policy"*.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

**BACKGROUND**

At the Ordinary Council Meeting of 14 November 2017, Council passed a motion that requested the Chief Executive Officer to develop a policy for the reporting of Councillor contact with developers. In accordance with that resolution, the subject policy was presented to the Policy Review and Development Committee of 21 March 2018 and endorsed by Council at its Ordinary Meeting of 27 March 2018.

The Policy has not been reviewed since its adoption and was scheduled for review at the June 2023 Policy Review and Development Committee meeting when Council adopted the 2023 Policy Review Schedule at its meeting of 31 January 2023.

**EXTERNAL CONSULTATION**

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

**OFFICER'S COMMENTS**

The Policy has in general been functioning as intended so the proposed revisions are largely minor in nature. The proposed revisions are outlined below:

Revision	Rationale
Update to new policy format.	Consistent with the City's current style guide and branding.
Updates to definitions to change "development" to "town planning matter" and "planning application" to "development application" and to differentiate between town planning matters and development applications.	To ensure the terminology in the policy is consistent with the terminology used by the sector.
Removal of clause 3. which states "Planning or Development Proposals with a Residential Design Code of R25 or below are exempt from this policy."	Exempting town planning matters or development proposals with a Residential Design Code of R25 or below is potentially confusing. Retaining this clause also suggests that bias may be allowable for these types of development.
The reference to the Code of Conduct under "Related Documentation" has been updated.	The Policy referenced the previous Code of Conduct. This has been updated to reference the current version as adopted in 2021.

A copy of the revised policy, with amendments shown in 'tracked changes' is provided in **Attachment 1**.

A copy of the revised policy, with amendments included, is provided in **Attachment 2**.

## LEGISLATIVE COMPLIANCE

Nil.

## 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.

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
<b>Conclusion</b>	Adoption of the revised Elected Members Contact with Developers Policy is considered to present a low level of risk across all categories and offers improved transparency by removing the exemption for town planning matters or development proposals with a Residential Design Code of R25 or below.	

## FINANCIAL IMPLICATIONS

Nil.

## **STRATEGIC IMPLICATIONS**

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

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

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

## **CONCLUSION**

That the Committee endorses the revised policy 'Elected Members Contact with Developers' for submission to Council for consideration.



# Elected Members Contact with Developers Policy



<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit</b>	Governance and OPD
<b>Responsible Officer</b>	Manager Governance and OPD
<b>Affected Business Units</b>	Governance and OPD Development and Place
<b>ECM Document Set ID</b>	TBA

## Purpose

To provide the highest standards of transparency and openness in town planning matters and development application decision-making and to avoid perceptions of bias or undue influence.

## Definitions

For the purpose of this policy —

**Contact** means any communication or conversation between a Council Member and a Developer, in relation to a town planning matter development or a development planning application in the City, regardless of whether it is foreseen, planned, solicited or reciprocated. Contact does not include any contact in the form of a public statement made at a Council Forum, Council Briefing or Council Meeting or similar, or contact that involves the Council Member engaging in any discussion or communication with the developer on the town planning matter or development application proposal at these occasions.

**Developer** means means an individual, body corporate or company engaged in a business that:

- (a) Regularly involves the making of planning or development proposals for land, with the ultimate purpose of the sale or lease of the land for profit; and
- (b) Includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a developer and who is appointed to promote or advocate for the developer's interests or proposal, except when they are representing someone who is not regularly involved in the making of planning or development proposals for land.

**Town Planning matter Planning or Development Proposal** means and includes:

- (a) A proposed Local Planning Policy or amendment to a Local Planning Policy under the City's operative Town Planning Scheme; or
- (b) A proposed amendment to the City's operative Town Planning Scheme.

**Development Application** means and includes;

- (a) An application under the City's operative Town Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land; and

- (bd) Which is currently before or at the time of contact known to require determination by Council or the Joint Development Assessment Panel.

## Policy Statement

1. All elected members are to record any contact they have with developers and to notify the CEO within 10 days of the contact occurring. This record should include:
  - (a) Developer's name;
  - (b) Date and time of contact;
  - (c) Type of contact;
  - (d) Property or properties within the City of Bayswater (the City) to which the contact related;
  - (e) Nature of the issue covered in the contact; and
  - (f) Elected member's response.
2. The CEO is to create and maintain a register of that contact, which will be made available to the public via the City's website and updated on a regular basis.
- ~~3. Planning or Development Proposals with a Residential Design Code of R25 or below are exempt from this policy.~~
43. Where contact occurs in the form of a group email or other correspondence to all elected members, then the Office of the Mayor shall provide a copy of the correspondence to the CEO for the purpose of compliance with this policy.
54. The City may develop and maintain a Management Practice to detail the process for managing and publishing the register.

## Related Legislation

Nil.

## Related Documentation

~~Elected Members Code of Conduct 2015~~ [City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates 2021](#)

## Document details

Relevant delegations	Nil.		
Risk evaluation	Low		
Strategic link	Communicate in a clear and transparent way.		
Council adoption	27 March 2018	Resolution	13.3.1
Next review due	June 2027		

**Reviewed/modified**

22 August 2023

**Resolution**

TBC

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tracked changes



# Elected Members Contact with Developers Policy

<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit</b>	Governance and OPD
<b>Responsible Officer</b>	Manager Governance and OPD
<b>Affected Business Units</b>	Governance and OPD Development and Place
<b>ECM Document Set ID</b>	TBA

## Purpose

To provide the highest standards of transparency and openness in town planning matters and development application decision-making and to avoid perceptions of bias or undue influence.

## Definitions

For the purpose of this policy —

**Contact** means any communication or conversation between a Council Member and a Developer, in relation to a town planning matter or a development application in the City, regardless of whether it is foreseen, planned, solicited or reciprocated. Contact does not include any contact in the form of a public statement made at a Council Forum, Council Briefing or Council Meeting or similar, or contact that involves the Council Member engaging in any discussion or communication with the developer on the town planning matter or development application at these occasions.

**Developer** means means an individual, body corporate or company engaged in a business that:

- (a) Regularly involves the making of planning or development proposals for land, with the ultimate purpose of the sale or lease of the land for profit; and
- (b) Includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a developer and who is appointed to promote or advocate for the developer's interests or proposal, except when they are representing someone who is not regularly involved in the making of planning or development proposals for land.

**Town Planning matter** means and includes:

- (a) A proposed Local Planning Policy or amendment to a Local Planning Policy under the City's operative Town Planning Scheme; or
- (b) A proposed amendment to the City's operative Town Planning Scheme.

**Development Application** means and includes:

- (a) An application under the City's operative Town Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land; and

- (b) Which is currently before or at the time of contact known to require determination by Council or the Joint Development Assessment Panel.

## Policy Statement

1. All elected members are to record any contact they have with developers and to notify the CEO within 10 days of the contact occurring. This record should include:
  - (a) Developer's name;
  - (b) Date and time of contact;
  - (c) Type of contact;
  - (d) Property or properties within the City of Bayswater (the City) to which the contact related;
  - (e) Nature of the issue covered in the contact; and
  - (f) Elected member's response.
2. The CEO is to create and maintain a register of that contact, which will be made available to the public via the City's website and updated on a regular basis.
3. Where contact occurs in the form of a group email or other correspondence to all elected members, then the Office of the Mayor shall provide a copy of the correspondence to the CEO for the purpose of compliance with this policy.
4. The City may develop and maintain a Management Practice to detail the process for managing and publishing the register.

## Related Legislation

Nil.

## Related Documentation

*City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates 2021*

## Document details

<b>Relevant delegations</b>	Nil.		
<b>Risk evaluation</b>	Low		
<b>Strategic link</b>	Communicate in a clear and transparent way.		
<b>Council adoption</b>	27 March 2018	<b>Resolution</b>	13.3.1
<b>Next review due</b>	June 2027		
<b>Reviewed/modified</b>	22 August 2023	<b>Resolution</b>	TBC

**10.5.1.17 Policy Review: Elected Members Issue of Stationery and Equipment Policy**

<b>Responsible Branch:</b>	Governance and Organisational Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative Quasi-Judicial
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Current Policy with tracked changes [9.17.1 - 3 pages] 2. Revised Draft Policy [9.17.2 - 2 pages]

**SUMMARY**

A revised Elected Members Issue of Stationery and Equipment Policy is presented for Council's consideration, to comply with the determination of the Salaries and Allowances Tribunal (SAT) of 6 April 2023.

**OFFICER'S RECOMMENDATION**

That Council adopts the revised Elected Members Issue of Stationery and Equipment Policy as contained in Attachment 2.

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

That Council adopts the revised Elected Members Issue of Stationery and Equipment Policy as contained in Attachment 2, with clause 3. of the Policy statement amended as follows:

1. The words *"appropriate device"* be changed to *"appropriate device/s"*
2. *"Manager Digital Solutions"* be changed to *"the relevant manager"*.
3. The words *"The device is expected to last for the Elected Member's Full Term"* to be deleted.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

**BACKGROUND**

The Elected Members Issue of Stationery and Equipment Policy was first adopted by Council on 23 April 1996 and has been reviewed several times since, with the last review being on 7 December 2021.

The purpose of the Policy is *"To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office."*

The current version of the Policy allows for the City to provide elected members with an ICT allowance in accordance with the annual determination of the Salaries and Allowances Tribunal (SAT) and for the City to also provide Elected Members with an ICT device which is owned by the City. The City pays Elected Members an ICT allowance of \$3,400 in line with the Elected Members Allowances Policy, which was last reviewed on 7 September 2021.

On 6 April 2023, SAT published its annual determination for local government Chief Executive Officers and Elected Members. The new determination comes into effect from 1 July 2023. The determination states the following:

*“If an annual ICT allowance is preferred over reimbursement of costs, councils must calculate, with consideration to their internal policies and procedures, including asset management, an amount within the ICT allowance range (currently \$500 - \$3,500) that considers the total cost of ICT and ensures payment will not result in a windfall gain for Council members. It is not intended for the maximum ICT allowance to be paid in addition to providing equipment and hardware”.*

## EXTERNAL CONSULTATION

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

## OFFICER'S COMMENTS

This Policy is not due for review until 2025 but needs to be amended prior to the 2023 Local Government Elections to ensure compliance with the SAT's determination of 6 April 2023.

The following revisions are proposed to the *‘Elected Members Issue of Stationery and Equipment’* policy:

Revision	Rationale
The words Information and Communications Technology inserted into Clause 2.	To be clear that ICT is the abbreviation for “Information and Communications Technology”
The Manager's title in Clause 3 updated from "Manager Information Services" to "Manager Digital Solutions and Services".	To reflect the current title of that role.
Clause 3 updated to provide clarity that the cost of ICT devices provided to Elected Members will be deducted from their ICT allowance over a one or two-year period.	To comply with the April 2023 determination of the SAT, which indicates the ICT allowance must cover the total cost of ICT and is not to be paid in addition to providing equipment and hardware. Elected Members are given the option of paying this over one or two years depending on their personal preference.
Clause 3 updated to show that the ICT device provided to the Councillor by the City will be the property of the Councillor.	As the device is to be paid from the Councillors ICT allowance, it is considered to be the property of the Councillor.
Clause 3 updated to remove requirement to replace the device every two years.	To allow for replacement of the device at the discretion of the Elected Member, given that the cost will be deducted from their ICT allowance.
Removal of the statement: “An Elected Member can choose not to use the approved device provided and any other device shall be provided at their cost or from their ICT allowance” and it's subpoint “the specifications of the tablet device shall be in accordance with the requirements to operate and access programs relevant to the City of Bayswater.”	It is important that Elected Members use the device chosen by the City as it is carefully selected to be compatible with the programs required and to operate securely on the City's network.

Revision	Rationale
"Personal data" included as a responsibility of the Elected Member.	The Elected Member should ensure they back up and protect their personal data.
Removed the clause regarding a multifunction unit (printer/fax/copier) being provided for Elected Members use in the Councillor Workroom.	<p>There was previously a multifunction unit set up for Elected Members in the Councillors workroom. The unit was expensive to maintain and did not get used. This unit has been since been removed.</p> <p>The accepted practice for Councillors who wish to have a document printed is to request this from City officers, who will place the item in the requester's 'pigeon hole'.</p>

A copy of the revised policy, with amendments shown in 'tracked changes' is provided in **Attachment 1**.

A copy of the revised policy, with amendments included, is provided in **Attachment 2**.

It should be noted that amended draft Policy would only apply to devices purchased after it is adopted. For devices provided before the amended Policy is adopted, the previous Policy would continue to apply.

## LEGISLATIVE COMPLIANCE

Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023

Elected Member Allowances Policy

## 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.

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
<b>Conclusion</b>	Adopting the revised policy would protect the Council from possible reputational damage that would occur if it were seen to be not complying with the SAT's determination.	



**FINANCIAL IMPLICATIONS**

The proposed amendments to this policy would mean a savings to the City of approximately \$35,000 every two years as the cost of ICT devices is to be borne by Elected Members from their ICT allowance, rather than by the City.

**STRATEGIC IMPLICATIONS**

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

- Theme: Leadership and Governance
- Goal L2: Plan and deliver projects and services in a sustainable way.  
Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.
- 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 adopts the revised policy 'Elected Members Issue of Stationery and Equipment' to satisfy the requirements of the 2023 determination of the Salaries and Allowance Tribunal.

# Elected Members Issue of Stationery and Equipment Policy



Responsible Division	Office of the CEO
Responsible Business Unit/s	Office of the CEO
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Office of the CEO
Document Ref	3236402

## Purpose

To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office.

## Policy Statement

1. An Elected Member shall be eligible to an issue of the following stationery:

- Up to 4,000 (in lots of 500) letterheads, envelopes (postage costs shall be at the Elected Members' expense); and business cards as required during their term of office. The stationery may include a photograph of the Elected Member.
- 50 City of Bayswater Christmas cards, envelopes and postage.
- Name Badge. Replacement name badges shall be supplied if the equipment is lost, stolen or damaged.

2. An Information and Communications Technology (ICT) Allowance will be provided in accordance with the Elected Member Allowances Policy and the annual determination of the Salaries and Allowances Tribunal.

3. An appropriate device will be provided by the City as approved by the Manager Information Services Digital Solutions and Services will be provided to each Elected Member. The to ensure compliance with the City's operating systems and shall be replaced every election (every two years).

The cost of the device will be deducted from the Elected Member's ICT allowance. The device will be the property of the elected member. The device is expected to last for the Elected Member's full term. If a replacement device is required, the cost will be deducted from the Elected Member's allowance. The Elected Member can choose whether the device is deducted from their ICT allowance over a one or two year period device shall be

4. \_\_\_\_\_ :

- ~~3. returned to the City for office use at each replacement cycle; or~~
- ~~4. disposed of in accordance with provisions of the Council Policy 'Disposal of Surplus Goods and Equipment'; or~~
- ~~5. will be available for purchase by Elected Members at market value determined by the City.~~
6. IT support and maintenance shall be provided by the City for City providedthe equipment and software, provided, as appropriate.
7. Care of the device and personal data is the responsibility of the Elected Member.

~~An Elected Member can choose not to use the approved device provided and any other device shall be provided at their cost or from their ICT allowance.~~

~~The specifications of the tablet device shall be in accordance with the requirements to operate and access programs relevant to the City of Bayswater.~~

~~A multifunction unit (printer/fax/copier) will be provided for Elected Members use in the Councillor Workroom.~~

### **Definitions**

Nil.

### **Related Legislation**

Nil.

### **Related Documentation**

*Elected Member Allowances Policy*

*Annual Determination by the Salaries and Allowances Tribunal*

Relevant Delegations	<u>Nil.</u>
Risk Evaluation	<u>High – 2 yearly review</u>
Council Adoption	23 April 1996
Review/Modified	6 February 2006
Review/Modified	10 March 2009
Review/Modified	10 December 2013
Review/Modified	22 March 2016
Review/Modified	8 November 2017
Review/Modified	15 August 2018
Review/Modified	7 December 2021
<u>Review/Modified</u>	<u>22 August 2023</u>

# Elected Members Issue of Stationery and Equipment Policy



<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit/s</b>	Office of the CEO
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Unit/s</b>	Office of the CEO
<b>Document Ref</b>	3236402

## Purpose

To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office.

## Policy Statement

1. An Elected Member shall be eligible to an issue of the following stationery:
  - Up to 4,000 (in lots of 500) letterheads, envelopes (postage costs shall be at the Elected Members' expense); and business cards as required during their term of office. The stationery may include a photograph of the Elected Member.
  - 50 City of Bayswater Christmas cards, envelopes and postage.
  - Name Badge. Replacement name badges shall be supplied if the equipment is lost, stolen or damaged.
2. An Information and Communications Technology (ICT) Allowance will be provided in accordance with the Elected Member Allowances Policy and the annual determination of the Salaries and Allowances Tribunal.
3. An appropriate device will be provided by the City as approved by the Manager Digital Solutions and Services. The cost of the device will be deducted from the Elected Member's ICT allowance. The device will be the property of the elected member. The device is expected to last for the Elected Member's full term. If a replacement device is required, the cost will be deducted from the Elected Member's allowance. The Elected Member can choose whether the device is deducted from their ICT allowance over a one or two year period.
4. IT support and maintenance shall be provided by the City for City provided equipment and software, as appropriate. Care of the device and personal data is the responsibility of the Elected Member.

## Definitions

*Nil.*

## Related Legislation

*Nil.*

## Related Documentation

*Elected Member Allowances Policy*

*Annual Determination by the Salaries and Allowances Tribunal*

<b>Relevant Delegations</b>	<b>Nil.</b>
<b>Risk Evaluation</b>	<b>High – 2 yearly review</b>
<b>Council Adoption</b>	<b>23 April 1996</b>
<b>Review/Modified</b>	6 February 2006
<b>Review/Modified</b>	10 March 2009
<b>Review/Modified</b>	10 December 2013
<b>Review/Modified</b>	22 March 2016
<b>Review/Modified</b>	8 November 2017
<b>Review/Modified</b>	15 August 2018
<b>Review/Modified</b>	7 December 2021
<b>Review/Modified</b>	22 August 2023

### 10.5.1.18 Policy Review: Senior and Executive Staff Attendance at Conferences, Seminars and Training

<b>Responsible Branch:</b>	Governance and Organisational Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Policy [9.18.1 - 1 page]</li> <li>2. Current Policy in New Format with Tracked Changes [9.18.2 - 2 pages]</li> <li>3. Revised Draft Policy [9.18.3 - 2 pages]</li> </ol>
<b>Refer:</b>	Item 13.5 OCM: 22.05.2018

#### SUMMARY

For Council to consider the continuation of the Senior and Executive Staff Attendance at Conferences, Seminars and Training Policy.

#### COUNCIL RESOLUTION

#### **(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the amended Senior and Executive Staff Attendance at Conferences, Seminars and Training Policy, as contained in Attachment 3.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

#### BACKGROUND

The Senior and Executive Staff Attendance at Conferences, Seminars and Training Policy was developed following a request from the Policy Committee at its meeting of 21 March 2018. The draft policy was then presented to the Policy Committee of 16 May 2018 and adopted by Council at its Ordinary Meeting of 22 May 2018.

#### EXTERNAL CONSULTATION

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

#### OFFICER'S COMMENTS

In reviewing this Policy, officers considered whether it should be revoked and converted to a management practice, primarily because it deals with staff matters. However, it is considered that the Policy plays an important role in ensuring there is transparency to the community on staff attendances at conferences, seminars and training, and provides assurance to ratepayers that the City will not overspend in this area or fund unnecessary travel or training.

The Policy works well in its current form (**Attachment 1**), with Senior and Executive Staff reporting their attendances at conferences, seminars and training to the City's Governance teams to record in a register that is updated on the City's website monthly. Officers therefore recommend the Policy be retained in its current form. It should, however, be amended to the current policy format to ensure it is consistent with the City's style guide. It should be noted that in transposing to the new format, the section previously entitled "Definitions" is recommended to be changed to "Scope" and

the section previously entitled “Policy Details” is to be changed to “Policy Statement” as these are more appropriate titles for those sections and consistent with the City’s current policy format.

It is also recommended that the words *“Training which forms part of an officer’s condition of employment or where the funding is included in the contract of employment will be exempt from this policy. Continuing Professional Development and professional networking events required as a condition of employment will also be exempt.”* be removed from the Scope of the Policy as it is considered more transparent and easier from an operational perspective to report on events covered by the Policy without any exemptions. This change is shown in tracked changes in **Attachment 2**.

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

## LEGISLATIVE COMPLIANCE

Nil.

## 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.

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
<b>Conclusion</b>	Retaining this Policy in its current form is considered to present low risks, as it plays an important role in providing transparency to the community on senior and executive staff travel and training expenses.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

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

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

## CONCLUSION

It is recommended that Council endorses the continuation of the Senior and Executive Staff Attendance at Conferences, Seminars and Training Policy, which has been working well in its current form. However, the policy should be updated to meet the City’s current policy formatting style.



## **COUNCIL POLICY: SENIOR AND EXECUTIVE STAFF ATTENDANCE AT CONFERENCES, SEMINARS AND TRAINING**

**POLICY OWNER:** Chief Executive Officer

**POLICY STATEMENT:** Council supports the attendance of City of Bayswater (the City) staff at conferences, seminars and training to assist them in fulfilling their role and further developing their skill set or where attendance will benefit the Bayswater district community.

### **POLICY DETAILS**

Attendance should be undertaken in a transparent manner and in line with budget allocations.

The City will fund attendance by executive officers at interstate conferences. The City will not fund attendance at overseas conferences, other than New Zealand.

Senior Executive Staff must report, where there is a cost to the City, any intrastate or national travel or travel to New Zealand, and disclose attendance at conferences and training which take place locally. The report must include the name and position title and be published monthly.

Managers must report, where there is a cost to the City, any intrastate or national travel or travel to New Zealand, and disclose attendance at conferences and training which take place locally. The report will be by position title only and is to be published monthly.

### **DEFINITIONS**

Events covered by this policy include: conferences, seminars, training courses, professional development, industry forums, workshops, presentations, awards, business breakfasts/luncheons/dinners - where there is a cost to the City.

Training which forms part of an officer's condition of employment or where the funding is included in the contract of employment will be exempt from this policy. Continuing Professional Development and professional networking events required as a condition of employment will also be exempt.

### **RELATED LEGISLATION AND OTHER REFERENCES**

Nil



<b>Adopted by Council:</b>	22 May 2018
<b>Reviewed</b>	Nil
<b>Strategic Link</b>	Governance and Leadership



# Senior and Executive Staff Attendance at Conferences, Seminars and Training Policy

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Governance and OPD
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Units</b>	All business units
<b>ECM Document Set ID</b>	4513820

## Purpose

Council supports the attendance of City of Bayswater (the City) staff at conferences, seminars and training to assist them in fulfilling their role and further developing their skill set or where attendance will benefit the Bayswater district community.

## Definitions Scope

Events covered by this policy include: conferences, seminars, training courses, professional development, industry forums, workshops, presentations, awards, business breakfasts/luncheons/dinners - where there is a cost to the City.

~~Training which forms part of an officer's condition of employment or where the funding is included in the contract of employment will be exempt from this policy. Continuing Professional Development and professional networking events required as a condition of employment will also be exempt.~~

## Policy Statement Details

Attendance should be undertaken in a transparent manner and in line with budget allocations.

The City will fund attendance by executive officers at interstate conferences. The City will not fund attendance at overseas conferences, other than New Zealand.

Senior Executive Staff must report, where there is a cost to the City, any intrastate or national travel or travel to New Zealand, and disclose attendance at conferences and training which take place locally. The report must include the name and position title and be published monthly.

Managers must report, where there is a cost to the City, any intrastate or national travel or travel to New Zealand, and disclose attendance at conferences and training which take place locally. The report will be by position title only and is to be published monthly.

## Related Legislation

Nil.

## Related Documentation

Nil.

## Document details

<b>Relevant delegations</b>	FM-D04 – Authority to incur expenses and apply money from the Municipal Fund Account		
<b>Risk evaluation</b>	Moderate		
<b>Strategic link</b>	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.	
<b>Council adoption</b>	22 May 2018	<b>Resolution</b>	13.5
<b>Next review due</b>	June 2026		
<b>Reviewed/modified</b>	TBA	<b>Resolution</b>	TBA



# Senior and Executive Staff Attendance at Conferences, Seminars and Training Policy

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Governance and OPD
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Units</b>	All business units
<b>ECM Document Set ID</b>	4513820

## Purpose

Council supports the attendance of City of Bayswater (the City) staff at conferences, seminars and training to assist them in fulfilling their role and further developing their skill set or where attendance will benefit the Bayswater district community.

## Scope

Events covered by this policy include: conferences, seminars, training courses, professional development, industry forums, workshops, presentations, awards, business breakfasts/luncheons/dinners - where there is a cost to the City.

## Policy Statement

Attendance should be undertaken in a transparent manner and in line with budget allocations.

The City will fund attendance by executive officers at interstate conferences. The City will not fund attendance at overseas conferences, other than New Zealand.

Senior Executive Staff must report, where there is a cost to the City, any intrastate or national travel or travel to New Zealand, and disclose attendance at conferences and training which take place locally. The report must include the name and position title and be published monthly.

Managers must report, where there is a cost to the City, any intrastate or national travel or travel to New Zealand, and disclose attendance at conferences and training which take place locally. The report will be by position title only and is to be published monthly.

## Related Legislation

Nil.

## Related Documentation

Nil.

**Document details**

<b>Relevant delegations</b>	FM-D04 – Authority to incur expenses and apply money from the Municipal Fund Account		
<b>Risk evaluation</b>	Moderate		
<b>Strategic link</b>	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.	
<b>Council adoption</b>	22 May 2018	<b>Resolution</b>	13.5
<b>Next review due</b>	June 2026		
<b>Reviewed/modified</b>	TBA	<b>Resolution</b>	TBA

**10.5.2 Planning and Heritage Policy Review and Development Committee - 3 July 2023****10.5.2.1 Proposed Car Parking Dispensation Policy**

<b>Responsible Branch:</b>	Development and Place
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>Existing Car Parking in the Town Planning Scheme No. 24 Area Policy [<b>10.5.2.1.1</b> - 4 pages]</li> <li>Draft Car Parking Dispensation Policy [<b>10.5.2.1.2</b> - 7 pages]</li> <li>Summary of Submissions [<b>10.5.2.1.3</b> - 2 pages]</li> </ol>
<b>Refer:</b>	Item 10.6.2.4: OCM 22.11.2022

**SUMMARY**

Council consideration is sought in relation to the final approval of the draft Car Parking Dispensation Local Planning Policy.

Council at its Ordinary Meeting held 22 November 2022 adopted for public advertising the draft Car Parking Dispensation Policy. The draft policy provides guidance on how the City considers parking dispensations within the City. The policy also aids in reducing red tape, as it provides clear parameters on where a dispensation for car parking can be considered.

The draft policy was advertised for public comment from 2 February 2023 to 24 February 2023, during which time 208 people visited the project online and six people provided formal submissions - two in support, two objections and two neither support or object.

Having regard to the comments provided, it is recommended that Council adopts the draft Car Parking Dispensation Policy with no modifications.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council adopts the Car Parking Dispensation Policy as contained in Attachment 2 to this report.

Cr Assunta Meleca Moved, Cr Sally Palmer Seconded

**CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 11/0**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Nil.*

**BACKGROUND**

Council at its Ordinary Council Meeting held 22 November 2022 considered the proposed Car Parking Dispensation Policy, and resolved to adopt for public advertising the policy subject to amendments.

**EXTERNAL CONSULTATION**

The policy was publicly advertised concurrently with the draft Payment in Lieu of Car Parking Plan and draft Payment in Lieu of Parking Policy.

The City advertised the draft policy in accordance with Councils' resolution for a period of 22 days from 2 February 2023 to 24 February 2023, by way of:

- Notification being published in the Perth Now newspaper on 2 February 2023;
- Notification being sent to land owners and residents in writing.
- Information being placed on the City's engagement website, Engage Bayswater, including online survey submission form; and
- Hard copies of the draft policy being made available for inspection at the City of Bayswater Civic Centre and libraries.

208 people visited the project online and six people provided a formal submission either online via the submission form or in writing via email to the City of Bayswater. Two submissions supported the amendments with no comment, two objected with comments and two neither supported nor objected with comments. The table below outlines where the submissions came from.

Comments were received from residents who own properties within the City of Bayswater relating to Bayswater Town Centre, Morley Activity Centre and Noranda Town Centre areas.

	Support	Object	Neither support or object	Total
<b>Within the policy scope areas.</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>5</b>
<b>Outside of the policy scope areas.</b>	<b>Nil</b>	<b>1</b>	<b>Nil</b>	<b>1</b>
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>6</b>

Refer to **Attachment 3** for the summary of submissions.

## OFFICER'S COMMENTS

### Bayswater Town Centre

The key comments provided relate to limited parking available along Foyle Road, Bayswater due to train commuters using the road for parking, with more development and limited parking there are more people trying to park on the road where there is no room. Once the construction of the train station is complete the City is intending to undertake a review of the Bayswater Town Centre Short-Term Parking Strategy which sets the expectations for time restrictions across the town centre. It is considered appropriate to wait for the train station construction to be complete so the consequent impact of the works are known. The City will consider Foyle Road as a part of this review.

With regards to the policy, it is considered the objectives of the draft policy ensures that an appropriate amount of car parking is provided within town centres and within proximity to high frequency public transport. In addition, it ensures that the extent of car parking provided on the site reflects car parking demands of businesses.

### Morley Activity Centre

One comment opposes paid parking in Morley and the Car Parking Dispensation Policy. These comments are acknowledged; however it is noted that this policy does not apply to the Morley Activity Centre. Car parking rates within the Morley Activity Centre are to be provided in accordance with the Morley Activity Centre Structure Plan and Town Planning Scheme No. 24 (TPS 24), which include dispensations for being in close proximity to high frequency public transport and within an activity centre.

Also the policy does not propose to introduce paid parking.

### Noranda Town Centre

Comments were provided outlining parking dispensations being excessive (or at least overly ambitious) and should not apply to all areas equally – Noranda is not Bayswater or Maylands, and also notes this may be balanced out by the TPS 24 parking requirements, needing more bays than necessary. In response, the Noranda Town Centre has been included within the Car Parking Dispensation Policy due to this centre being identified as a district centre under State Planning Policy 4.2 Activity Centres with its location being within proximity to the proposed Noranda Train Station, its size and existing land uses. The City acknowledges that the existing car parking rate as specified under TPS 24 may be excessive for non-residential land uses located within the town centres nominated within the policy, and where businesses located within proximity to high frequency public transport thus there is a need to provide dispensation rates for certain land uses where deemed appropriate under the policy.

### Other

Comments were received from the Department of Education which outlined that many schools experience parking pressures, increased traffic congestion and circulation issues during peak drop-off and pick-up periods. The Department requests that City considers how the dispensation of the number of on-site car parking bays for non-residential developments might impact existing parking and traffic pressures around school sites to minimise resultant traffic implications and lower any potential safety risks to students. In response to this, the objectives of the draft policy ensures that an appropriate amount of car parking is provided within town centres and within proximity to high frequency public transport. In addition, it ensures that the extent of car parking provided on the site reflects car parking demands of businesses. Also each development application which proposes a car parking shortfall is considered on its individual merits and is required to satisfy TPS 24 and associated local planning policy requirements.

The provisions contained within the draft policy are considered to adequately satisfy the comments raised during the public consultation period. In light of this, it is recommended that no modifications occur to the draft policy as contained in **Attachment 2**.

## **LEGISLATIVE COMPLIANCE**

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

## **RISK 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.

<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
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
<b>Conclusion</b>	It is considered that this draft policy has a low risk as it is consistent with the intent of the existing policy and development applications which have been determined by the City. The draft policy also aids in reducing red tape, as it clearly outlines when a parking dispensation can be applied to a development and it provides greater clarity on how the policy is to be implemented.	



	In the event Council choose not to proceed with the officer's recommendation it is considered there is a moderate risk to community and stakeholder relationships, and service delivery as the draft policy is easier to understand for stakeholders and reduces red tape for developments.
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## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Publishing of public notice of the adoption of the Car Parking Dispensation Policy.

**Asset Category:** N/A

**Source of Funds:** Municipal

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

**Notes:** Nil

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

## STRATEGIC IMPLICATIONS

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

Theme: Vibrancy

Goal V1: Plan for increased business opportunities around transport nodes.

It is considered that the draft Car Parking Dispensation Policy will assist in encouraging non-residential development within the town centres which are easily accessed via a range of transport types, and industrial development within close proximity to high frequency public transport.

## CONCLUSION

The draft 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 and having regard to the comments in response to the submissions received, it is recommended that Council adopts the draft Car Parking Dispensation Policy for final approval.

## CARPARKING IN THE TOWN PLANNING SCHEME NO. 24 AREA 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 provide dispensation on the minimum on-site car parking standards for non-residential developments that are located in town (activity) centres or close to high frequency public transport.

### OBJECTIVES:

1. To recognise that different on-site car parking standards are appropriate for developments located in town (activity) centres or close to high frequency public transport.
2. To encourage businesses, local services and employment generators to locate in town (activity) centre locations and close to high frequency public transport.
3. To balance the provision of sufficient on-site car parking with the need to encourage pedestrians and promote alternative transport methods.

### INTRODUCTION:

Car parking is an important land use. However, too much car parking in an area can sometimes be as detrimental as too little car parking, as car parking areas have the potential to affect the character, amenity and vibrancy of a place and/or the feasibility and affordability of the use and development of land.

The "right" amount of car parking for a particular area depends on numerous factors, such as the local context, the vision for an area, the density of development and surrounding land uses, accessibility for pedestrians and alternative transport options available (such as public transport or cycling).

This policy recognises that:

1. Less on-site car parking is generally required for the use and/or development of land within town (activity) centres or close to high frequency public transport routes. These areas usually have better public transport, cycling or walking options available and have a greater mix of land uses so that a number of tasks can be combined into one trip (reducing the need for multiple vehicle trips).
2. A higher level of on-site car parking provision is generally required in other areas that are designed around and more dependent on vehicle transportation.
3. Traditional town centres have a different character to suburban commercial areas, based on shops built up to the street, a greater focus on pedestrians and car parking positioned at the rear of a site. This policy encourages the retention of traditional character buildings and encourages new developments to complement the town centre environment.



**POLICY STATEMENT:**

1. This policy applies to all non-residential land use and/or development within the Town Planning Scheme No. 24 (TPS 24) area.
2. This policy does not apply to car parking associated with residential development nor industrial development. Car parking for residential development is to be provided in accordance with the Residential Design Codes (as amended), unless otherwise approved by the City of Bayswater. Car parking for industrial development is to be provided in accordance with Table No. 2 of Town Planning Scheme No. 24, unless otherwise approved by the City.
3. Car parking for non-residential land use(s) and/or development(s) located in a town (activity) centre or close to high frequency public transport is to be provided in accordance with Table No. 1 of this policy, unless otherwise approved by the City.
4. Car parking for non-residential land use(s) and/or development(s) that are not located in a town (activity) centre or close to high frequency public transport is to be provided in accordance with Table No. 2 of Town Planning Scheme No. 24, unless otherwise approved by the City.

**Table No. 1 – On-Site Car Parking Requirements for Non-Residential Developments Located in a Town (Activity) Centre or Close to High Frequency Public Transport**

Non-Residential Land Use and/or Development Type	Maylands and Bayswater Town Centres Refer to Notes	Lots Close to High Frequency Public Transport Refer to Notes
<b>Existing Traditional Development</b> (refer to the definition and notes)	On-site parking provision to the extent possible	On-site parking provision to the extent possible
<b>Community Uses</b> Child care day care centre; educational establishment or place of public worship.	25% dispensation on TPS 24 standards	10% dispensation on TPS 24 standards
<b>Food and Entertainment Uses</b> Cinema, fast food outlet, hotel, lunch bar, market, restaurant, small bar, tavern or theatre.	50% dispensation on TPS 24 standards	25% dispensation on TPS 24 standards
<b>Health Uses</b> Consulting rooms (medical), health studio, hospital, medical centre or recreation facility.	25% dispensation on TPS 24 standards	10% dispensation on TPS 24 standards
<b>Office Uses</b> Office.	40% dispensation on TPS 24 standards	20% dispensation on TPS 24 standards
<b>Retail Uses</b>	50% dispensation	25% dispensation

<b>Gross Leasable Area equal to or less than 300m<sup>2</sup></b> Amusement parlour, betting agency, convenience store, exhibition centre, market, shop or showroom.	on TPS 24 standards	on TPS 24 standards
<b>Retail Uses</b> <b>Gross Leasable Area greater than 300m<sup>2</sup></b> Amusement parlour, betting agency, convenience store, exhibition centre, market, shop or showroom.	25% dispensation on TPS 24 standards	10% dispensation on TPS 24 standards

Notes to Table No. 1

- a) *The Maylands Town Centre is defined as any lot within the Maylands Activity Centre Zone plus Lot 10, No. 221 Railway Parade, Maylands and Lot 12, No. 223 Railway Parade, Maylands.  
The Bayswater Town Centre is defined as any lot within 400 metres walking distance of Bayswater Train Station.*
  - b) *Proximity to high frequency public transport is defined as:*
    - (i) *Any lot within 400 metres walking distance of a train station (other than Bayswater or Maylands train stations); or*
    - (ii) *Any lot within 100 metres walking distance of a high frequency bus route. The only high frequency bus route currently recognised by this policy is the bus route operating along Beaufort Street/Broun Avenue between Nelson Street, Bedford and Russell Street, Morley.*
  - c) *Existing traditional development is defined as shops (or the like), generally built in a town centre environment before 1950 in the traditional style (for example - nil setback to the street, awnings covering footpaths). Changes of use and minor redevelopment of these sites are to provide on-site car bays to the extent reasonably possible given the existing building fabric. Major redevelopments of these sites, defined as the addition of more than 100m<sup>2</sup> of additional floorspace, require on-site car parking provision in accordance with Table No. 1 of this policy (non-existing traditional development standards).*
  - d) *Dispensation for on-site car parking for land uses and/or developments that are located within the Maylands or Bayswater town centres or close to high frequency public transport, but that are not specified in Table No. 1 of this policy, will be determined based on the merits of the application with reference to the closest applicable standard.*
  - e) *On-site car parking requirements are to be rounded up to the nearest whole number.*
5. Car parking areas are to be designed in accordance with relevant Australian Standards.
  6. Car parking areas should be provided at the rear of a development throughout the TPS 24 area wherever possible, in order to reduce the impact of vehicle parking areas on the amenity, character and vibrancy of the streetscape. The street setback and front landscaping requirements contained in TPS 24 may be varied or waived (where required) in order to provide for car parking at the rear of a development.
  7. Where on-site car parking for customers and/or staff is not clearly visible from the street, appropriate signage is to be provided to indicate where parking is located.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

Clauses 2.6 and 8.4 of Town Planning Scheme No. 24 (as amended)

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	19 April 2011
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	



# Car Parking Dispensation 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 parameters for considering a dispensation on the minimum number of required on-site car parking bays for non-residential developments, which are located within a town centre or within proximity to high frequency public transport.

## Objectives

The objectives of this policy are to:

- Recognise that different on-site car parking standards are appropriate for:
  - Development within a town centre;
  - Development within proximity to high frequency public transport; and
  - Traditional development outside a town centre and not within proximity to high frequency public transport.
- Encourage businesses, local services, and employment generators to locate in town centres and within proximity to high frequency public transport.
- Ensure an appropriate amount of car parking is provided within town centres and within proximity to high frequency public transport.
- Ensure the extent of car parking provided on site reflects the car parking demand of business.
- Facilitate improved streetscapes along major roads and within town centres and within proximity to high frequency public transport.
- Encourage alternative forms of transport (walking, cycling, and public transport) within the town centres and within proximity to high frequency public transport.

## Scope

This policy applies to all non-residential development including change of use applications and non-residential portions of mixed used developments, within the following locations:

- A town centre which is:
  - Bayswater Town Centre;
  - Maylands Town Centre; or
  - Noranda Town Centre;
- Proximity to high frequency public transport; and/or
- A traditional development outside a town centre and not within proximity to high frequency public transport.

This policy does not apply to residential development within the areas identified in Clause 1 of this scope section.

Any development that does not meet the thresholds specified in Clause 1 of this scope section, is to provide car parking on-site in accordance with the provisions of the City of Bayswater *Town Planning Scheme No. 24* (TPS 24), unless otherwise approved by the City.

## Definitions

**Bayswater Town Centre** is any lot within the area identified on the map in [Attachment 1](#).

**Existing traditional development** is shops (or the like), generally built in a main street environment before 1950 in the traditional style (for example – nil setback to the street, awnings covering footpaths).

**Maylands Town Centre** is any lot within the area identified on the map in [Attachment 2](#).

**Noranda Town Centre** is any lot within the area identified on the map in [Attachment 3](#).

**Payment-in-lieu** is the payment made for the provision of car parking, instead of providing the minimum number of physical on-site car parking spaces required by TPS 24.

**Proximity to high frequency public transport** is defined as any lot within:

- (a) 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or
- (b) 250m of a high frequency bus route, or multiple bus routes that, if combined, have timed stops every 15 minutes during weekday peak periods (7–9am and 5–7pm), measured in a straight line from along any part of the bus route to any part of the lot.

## Requirements

1. Car parking for non-residential land use(s) and/or development(s) located in a town centre or within proximity to high frequency public transport is to be provided in accordance with Table 1 of this policy, unless otherwise approved by the City.
2. Car parking for a change of use and/or development of an existing traditional development outside a town centre and not within proximity to high frequency public transport, are to be provided on site to the extent reasonably possible given the existing building fabric.
3. Dispensations for on-site car parking for land uses which are not specified in Table 1 of this policy, will be determined based on the merits of the application with reference to the closest applicable standard.
4. Lots which are located within a town centre and with proximity to high frequency public transport are only eligible for the greater of the two dispensations in Table No. 1 of this policy.
5. On-site car parking requirements are to be rounded up to the nearest whole number.

**Table 1: On-site Car Parking Requirements for Non-Residential Developments Located within a Town Centre or within Proximity to High Frequency Public Transport**

Non-Residential Land Use and/or Development Type	Development within a Town Centre – Bayswater, Maylands, and Noranda	Development within Proximity to High Frequency Public Transport
<b>Existing Traditional Development</b>	See Notes 1 and 2	See Notes 1 and 2
<b>Community Uses</b> Child care day care centre, educational establishment or place of public worship.	25% dispensation on TPS 24 standards	10% dispensation on TPS 24 standards
<b>Food and Entertainment Uses</b> Cinema, fast food outlet, hotel, lunch bar, market, restaurant, small bar, tavern or theatre.	50% dispensation on TPS 24 standards	25% dispensation on TPS 24 standards
<b>Health Uses</b> Consulting rooms (medical), health studio, hospital, medical centre or recreation facility.	25% dispensation on TPS 24 standards	10% dispensation on TPS 24 standards
<b>Office Uses</b> Office.	40% dispensation on TPS 24 standards	20% dispensation on TPS 24 standards
<b>Retail Uses</b> <b>Gross Leasable Area equal to or less than 300m<sup>2</sup></b> Amusement parlour, betting agency, convenience store, exhibition centre, market, shop or showroom.	50% dispensation on TPS 24 standards	25% dispensation on TPS 24 standards
<b>Retail Uses</b> <b>Gross Leasable Area greater than 300m<sup>2</sup></b> Amusement parlour, betting agency, convenience store, exhibition centre, market, shop or showroom.	25% dispensation on TPS 24 standards	10% dispensation on TPS 24 standards
<b>Industrial Uses</b> Builders yard, factory, industry, light industry, service industry, showroom, storage yard, warehouse.	20% dispensation on TPS 24 standards	10% dispensation on TPS 24 standards

**Notes**

1. Applications for a change of use and/or minor redevelopment (no more than 100m<sup>2</sup> of additional floorspace) of an existing traditional development are to provide on-site car bays to the extent reasonably possible given the existing building fabric.



2. *Major redevelopment (more than 100m<sup>2</sup> of additional floorspace) of existing traditional development is to provide car parking on-site in accordance with Table 1 of this policy, unless otherwise approved by the City.*

## Related Documentation

Nil.

## 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	
Council Adoption	19 April 2011
Reviewed / Modified	1 March 2016
Reviewed / Modified	
Reviewed / Modified	

**Attachment 1: Bayswater Town Centre Map**





**Attachment 2: Maylands Town Centre Map**





**Attachment 3: Noranda Town Centre Map**



Summary of Submissions

A total of 6 submissions.

2 Support with no comments.

2 Object with 1 comment relevant to the policy catchment area and 1 comment not relevant to the catchment area of the policy.

2 Neither support or object, with comment.

No.	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
<b>Support</b>			
1.	I am acting on behalf of a company or organisation, which has an interest in the area.  Walter Road West, Morley	Nil.	Noted
2.	I own a property in the area.  Bransby Street, Morley	Nil.	Noted
<b>Object</b>			
3.	I own a property in the area.  Foyle Road, Bayswater	<ul style="list-style-type: none"> <li>There is already limited parking on the road now that the train commuters are parking here. With more development and not enough parking means more people trying to park on the street where there isn't room already.</li> </ul>	<ul style="list-style-type: none"> <li>The objectives of the draft policy ensures that an appropriate amount of car parking is provided within town centres and within proximity to high frequency public transport. In addition, it ensures that the extent of car parking provided on the site reflects car parking demands of businesses.</li> </ul>
4.	I own a property in the area.  Wheeler Street, Morley	<ul style="list-style-type: none"> <li>I strongly oppose paid parking in Morley and the Car Parking Dispensation Policy, nobody likes how Midland is setup, please don't make the same mistake of crushing small business to make way for big business.</li> </ul>	<ul style="list-style-type: none"> <li>These comments are noted albeit this policy does not apply to the Morley Activity Centre. Car parking rates within the Morley Activity Centre are to be provided in accordance with the Morley Activity Centre Structure Plan and Town Planning Scheme No. 24 (TPS 24), which includes dispensations for being in close proximity to high frequency public transport and within an activity centre.</li> </ul>

No.	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
	<b>Neither support or object</b>		
5.	I own a property in the area.  Margaret Street, Maylands	<ul style="list-style-type: none"> <li>Some of the parking dispensations are excessive (or at least overly ambitious) and shouldn't apply to all areas equally – Noranda is not Bayswater or Maylands.</li> <li>This is made up for by the fact that many of the TPS24 requirements are way over the top (10 bays per 100sqm GLA for restaurants means that they require 3x the floor area for parking).</li> </ul>	<ul style="list-style-type: none"> <li>The Noranda Town Centre has been included within the Car Parking Dispensation Policy due to this centre being identified as a district centre under State Planning Policy 4.2 Activity Centres with its location being within close proximity to the proposed Noranda Train Station where Benara Road and Tonkin Highway overlap, its size and existing land uses. The City acknowledges that the existing car parking rate as specified under TPS 24 may be excessive for non-residential land uses located within the town centres nominated within the policy, and where businesses located within proximity to high frequency public transport thus there is a need to provide dispensation rates for certain land uses where deemed appropriate under the policy.</li> </ul>
6.	I own a property in the area  (Department of Education)	<ul style="list-style-type: none"> <li>Many schools experience, parking pressures, increased traffic congestion and circulation issues during peak drop-off and pick-up periods. The Department requests that City considers how the dispensation of the number of on-site car parking bays for non-residential developments might impact existing parking and traffic pressures around school sites in a bid to minimise resultant traffic implications and lower any potential safety risks to students.</li> </ul>	<ul style="list-style-type: none"> <li>In response to this, the objectives of the draft policy ensures that an appropriate amount of car parking is provided within town centres and within proximity to high frequency public transport. In addition, it ensures that the extent of car parking provided on the site reflects car parking demands of businesses. Also each development application which proposes a car parking shortfall is considered on its own merits and is required to satisfy TPS 24 and associated local planning policy requirements.</li> </ul>

**10.5.2.2 Proposed Payment in Lieu of Car Parking Policy**

<b>Responsible Branch:</b>	Development and Place
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>Existing Cash in Lieu of Car Parking Policy [<b>10.5.2.2.1</b> - 3 pages]</li> <li>Draft Payment in Lieu of Car Parking Policy - As Advertised [<b>10.5.2.2.2</b> - 7 pages]</li> <li>Draft Payment in Lieu of Car Parking Policy - Track Changes to Advertised Version [<b>10.5.2.2.3</b> - 7 pages]</li> <li>Draft Payment in Lieu of Car Parking Policy - with Changes Incorporated [<b>10.5.2.2.4</b> - 7 pages]</li> <li>Summary of Submissions [<b>10.5.2.2.5</b> - 5 pages]</li> </ol>
<b>Refer:</b>	Item 10.4.3: OCM 23.05.2023 Item 10.6.2.5: OCM 22.11.2022

**CR SALLY PALMER DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Sally Palmer declared a proximity interest in this item as her residence is outside the boundary but opposite the Noranda Town Centre. At 7:48pm, Cr Sally Palmer withdrew from the Council Chambers and did not participate in consideration or voting on this item.*

**SUMMARY**

Council consideration is sought in relation to the final approval of the draft Payment in Lieu of Parking Local Planning Policy.

Council at its Ordinary Meeting held 22 November 2022 adopted for public advertising the modified Payment in Lieu of Parking Policy.

The draft policy was advertised 22 days from 2 February 2023 to 24 February 2023, during which time 144 people visited the project online and seven people provided formal submissions, being three in support and four objections.

Having regard to the comments provided, it is recommended that the policy be modified to address comments raised during public advertising, as outlined in this report, and be approved accordingly.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)**

**That Council adopts the modified Payment in Lieu of Parking Policy as contained in Attachment 4 to this report.**

**Cr Giorgia Johnson Moved, Cr Steven Ostaszewskyj Seconded**

**CARRIED UNANIMOUSLY: 10/0**

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

**Against:** *Nil.*

**At 7:49pm Cr Sally Palmer returned to the meeting.**

## BACKGROUND

Council at its Ordinary Council Meeting held 22 November 2022 considered the proposed Payment in Lieu of Parking Policy, and resolved to adopt the policy for public advertising.

The draft policy provides guidance on the provision of payment in lieu of parking within the City. The policy also aids in reducing red tape, as it provides clear parameters around where the City will consider the payment in lieu of parking and how it is calculated.

## EXTERNAL CONSULTATION

The policy was publicly advertised concurrently with the draft Payment in Lieu of Car Parking Plan and draft Car Parking Dispensation Policy.

The City advertised the draft policy in accordance with Councils' resolution for a period of 22 days from 2 February 2023 to 24 February 2023, by way of:

- Notification being published in the Perth Now newspaper on Thursday 2 February 2023;
- Notification being sent to land owners and residents in writing;
- Information being placed on the City's engagement website, Engage Bayswater, including online survey submission form; and
- Hard copies of the draft modified policy being made available for inspection at the City of Bayswater Civic Centre and libraries.

During the public consultation period, 144 people visited the draft policy online and seven people provided formal submissions. Three submissions were received in support, and four objected.

Comments were received from residents who own properties within the Maylands Town Centre, Bayswater Town Centre and Morley Activity Centre areas, and a person acting on behalf of a company or organisation who has an interest in the Morley Activity Centre Area.

	Support	Object	Neither Object	Support or	Total
<b>Within the Policy Scope Areas</b>	3	4	Nil		7
<b>Outside of the Policy Scope Areas</b>	Nil	Nil	Nil		Nil
<b>Total</b>	<b>3</b>	<b>4</b>	<b>Nil</b>		<b>7</b>

Refer to **Attachment 5** for the summary of submissions.

## OFFICER'S COMMENTS

### Payment in Lieu Calculation

Comments received stated concerns on the negative impact the policy would have and questioned the calculation and value of car parking bays. In response to this, the payment-in-lieu calculation has been updated to reflect the method of calculation, as published in the Government Gazette on 8 June 2021, as follows:

- Infrastructure cost per m<sup>2</sup> x 15m<sup>2</sup> x parking space shortfall.

In accordance with the gazetted method of calculation the City is required to use a 15m<sup>2</sup> area. The 15m<sup>2</sup> area represents a 50% discount to a car parking space and manoeuvring area of 30m<sup>2</sup>. This method published in the Government Gazette is a maximum and the City is unable to require more



than the payment required by the method of calculation. However, the City is able to establish the infrastructure cost per m<sup>2</sup>.

The infrastructure cost lump sum is to be established at the commencement of the Payment-in-Lieu of Parking Plan and is to be based on the cost per square metre to construct a car parking space and manoeuvring area of 30m<sup>2</sup>.

The City's officers have established that the infrastructure cost per square metre to construct a car parking bay within the City is \$200. This cost is based on recent parking projects which have been undertaken within the City, and includes the cost of construction, landscaping and drainage. The financial contribution per car parking bay is therefore  $\$200 \times 15\text{m}^2 = \$3,000$

The Department of Planning, Lands and Heritage (DPLH) commissioned Shape Urban and Flyt to undertake a review of existing cash in lieu processes within local governments and to develop a consistent calculation. In their Payment in Lieu of Parking Calculation Report, Shape Urban and Flyt recommended a 50% discount of the bay area for the following reasons:

- Simplicity and consistency across the calculations without the need for more complex calculations per area or sub-area of a Payment in Lieu of Parking Plan (PLPP).
- Use of a discount for the bay area removes potential for other forms of discount which may fluctuate during the span of a PLPP or values applied to sub-areas may require review or alteration.
- Consideration of community benefit without removing the need to provide parking on site from a developer.

With requiring a 50% discount to the car parking bay area, this removes the argument for developers having ownership over on-street infrastructure such as on-street car parking bays.

#### Maylands Town Centre

Comments were received relating to clause 3 under Onsite Car Parking Requirements outlining that this clause allows a lot of latitude for the City to define what is possible on the site (for instance add another podium floor, reduce density) without actually having to do the design work. Clause 3 states:

*'The City will not accept a payment in lieu of parking contribution where it considers that the required car parking could be provided on-site.'*

The purpose of the Payment in Lieu of Car Parking Policy is to provide the parameters for which payment in lieu of on-site car parking (PLP) may be taken for non-residential development within town and activity centres in the City of Bayswater. The purpose of this clause is to specify that in the instance the City considers that a development has the capacity to provide the required minimum amount of car parking, as outlined under *Town Planning Scheme No. 24*, on site, the City will not accept a payment in lieu of parking contribution, rather will require the minimum amount of car parking to be provided on site.

A comment was also received questioning the area in which PLP can be used, as it was considered 'in the immediate vicinity' to be too vague. In response, it is noted that any monies collected as PLP can be used across the town centre areas identified in Attachments 1-4 of the policy. Reference to 'in the immediate vicinity' is under the 'Parking Shortfalls Outside of Town / Activity Centres' section of the policy. In accordance with the policy PLP is not applicable unless supported by the City on a case by case basis. The City may consider alternative options including on-street car parking bays and associated verge treatments however the developer is responsible to provide detailed designs. Regarding the comment relating to immediate vicinity, this refers to on-street car parking bays and associated verge treatments required to be provided adjacent to the relevant property as close as possible. The intent of using immediate vicinity is to allow flexible application of the clause in the instance it is deemed other verges or public open space would benefit from

verge treatments including street trees. It also allows for flexibility for the location of on-street car parking bays if the development site has existing on-site bays or is otherwise restricted and there is a reasonable alternative location available within the immediate vicinity. To provide greater clarity on this matter it is recommended to modify the policy as detailed below.

A comment was also received outlining that the PLP could contribute to no additional bays onsite and all money can be spent on landscaping and streetscape improvements. In response to this, all PLP monies received are to be spent in accordance with the Payment in Lieu of Car Parking Plan (PLPP) that outlines how the City will spend the monies received for car parking. Monies can also be spent towards providing infrastructure to support pedestrians and cyclists which includes streetscape improvements which may incidentally include landscaping to encourage other modes of transport as there is limited space to continue to provide more car parking.

### Bayswater Town Centre

Comments were received relating to concerns that developers will not provide sufficient parking as a part of their developments within the Bayswater town centre and noted that train commuters (including short term rail users) also use parking nearby impacting on surrounding residential streets and businesses.

PLP has been an option for developments within the Bayswater town centre since 2011 when the original Cash in Lieu of Parking Policy was adopted by Council. In accordance with the policy developers will be required to provide parking on site where possible and the City will use the PLP funds to provide parking or support other modes of transport where it cannot be provided. It is considered that the policy strikes a balance between requiring the provision of parking whilst also reducing red tape and allowing appropriate development to occur within the town centre.

In response to the concerns about commuter parking, a temporary car park has been constructed along Hamilton Street to assist in alleviating the impact of the Bayswater Train Station redevelopment and subsequent reduction in parking. The PLPP outlines how the City will spend the monies received for car parking over the next 10 years, unless extended by the WAPC. The following will assist in improving parking within the Bayswater locality as outlined in the PLP Plan:

- Modifying time restricted parking.
- Line marking of unmarked parking bays.
- Advocate to the State Government to improve bus services in Bayswater.
- Provide infrastructure to support greater use of sustainable modes of transport.

Once the construction of the train station is complete the City is intending to undertake a review of the Bayswater Town Centre Short-Term Parking Strategy which sets the expectations for time restrictions across the town centre. It is considered appropriate to wait for the train station construction to be complete to gain an accurate longer term picture of parking and activity in the centre.

### Morley Activity Centre

Comments were received which questioned how the policy addresses parking needs for local businesses within the Morley Activity Centre and noted that Bookham Street is an example of car parking resulting on the surrounding street due to approved businesses in the area, and not being contained on private property. In response, the purpose of the PLP Policy is to provide the parameters for which PLP may be taken for non-residential development within town and activity centres in the City of Bayswater. The consideration of PLP is considered on a case by case basis and the City will continue to work with all applicants to provide as much onsite parking as can be reasonably accommodated. The PLPP outlines how the City will spend the monies received for

car parking. This Plan outlines that the following purposes for which PLP monies may be applied within the Morley Activity Centre:

- Modifying time restricted parking.
- Investigate options for decked parking.
- Line marking of unmarked bays.
- Introduce paid/ticketed parking.
- Other ancillary or incidental purposes; such as improving footpaths, bike access and other parking to encourage other modes of transport.

Additional concerns were received from within the Morley activity centre area relating to existing businesses which were permitted to pay in lieu of parking whereas car parking problems exist along the strip of business strips. In response, the PLP Policy incorporates new policy provisions to provide more clarity on when it is appropriate to provide PLP. Objective 4 ensures that the extent of car parking provided on site reflects the car parking demand of business. It is further noted under 'On-site Car Parking Requirements' clause 3 that in the event the City determines that the development is able to provide the required number of car parking onsite, the City will not allow them to PLP in such instances.

#### Proposed Modifications

Based on the comments received during public consultation, it is recommended that clause 3 under 'Parking Shortfalls Outside of Town / Activity Centres' of the advertised policy be amended to read as follows:

3. *"The City may require the design and construction of on-street car parking bays, associated landscaping, and street trees in the immediate vicinity of the relevant site, as an alternative option, to meet the requirements of Clause 2 above. In the event the option is supported by the City the developer is responsible for:*
  - (a) *The preparation of detailed designs for the required on-street car parking bays, associated landscaping, and street trees, to the satisfaction of the City.*
  - (b) *The construction of on-street car parking bays, associated landscaping, and street trees in the immediate vicinity of the relevant site."*

It is considered that the above wording better clarifies what is expected of the developer in the event the City supports an alternative to providing onsite parking outside of town / activity centres.

#### **LEGISLATIVE COMPLIANCE**

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

#### **RISK 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.

<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
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
<b>Conclusion</b>	<p>It is considered that the draft policy has a low risk as it is consistent with the intent of the existing policy. The modifications bring the policy into alignment with the State Governments Planning Reform with respect to the payment in -lieu of providing on site non-residential car parking, under Part 9A of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (Regulations).</p> <p>In the event Council choose not to proceed with the officer's recommendation it is considered there is a moderate service delivery risk, and community and stakeholder risk as the City's existing policy payment in lieu of parking calculation is inconsistent with the Regulations and would be superseded by the calculation within the Regulations.</p>	

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Publishing of public notice of the adoption of the draft Payment in Lieu of Parking Policy.

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

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

**Notes:** Nil

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

## STRATEGIC IMPLICATIONS

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

Theme: Vibrancy

Goal V1: Plan for increased business opportunities around transport nodes.

It is considered that the draft Payment in Lieu of Car Parking Policy will assist in encouraging the development of non-residential buildings within the town and activity centres, which are easily accessed via a range of transport types.

## CONCLUSION

The draft 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 and having regard to the comments in response to the submissions received, it is recommended that Council adopts the draft modified Payment in Lieu of Parking Policy for final approval.

## CASH IN LIEU OF CARPARKING POLICY

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



### Introduction

This policy is pursuant to Section 4.6 of Town Planning Scheme No 23 and Section 8.4 of Town Planning Scheme No 24, which deal with car parking and access. This policy provides the parameters for which cash-in-lieu of on-site car parking may be taken for non-residential development within the Town Planning Scheme No. 23 Scheme Area, the Bayswater Town Centre and the Maylands Town Centre.

The policy should not be seen as replacing the developer's responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments for which the full amount of parking cannot be provided on site, to proceed.

### Policy

1. This policy applies to non-residential development, including change of use applications within:
  - a) Town Planning Scheme No. 23 (TPS 23) Scheme Area;
  - b) The Bayswater Town Centre, which is defined as any lot wholly within 400metres of the Bayswater Railway Station; and
  - c) The Maylands Town Centre which is defined as any lot within the Maylands Activity Centre Zone plus Lot 10, No. 221 Railway Parade, Maylands and Lot 12, No. 223 Railway Parade, Maylands.
2. This policy does not apply to residential or industrial development in the areas noted in Clause 1.
3. The City of Bayswater has a commitment to providing additional or upgraded car parking in the areas noted in Clause 1. The additional or upgraded car parking may be partly or solely funded by cash in lieu of car parking contributions.

### On-Site Car Parking Provision

4. On-site car parking is to be provided as follows:

#### *TPS 23*

- a) In accordance with an approved car parking policy for the area or otherwise as required in Table 1 - Car Parking Requirements of TPS 23.

#### *Bayswater and Maylands Town Centres*

- b) In accordance with Policy No. TP-P 1.9 – 'Car Parking in the Town Planning Scheme No. 24 Area'.

5. Where an application proposes a shortfall in the required number of on-site car parking bays noted in Clause 4, the City may require a cash in lieu of car parking contribution(s) to be made for some or all of the on-site car parking shortfall.
6. The City will not accept cash in lieu of car parking contribution(s) where it considers that the required car parking could instead be provided on-site.

Cash in Lieu of Car Parking Contribution

7. Cash in lieu of car parking contributions are to be based on the following:
  - a) The value of the land required to accommodate the car parking bay shortfall, relevant manoeuvring and vehicle access areas; plus
  - b) The construction cost of a multi-level car parking station including all associated driveways, landscaping and infrastructure.
8. The area of a typical car parking bay and its associated manoeuvring area is assumed to be 21.25m<sup>2</sup>.
9. The cash in lieu of car parking contribution is based on the following formula:

<b>Cash in lieu contribution rate per car bay</b> <small>(specified in the Schedule of Fees and Charges)</small>	X	<b>Shortfall in the number of on-site car bays</b> <small>(based on TPS or parking policy requirements)</small>	X	<b>Percentage of parking shortfall applicable</b> <small>(determined by Council resolution)</small>
=				
<b>Total Financial Contribution</b>				

10. The cash in lieu of car parking contribution is to be paid in accordance with the rate specified in the City's Schedule of Fees and Charges.

Application of Funding

11. Cash in lieu of car parking contributions are to be held by the City in separate accounts based on the geographical location of the contribution(s).

Parking Payments in Other Sites/Areas

12. For sites or areas that are not specified in Clause 1, cash in lieu of car parking is not applicable.
13. Where an application proposes a shortfall in the required number of on-site car parking bays and cash in lieu of car parking is not applicable, the City may require:
  - a) If considered practical by the City, the construction by the developer of on-street car parking bays, associated landscaping and street trees for some or all of the on-site car parking shortfall; or



- b) A cost recovery payment from the developer equal to the construction cost of on-street car parking bays and associated landscaping and street trees for some or all of the on-site car parking shortfall; or
  - c) A combination of the construction and payment of on-street car parking bays as outlined in Clauses 13 a) and 13 b).
14. Developer payments noted in Clause 13 are to only be used to construct on-street car parking bays, associated landscaping and street trees in the immediate vicinity of the relevant site.
15. The developer is responsible for the preparation of detailed designs for the required on-street car parking bays and associated landscaping and street trees to the satisfaction of the City.

**RELATED LEGISLATION:**

Clauses 3.1 and 4.6 of Town Planning Scheme No. 23 (as amended)  
 Clauses 2.6 and 8.4 of Town Planning Scheme No. 24 (as amended)

**RELATED DOCUMENTATION:**

*Nil.*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	19 April 2011
Reviewed / Modified	Date	20 November 2012
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	



# Payment in Lieu of Car Parking 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 the parameters for which payment in lieu of on-site car parking may be taken for non-residential development within the City of Bayswater.

The policy should not be seen as replacing the developer's responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed.

## Objectives

The objectives of this policy are to:

1. Assist non-residential developments with a shortfall of car parking by accepting a payment in lieu of parking.
2. Facilitate the development of publicly accessible car parking bays.
3. Ensure an appropriate amount of car parking is provided within town / activity centres.
4. Ensure the extent of car parking provided on site reflects the car parking demand of business.
5. Facilitate improve streetscapes along major roads and within town / activity centres.
6. Provide for the equitable charging of payment in lieu of parking contributions.
7. Encourage alternative forms of transport (walking, cycling, and public transport) within the town / activity centres.

## Scope

1. This policy applies to non-residential development, including change of use applications, within the City's town / activity centres which are:
  - (a) Bayswater Town Centre;
  - (b) Maylands Town Centre;
  - (c) Morley Activity Centre; and
  - (d) Noranda Town Centre.
2. This policy does not apply to residential development within the areas specified in Clause 1.



## Definitions

**Bayswater Town Centre** is any lot within the area identified on the map in Attachment 1.

**Infrastructure Cost** is the cost to construct a car parking space and includes the engineering and design, materials, labour costs, landscaping, line marking, draining and retaining.

**Maylands Town Centre** is any lot within the area identified on the map in Attachment 2.

**Morley Activity Centre** is any lot within the area identified on the map in Attachment 3.

**Noranda Town Centre** is any lot within the area identified on the map in Attachment 4.

**Payment in lieu** is the payment made for the provision of car parking, instead of providing the minimum number of physical on-site car parking spaces required by the City of Bayswater Town Planning Scheme No. 24 (TPS 24).

## On-Site Car Parking Requirements

1. Car parking is to be provided on site in accordance with TPS 24 and the Car Parking Dispensation Policy.
2. Where an application proposes a shortfall in the number of on-site car parking bays required under Clause 1, the City may require a payment in lieu of parking contribution to be made for some of the on-site car parking shortfall.
3. The City will not accept a payment in lieu of parking contribution where it considers that the required car parking could be provided on-site.

## Payment in Lieu of Car Parking

1. Payment in lieu of car parking contributions are to be based on the infrastructure cost per square metre to construct a car parking space and manoeuvring area of 30m<sup>2</sup>.
2. A 50% discount to a car parking space and manoeuvring space of 30m<sup>2</sup> is to be applied to the calculation.
3. The infrastructure cost to construct a car parking space within any town / activity centre in the City of Bayswater is \$200 per square metre.
4. The payment in lieu of parking contribution is based on the following formula:  
**Infrastructure cost per m<sup>2</sup> x 15m<sup>2</sup> x car parking space shortfall**
5. The purpose for which the payment in lieu will be applied, and the financial administration of the funds received, will occur in accordance with the City's Payment in Lieu of Parking Plan.

## Parking Shortfalls Outside of Town / Activity Centres

1. For non-residential development on land located outside of the town / activity centres specified in Clause 1 above, the payment in lieu of parking is not applicable, unless otherwise approved by the City.
2. Where an application proposes a car parking shortfall and payment in lieu of car parking is not applicable, the City may consider alternative options.
3. Developer payments stipulated in Clause 2 above are to only be used to construct on-street car parking bays, associated landscaping, and street trees in the immediate vicinity of the relevant site.
4. The developer is responsible for the preparation of detailed designs for the required on-street car parking bays, associated landscaping, and street trees, to the satisfaction of the City.

## Related Documentation

Nil.

## 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	
Council Adoption	19 April 2011
Reviewed / Modified	20 November 2012
Reviewed / Modified	1 March 2016
Reviewed / Modified	

## Attachment 1: Bayswater Town Centre Map





Attachment 2: Maylands Town Centre Map





Attachment 3: Morley Activity Centre Map





Attachment 4: Noranda Town Centre Map



# Payment in Lieu of Car Parking 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 the parameters for which payment in lieu of on-site car parking may be taken for non-residential development within the City of Bayswater.

The policy should not be seen as replacing the developer's responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed.

## Objectives

The objectives of this policy are to:

1. Assist non-residential developments with a shortfall of car parking by accepting a payment in lieu of parking.
2. Facilitate the development of publicly accessible car parking bays.
3. Ensure an appropriate amount of car parking is provided within town / activity centres.
4. Ensure the extent of car parking provided on site reflects the car parking demand of business.
5. Facilitate improve streetscapes along major roads and within town / activity centres.
6. Provide for the equitable charging of payment in lieu of parking contributions.
7. Encourage alternative forms of transport (walking, cycling, and public transport) within the town / activity centres.

## Scope

1. This policy applies to non-residential development, including change of use applications, within the City's town / activity centres which are:
  - (a) Bayswater Town Centre;
  - (b) Maylands Town Centre;
  - (c) Morley Activity Centre; and
  - (d) Noranda Town Centre.
2. This policy does not apply to residential development within the areas specified in Clause 1.

## Definitions

**Bayswater Town Centre** is any lot within the area identified on the map in Attachment 1.

**Infrastructure Cost** is the cost to construct a car parking space and includes the engineering and design, materials, labour costs, landscaping, line marking, draining and retaining.

**Maylands Town Centre** is any lot within the area identified on the map in Attachment 2.

**Morley Activity Centre** is any lot within the area identified on the map in Attachment 3.

**Noranda Town Centre** is any lot within the area identified on the map in Attachment 4.

**Payment in lieu** is the payment made for the provision of car parking, instead of providing the minimum number of physical on-site car parking spaces required by the City of Bayswater Town Planning Scheme No. 24 (TPS 24).

## On-Site Car Parking Requirements

1. Car parking is to be provided on site in accordance with TPS 24 and the Car Parking Dispensation Policy.
2. Where an application proposes a shortfall in the number of on-site car parking bays required under Clause 1, the City may require a payment in lieu of parking contribution to be made for some of the on-site car parking shortfall.
3. The City will not accept a payment in lieu of parking contribution where it considers that the required car parking could be provided on-site.

## Payment in Lieu of Car Parking

1. Payment in lieu of car parking contributions are to be based on the infrastructure cost per square metre to construct a car parking space and manoeuvring area of 30m<sup>2</sup>.
2. A 50% discount to a car parking space and manoeuvring space of 30m<sup>2</sup> is to be applied to the calculation.
3. The infrastructure cost to construct a car parking space within any town / activity centre in the City of Bayswater is \$200 per square metre.
4. The payment in lieu of parking contribution is based on the following formula:

**Infrastructure cost per m<sup>2</sup> x 15m<sup>2</sup> x car parking space shortfall**

5. The purpose for which the payment in lieu will be applied, and the financial administration of the funds received, will occur in accordance with the City's Payment in Lieu of Parking Plan.



## Parking Shortfalls Outside of Town / Activity Centres

1. For non-residential development on land located outside of the town / activity centres specified in Clause 1 above, the payment in lieu of parking is not applicable, unless otherwise approved by the City.
2. Where an application proposes a car parking shortfall and payment in lieu of car parking is not applicable, the City may consider alternative options.
3. ~~Developer payments~~ The City may require the design and construction of on-street car parking bays, associated landscaping, and street trees in the immediate vicinity of the relevant site, as an alternative option, to meet the requirements of stipulated in Clause 2 above. In the event the option is supported by the City, the developer is responsible for:
  - (a) The preparation of detailed designs for the required on-street car parking bays, associated landscaping, and street trees, to the satisfaction of the City.
  - (b) The construction of on-street car parking bays, associated landscaping, and street trees in the immediate vicinity of the relevant site.
4. ~~The developer is responsible for the preparation of detailed designs for the required on-street car parking bays, associated landscaping, and street trees, to the satisfaction of the City.~~

## Related Documentation

Nil.

## 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	
Council Adoption	19 April 2011
Reviewed / Modified	20 November 2012
Reviewed / Modified	1 March 2016
Reviewed / Modified	

**Attachment 1: Bayswater Town Centre Map**





**Attachment 2: Maylands Town Centre Map**





Attachment 3: Morley Activity Centre Map





**Attachment 4: Noranda Town Centre Map**



# Payment in Lieu of Car Parking 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 the parameters for which payment in lieu of on-site car parking may be taken for non-residential development within the City of Bayswater.

The policy should not be seen as replacing the developer's responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed.

## Objectives

The objectives of this policy are to:

1. Assist non-residential developments with a shortfall of car parking by accepting a payment in lieu of parking.
2. Facilitate the development of publicly accessible car parking bays.
3. Ensure an appropriate amount of car parking is provided within town / activity centres.
4. Ensure the extent of car parking provided on site reflects the car parking demand of business.
5. Facilitate improve streetscapes along major roads and within town / activity centres.
6. Provide for the equitable charging of payment in lieu of parking contributions.
7. Encourage alternative forms of transport (walking, cycling, and public transport) within the town / activity centres.

## Scope

1. This policy applies to non-residential development, including change of use applications, within the City's town / activity centres which are:
  - (a) Bayswater Town Centre;
  - (b) Maylands Town Centre;
  - (c) Morley Activity Centre; and
  - (d) Noranda Town Centre.
2. This policy does not apply to residential development within the areas specified in Clause 1.

## Definitions

**Bayswater Town Centre** is any lot within the area identified on the map in Attachment 1.

**Infrastructure Cost** is the cost to construct a car parking space and includes the engineering and design, materials, labour costs, landscaping, line marking, draining and retaining.

**Maylands Town Centre** is any lot within the area identified on the map in Attachment 2.

**Morley Activity Centre** is any lot within the area identified on the map in Attachment 3.

**Noranda Town Centre** is any lot within the area identified on the map in Attachment 4.

**Payment in lieu** is the payment made for the provision of car parking, instead of providing the minimum number of physical on-site car parking spaces required by the City of Bayswater Town Planning Scheme No. 24 (TPS 24).

## On-Site Car Parking Requirements

1. Car parking is to be provided on site in accordance with TPS 24 and the Car Parking Dispensation Policy.
2. Where an application proposes a shortfall in the number of on-site car parking bays required under Clause 1, the City may require a payment in lieu of parking contribution to be made for some of the on-site car parking shortfall.
3. The City will not accept a payment in lieu of parking contribution where it considers that the required car parking could be provided on-site.

## Payment in Lieu of Car Parking

1. Payment in lieu of car parking contributions are to be based on the infrastructure cost per square metre to construct a car parking space and manoeuvring area of 30m<sup>2</sup>.
2. A 50% discount to a car parking space and manoeuvring space of 30m<sup>2</sup> is to be applied to the calculation.
3. The infrastructure cost to construct a car parking space within any town / activity centre in the City of Bayswater is \$200 per square metre.
4. The payment in lieu of parking contribution is based on the following formula:  
**Infrastructure cost per m<sup>2</sup> x 15m<sup>2</sup> x car parking space shortfall**
5. The purpose for which the payment in lieu will be applied, and the financial administration of the funds received, will occur in accordance with the City's Payment in Lieu of Parking Plan.

## Parking Shortfalls Outside of Town / Activity Centres

1. For non-residential development on land located outside of the town / activity centres specified in Clause 1 above, the payment in lieu of parking is not applicable, unless otherwise approved by the City.
2. Where an application proposes a car parking shortfall and payment in lieu of car parking is not applicable, the City may consider alternative options.
3. The City may require the design and construction of on-street car parking bays, associated landscaping, and street trees in the immediate vicinity of the relevant site, as an alternative option, to meet the requirements of Clause 2 above. In the event the option is supported by the City, the developer is responsible for:
  - (a) The preparation of detailed designs for the required on-street car parking bays, associated landscaping, and street trees, to the satisfaction of the City.
  - (b) The construction of on-street car parking bays, associated landscaping, and street trees in the immediate vicinity of the relevant site.

## Related Documentation

Nil.

## 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	
Council Adoption	19 April 2011
Reviewed / Modified	20 November 2012
Reviewed / Modified	1 March 2016
Reviewed / Modified	



### **Attachment 1: Bayswater Town Centre Map**





**Attachment 2: Maylands Town Centre Map**





Attachment 3: Morley Activity Centre Map





**Attachment 4: Noranda Town Centre Map**



Summary of Submissions

A total of 7 submissions.

3 Support with 1 comments and <sup>2</sup> non-comments

4 Object with 4 comment and 0 non-comments

No.	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
<b>Support</b>			
1.	I own a property in the area  Whatley Crescent, Maylands.	<ul style="list-style-type: none"> <li>Nil</li> </ul>	
<sup>2</sup> .	I am acting on behalf of a company or organisation which has an interest in the area.  Morley Drive, Morley	<ul style="list-style-type: none"> <li>Nil</li> </ul>	
3.	I own a property in the area  Margaret Street, Maylands	<ul style="list-style-type: none"> <li>Clause 3 is a concern - it states that "will not accept a payment in lieu of parking contribution where it considers that the required car parking could be provided on-site." This allows a lot of latitude to redefine what is possible (e.g. add another podium floor, reduce density etc.) without actually having to do the design work.</li> <li>The area in which cash-in-lieu can be applied is defined to be "in the immediate vicinity" which is very loose and since the developer is obliged to create the detailed designs, giving Council multiple chances to knock back approval (giving the Council cash and putting the onus on them removes that sticking point).</li> <li>Theoretically, the CIL policy can contribute zero additional bays - all the money can be spent on landscaping/streetscape improvements. But it also gives them the opportunity to refuse CIL if the street supply is already maxed out – since there is no clause to allow for construction of consolidated parking or other forms of improvement.</li> </ul>	<ul style="list-style-type: none"> <li>The purpose of the Payment in Lieu of Car Parking Policy is to provide the parameters for which payment in lieu of on-site car parking (PLP) may be taken for non-residential development within town and activity centres in the City of Bayswater. The purpose of this clause is to specify that in the instance the City considers that a development has the capacity to provide the required minimum amount of car parking, as outlined under <i>Town Planning Scheme No. 24</i>, on site, the City will not accept a payment in lieu of parking contribution, rather will require the minimum amount of car parking to be provided on site.</li> <li>In response, note that any monies collected as PLP can be used across the town centre areas identified in attachments 1-4 of the policy. Reference to "in the immediate vicinity" is under the 'Parking Shortfalls Outside of Town / Activity Centres section of the policy. In accordance with the policy PLP is not applicable unless supported by the City on a case by case basis. The City may consider may consider alternative options including on-street car parking bays and associated verge treatments however the developer is responsible to provide detailed designs. With regard to the comment relating to immediate vicinity, this refers to on-street car</li> </ul>

No.	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<p>parking bays and associated verge treatments required to be provided adjoining the relevant property as close as possible. The intent of using immediate vicinity is to allow flexible application of the clause in the instance it is deemed other verges or public open space would benefit from verge treatments including street trees. It also allows for flexibility for the location of on-street car parking bays if the development site has existing on-site bays or is otherwise restricted and there is a reasonable alternative location available within the immediate vicinity.</p> <ul style="list-style-type: none"> <li>All PLP monies received are to be spent in accordance with the Payment in Lieu of Car Parking Plan (PLPP) that outlines how the City will spend the monies received for car parking. Monies can also be spent towards providing infrastructure to support pedestrians and cyclists which includes streetscape improvements which may incidentally include landscaping to encourage other modes of transport as there is limited space to continue to provide more car parking.</li> </ul>
	<b>Object</b>		
4.	Not specified	<ul style="list-style-type: none"> <li>I am concerned in regard to a negative impact if the policy is adopted as proposed.</li> <li>The proposed policy sets a value of a car bay at \$200 per square metre before a 50% reduction. This value is grossly undervalued and if adopted will encourage developers to reduce the bays provided to reap considerable savings. This value is less than a third of the current \$10,000 per bay.</li> <li>If the new value is adopted it will encourage more development but will be at the expense of parking without appropriate funding to provide the needed community parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>The payment-in-lieu calculation has been updated to reflect the method of calculation, published in the Government Gazette on 8 June 2021, as follows: <ul style="list-style-type: none"> <li>Infrastructure cost per m<sup>2</sup> x 15m<sup>2</sup> x parking space shortfall.</li> </ul> </li> <li>In accordance with the gazetted method of calculation the City is required to use a 15m<sup>2</sup> area. The 15m<sup>2</sup> area represents a 50% discount to a car parking space and manoeuvring area of 30m<sup>2</sup>. This method published in the Government Gazette is a maximum and the City is unable to require more than the payment required by the method of calculation. The City is able to establish the infrastructure cost per m<sup>2</sup>. The City is able to establish the infrastructure cost per m<sup>2</sup>.</li> </ul>

No.	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>The infrastructure cost lump sum is to be established at the commencement of the Payment-in-Lieu of Parking Plan and is to be based on the cost per square metre to construct a car parking space and manoeuvring area of 30m<sup>2</sup>.</li> <li>The City's officers have established that the infrastructure cost per square metre to construct a car parking bay within the City is \$200. This cost is based on recent parking projects which have been undertaken within the City, and includes the cost of construction, landscaping and drainage. The financial contribution per car parking bay is therefore \$200 x 15m<sup>2</sup> = \$3,000</li> <li>The Department of Planning, Lands, and Heritage commissioned <i>Shape Urban and Flyt</i> to undertake a review of existing cash in lieu processes within local governments and to develop a consistent calculation. In accordance with section 3.5.5 of the Payment in Lieu of Parking Calculation Report, Attachment 6 refers, <i>Shape Urban and Flyt</i> recommended a 50% discount of the bay area for the following reasons: <ul style="list-style-type: none"> <li>Simplicity and consistency across the calculations without the need for more complex calculations per area or sub-area of a Payment in Lieu of Parking Plan (PLPP).</li> <li>Use of a discount for the bay area removes potential for other forms of discount which may fluctuate during the span of a PLPP or values applied to sub-areas may require review or alteration.</li> <li>Consideration of community benefit without removing the need to provide parking on site from a developer</li> </ul> </li> <li>With requiring a 50% discount to the car parking bay area, this removes the argument for</li> </ul>

No.	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			developers having ownership over on-street infrastructure such as on-street car parking bays.
5.	I own a property in the area  Slade street/Olfe street, Bayswater	<ul style="list-style-type: none"> <li>I am concerned that this will allow the council and developers to avoid their responsibility to provide sufficient public car parking for businesses in the station locality and for train commuters parking nearby and resultant impact on surrounding residential properties.</li> <li>Short term (1-4 hour or similar) railway patron parkers will use whatever free parking they can find.</li> </ul>	<ul style="list-style-type: none"> <li>PLP has been an option for developments within the Bayswater town centre since 2011 when the original Cash in Lieu of Parking Policy was adopted by Council. In accordance with the policy developers will be required to provide parking on site where possible and the City will use the PLP funds to provide parking or support other modes of transport where it cannot be provided. It is considered that the policy strikes a balance between requiring the provision of parking whilst also reducing red tape and allowing appropriate development to occur within the town centre.</li> <li>A temporary car park has been constructed along Hamilton Street to assist in alleviating the impact of the Bayswater Train Station development and subsequent reduction in parking. The PLPP outlines how the City will spend the monies received for car parking over the next 10 years, unless extended by the WAPC. The following will assist in improving parking within the Bayswater locality as outlined in the PIL Plan: <ul style="list-style-type: none"> <li>Modifying time restricted parking.</li> <li>Mark unmarked parking bays.</li> <li>Advocate to State Government to improve bus services in Bayswater.</li> <li>Provide infrastructure to support greater use of sustainable modes of transport.</li> </ul> </li> </ul> <p>Once the construction of the train station is complete the City is intending to undertake a review of the Bayswater Town Centre Short-Term Parking Strategy which sets the expectations for time restrictions across the town centre. It is considered appropriate to wait for the train station construction to be complete so the final impact of the works are known.</p>



No.	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
6.	I own a property in the area  Bookham St, Morley	<ul style="list-style-type: none"> <li>I understand this correctly you are proposing to allow non-residential developments to contain less than the current required parking allotment, if they pay the council money.</li> <li>How does this policy then address the parking needs of that premises and the surrounding business's?</li> <li>Bookham Street is a perfect example of car parking resulting on the surrounding street due to approved businesses in the area, and not being contained on private property.</li> </ul>	<ul style="list-style-type: none"> <li>The purpose of the PLP Policy is to provide the parameters for which PLP may be taken for non-residential development within town and activity centres in the City of Bayswater. The consideration of PLP is considered on a case by case basis and the City will continue to work with all applicants to provide as much on-site parking as can be accommodated. The PLPP outlines how the City will spend the monies received for car parking. This Plan outlines that the following purposes for which PLP monies may be applied within the Morley Activity Centre: <ul style="list-style-type: none"> <li>Modifying time restricted parking.</li> <li>Investigate options for decked parking.</li> <li>Mark unmarked bays.</li> <li>Introduce paid/ticketed parking.</li> <li>Other ancillary or incidental purposes.</li> </ul> </li> </ul>
7.	I own a property in the area  Collier Road, Morley	<ul style="list-style-type: none"> <li>The property next to us was allowed to access payment in lieu of parking for 10 bays and we have had nightmare parking problems along the entire strip of businesses since. Paying for private parking signs (for each 2 bays mind you) did nothing. All of the subject tenancy customers park illegally in our bays constantly, all day every day. Calling the ranger is of little help, their customers only come once a year maybe and a fine does not help in that case. This was caused because of this pay in lieu of parking and I have suffered for it. The City of Bayswater has no idea that this goes on because of this policy.</li> </ul>	<ul style="list-style-type: none"> <li>The PLP Policy incorporates new policy provisions to provide more clarity on when it is appropriate to provide PLP. Objective 4 ensures that the extent of car parking provided on site reflects the car parking demand of business. It is further noted under 'On-site Car Parking Requirements' clause 3 that in the event the City determines that the development is able to provide the required number of car parking onsite, the City will not allow them to PLP in this instance.</li> </ul>

**10.5.2.3 Proposed Bedford North Design Guidelines Policy**

<b>Responsible Branch:</b>	Development and Place
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Draft Local Planning Policy Bedford North - As Advertised [<b>10.5.2.3.1</b> - 4 pages]</li> <li>2. Draft Local Planning Policy Bedford North - Track Changes to Advertised Version [<b>10.5.2.3.2</b> - 4 pages]</li> <li>3. Draft Local Planning Policy Bedford North - with Changes Incorporated [<b>10.5.2.3.3</b> - 4 pages]</li> <li>4. Summary of Submissions [<b>10.5.2.3.4</b> - 33 pages]</li> </ol>
<b>Refer:</b>	Item 10.6.2.3: OCM 23.8.2022

**SUMMARY**

Council consideration is sought in relation to the final approval of the proposed Bedford North Design Guidelines Policy.

Council at its Ordinary Meeting held 23 August 2022 adopted for public advertising the proposed Bedford North Design Guidelines Policy. The policy intended to provide specific development requirements for land within the Bedford North area based on the outcomes of the Bedford North Urban Design Study (BNUDS), and to provide further guidance on Scheme Amendment No. 96.

The proposed policy was advertised for a period of 64 days. 42 submissions were received during the consultation period, comprising 16 in support and 26 objecting to the policy. Having regard to the comments provided, and the new Medium Density provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 Part C which come into effect 1 September 2023, minor modifications are proposed to the advertised policy. It is intended that the policy will become applicable once associated Scheme Amendment No. 96 is gazetted and the Medium Density provisions come into effect.

**OFFICER'S RECOMMENDATION**

That Council adopts the modified Bedford North Design Guidelines Policy as contained in Attachment 3 to this report, with this policy becoming effective once all the following have occurred:

1. Amendment No. 96 to Town Planning Scheme No.24 is gazetted.
2. The Medium Density Design provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 Part C become effective.
3. The City obtains the approval of the Western Australian Planning Commission for the Development Controls in the policy which propose variations to the provisions of the State Planning Policy 7.3: Residential Design Codes Volume 1 Part C in relation to 1.2 Trees and Landscaping, 2.3 Parking, 3.4 Lot Boundary Setbacks and 3.7 Access.

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council adopts the modified Bedford North Design Guidelines Policy as contained in Attachment 3 to this report, with this policy becoming effective once all of the following have occurred:

1. The policy is amended by the deletion of the following provisions:
  - (a) Third dot point under Primary Street Setback Area -

“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, subject to engineering assessment with Australian Standards.”

(b) Second dot point under Primary Street Interaction -

“Garages, carports, carbays and visitor parking bays for new development, are to be located behind the main building line fronting the primary street, and screened where visible from the primary street.”

(c) Second dot point under Rear Setback Area -

“At least 50% of the primary street setback area is to be landscaped.”

2. Amendment No. 96 to Town Planning Scheme No.24 is gazetted.
3. The Medium Density Design provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 Part C become effective.

The City obtains the approval of the Western Australian Planning Commission for the Development Controls in the policy which propose variations to the provisions of the State Planning Policy 7.3: Residential Design Codes Volume 1 Part C in relation to 3.4 Lot Boundary Setbacks.

#### ADDITIONAL INFORMATION

In relation to the Committee Recommendation to Council, it has been identified that point 1(c) should have referred to ‘First dot point under Landscaping’ rather than inadvertently referring to ‘Second dot point under Rear Setback Area’.

In addition to the below implications on the recommendation, a recommendation will be made to the Planning and Heritage Policy Review and Development Committee to amend the minutes of the meeting when they are confirmed at its next meeting.

#### RECOMMENDATION IMPLICATIONS

In light of the above, the Committee Recommendation has been corrected to read as follows:

#### **COMMITTEE RECOMMENDATION TO COUNCIL**

That Council adopts the modified Bedford North Design Guidelines Policy as contained in Attachment 3 to this report, with this policy becoming effective once all of the following have occurred:

1. The policy is amended by the deletion of the following provisions:
  - a. Third dot point under Primary Street Setback Area –

“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, subject to engineering assessment with Australian Standards.”
  - b. Second dot point under Primary Street Interaction –

“Garages, carports, carbays and visitor parking bays for new development, are to be located behind the main building line fronting the primary street, and screened where visible from the primary street.”
  - c. First dot point under Landscaping-

“At least 50% of the primary street setback area is to be landscaped.”
2. Amendment No. 96 to Town Planning Scheme No.24 is gazetted.
3. The Medium Density Design provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 Part C become effective.

4. The City obtains the approval of the Western Australian Planning Commission for the Development Controls in the policy which propose variations to the provisions of the State Planning Policy 7.3: Residential Design Codes Volume 1 Part C in relation to 3.4 Lot Boundary Setbacks.

***At 8:04pm Cr Catherine Ehrhardt withdrew from the meeting and did not vote on the motion.***

#### **MOTION**

**That Council adopts the modified Bedford North Design Guidelines Policy as contained in Attachment 3 to this report, with this policy becoming effective once all the following have occurred:**

1. Amendment No. 96 to Town Planning Scheme No.24 is gazetted.
2. The Medium Density Design provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 Part C become effective.
3. The City obtains the approval of the Western Australian Planning Commission for the Development Controls in the policy which propose variations to the provisions of the State Planning Policy 7.3: Residential Design Codes Volume 1 Part C in relation to 1.2 Trees and Landscaping, 2.3 Parking, 3.4 Lot Boundary Setbacks and 3.7 Access.

**Cr Giorgia Johnson Moved, Cr Elli Petersen-Pik Seconded**

**LOST: 5/5**

**In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member, Cr Filomena Piffaretti, Mayor, used her casting vote and the motion was lost.**

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

***Against: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.***

***During debate on the above motion, Cr Josh Eveson foreshadowed an alternative motion to not adopt the proposed Bedford North Guidelines Policy.***

***As the above motion was lost, debate commenced on the foreshadowed motion.***

***At 8:06pm Cr Catherine Ehrhardt, Deputy Mayor, returned to the meeting.***

#### **PROCEDURAL MOTION**

**That, in accordance with clause 11.7 of the *City of Bayswater Standing Orders Law 2021*, the meeting be adjourned for five minutes.**

**Cr Filomena Piffaretti, Mayor Moved, Cr Sally Palmer Seconded**

**CARRIED: 6/5**

***For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.***

***Against: Cr Steven Ostaszewskyj, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

***At 8:08pm, the meeting was adjourned and the live streaming was suspended.***

*At 8:13pm, the meeting was reconvened and the live streaming resumed.*

### **MOTION**

**That Council does not adopt the modified Bedford North Design Guidelines Policy as contained in Attachment 3 to this report.**

**Cr Josh Eveson Moved, Cr Steven Ostaszewskyj Seconded**

**LOST: 5/6**

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

**Against:** *Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.*

*During debate on the above motion, Cr Dan Bull foreshadowed the officer's recommendation with amendments.*

*As the motion was lost, debate commenced on the foreshadowed motion.*

### **PROCEDURAL MOTION**

**That, in accordance with clause 11.7 of the *City of Bayswater Standing Orders Law 2021*, the meeting be adjourned for five minutes.**

**Cr Lorna Clarke Moved, Cr Filomena Piffaretti, Mayor Seconded**

**CARRIED: 7/4**

**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 Lorna Clarke.*

**Against:** *Cr Steven Ostaszewskyj, Cr Michelle Sutherland, Cr Dan Bull and Cr Giorgia Johnson.*

*At 8:30pm, the meeting was adjourned, and the live streaming suspended.*

*At 8:35pm, the meeting was reconvened and the live streaming resumed.*

### **COUNCIL RESOLUTION**

**That Council adopts the modified Bedford North Design Guidelines Policy as contained in Attachment 3 to this report, with this policy becoming effective once all the following have occurred:**

- 1. The Policy is amended with the addition of the following provision:**
  - a) Other setback area -**

**“Any 3 storey element is to be setback at least 4m from the boundary of a neighbouring lot of the same or lessor density code.”**
- 2. Amendment No. 96 to Town Planning Scheme No.24 is gazetted.**
- 3. The Medium Density Design provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 Part C become effective.**
- 4. The City obtains the approval of the Western Australian Planning Commission for the Development Controls in the policy which propose variations to the provisions of the State Planning Policy 7.3: Residential Design Codes Volume 1 Part C in relation to 1.2 Trees and Landscaping, 2.3 Parking, 3.4 Lot Boundary Setbacks and 3.7 Access.**

**Cr Dan Bull Moved, Cr Lorna Clarke Seconded**

**CARRIED: 6/5**

**For:** Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

### **REASON FOR CHANGE**

Council was of the view that the subject modified policy with the side setback requirement being reduced from 6m to 4m for the third storey would encourage better design with the third storey not having an undue impact on the adjoining property.

### **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**



At its Ordinary Meeting held 23 August 2022 Council resolved:

*“That Council adopts for public advertising the proposed Bedford North Design Guidelines Policy as contained in Attachment 1 to this report.”*

#### Scheme Amendment No.96

Council at its Ordinary Meeting held 24 August 2021 resolved to adopt the BNUDS and initiated Amendment No.96 to implement a number of the recommendations of the BNUDS. In March 2022

the Western Australian Planning Commission (WAPC) gave consent to advertise, and also recommended a Retail Needs Assessment (RNA) and consultation with the Water Corporation on servicing infrastructure capacity in the area be undertaken. A RNA was undertaken that demonstrated the expansion of the centre would not impact on surrounding centres. In July 2022 the Water Corporation confirmed there is sufficient capacity in their servicing infrastructure to meet the expected development proposed by the scheme amendment. The outcomes of the RNA and the advice from Water Corporation were included in the scheme amendment documentation prior to advertising the amendment. Text and mapping modifications requested by the Department of Planning, Lands and Heritage (DPLH) were also incorporated prior to advertising, in relation to the Mixed-Use zone density and objectives, and removal of the Special Control Area,

At the Ordinary Council Meeting held 28 February 2023 Council considered Amendment No. 96 and all the submissions received during the advertising period, and resolved as follows:

*“That Council recommends that the Western Australian Planning Commission and Minister for Planning approve Amendment No. 96 to the City of Bayswater Town Planning Scheme No. 24, with the advertised modifications recommended by the Department of Planning, Lands and Heritage as follows:*

1. *Amending the proposed zoning map as detailed in Attachment 2 to this report.*
2. *Amending Appendix 10 - Special Control areas, to remove Special Control Area 17 as detailed in Attachment 3 to this report.*
3. *Amending the objectives of the Mixed-Use Zone under clause 9.1.3 as detailed in Attachment 3 to this report.*
4. *Amending Appendix 2 - Schedule of Additional Uses to include uses for the proposed Mixed-Use zone, as detailed in Attachment 2 to this report.”*

Amendment No. 96 has now been submitted to the WAPC for final approval.

#### Planning and Heritage Policy Review and Development Committee

At the Planning and Heritage Policy Review and Development Committee (PHPRDC) meeting held 3 April 2023, the Committee considered the Bedford North Design Guidelines Policy, and resolved as follows:

*“That this item be referred to the 3 July 2023 Planning and Heritage Policy Review and Development Committee.”*

The Committee referred the item to this Committee meeting to enable further consideration whether the provisions relating to Trees and Landscaping, Parking, Lot Boundary Setbacks and Access under the new Medium Density Design provisions of the Residential Design Codes (R-Codes) are sufficient and whether these elements of the proposed policy remain necessary. These matters have been addressed in the Officer's Comment section below.

#### **EXTERNAL CONSULTATION**

Amendment No.96 and the Bedford North Design Guidelines (policy) are intrinsically related, therefore concurrent advertising was carried out. The City advertised the scheme amendment and proposed policy in accordance with Council's resolution for a period of 64 days from 6 October 2022 to 9 December 2022, by way of:

- Notification being published in the Perth Now newspaper on 6 October 2022;
- 1,107 impacted landowners and residents being notified in writing;
- An additional 36 emails were sent to people who had registered to be kept informed on the City's Engage Bayswater site;
- Five emails sent to local builders and developers;

- Two 'meet the planner' pop up sessions held at the Bedford Bowling Club, 6pm-8pm on Thursday 3 November 2022, and 9am-11am, Saturday 5 November 2022. 21 local residents attended;
- Information being placed on the City's engagement website, Engage Bayswater, including an online submission form; and
- Hard copies being made available for inspection at the City of Bayswater Civic Centre and the City's libraries.

42 submissions on the policy were received during the consultation period. 16 supported the policy and 26 objected. Refer to **Attachment 4** for the summary of submissions.

No submissions were received from local builders and developers.

One submission contained results from an online survey independently undertaken by a resident with 162 responses. 88 of these responses were validated by the City's officers through names and addresses. The survey was more relevant to Amendment No.96 which was considered in a separate report to the 28 February 2023 Ordinary Council Meeting, however two questions did relate to the policy. The responses have been included in the summary of submissions in **Attachment 4**.

## OFFICER'S COMMENTS

### Additional Information to Address PPHRDC Comments

The City is proposing to vary the following sections of the Medium Density Design provisions of the R-Codes;

- 1.2 Trees and Landscaping - The City has proposed 50% (in lieu of the minimum 30% soft landscaping required under the Medium Density Design provisions) of the front setback be landscaping, and 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 in light of the outcomes of the urban design study. Two of the BNUDS design principles was *"Preserving and enhancing space for yards, trees and landscaping"* and *"Built form design which enhances streetscape character."*

Urban design analysis and community feedback has shown Bedford North's streets have differing qualities, and it is considered that the built form should respond to enhance them. To achieve this principle, the space for backyards, front yards and courtyards of varying size and function should be maintained.

The design testing undertaken by the City's consultants for the urban design study focussed on ways to deliver these outcomes while still offering suitable opportunities for redevelopment on lots. To achieve this principle, space for backyards, front yards and courtyards of varying size and function is considered a priority. This will help provide suitable space for deep soil and for tree canopy to mature and landscaping. The design testing found that the proposed landscaping provisions can be accommodated on the average lot size whilst still allowing for high quality redevelopment to occur.

- 3.4 Lot Boundary Setbacks - The City has proposed greater setbacks than is required under the Medium Density Design provisions, requiring a minimum 6m rear setback and a side setback of 6m above three storeys. The proposed rear setback is to support the principle of *"Preserving and enhancing space for yards, trees and landscaping"*. A key outcome from the community engagement was that the community wanted to retain the existing backyards and mature trees, and were willing to consider greater building heights to offset the loss of developable space.



Additionally, it is proposed that any storeys above three be setback a minimum of 6m from the side boundary. This was in response to concerns raised during the consultation process regarding privacy and overlooking.

The design testing found that the above setbacks can be accommodated on the average lot size whilst still allowing for high quality redevelopment to occur.

- 2.3 Parking – The City has proposed that garage, 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. This was proposed to align with two BNUDS principles of *“Preserving and enhancing space for yards, trees and landscaping”* and *“Built form design which enhances streetscape character.”*

The purpose was to help protect the existing streetscape where garages and carports are not in front of the residence and do not take the space of the front yard. This was considered a key point of difference to the Bedford community and was recommended to be retained as a part of the BNUDS engagement.

As detailed above the design testing undertaken by the City’s consultants for the urban design study focussed on ways to deliver these outcomes while still offering suitable opportunities for redevelopment on lots.

The design testing identified that there were multiple different feasible options for car parking to be behind the main building on an average lot.

- 3.7 Access – The City proposes to reduce the driveway requirement from a maximum 6m under the Medium Density Code to 3.5m. The purpose of this provision was to address the above two principles relating to streetscape interaction and landscaping.

Feedback during the community engagement considered that there needed to be a better balance of providing for on-site parking and driveways, and providing more opportunities for greenery. The community considered that driveways and parking were an essential part of developments but that the visual impact and their dominance on the streetscape needed to be reduced. The preference was for greenery on verges to reduce the visual impact of driveways and crossovers, rather than it being fully paved.

The design testing found that reduced driveways assist with the developability of the average lot.

In light of the above it is considered that the elements which will require the approval of the WAPC should be retained. It is considered that to remove some of these elements would undermine the need for the design guidelines.

In addition to the above, minor modification has been made to the officer recommendation preamble to clarify that all three points (gazettal of amendment No. 96 to TPS 24, implementation of State Planning Policy 7.3: Residential Design Codes Volume 1 Part C (Medium Density Codes) and approval from the WAPC for specific clauses) need to occur prior to the policy becoming effective.

### Submission Matters

#### Submissions Supporting

The key comments from submissions which supported the proposed policy considered that it would have a positive impact on liveability, walkability and vibrancy. Submissions noted the proposal will modernise Bedford so that it is more like the suburbs closer to the Perth CBD, encouraging a diverse mix of housing, more residents, business opportunities and public transport. Supportive comments on the draft policy also had underlying support for Amendment No. 96, which was reported to Council separately.

Several submissions of support raised concerns that the policy's requirements for setbacks, driveway width and location of car parking, which differ from State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes), may constrain future development.

The differences between the proposed policy provisions and the R-Codes are detailed in the table below in the Medium Density Codes section.

The policy requirements have been developed to ensure that development at the proposed higher density is of a higher quality, and therefore a better design outcome, than what could generally be achieved as a minimum standard under the R-Codes. The policy is intended to augment the R-Codes, with specific provisions to retain the character of Bedford North. Whilst the provisions of the policy may be of a higher requirement of the R-Codes, it is intended the overall result would be a better streetscape and liveability outcome.

In relation to setbacks, the proposed front setback requirements, being 6m in lieu of 4m, aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area. The current Bedford streetscape has generous setbacks, and maintaining a larger setback will assist in retaining the streetscape character. The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living. It is noted that there is discretion to consider variations to the requirements of the policy in appropriate circumstances. It is considered that the proposed setbacks are still appropriate.

In relation to driveway width, it was noted that a 3.5m wide driveway may not meet appropriate safety standards for non-residential development, or for residential development on busy streets. The R-Codes allow for up to 6m crossover width. It is recommended that the policy be modified to clarify that the driveway width is subject to engineering assessment to ensure safe access.

A concern was raised that it may be difficult for parking to be provided behind a dwelling in instances where an existing dwelling is being retained. It is recommended that the policy be modified to apply to new development.

#### Submissions Objecting

The key comments outlined within the objections received related to underlying concerns regarding the proposed changes to density codes and land uses in Amendment No. 96.

The City's online submission form was formatted to ask whether respondents agreed or disagreed with the objectives, precincts and requirements of the policy. Key concerns raised specifically in regards to the policy related to potential impacts on amenity such as height (visual impact, privacy and overshadowing), parking congestion, traffic, noise, crime, and impact on property values.

Increased density is a requirement of the DPLH State planning framework for local governments to reach infill targets. The subject area has been specifically identified as an Urban Corridor appropriate for increased density. The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the BNUDS. These are based on planning principles which were developed during initial community consultation. The design principles are reflected in the proposed policy objectives and requirements:

No.	Principle	Detail
1.	Preserving and enhancing space for yards, trees and landscaping.	<p>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.</p> <p>Specific development provisions are proposed to be included in the local planning policy to address this principle and are discussed later in this report.</p>

2.	Built form design which enhances streetscape character.	<p>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.</p> <p>Specific development provisions are proposed to be included in the local planning policy to address this principle and are discussed later in this report.</p>
3.	Promote active living spaces that address the street.	<p>This principle responds to the need to maintain and strengthen the activation, relationship and connection of housing with the street.</p> <p>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.</p> <p>Specific development provisions are proposed to be included in the local planning policy to address this principle and are discussed later in this report.</p>
4.	Concentrating mixed use along a pedestrian friendly Walter Road West.	<p>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.</p> <p>Appropriate zoning and density 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.</p> <p>Specific development provisions are also proposed to be included in the local planning policy to address this principle and are discussed later in this report.</p>

As noted above, the policy has been prepared in order to enhance the minimum requirements of the R-Codes, to ensure the existing amenity of the Bedford North area is retained, and mitigate impact on residents. The proposed height, particularly for three storeys in lieu of the current R-Code requirements of two storeys for the Walter Road, Grand Promenade (R60) and Open Space (R60) precincts for grouped dwellings, is to allow for increased setbacks around buildings to accommodate additional landscaping. Development will still need to meet the R-Codes requirements for privacy and overshadowing. The proposed heights are also consistent with the new R-Code, and are therefore not required, as discussed below. It is noted that of the 88 validated responses to the privately organised survey 58 objected to height on Walter Road West and Grand Promenade and 75 objected to three storeys further back from Walter Road. It is considered that whilst this is a high number of responses, the survey did not appear to include comprehensive information, with incorrect figures for proposed heights.

The proposed front setback requirements, of 6m in lieu of 4m for R35, and 2m for R50 and R60, aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area. The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas. The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.

The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas. The policy is also based on Crime Prevention Through Environmental Design (CPTED) principles by encouraging interaction with the street and open space.

The existing streets are capable of catering to the expected local traffic volumes. Parking for new developments will be accommodated on site as required by the R-Codes.

One submission raised issues with the location of car parking where existing dwellings are proposed to be retained, and the ability for these dwellings to have car parking in front of the dwelling. It is recommended the draft policy be modified to clarify that this provision is only in relation to new development.

No other modifications to the policy are proposed as a result of the submissions objecting to the policy.

#### Medium Density Provisions of the R-Codes

On 24 February 2023, the WAPC released modified State Planning Policy 7.3 Residential Design Codes Volume 1, which contains new separate provisions (Part C) for medium density development applying to all single houses and grouped dwellings in areas coded R30 and above, and multiple dwellings in areas coded R30 to R60. Therefore, the new R-Codes will apply to the policy area.

Consistent with previous updates to the R-Codes there will be a six-month deferred gazettal arrangement. During the deferred gazettal period where a development proposal is being assessed against the deemed-to-comply provisions of the R-Codes, the *R-Codes Volume 1 2021* is applicable. However, in accordance with planning law principles, due regard should be given to the design principles of the incoming *R-Codes Volume 1 2023*, when a proposal does not meet the deemed-to-comply requirements of the current *R-Codes Volume 1 2021*.

The R-Codes allow local governments to prepare local planning policies to vary specific provisions of the R-Codes, such as size and layout of dwellings, setbacks and streetscape, without requiring WAPC approval. However, under the new R-Codes which will come into effect on 1 September 2023, some variations through local planning policy requires WAPC approval. The policy has therefore been reviewed against the new R-Codes, which found several deemed-to-comply elements (front fences, lot boundary setbacks, location of garages, trees and landscaping and access) were inconsistent with the new R-Codes.

The City met with the DPLH to discuss these variations and were advised that WAPC approval will be required for Trees and Landscaping, Building Height, Lot Boundary Setbacks and Access. The City may modify the policy to be consistent with the new R-Codes, thereby not requiring WAPC approval for these specific provisions, or submit a formal request to the WAPC to vary the provisions of the R-Codes. The DPLH were unable to confirm whether these variations would be supported.

Since the provisions of the policy were developed and advertised, the new R-Codes overall seek to achieve high quality development at medium density codes, similar to what the draft policy is proposing to achieve. The policy therefore augments the new R-Codes with finer details, such as setbacks, landscaping, access and parking. The majority of the new provisions of the R-Codes are considered sufficient to achieve the desired outcomes within Bedford North, however some provisions are worthy of applying to the WAPC for variation given they are based on the Urban Design Principles in the BNUDS that were clearly expressed by the community during the community engagement process.

The following table outlines the various provisions of the advertised policy that would require WAPC approval.

Proposed Policy Provision	Advertised	BNUDS	New R-Codes
At least 50% of the primary street setback area is to be landscaped.		<p><b>1. <i>Preserving and enhancing space for yards, trees and landscaping.</i></b></p> <p>This responds to the loss of tree canopy coverage, landscaping and rear yard space through past residential infill development.</p> <p>This requirement will ensure street setback areas are landscaped to help beautify the streetscape, promote biodiversity and encourage outdoor living and enhanced tree canopy.</p>	<p>1.2 – Trees and landscaping</p> <p>Primary street setback area a minimum 30% soft landscaping.</p> <p>This is less than the intent of the policy as it may not achieve the desired streetscape identified in the BNUDS. It is recommended that WAPC approval be sought for this aspect of the policy.</p>
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.		<p><b>1. <i>Preserving and enhancing space for yards, trees and landscaping.</i></b></p> <p>This requirement will ensure street setback areas are landscaped to help beautify the streetscape, promote biodiversity and encourage outdoor living and enhanced tree canopy.</p>	<p>1.2 – Trees and landscaping</p> <p>Trees and landscaping in accordance with Table 1.2a.</p> <p>1 tree per 20m frontage, with additional tree every 10m in primary street setback.</p> <p>Given the average lot with a frontage of 20m in Bedford North it is likely that only one tree within the front setback would be able to be achieved, in which case the deletion of this clause of the policy and reliance on the R-Codes provisions is considered to be insufficient to achieve the desired streetscape outcomes. It is recommended that this clause be retained.</p>
Building heights		<p><b>1. <i>Preserving and enhancing space for yards, trees and landscaping.</i></b></p> <p><b>2. <i>Built form design which enhances streetscape character.</i></b></p> <p>Additional height allowance for single and grouped dwellings will compensate for a smaller building envelope created through</p>	<p>3.2 - Building Height</p> <p>As discussed above, the draft policy is consistent with the new R-Codes and is therefore redundant. It is recommended that this clause be deleted as the objectives of the policy will still be fulfilled.</p> <p>With the removal of building heights from the policy, the objectives of the policy are proposed to be updated to reflect this.</p>

	front and rear setback requirements.	
6m side setback for third storey	Additional height allowance for single and grouped dwellings will compensate for a smaller building envelope created through front and rear setback requirements.	<p>3.4 - Lot boundary setbacks</p> <p>3m for third storey</p> <p>This provision of the draft policy was to create a buffer to the additional third storey through an increased setback. As the heights proposed are now consistent with the deemed to comply requirements of the new R-Codes it is recommended that this provision be deleted as it is unlikely to be supported by the WAPC.</p>
6m rear setback	<p><b>1. Preserving and enhancing space for yards, trees and landscaping.</b></p> <p><b>2. Built form design which enhances streetscape character.</b></p> <p>Additional height allowance for single and grouped dwellings will compensate for a smaller building envelope created through front and rear setback requirements.</p>	<p>3.4 - Lot boundary setbacks</p> <p>As per table 3.4a – from 1m to 3m.</p> <p>Significant variation to advertised policy which may impact on the desired outcomes. Recommend that this clause be retained and WAPC approval sought.</p>
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.	<p><b>1. Preserving and enhancing space for yards, trees and landscaping.</b></p> <p><b>2. Built form design which enhances streetscape character.</b></p> <p>Ensure that the street setback area is primarily a landscaped space and not dominated by hardstand areas.</p>	<p>3.7 - Access (C3.7.3)</p> <p>Provides a maximum of 6m.</p> <p>Significant variation to advertised policy which may impact on the desired streetscape outcome. Recommend that this clause be retained and WAPC approval sought.</p>
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.	<p><b>1. Preserving and enhancing space for yards, trees and landscaping.</b></p> <p><b>2. Built form design which enhances streetscape character.</b></p>	<p>2.3 Parking</p> <p>Vehicle parking to be provided on site.</p> <p>The policy specifies a location for car parking, whereas the new R-Codes do not specify,</p>

	<p><b>streetscape character.</b></p> <p>Ensure that the street setback area is primarily a landscaped space and not dominated by hardstand areas.</p>	<p>therefore WAPC approval is required.</p> <p>The new R-Codes parking location requirement is a significant variation to the advertised policy which may impact on the desired streetscape outcome. Recommend that this clause be retained and WAPC approval sought.</p>
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The WAPC has also recommended that the policy specify that in relation to the deemed to comply requirements of the R-Codes, that all landscaping components be included in a separate heading.

Given the clear outcomes of community engagement it is recommended that the City adopt the policy with these modifications, however include a clause within the Policy that it does not come into effect until the gazettal of Scheme Amendment No. 96, which is likely to be several months yet, and the implementation of the Medium Density provisions of the new R-Codes. If a development application is lodged in the interim, the City can have due regard to the provisions of the policy as it is a seriously entertained planning document.

Should the WAPC not approve the proposed variations to the R-Codes, or proposes further modifications, the policy may need to be referred back to Council for further consideration.

#### Design Review Panel Review

Given the nature of the draft policy, it was referred to the Chair of the City's Design Review Panel for comment. The advice received was:

*"Generally the provisions of the Bedford North Design Guidelines Policy (BNDGP) are sound in their efforts to enable high quality additional development whilst retaining the local character of the area.*

*This report includes some concerns and suggestions and the main area encouraged for improvement is the inclusion of a more sophisticated and nuanced fencing policy which will enable both private and semi-public interfaces on a single lot along streetscapes, especially Walter Road and Grand Promenade.*

*The reviewer also believes that achieving the outcomes sought by the design principles will be broader than the quality of the Design Guidelines and TPS amendment. The collaboration across multiple stakeholders and authorities is required to upgrade streets, in particular Walter Road, will be required for the expectations of the Policy to be met. The City is strongly encouraged to actively seek partnerships with a delivery strategy to be generated and agreed to by all parties as soon as possible. It is also recommended that an LDP be considered for Walter Road West to further enhance and enable mixed use in this location. The panel supports the BNDGP pending further attention."*

The key concerns raised in the report related to:

- The need to work with the City of Stirling and other agencies to improve Walter Road West through matters such as lowering speed limits, reduction of lane widths, introduction of non-peak hour kerbside parallel parking, upgrading of public infrastructure, and place led and people focussed urban insertions to these areas.
- A local development plan for the Walter Road Mixed Use precinct may be required to ensure that development occurs to further enhance and enable mixed use in this area.

- The front fencing requirements may require more flexibility to help provide more privacy and ensure that the front yard is usable space.

In response to the above it is noted that the Walter Road West streetscape is not a part of the policy and project, however the feedback is acknowledged. This policy is not intended to cover the Walter Road West Mixed Use Precinct and a local development plan can be considered for the area at a later time.

In light of the above and the concerns raised by submitters on the privacy implications of the front fence requirements a modification to the front fence provision is recommended as detailed below.

#### Minor Modifications

Minor amendments are proposed to further clarify elements of the policy.

Walter Road West and parts of Grand Promenade are affected by State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4). The draft policy requires that fencing along Walter Road West and Grand Promenade are to be visually permeable above 1.2m, whereas this may not be consistent with SPP 5.4. It is recommended to modify the policy to include clarification that front fencing will be subject to assessment under SPP 5.4.

To ensure that the front setback area provides usable space and provides some privacy whilst still allowing interaction with the street, it is recommended the primary street fencing clause for properties not on Walter Road West or Grand Promenade be modified to read as follows:

*“Fencing within the primary street setback area is limited to a maximum height of 1.6m and shall be a minimum 50% permeable, except along Walter Road West and Grand Promenade.”*

To provide greater clarity for applicants visually permeable shall be as per the definition in the R-Codes.

The draft policy requires parts of buildings facing public open space areas to primarily consist of major openings. It is recommended that the policy be modified to clarify that such glazing is to be visually permeable to allow for visible interaction between the residence and the public realm.

#### Conclusion

The City is required to meet infill targets, and the Walter Road West Urban Corridor is identified as an appropriate location. The Bedford North Design Guidelines Policy has been prepared to ensure the implementation of the UDS results in high quality and appropriate development and will augment the new R-Codes with specific details relevant to the Bedford North Area. As the design guidelines are intended to work with Amendment No. 96, they are considered necessary to mitigate potential poor design outcomes. It is considered that the provisions of the policy will achieve a better outcome than the standard provisions of the R-Codes, to create a better quality streetscape and liveability outcome. Therefore, whilst there were a number of concerns raised in submissions, it is recommended that only the minor modifications proposed above are undertaken to the advertised policy.

### **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 has been assessed against the City’s adopted risk tolerance. Comments are provided against each of the risk categories.



Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	High
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
<b>Conclusion</b>	<p>A moderate risk is identified in relation to the community and stakeholders, as some members of the local community do not agree with the recommended development requirements contained within the design guidelines.</p> <p>It is considered that there is a high risk in relation to the City's reputation and the expectations of the community and stakeholders if the policy is not adopted, 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 Amendment No.96 currently with the WAPC for final approval, not adopting a set of design guidelines may result in poorer design outcomes as the R-Codes may not be sufficient to fully achieve this in the Bedford North area.</p>	

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Advertise the planning policy for final adoption.

**Asset Category:** Not applicable **Source of Funds:** Municipal

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

**Notes:** Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$400	-	-	-	-	-	\$14,000

## 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.

It is considered 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 the modified draft Bedford North Design Guidelines Policy, in order to implement the recommendations of the UDS, to augment the R-Codes and ensure that on gazettal of Scheme Amendment No. 96 redevelopment in the area occurs in a manner to achieve high quality streetscapes and liveability outcomes.

# 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.

## Scope

This policy applies to all precincts identified in the plan below.



## 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 lesser 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.

- 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	

# 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.

## Implementation

This Policy is to apply on gazettal of Amendment No. 96 to City of Bayswater Town Planning Scheme No.24 and implementation of State Planning Policy 7.3 Residential Design Codes Volume 1 Part C.

## Objectives

The objectives are:

1. To ensure building **heights envelopes** 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.

## Scope

This policy applies to all precincts identified in the plan below.



## Requirements

The following requirements of this policy shall prevail where they are inconsistent ~~conflict~~ with the Residential Design Codes Deemed to Comply 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 lesser 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, subject to engineering assessment with Australian Standards.

### 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, car bays and visitor parking bays for new development, 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 1.6m and shall be a minimum 50% permeable, except along Walter Road West and Grand Promenade.
- Fencing within the primary street setback area along on Walter Road West and Grand Promenade is to be visually permeable above 1.2m, subject to assessment with State Planning Policy 5.4 – Road and Rail Noise.

### 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. Glazing is not to be obscured, and openings should be interactive with the public open space.
- 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.

### Landscaping

- At least 50% of the primary street setback area is to be landscaped.
- 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.

### 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	

# Bedford North Design Guidelines Policy



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## Objectives

The objectives are:

1. To ensure building envelopes 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.
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## 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.

## Scope

This policy applies to all precincts identified in the plan below.



## Requirements

The following requirements of this policy shall prevail where they are inconsistent with the Residential Design Codes Deemed to Comply requirements.

### Primary Street Setback Area

- A minimum primary street setback of 6m is required.
- 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.
- 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, subject to engineering assessment with Australian Standards.

### 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 for new development, 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 1.6m and shall be a minimum 50% permeable, except along Walter Road West and Grand Promenade.
- Fencing within the primary street setback area along Walter Road West and Grand Promenade is to be visually permeable above 1.2m, subject to assessment with State Planning Policy 5.4 – Road and Rail Noise.

### 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. Glazing is not to be obscured, and openings should be interactive with the public open space.
- 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.

### Landscaping

- At least 50% of the primary street setback area is to be landscaped.
- 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.

## 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	

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, I occupy a property in the area.	• Agree with proposed policy objectives.	• Noted.
			• Agree with proposed height requirements.	• Noted.
			• Agree with proposed front setback requirements. Permeable fencing is important and makes a significant impact to the street frontage and sense of safety when walking around the suburb.	• Noted.
			• Agree with proposed rear setback requirements. A 6m rear setback is necessary to retain value in the existing period homes and single story buildings residing alongside the proposed buildings.	• Noted.
			• Agree with proposed public open space interaction requirements.	• Noted.
2.	Object	I own a property in the area.	• Disagree with proposed policy objectives.	• The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the Bedford North Urban Design Study (UDS). These are based on planning principles which were developed during initial community consultation. It is intended that the policy will augment the new Medium Density R-Codes with specific development requirements in finer detail particular to Bedford North.
3.	Object	I own a property in the area.	• Disagree with proposed policy objectives. Increased density is not required or wanted by current residents.	• The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation. Increased density is a requirement of the Department of Planning, Lands and Heritage (DPLH) State planning framework. The subject area has been specifically identified as an Urban Corridor appropriate for increased density in the State planning framework.

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>I feel the changes would negatively impact residents and bring more crime to the area</li> </ul>	<ul style="list-style-type: none"> <li>The new Medium Density R-Codes seek to achieve high quality development outcomes. The policy has been prepared to augment the R-Codes with specific finer detail for development requirements to achieve streetscape outcomes particular to Bedford North, in order to ensure the amenity of the area is retained and to mitigate impact on residents. The policy is also based on Crime Prevention Through Environmental Design (CPTED) principles by encouraging interaction with the street and open space.</li> </ul>
4.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with proposed objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
5.	Support	I occupy a property in the area. I am a private citizen who has in interest in the area.	<ul style="list-style-type: none"> <li>Agree with proposed objectives.</li> <li>Agree with proposed height requirements.</li> <li>Agree with proposed front setback requirements. Would recommend majority of street setback area to be either landscaped and/or made walkable to encourage foot traffic to retail/commercial. Shade and cover will be key to encouraging this, so recommend trees and/or awnings to cover majority of the setback.</li> <li>Agree with proposed front street interaction requirements. Parking should be located behind or below the building fronting the main street. See Beaufort Street between Dundas Road and Ninth Ave for a successful example.</li> <li>Agree with proposed rear setback area requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Agree with proposed public open space interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
6.	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives. Cancel the plan in full.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation. Increased density is a requirement of the DPLH State planning framework. The subject area has been specifically identified as an Urban Corridor appropriate for increased density in the State planning framework.</li> </ul>
7.	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements. Growing is what suburbs do. Mount Lawley and Inglewood have grown and we should be next.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
			<ul style="list-style-type: none"> <li>Agree on the proposal.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
8.	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives. We like this suburb to be quiet and peace, against 3 storeys, against bringing more traffic and against commercial. That is the reason I bought a house in this area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the Bedford North Urban Design Study (UDS). These are based on planning principles which were developed during initial community consultation. The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping, however the policy height provisions are consistent with the new Medium Density R-code provisions and are proposed to be removed from the policy.</li> </ul>
			<ul style="list-style-type: none"> <li>Against development and against the Cook Reserve changing to commercial.</li> </ul>	<ul style="list-style-type: none"> <li>Land use is not a consideration within the proposed policy. These comments were included and addressed in the Scheme Amendment No.96 which was subject to a separate report to Council.</li> </ul>



No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Disagree with proposed height requirements. It will lower the value of the properties, bring crime, and increase traffic. It would bring unwanted people here.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the Residential Design Codes (R-Codes) requirements for privacy and overshadowing. Impact on property values is not a valid planning consideration. The policy has been developed in accordance with CPTED principles to minimise opportunities for crime. Meeting infill targets to accommodate an increasing population is a requirement of the DPLH State planning framework.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements. Against it.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements. Leave everything as it is.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
9.	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				These are based on planning principles which were developed during initial community consultation.
			<ul style="list-style-type: none"> <li>Disagree with proposed height requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
10	Object	I own a property in the area. I occupy a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on sound planning principles which were developed during initial community consultation.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Okay with Walter Road precinct. Not on-board the zoning changes and purple areas within the suburb of Bedford.</li> </ul>	<ul style="list-style-type: none"> <li>Modifications to density codes is not a consideration within the proposed policy. These comments were included and addressed in the Scheme Amendment No.96 which was subject to a separate report to Council. It is noted infill targets to accommodate an increasing population is a requirement of the DPLH State planning framework.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with proposed height requirements. Not on board with 3 stories around the public open space precincts. I don't think should happen</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing. The impact of height around the public open space will be mitigated by the other design requirements of the new Medium Density R-Codes, and the policy which encourage good streetscape design outcomes and interaction with the street and public open space.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				between neighbouring properties and encourage outdoor living.
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
11	Support with Comment	I own a property in the area.	<ul style="list-style-type: none"> <li>Somewhat disagree with the proposed objectives of the policy. Maximum Height Objectives may have a negative impact on the amenity of existing residential dwellings, particularly for those lots located on the northern boundary of Gummery and Lawrence Streets.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing. The impact of height around the public open space will be mitigated by the other design requirements of the new Medium Density R-Codes and the policy which encourage good streetscape design outcomes and interaction with the street and public open space.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements. Public Open Space heights should only be 2 stories, except for those labelled as 'A7' on the proposed amendments</li> </ul>	<ul style="list-style-type: none"> <li>The impact of height around the public open space will be mitigated by the other design requirements of the new Medium Density R-Codes and the policy which encourage good streetscape design outcomes and interaction with the street and public open space. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
12	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
13	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements. New buildings in general will modernise the area and bring younger couples to the area. We need more shops and cafes so that we can walk to more parts of the suburb.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements. I'd like to see the double crossovers back.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Minimising crossovers reduces the impact of excessive hardstand, and increases walkability and opportunities for additional landscaping.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
14	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
15	Support with comment	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives. The minimum 6m setback is a little excessive and can be reduced to 4m.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				parking and access, to provide good streetscape outcomes in the area.
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements. Maximum of 3 stories is ample for the area of Bedford and will blend in well with existing housing mix.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements. Should stay with state R Codes. 6 m is a bit excessive and once you apply front and rear setbacks it will be counterproductive to achieving good residential design layout. 4 m would allow a better envelope for design.</li> </ul>	<ul style="list-style-type: none"> <li>The current Bedford streetscape generally has generous setbacks, and maintaining a larger setback will assist in retaining the existing streetscape character. It is noted that there is discretion to consider variations to the requirements of the policy in appropriate circumstances.</li> </ul>
			<ul style="list-style-type: none"> <li>Also do not agree with maximum crossover width of 3.5m for multiple development and on a busy road like Walter Road will make it difficult for safe movement. Should stay with state codes and allow up to 6 m for crossovers servicing greater than two dwellings with minimum of 4.5 m for two dwellings or less. The max driveway width for multiple developments greater than 4 units should be increased to 5m</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is recommended that the policy be modified to clarify that crossover and driveway width is subject to engineering assessment and compliance with Australian Standards to ensure safe access.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements. Again given the lots are relatively small then it will apply a restrictive parameter to good balanced design. Should remain with State R Code.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living. It is noted that there is discretion to consider variations to the requirements of the policy in appropriate circumstances.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Council and staff should take a lot of credit for their hard work with and a job well done.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
16	Support	I own a property in the area.	• Somewhat agree with the proposed policy objectives.	• Noted.
			• Agree with the proposed height requirements.	• Noted.
			• Agree with the proposed front setback requirements.	• Noted.
			• Agree with the proposed front street interaction requirements.	• Noted.
			• Agree with the proposed rear setback requirements.	• Noted.
			• Agree with the proposed public open space requirements.	• Noted.
17	Support with comments	I own a property in the area.	• Agree with the proposed policy objectives.	• Noted.
			• There should be blanket zoning of the precinct from a residential perspective to encourage higher density and the commercial aspect should be as flexible as possible for business to be able to occupy and operate accordingly.	• Density codes and land use is not a consideration within the proposed policy. These comments were included and addressed in the Scheme Amendment No.96 which was subject to a separate report to Council.
			• Agree with the proposed height requirements. Appropriate for a Main Road, could even go 4 storeys	• Noted.
			• Agree with the proposed front setback requirements. Positive and motivating for development. 6 metre setback is a lot in particular on Grand Prom.	• Noted. Increased setbacks have been proposed to the front to encourage provision of landscaping, with an additional height to mitigate the reduced building footprint.
			• Disagree with proposed front street interaction requirements. Not all apartments can always have accessible views to the street, will make some projects and defunct - that area is facing north/north west so plenty of sun light entering properties. Developers need to take that into consideration with apartments, not views to the street on ALL apartments that reduce motivation as a development becomes not feasible.	• The policy relates to building frontage facing the primary street to have active facades, and does not necessarily apply to all dwellings within a development.

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			<ul style="list-style-type: none"> <li>Disagree with proposed rear setback requirements. You are not going to save the world with a few extra bits of landscaping - China is building over 200 coal fire power stations. Landscaping is important and ground floor properties where possible should always have green aspects.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with proposed open space interaction requirements. Safety and security are paramount and access to public open spaces from private dwellings should be at the choice of a private owner not a government authority. There is a reason it is called a private dwelling and not a public dwelling</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy is intended to augment the requirements of the new Medium Density R-Codes with specific finer detail, in order to ensure that development in Bedford North is of a high quality and has a positive impact on the amenity of the streetscape. The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Don't increase red and green tape otherwise it won't happen the way it should happen. Developers can't be bothered with over governed initiatives.</li> </ul>	<ul style="list-style-type: none"> <li>The policy is intended to augment the new Medium Density R-Codes with specific finer detail provisions to ensure that new development in the Bedford North area is designed to a high quality and has a positive impact on the amenity of the streetscape.</li> </ul>
18	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives. Agree with three storey developments for residential living but don't agree with any changes to the park on Birkett. Please keep the park.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.  The draft policy does not propose any modifications / rezoning to the existing parks.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements. Hopefully will add more property value to the area.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Property values are not a valid planning consideration.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements. Trees are good.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>



No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed public open space requirements. I am saying know because I don't know.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>I don't want my view of the park to be ruined this is what drew us to buy the property</li> </ul>	<ul style="list-style-type: none"> <li>It is not intended that the view to parks will be interrupted by the proposed provisions of the draft policy.</li> </ul>
19	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
20	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
21	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The current Bedford streetscape generally has generous setbacks, and maintaining a larger setback will assist in retaining the streetscape character. It is noted that there is discretion to consider variations to the requirements of the policy in appropriate circumstances.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living. It is noted that there is discretion to consider variations to</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				the requirements of the policy in appropriate circumstances.
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
22	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>None of the precincts make sense</li> </ul>	<ul style="list-style-type: none"> <li>The proposed precincts have been developed through the UDS. They are based on areas which currently share similar characteristics and are intended to have similar characteristics going forward.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with proposed height requirements. I don't have a problem with the proposed height requirements, just where they are proposed to be used. Four to five storeys in the right location is perfectly acceptable. Locations such as the MAC, and railway stations.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements. Setbacks are OK but Walter Rd will be fenced so where is the improvement in pedestrian amenity?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements. Walter Rd is not the right location for this development.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements. Even with this setback, you will not get trees and hence canopy cover.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation</li> </ul>

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				between neighbouring properties and encourage outdoor living.
			<ul style="list-style-type: none"> <li>Agree with the public open space requirements. Fencing is still allowed so you lose pedestrian amenity (pedestrian friendly)</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
23	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
24	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Strongly agree with the objectives.</li> <li>I think the most important precincts of the four precincts are Walter Road West and Grand Prom, which are currently decaying precincts in need of redevelopment.</li> <li>Agree with proposed height requirements. I'd be happy with heights for the Walter Road and Grand Prom precincts to be 3-4 storeys.</li> <li>Agree with the proposed front setback requirements.</li> <li>Agree with the proposed front street interaction requirements.</li> <li>Agree with the proposed rear setback requirements.</li> <li>Agree with the proposed public open space requirements</li> <li>I'm a strong believer in living in a sustainable, vibrant, walkable neighbourhood which has shops, cafes, restaurants, supermarkets, etc. but not at the cost of green areas/zones. I see nothing in the proposal that is contrary to this, so I support it. I'm a proud Bedford resident but think we can do better. If done right, change is good and should be embraced.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted. The policy encourages high quality redevelopment by augmenting the new Medium Density R-Codes.</li> <li>Noted. Three storey residential development is considered appropriate in the Bedford North locality. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted. The draft policy has been prepared in order to ensure that additional landscaping can be accommodated on site when redevelopment occurs.</li> </ul>

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25	Object	I occupy a property in the area.	<ul style="list-style-type: none"> <li>Somewhat agree with proposed policy objectives. Different sorts of businesses need to come into the area, not more of the same, and a liquor store is not the answer.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Liquor Store land uses are proposed within the Scheme Amendment No.96 only on properties on Walter Road West. These comments were included and addressed in the Scheme Amendment No.96 which was subject to a separate report to Council.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements. It's not too tall and if there are green spaces it could work.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements. I think there needs to be trees for shade and birds as well as benches and some spaces that are suitable for children and also older people.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The intention of the policy is to allow for additional area for landscaping on private property. Public park infrastructure is not a matter that the draft policy addresses, however the City ensures that all recreation reserves are well serviced with public infrastructure such as benches and play equipment.</li> </ul>
26	Support with comment	I own a property in the area	<ul style="list-style-type: none"> <li>Somewhat agree with the proposed policy objectives. I support the rezoning to R60 however the 6m front and rear setbacks are unreasonable and impractical. My property is 715m2 and having the 6m setbacks means I need to go 3 storey high which is very costly to build and over capitalising the property. I would like the Council to consider 3-4m setbacks instead.</li> </ul>	<ul style="list-style-type: none"> <li>The current Bedford streetscape generally has generous setbacks, and maintaining a larger setback will assist in retaining the streetscape character. It is noted that there is discretion to consider variations to the requirements of the policy in appropriate circumstances.</li> </ul>
			<ul style="list-style-type: none"> <li>I do not support the mixed commercial use on Shaftesbury Ave near the park as it will bring too much traffic down the street. As an elderly long-standing resident, it will become dangerous to back out of my driveway if there are many cars coming down the street. Also, I don't want the</li> </ul>	<ul style="list-style-type: none"> <li>Proposed land uses are not a consideration of this policy. These comments were included and addressed in the Scheme Amendment No.96 which was subject to a separate report to Council.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			threat of more undesired people in my neighbourhood.	
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements. 2 storeys is ok but 3 storeys becomes very costly to build if the set backs are kept at 6m.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements. These could be possible but with less setbacks.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements. Most properties would not be able to meet the design guidelines with such big setbacks. I would like the council to reconsider lowering the setback requirements to 3-4m.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living. It is noted that there is discretion to consider variations to the requirements of the policy in appropriate circumstances.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
27	Object	I own a property in the area	<ul style="list-style-type: none"> <li>I support the concept of the Council keeping the unique Bedford-style look to the suburb with lower fences and lovely gardens. However, future developments will need flexibility on setbacks if the priority is to keep the streetscape engaging.</li> </ul>	<ul style="list-style-type: none"> <li>As a policy document, there is discretion for variations to the requirements in appropriate circumstances.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives. Bringing more traffic into the urban streets does not seem to align with safety for residents. I note that speed bumps were due to be installed on Birkett and other roads 3-4 years ago and this has still not occurred.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation. The existing streets are capable of catering to the expected local traffic volumes. Installation of traffic calming measures in the form of speed humps were delayed due to the</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				COVID-19 pandemic. Speed humps have been approved for the area, however will likely be installed as part of the Main Roads WA Low Cost Urban Road Safety Program being implemented 2023/24.
			<ul style="list-style-type: none"> <li>The plan does not clearly articulate how habitable spaces for people will be achieved if there are businesses occupying what was previously residential blocks.</li> </ul>	<ul style="list-style-type: none"> <li>There are a minimal number of residential properties proposed to have the additional land uses. These additional land uses are proposed to enhance the vibrancy of the area, in conjunction with habitable building frontages on adjoining properties that the proposed policy governs.</li> </ul>
			<ul style="list-style-type: none"> <li>I support the Grand Prom and Walter Road precincts, I do not support the proposal for the rezoning of the Public Open Spaces. I am also concerned about the property value of these blocks and surrounding blocks if this re-zoning went ahead.</li> </ul>	<ul style="list-style-type: none"> <li>Rezoning and land use is not a consideration within the proposed policy. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council. However, it is noted that public open space is not proposed to be rezoned, additionally, property value is not a valid planning consideration.</li> </ul>
28	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Terrible planning. Unclear and no provision planned for increased traffic, crime and social issues that arise with population intensification.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy has been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>Precincts are poorly planned and lacking research and insight.</li> </ul>	<ul style="list-style-type: none"> <li>The precincts have been developed through the UDS process. The precincts are a logical outcome, defined along the major roads and around parks, so that these areas have different requirements specific to their location.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements. Poorly planned and no provision made for issues that will arise with the development.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
29	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives. These objectives are flawed as they relate to an established area. Whilst the 'intent' for a proposed streetscape is one thing, the reality is, there will be a mix of old and new and this will look become a messy 'hotchpotch' of an area. The objectives work if it was a new subdivision (blank canvas) but it is pie in the sky to think they will work here.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation. The intent of the policy objectives is to ensure well designed and high quality new development. The new Medium Density R-Codes seek to achieve high quality development and the proposed policy</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				includes requirements at a finer detail to achieve a desired streetscape particular to Bedford North. Regardless of whether there is a policy in place or not there will be a mix of old and new dwellings in the area. The policy would result in better outcomes for new development.
			<ul style="list-style-type: none"> <li>Disagree with the proposed rezoning for all precincts.</li> </ul>	<ul style="list-style-type: none"> <li>The precincts have been developed through the UDS process. The precincts are a logical outcome, defined along the major roads and around parks, so that these areas have different requirements specific to their location. Rezoning is not a consideration within the proposed policy. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements. Poorly planned and no provision made for issues that will arise with the development. Again, this is nonsensical. It is not a new development, it is an established area, so it will end up an ugly hotchpotch of mismatched streetscape, devaluing the area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Code requirements for privacy and overshadowing. The intent of the policy is to result in an improved streetscape. Impact on property value is not a valid planning consideration.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements. There is so much antisocial and criminal behaviour that we have to shut our doors</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the</li> </ul>



No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			to protect our kids. This is the issue Council should be addressing!	street and public open space areas. The policy has been developed in line with CPTED principles to minimise opportunities for antisocial behaviour by encouraging casual surveillance. The City currently implements its Community Safety and Crime Prevention Plan.
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements. We will end up with a host of tens of people looking into our house. Apartments make no sense in this small precinct and will look stupid alongside existing housing.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas. New development will be assessed under the R Codes to ensure privacy is protected. Apartments are not a requirement, but are one of the many built form outcomes that could occur at the proposed densities.</li> </ul>
			<ul style="list-style-type: none"> <li>This will not work to enhance our pocket of the suburb which will in turn denigrate the entire suburb and municipality. This proposal suits a new development - not an established suburb as it will not appear beautified - it will be a mess.</li> </ul>	<ul style="list-style-type: none"> <li>As noted above, regardless of whether there is a policy in place or not there will be a mix of old and new dwellings in the area. It is intended that the policy would augment the new Medium Density R-Codes with specific finer detail requirements and result in better outcomes for new development.</li> </ul>
30	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives. I object to 3 story buildings within the area identified as public space. I have seen no due diligence / research undertaken by the council to confirm that it won't cause increased crime, traffic, social issues. Further, most people bought within Bedford because it is leafy, offers big blocks and there are no units.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation. The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				are therefore proposed to be removed from the policy. The policy has been developed in line with CPTED principles to encourage casual surveillance to limit opportunities for antisocial behaviour. The local roads have capacity to carry the additional local traffic expected to be generated by urban infill. The intention of the policy is to maintain the tree lined streetscapes, by requiring larger setbacks for landscaping and reducing width of driveways.
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Code requirements for privacy and overshadowing.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
31	Object	I own a property in the area	<ul style="list-style-type: none"> <li>I support the objectives</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>I object to the requirement for carports to be located behind the building line. The rationale for this design requirement is unclear. It is also unclear what outcome this requirement is trying to achieve.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is recommended that the policy be modified so that the requirement for carports to be located behind the building line to apply to new development.</li> </ul>
			<ul style="list-style-type: none"> <li>The existing zoning of Salisbury Street has facilitated two-three lot subdivision. A lot of the</li> </ul>	

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			<p>original 1950's character homes have been retained through these subdivisions. We live in one of these 1950's houses. These houses contribute greatly to the area's streetscape character. Due to the subdivision, the side of our house consists of our neighbour's driveway and there is no opportunity for a carport to be located to the side of our house.</p> <ul style="list-style-type: none"> <li>We have many major openings fronting the street, a large landscaped front yard with mature tree canopy. An open structure such as a carport would not prohibit our house meeting the objectives of this policy. Living in an older home is expensive and it can be inconvenient with the lack of modern amenities. However it is important these homes are preserved for their great contribution to the area's character.</li> <li>Policy provisions such as this make living in these homes harder and more likely to encourage people to demolish and rebuild. Perth has a hot climate and family homes need the ability to have shade for their cars. Design requirements controlling the setback, width and roof pitch would be more suitable to ensure an appropriate design outcomes for carports.</li> </ul>	
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements. I support the two storey building height on Salisbury Street. I am not familiar enough with the other areas to comment.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements. I suggest further guidance is provided on the landscape requirements including tree canopy cover.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The City's Trees on Private Land and Street Verges Policy, Landscaping Policy and Landscaping Guidelines provide requirements for landscaping and tree canopy cover.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed street interaction requirements. As per previous comment - it is not possible for carports to be located behind the building line on subdivided lots that have retained the original homes.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is recommended that the policy be modified so that the requirement for carports to be located behind the building line to apply to new development.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
32	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Somewhat disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>We believe the precincts on Grand Prom and along Walter Road should be the focus for development. Creating more vibrant and inviting precincts where they already exist and building on these areas makes far more sense than building up development on what are residential streets (and the traffic implications that come with doing so).</li> </ul>	<ul style="list-style-type: none"> <li>The City is working with the businesses along Walter Road West and Grand Promenade commercial precincts to identify opportunities for streetscape, and other, improvements.</li> </ul>
			<ul style="list-style-type: none"> <li>Street scaping, incentivising investment to improve or encourage better development along Walter Rad and Grand Prom, and making these areas more appealing for developers to build the types of developments needed for vibrant communities makes sense.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Higher densities are proposed as part of Scheme Amendment 96 along Walter Road West and Grand Promenade which will act as an incentive for redevelopment. This policy will augment the new Medium Density R-Codes to ensure that new development is of a high standard.</li> </ul>
			<ul style="list-style-type: none"> <li>Don't allow for developers to build up residential areas when the existing retail precincts are so run down and in need of revitalising. Inglewood was the same 10-15 years ago - run down and neglected, the poor man's Mt Lawley. Now this has been revitalised with street scaping, development, lower speed limits etc. and is an attractive area where residents want to visit. This is what should be happening on Grand Prom (near IGA etc.) and along Walter Road. To leave these areas as neglected as they are and focus on residential development is to the detriment of our community.</li> </ul>	<ul style="list-style-type: none"> <li>The City is actively work with the businesses along Walter Road West and Grand Promenade commercial precincts to identify opportunities for streetscape, and other, improvements.</li> </ul>

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			<ul style="list-style-type: none"> <li>There is no need for the level of development outlined along residential streets around neighbourhood parks, such as Birkett Street Reserve. The focus should be on attracting development and revitalising the existing areas of Grand Prom and Walter Road.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed residential densities around Birkett Street Reserve are proposed within Scheme Amendment 96. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council.</li> </ul>
33	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Somewhat disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>Power point presentation attached to Engage Bayswater survey.</li> <li>I put together an online survey that I advertised via Facebook in the Bedford and Community Surrounds group and by letter drops inside the amendment area, asking the questions I feel the City should have asked.</li> <li>The survey responses were collected via Survey Monkey and the raw data is available on request</li> <li>162 residents have responded to date.</li> </ul>	<ul style="list-style-type: none"> <li>The majority of the submission is in relation to Scheme Amendment 96. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council. The resident's own online survey did include two questions regarding height which are relative to the policy under consideration.</li> <li>The raw data of the resident's online survey has been provided to the City. 88 of the responses have been verified as valid through the provision of names. The 88 responses are tabulated in summary at the end of this submission table.</li> </ul>
			<ul style="list-style-type: none"> <li>"Q2 Do you support rezoning Walter Road and Grand Promenade to 3 or 4 storey buildings?"</li> <li>Yes 32.10% (52)</li> <li>No 67.9% (110)</li> </ul>	<ul style="list-style-type: none"> <li>The policy proposes a height of 3 stories within the Walter road West and Grand Promenade precincts. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> <li>The proposed height was to allow for increased setbacks around buildings to accommodate additional landscaping. Development will still need to meet the R-Code requirements for privacy and overshadowing.</li> </ul>

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				<ul style="list-style-type: none"> <li>It is noted that the figures provided by the resident are from the raw survey data, therefore not all of these responses could be validated as having a genuine interest in the matter.</li> </ul>
			<ul style="list-style-type: none"> <li>“Q3 Do you support rezoning the following streets off of Walter Road to allow for 3 storey buildings? Salisbury Street, Roseberry Street, Drummond Street, Birkett Street, Shaftesbury Avenue, the Strand, Edward Street, Lawrence Street?”</li> <li>Yes 13.58% (22)</li> <li>No 86.42% (140)</li> </ul>	<ul style="list-style-type: none"> <li>The policy proposes a height of 3 stories within the Public Open Space, Walter road West and Grand Promenade precincts. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> <li>The proposed height was to allow for increased setbacks around buildings to accommodate additional landscaping. Development will still need to meet the R-Code requirements for privacy and overshadowing.</li> <li>It is noted that the figures provided by the resident are from the raw survey data, therefore not all of these responses could be validated as having a genuine interest in the matter.</li> </ul>
34	Object	I am a private citizen who has an interest in the area	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> <li>Disagree with the proposed height requirements. The maximum property height should be two storeys.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The majority of the area within the 'General Residential' precinct is proposed to have a maximum height of two storeys. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
35	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>Against precincts.</li> </ul>	<ul style="list-style-type: none"> <li>The precincts have been developed through the UDS process. The precincts are a logical outcome, defined along the major roads and around parks, so that these areas have different requirements specific to their location.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
36	Object	I own a property in the area	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>Against precincts. We like our area to be quiet.</li> </ul>	<ul style="list-style-type: none"> <li>The precincts have been developed through the UDS process. The precincts are a logical outcome, defined along the major roads and around parks, so that these areas have different requirements specific to their location.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements. Do not agree with 3 floors.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing.</li> </ul>



No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed rear setback requirements. We like our area to be peaceful.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed rear setback requirements aim to promote biodiversity, increase tree canopy cover, ensure building separation between neighbouring properties and encourage outdoor living.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>
37	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Disagree with the proposed policy objectives. We love this quiet neighbourhood.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on sound planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>Against precincts. We like our area to be nice and quiet.</li> </ul>	<ul style="list-style-type: none"> <li>The precincts have been developed through the UDS process. The precincts are a logical outcome, defined along the major roads and around parks, so that these areas have different requirements specific to their location.</li> </ul>
38	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed height requirements. I think many people have this idea in their head that 3 storeys is too tall. I disagree and believe quality of design is the more important factor. 3 storey elements set back 6m from neighbouring lots retains privacy. 3 storeys as opposed to two offers</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping and create separation between neighbouring properties. The policy height provisions are consistent with the new Medium</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			the opportunity for more creative design whilst retaining or improving tree canopy.	Density R-code provisions and are therefore proposed to be removed from the policy.
			<ul style="list-style-type: none"> <li>Agree with the proposed front setback requirements. Wide driveways reduce walkability.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed rear setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with the proposed public open space requirements</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
39	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>Somewhat disagree with proposed policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed policy objectives have been founded on the unique design principles for Bedford North identified in the UDS. These are based on sound planning principles which were developed during initial community consultation.</li> </ul>
			<ul style="list-style-type: none"> <li>In relation to the proposed precincts:</li> <li>Public Open Space:</li> <li>I oppose the changes listed with code "A7" in Appendix 2 of TPS 24 - Schedule of Additional Uses. I don't want any additional uses being implemented to residential Lots surrounding the R.A. Cook and the Birkett Street reserves. I want these Lots to remain exclusively for residential purposes because I don't want the additional traffic, parked cars, noise and people that come with local business.</li> <li>I am opposed to the rezoning of the residential properties around the R.A Cook and Birkett Street reserves from R25 to R50. This will increase the density of living around these reserves which in turn will damage the peace and quiet for existing residents. I am opposed to 3 storey buildings around these reserves.</li> </ul>	<ul style="list-style-type: none"> <li>Land use and modifications to density coding are not considerations within the proposed policy. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council.</li> </ul>
			<ul style="list-style-type: none"> <li>General Residential:</li> </ul>	<ul style="list-style-type: none"> <li>As above, modifications to density coding is not a consideration within the proposed</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			<ul style="list-style-type: none"> <li>I oppose the zoning changes in general residential areas from R25 to R35 and R25 to R50. Many properties are already being subdivided, increasing the density of dwellings in these areas. I would not like to see this process enabled even further by the council's proposed rezoning.</li> </ul>	<p>policy. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council.</p>
			<ul style="list-style-type: none"> <li>Walter Road West and Grand Promenade:</li> <li>I support the changes to the zoning along these two main roads. Perhaps more mixed-use 3 storey apartments along Walter Rd West and Grand Promenade is the best strategy to increase residential density without damaging the lifestyle for residents in the quieter backstreets of Bedford.</li> </ul>	<ul style="list-style-type: none"> <li>Modifications to density coding is not a consideration within the proposed policy. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed height requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy. Development will still need to meet the R-Codes requirements for privacy and overshadowing.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front setback requirements aim to increase landscaping and reduce hardstand areas for vehicle parking and access, to provide good streetscape outcomes in the area.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the proposed front street interaction requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed front street interaction requirements aim to ensure that development encourages activation, vibrancy and casual surveillance of the street and public open space areas.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with the public open space requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed public open space requirements aim to encourage activation, vibrancy and casual surveillance of the public open space areas.</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
40	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>I have already commented on what I see as the disadvantages to the "Public Open Space" as it applies to the Birkett Street Reserve. It would also apply to the Cooke Reserves, which is much more heavily used as sports fields, and I can imagine that once there is higher density housing around it, then there would be complaints about people parking, noise from the games etc. If there were businesses in the mix, then parking would be more of a problem both for the businesses and the park users</li> </ul>	<ul style="list-style-type: none"> <li>Land use and modifications to density coding are not considerations within the proposed policy. These comments were included and addressed in the Scheme Amendment 96 which was a separate report to Council.</li> </ul>
41	Support	I own a property in the area.	<ul style="list-style-type: none"> <li>Agree with the proposed policy objectives.</li> <li>Agree with the proposed height requirements. I support up to three storeys around parks although Birkett Reserve I think should be limited to two storeys as it really is a quiet residential area.</li> <li>Agree with the proposed front setback requirements.</li> <li>Agree with the proposed front street interaction requirements.</li> <li>Agree with the proposed rear setback requirements.</li> <li>Agree with the proposed public open space requirements.</li> <li>The design guidelines proposed are suitable including setbacks, fencing, landscaping etc. Ensure developers are building residences that contribute to the local character and community by funding playgrounds, landscaping, environmental initiatives, community events and of course parking to keep cars off verges and footpaths. Bedford is dreary and boring but it is so perfectly located and deserves revitalisation by bringing in new residents and new businesses.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted. The intention of the policy is to ensure that new development enhances the amenity of the streetscape by augmenting the new Medium Density R-Codes with finer detail provisions specific to Bedford North.</li> </ul>
42	Object	I own a property in the area.	<ul style="list-style-type: none"> <li>The median strip on Grand Prom looked classier with the grass. Wood chips don't look good.</li> </ul>	<ul style="list-style-type: none"> <li>This is not an aspect which is controlled by the proposed policy. However, it is noted that the grass median on Grand Promenade was replaced with wood chips</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
				as this is a more water wise and sustainable verge treatment than lawn that needs to be regularly watered and maintained.
			<ul style="list-style-type: none"> <li>Disagree with proposed height requirements. Not enough parking for residents or visitors.</li> </ul>	<ul style="list-style-type: none"> <li>Parking for new developments will be provided in accordance with the requirements of the R-Codes.</li> </ul>
			<ul style="list-style-type: none"> <li>Agree with proposed front setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
			<ul style="list-style-type: none"> <li>Disagree with proposed public open space interaction requirements. City of Bayswater has always been known for its beautiful gardens. Most verges on corners are just not maintained.</li> </ul>	<ul style="list-style-type: none"> <li>The intention of the policy is to have high quality development fronting public open space.</li> </ul>
43	Support	Own a property in the area. 30 responses (5 of which also completed Engage Bayswater survey)	<ul style="list-style-type: none"> <li>Support rezoning Walter Road and Grand Promenade to 3 or 4 storey buildings.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The policy proposes a height of 3 stories within the Walter Road West and Grand Promenade precincts. Additional height to 4 stories is not recommended, as this is considerably higher than the R-Codes requirement. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> </ul>
44	Object	Own a property in the area. 58 responses (6 of which also completed Engage Bayswater survey)	<ul style="list-style-type: none"> <li>Do not support rezoning Walter Road and Grand Promenade to 3 or 4 storey buildings.</li> </ul>	<ul style="list-style-type: none"> <li>The policy proposes a height of 3 stories within the Walter Road West and Grand Promenade precincts. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> <li>The proposed height is to allow for increased setbacks around buildings to accommodate additional landscaping. Development will still need to meet the R-Codes requirements for privacy and overshadowing.</li> </ul>
45	Support	Own a property in the area. 13 responses	<ul style="list-style-type: none"> <li>Support rezoning Salisbury Street, Roseberry Street, Drummond Street, Birkett Street,</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The policy proposes a height of 3 stories within the Public Open Space, Walter Road West and Grand Promenade precincts. The policy height provisions are</li> </ul>

No.	Support / Object / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
		(3 of which also completed Engage Bayswater survey)	Shaftesbury Avenue, the Strand, Edward Street, Lawrence Street to allow for 3 storey buildings.	consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.
46	Object	Own a property in the area. 75 responses (8 of which also completed Engage Bayswater survey)	<ul style="list-style-type: none"> <li>Do not support rezoning Salisbury Street, Roseberry Street, Drummond Street, Birkett Street, Shaftesbury Avenue, the Strand, Edward Street, Lawrence Street to allow for 3 storey buildings.</li> </ul>	<ul style="list-style-type: none"> <li>The policy proposes a height of 3 stories within the Public Open Space, Walter Road West and Grand Promenade precincts. The policy height provisions are consistent with the new Medium Density R-code provisions and are therefore proposed to be removed from the policy.</li> </ul>

**10.5.2.4 Proposed Heritage Fee Refund and Development Policy**

<b>Responsible Branch:</b>	Development and Place
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	1. Existing Heritage Policies [10.5.2.4.1 - 5 pages] 2. Draft Heritage Fee Refund and Development Policy [10.5.2.4.2 - 5 pages]
<b>Refer:</b>	Item 10.6.1.1: OCM 26.04.2023

**CR LORNA CLARKE DECLARED A FINANCIAL INTEREST**

*In accordance with section 5.60A of the Local Government Act 1995, Cr Lorna Clarke declared a financial interest in this item as this item relates to a heritage fee refund policy and she lives in a heritage listed home. At 8:45pm, Cr Lorna Clarke withdrew from the meeting and did not participate in consideration or voting on this item.*

**SUMMARY**

Council consideration is sought in relation to the final approval of the draft Heritage Fee Refund and Development Policy.

The draft modified local planning policy was advertised for public comment from 1 June 2023 to 22 June 2023, during which time 20 people visited the policy online with 3 document downloads. No submissions were received during the public consultation period.

**COUNCIL RESOLUTION****(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)**

That Council adopts the Heritage Fee Refund and Development Policy as contained in Attachment 2 to this report.

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.

*At 8:46pm Cr Lorna Clarke returned to the meeting.*

**BACKGROUND**

Council at its Ordinary Meeting held 26 April 2023 adopted for public advertising the draft Heritage Fee Refund and Development Policy. The policy combines the following existing heritage policies:

- Refund of Planning and Building Application Fees Policy.
- Flexible Application of Statutory Requirements for Buildings Contained within the City's Heritage List Policy.

The draft policy sets out the parameters where the City may consider refunding planning and building application fees, and outlines when the City is able to vary a site or development

requirement under the City's Town Planning Scheme No. 24 (TPS24) and associated policies when being considered for a development approval for heritage-protected places.

## EXTERNAL CONSULTATION

The City advertised the draft policy in accordance with Councils' resolution for a period of 21 days from 1 June 2023 to 22 June 2023, by way of:

- Notification being published in the Perth Now newspaper on 1 June 2023;
- Information being placed on the City's engagement website, Engage Bayswater, including online survey submission form; and
- Hard copies of the draft policy being made available for inspection at the City of Bayswater Civic Centre and libraries.

During the public consultation period, 20 people visited the project online with three document downloads. No submissions were received during the public consultation period.

## OFFICER'S COMMENTS

Having regard that there were no submissions received during the public consultation period, it is recommended that no modifications occur to the draft policy as contained in **Attachment 2**.

## LEGISLATIVE COMPLIANCE

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

## RISK 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.

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
<b>Conclusion</b>	<p>It is considered that this draft policy has a low risk as it is consistent with the existing policy and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>It is considered that there is a moderate strategic direction risk if the recommended option is not proceeded with as the existing policies do not align with the Regulations.</p>	

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Publishing of public notice of the adoption of the draft Heritage Fee Refund and Development Policy

**Asset Category:** New

**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.	\$600	-	-	-	-	-	\$14,000

### STRATEGIC IMPLICATIONS

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

Theme: Environment and Liveability

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

It is considered that the draft policy supports the local community in maintaining and restoring existing heritage-protected places within the City of Bayswater and facilitates development that conserves and enhances heritage aspects of a heritage-protected place with providing fee refunds and varying site or development requirements to conserve heritage-protected places.

### CONCLUSION

The draft policy is considered to reflect the provisions of the Regulations, be consistent with the City's updated policy format, incorporate various improvements and clarifies provisions to enhance its ease of use and effectiveness. In light of this, it is recommended that Council adopts the draft Heritage Fee Refund and Development Policy for final approval.

## HERITAGE POLICIES



REFUND OF PLANNING AND BUILDING FEES POLICY..... Page 2

FLEXIBLE APPLICATION OF STATUTORY REQUIREMENTS FOR BUILDINGS  
CONTAINED WITHIN THE CITY'S HERITAGE LIST POLICY..... Page 4



**REFUND OF PLANNING AND BUILDING FEES 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 refund relevant planning and building fees for developments that propose to conserve or improve the heritage aspects of a building.

**INTRODUCTION:**

1. The City of Bayswater has adopted a Municipal Inventory of Heritage Places, from which certain buildings have been selected for inclusion on the City's Heritage List under Town Planning Scheme No. 24.
2. Town Planning Scheme No. 23 refers to the Municipal Inventory of Heritage Places and does not require a Scheme List.
3. Buildings contained on the Heritage List, or on the Municipal Inventory of Heritage Places within the area of Town Planning Scheme No. 23, are subject to certain provisions, including:
  - a) Requirement for planning approval for all development and demolition;
  - b) Appropriate conservation measures where necessary; and
  - c) Ability to apply for heritage grants.
4. As a result of being included on a Heritage List, or on the Municipal Inventory of Heritage Places within the area of Town Planning Scheme No. 23, all development requires planning approval.
5. Council has resolved to allow the City to refund planning and building fees in certain circumstances, as outlined in this policy.

**POLICY STATEMENT:**

1. The City will refund planning application and building fees charged by the City for development in the following circumstances:
  - a) Where the subject building to be retained is more than 50 years old and must be contained on the City's Heritage List of Heritage Places within the area of Town Planning Scheme No. 23 and/or 24.
  - b) Where the applicant/owner proposes development that will enhance or maintain the heritage aspects of a certain building and/or site.
2. The refund of planning and building fees only applies to the standard development (planning) application and building application fees and does not include the following fees:
  - a) BCITF and BRB Levies
  - b) Higher code advertising or other advertising costs.
  - c) Planning Service Fees
  - d) WAPC subdivision, amalgamation and clearance fees.
  - e) Home occupation or Alfresco licence or renewal fees.
  - f) Rezoning fees.



- g) Other fees charged by the City.
3. Applicants will be required to pay all fees at the time of application. The City will refund the appropriate planning and building fees where sections 1-2 of this policy are satisfied.
4. The refund of fees will be at the sole discretion of the City.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

- Clause 2.6 of Town Planning Scheme No 24
- Part 3 of Town Planning Scheme No 23
- Section 14 of Town Planning (Local Government Planning Fees) Regulations 2000
- Section 6.16 of Local Government Act

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	24 October 2006
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	



### **FLEXIBLE APPLICATION OF STATUTORY REQUIREMENTS FOR BUILDINGS CONTAINED WITHIN THE CITY'S HERITAGE LIST 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 determine circumstances where Council will allow flexible application of statutory requirements in relation to development of Heritage sites and/or buildings.

#### **INTRODUCTION:**

1. The City of Bayswater has adopted a Municipal Inventory of Heritage Places, from which certain buildings have been selected for inclusion on the City's Heritage Lists.
2. Buildings contained on each Heritage List is subject to certain provisions, including:
  - a) Requirement for planning approval for all development and demolition;
  - b) Appropriate conservation measures where necessary; and
  - c) Ability to apply for heritage grants.
3. In order to facilitate development that enhances or maintains the heritage aspects on a certain building and/or site, the City is prepared to consider varying development standards, as per the policy provisions contained below.
4. Residential development is generally controlled by the provisions of the Residential Design Codes 2002, and commercial development is generally controlled by the provisions of the City's Town Planning Schemes.

#### **POLICY STATEMENT:**

1. The City will refund planning application and building fees charged by the City for The City will consider the flexible application of Town Planning Scheme and the Residential Design Code requirements in relation to heritage buildings.
2. The provisions of this policy apply to properties contained on the City's Heritage List of Heritage Places within the area of Town Planning Scheme No. 23 and/or 24.
3. The City will consider variations to Scheme and Code requirements to facilitate the retention of a place included in the City's Heritage List. Where such variations are sought, a performance based consideration will be undertaken.
4. The City will consider variations to certain development standards including, but not limited to, the following:
  - a) Minimum lot sizes;
  - b) Average lot sizes;
  - c) Plot Ratio;
  - d) Setbacks;
  - e) Variations to car parking and landscaping; and
  - f) Other development standards.
5. All applications for variations of development standards will be assessed on their merits. Applicants are encouraged to provide sufficient justification to enable consideration of any variations.



**DEFINITIONS:***Nil***RELATED LEGISLATION:**

- Clause 2.6 of Town Planning Scheme No 24
- Part 3 of Town Planning Scheme No 23

**RELATED DOCUMENTATION:***Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	24 October 2006
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	





# Heritage Fee Refund and Development 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 planning and building application fee refunds, and to provide guidance on varying site and development requirements for the conservation and development of heritage-protected places.

## Objectives

The objectives of this policy are to:

1. Facilitate development that conserves heritage-protected places.
2. Be flexible with the application of Town Planning Scheme No 24 (TPS24), relevant local planning policies and the Residential Design Codes (R-Codes) requirements in relation to heritage-protected places.
3. Ensure site and development requirements contribute to positive heritage outcomes of heritage-protected places.
4. Provide for development that conserves heritage-protected places that is consistent with the strategic direction and zoning reservation of the land and the amenity of the locality.

## Definitions

**Heritage-protected place** has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## Background

An application for development approval may be required for the development of a heritage-protected place under Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). Where an application for development approval is required for a heritage-protected place under the Regulations, this policy applies.

The City of Bayswater acknowledges the payment of planning and building application fees on top of the costs associated with conserving a heritage-protected place can be onerous, thus a part or full refund of fees may be considered on a case by case basis.

Clause 12 of the Regulations provides the ability for the City to vary any site or development requirement of TPS24 to facilitate the conservation of a heritage-protected place.

## Chapters

- 1.0 Refund of Planning and Building Application Fees for Heritage-Protected Places
- 2.0 Varying Site and Development Requirements for Heritage-Protected Places

## Related Legislation

- Town Planning Scheme No.24
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Regulations 2009*

Relevant Delegations	TP-D01
Council Adoption	24 October 2006
Review / Modified	1 March 2016
Review / Modified	X July 2023
Review / Modified	



## **1. Refund of Planning and Building Application Fees for Heritage-Protected Places**

### **Purpose**

To refund part or full amount of relevant planning and building application fees for developments that propose to conserve or improve heritage aspects of a heritage-protected place.

### **Scope**

1. The provisions of this chapter apply to a heritage-protected place.
2. To provide parameters for the part or full refund of planning and building application fees.

### **Requirements**

1. The City of Bayswater will provide a part or full refund of planning and building application fees charged by the City for development which occurs on the City's Heritage List.
2. The refund of planning and building application fees only applies to the standard planning and building application fees as included in the City's fees and charges, and does not include the following fees:
  - (a) BCITF and BRB Levies
  - (b) Higher code advertising or other advertising costs.
  - (c) Planning Service Fees
  - (d) WAPC subdivision, amalgamation and clearance fees.
  - (e) Home occupation or alfresco licence or renewal fees.
  - (f) Rezoning fees.
  - (g) Other fees charged by the City.
3. Applicants will be required to pay all fees at the time of application.
4. The City will refund the appropriate planning and building application fee amount where 1 and 2 above, of this policy are satisfied.
5. The refund of fees will be at the discretion of the City.

## 2. Varying Site and Development Requirements for Heritage-Protected Places

### Purpose

To provide guidance on varying site and development requirements to facilitate the conservation of a heritage-protected place.

### Scope

1. The provisions of this chapter apply to a heritage-protected place.
2. To facilitate the built heritage conservation of heritage-protected places.

### Requirements

1. The City may vary any site or development requirement specified under TPS24, relevant local planning policies and the R-Codes to facilitate the conservation of a heritage-protected place. Where such variations are sought the following shall be satisfied:
  - (a) Applicable site and development requirements may include, but are not limited to, building height, setbacks, plot ratio, vehicle access and car parking.
  - (b) Clear demonstration that the varying of site and development requirements are necessary to facilitate the conservation of a heritage-protected place.
  - (c) The variation(s) shall not exceed the extent to which the development potential of the place is limited by the need to conserve the heritage-protected place.
  - (d) The variation(s) shall not unduly impact on adjoining properties within the locality.
  - (e) Clear demonstration that a compliant development will be detrimental to the conservation of the heritage-protected place.
  - (f) A referral may be required to the Heritage Council of Western Australia and/or the City's Design Review Panel to which the City will give due regard to any comments and recommendations received.
2. Written justification shall be provided addressing the requirements of this policy. The City may require the following additional information depending on the material impact the development has on the heritage-protected place:
  - (a) A Heritage Impact Statement for large or complex developments to a heritage-protected place with a Management Category 1 or 2, as determined by the City.
  - (b) Internal and external colour photographs of where the development has a material impact on the existing heritage-protected place.
  - (c) A schedule of all colours, finishes and materials of the existing heritage-protected place and proposed development.

## Related Documentation

- [Heritage Impact Statement \(www.wa.gov.au\)](http://www.wa.gov.au)
- Development Application Guide

DRAFT

**11 Motions of Which Previous Notice Has Been Given****11.1 Cr Michelle Sutherland - Alternative Use Options Embleton Golf Course**

<b>Responsible Branch:</b>	Project Services
<b>Responsible Directorate:</b>	Major Projects and Commercial Activities
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	Nil

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Michelle Sutherland raised the following motion:

**COUNCIL RESOLUTION**

That Council requests the Chief Executive Officer to:

1. Investigate alternative use options at Embleton Public Golf Course, noting the current lease management agreement held with TenGolf.
2. Present a report to Council by December 2023 with recommendations regarding:
  - (a) Alternative golf related delivery options.
  - (b) Developing public open space amenity within the site.
  - (c) Partnership opportunities to deliver identified alternative use options.

Cr Michelle Sutherland Moved, Cr Assunta Meleca Seconded

**CARRIED: 9/2**

**For:** Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Cr Sally Palmer 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.

There are two golf courses operating within the City. Maylands Peninsula Public Golf Course which is an 18 hole course, and Embleton Public Golf Course a nine hole course.

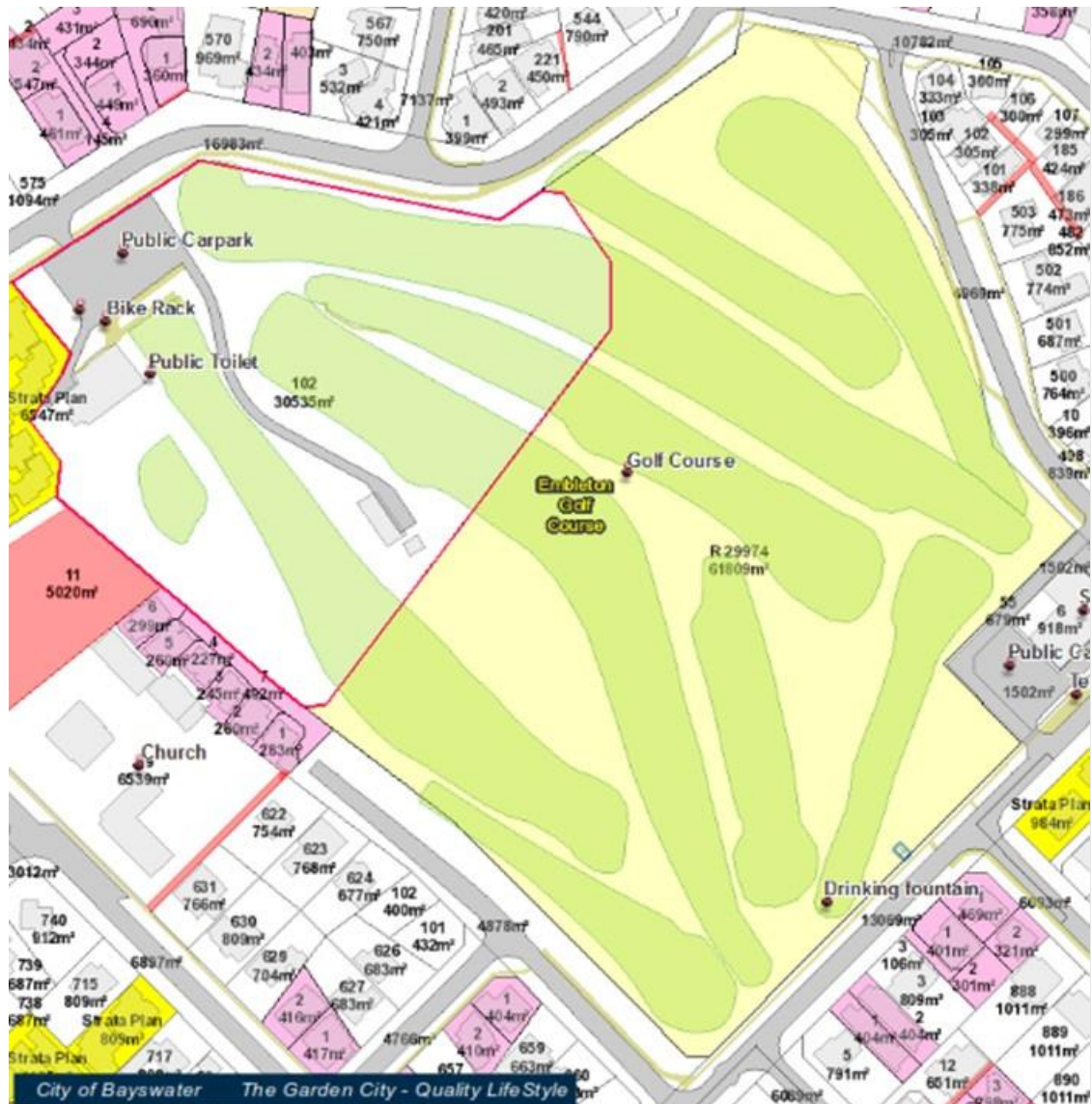
TenGolf Maylands Pty Ltd. manage both courses under contract on behalf of the City. The management / lease contract is a 20 year agreement commencing 1 July 2017 comprising of an initial 10 year period to June 2027. There is a further two by five year extension options to June 2037. TenGolf acquired the lease management agreement via a deed of assignment from Golf Oracle Pty Ltd commencing 1 July 2022. The City undertakes the ground maintenance at both courses.

Embleton Golf Course was developed in the mid 1960's as a public pay and play facility. The site is 10.1 hectares comprising of two land parcels:

- Lot 102, 25 McGregor Street, Embleton is owned freehold by the City and covers an area of 30,535m<sup>2</sup>, and

- Lot R29974, 25 McGregor Street, Embleton which is owned by the State Department of Planning Lands and Heritage and is vested to the City and covers an area of 61,809m<sup>2</sup>.

Both land parcels are zoned as Local Public Open Space under the Town Planning Scheme (24).



The golf course is a nine hole, par 3 and par 4 public course comprising of some formal club activity (approximately 15% of total usage) and general public pay and play (approximately 85% of total usage). There are six clubs operating at the course with some being active on site for 40+ years. Only two of the six clubs are registered with GolfWA

The golf course is open seven days per week from 6.00am – 6.00pm October to March and 7.00am to sundown April to September.

In 2021-22 the course attracted 30,699 player visits. This equates to approximately 85 players per day or 2,500 players per month. 2022-23 is currently tracking to achieve approximately 32,000+ player visits.

The course has the capacity to accommodate a maximum 160 player visits per day or 57,000 per year. This is based on four players commencing at 6.00am and four players following at fifteen

minute intervals through to 4.00pm daily. Embleton Golf Course is currently operating at just over 50% capacity.

With two golf courses operating within the City maximum occupation is unlikely to be achieved as the main customer demand and focus is at the 18 hole Maylands course. In the last five years Embleton Golf Course has attracted a peak maximum attendance of 32,701 player visits in 2019-20, with the lowest being 28,322 player visits in 2017-18.

As a comparison, Maylands Golf Course attracted 54,135 player visits to the 18 hole golf course (excluding the driving range) in 2021-22. The current 2022-23 year is tracking at approximately 55,000 player visits for the year. Maylands has the capacity to accommodate 72,000 player visits per year and is currently tracking at 75% occupancy.

The 2022-23 Embleton Golf Course budget is as follows:

ITEM	2022-23 BUDGET	2022-23 YEAR ACTUAL	COMMENT
<i>Income to the City</i>	<i>\$375,000</i>	<i>\$469,000</i>	Excludes TenGolf % Management Fee
Expenditure:			
Building Maintenance	\$57,000	\$63,500	
Ground Maintenance	\$176,000	\$150,000	
Plant / Machinery	\$119,000	\$93,000	
Over Heads	\$120,000	\$72,000	
<i>Maintenance Total</i>	<i>\$472,000</i>	<i>\$377,500</i>	
<b>Net (Loss) / Surplus</b>	<b>(\$97,000)</b>	<b>\$91,500</b>	<b>Increased income, reduced expenditure</b>

It should be noted that at the time of writing this report, player usage at Embleton is tracking above target. Total income to the City for the 2022-23 year is predicted to exceed budget estimates. Total expenditure is tracking under budget and predicted to achieve an operational surplus for the 2022-23 year.

Following TenGolf assuming occupation in July 2022 a number of modifications have been made to the Embleton site including pro shop and kiosk branding, redecorating throughout, new pro shop fit out and stock together with a review of staffing and food and beverage arrangements.

Since that time the player demographic at Embleton has shifted to a younger pay and play clientele with player visitor numbers steadily increasing.

The nearest alternative nine hole public pay and play golf course is provided by the City of Swan at Altone Park, Beechboro 6kms from Embleton, and other alternatives at Lake Claremont 20kms and family SupaGolf at the Oasis Resort in the Swan Valley 20kms.

The City is experiencing increased urban infill and housing redevelopment around Embleton Golf Course. Not only is the density of housing increasing but the majority of redevelopments are increasing dwelling height from single storey to multi storey dwellings. As such the City has received increased complaints over the last ten (10) years from residents experiencing reported property damage from alleged errant balls being hit out of the course.

The City conducted a safety review of the course in 2018 and actioned a number of modifications around the site including additional fencing, signage and relocated tee off areas.

**OFFICER'S COMMENT**

Should Council support the motion officers will investigate a range of use options for the site and provide a report to the December 2023 Ordinary Council Meeting.

**LEGISLATIVE COMPLIANCE**

The terms of the current assigned management / lease contract held with TenGolf Maylands Pty Ltd. may be amended by mutual written consent by both parties.

**FINANCIAL IMPLICATIONS**

Embleton public golf course to date is operating at break even.

No matter what service delivery mix is provided the site will require ongoing maintenance.

Any future redevelopment will require a level of capital investment from funding sources yet to be determined.

Capital investment at Embleton golf course has not been identified in the Long Term Financial Plan.

**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 are two golf courses operating within the City. Maylands Peninsula Public Golf Course which is an 18 hole course, and Embleton Public Golf Course which is a nine hole course.

Based on the current pay and play service delivery model Embleton golf course is operating at around 50% capacity and generating an operating surplus. A range of alternative service delivery options could be considered.

Any proposed change of operation would require consideration of the terms and conditions of the current management agreement with TenGolf Maylands Pty Ltd.

**VOTING REQUIREMENT**

Simple Majority required.

**11.2 Cr Elli Petersen-Pik - Social Media Interests Register**

<b>Responsible Branch:</b>	Governance and Organisational Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Quasi-Judicial
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	Nil
<b>Refer:</b>	Item 11.1: OCM 9.04.2019 Item 11.2: OCM 9.04.2019

**CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Lorna Clarke declared an impartial interest in this item as she manages her own Councillor Facebook account. Cr Lorna Clarke remained in the meeting (via electronic means) 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 has a Facebook and LinkedIn account. Cr Sally Palmer remained in the Council Chambers and voted on this item.*

**CR GIORGIA JOHNSON DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Giorgia Johnson declared an impartial interest in this item as she is the administrator of her Councillor Facebook and Instagram accounts, is one of several administrators for Sustainable Bayswater, WA Elected Member Network on Sustainability, Friends of Eric Singleton Wetlands and Cool Breeze Cafe Facebook and Instagram accounts (not published pages). Cr Giorgia Johnson 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 manages his own Councillor social media page. Cr Elli Petersen-Pik remained in the Council Chambers and voted on this item. Cr Petersen-Pik confirmed that he does not manage any community social media accounts that are relevant to the City of Bayswater, nor does any member of his family.*

**CR CATHERINE EHRHARDT, DEPUTY MAYOR DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Catherine Ehrhardt, Deputy Mayor declared an impartial interest in this item as she is the administrator of her own Councillor Facebook page, a moderator on Facebook business page "Mingle in Maylands" and "Maylands Dinner Club" Facebook social group. Her husband is the administrator of "Maylands Community Notices and Chat Group 6051". Cr Catherine Ehrhardt, Deputy 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 administers his own Councillor Facebook page, Instagram page, Threads page, LinkedIn, Tik Tok page and a*



***Developer Contact Register Facebook page. Cr Dan Bull remained in the Council Chambers and voted on this item. Cr Bull confirmed that he does not manage any community social media accounts that are relevant to the City of Bayswater, nor does his spouse.***

**CR JOSH EVESON DECLARED AN IMPARTIAL INTEREST**

***In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Josh Eveson declared an impartial interest in this item as he manages his own social media accounts and is a moderator on two pages that may be relevant to the City of Bayswater. Cr Josh Eveson 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 manages her own social media Facebook page. Cr Assunta Meleca 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 helps manage two community Facebook pages and also manages his own Councillor Facebook and Instagram pages. Cr Steven Ostaszewskyj remained in the Council Chambers and voted on this item.***

**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 manages her own Councillor Facebook and Instagram accounts and a personal LinkedIn account. Cr Filomena Piffaretti, Mayor remained in the Council Chambers and voted on this item. Cr Piffaretti confirmed that she does not manage any community social media accounts that are relevant to the City of Bayswater, nor does her spouse."***

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:

***"That Council:***

- 1. Requests the Chief Executive Officer to publish a new "Social Media Interest Register" on the City's website, where Elected Members are required to disclose whether they, or their spouse/partner, manage, administrate or moderate any community social media account (e.g. Facebook page/group) specifically relevant to the City of Bayswater. The register should include:***
  - (a) The name of the Elected Member;***
  - (b) Whether the page is managed by the Elected Member, or by their spouse or partner (name of spouse or partner not to be included on the register);***
  - (c) The name of the subject social media platform;***
  - (d) The social media account, page or group name with which the Elected Member is affiliated;***
  - (e) The date that the affiliation started; and, if the affiliation no longer exists, the date that it ended;***
- 2. Authorises the Chief Executive Officer to refine the requirements of the register, if necessary, in a way that fulfils the proposed aim of the register above."***

*Cr Petersen Pik proposed amending his motion to insert the word “specifically” before the words “relevant to the City of Bayswater”. In accordance with subclause 5.3(7) of the City of Bayswater Standing Orders Local Law 2021, Cr Filomena Piffaretti, Mayor, accepted this change as a minor amendment and it became part of the motion.*

#### **COUNCIL RESOLUTION**

**That Council:**

1. Requests the Chief Executive Officer to publish a new “Social Media Interest Register” on the City’s website, where Elected Members are required to disclose whether they, or their spouse/partner, manage, administrate or moderate any community social media account (e.g. Facebook page/group) specifically relevant to the City of Bayswater. The register should include:
  - (a) The name of the Elected Member;
  - (b) Whether the page is managed by the Elected Member, or by their spouse or partner (name of spouse or partner not to be included on the register);
  - (c) The name of the subject social media platform;
  - (d) The social media account, page or group name with which the Elected Member is affiliated;
  - (e) The date that the affiliation started; and, if the affiliation no longer exists, the date that it ended;
2. Authorises the Chief Executive Officer to refine the requirements of the register, if necessary, in a way that fulfils the proposed aim of the register above.

#### **REASON FOR THE MOTION**

*To improve transparency and discourage any inappropriate usage of community social media platforms for political purposes.*

**Cr Elli Petersen-Pik Moved, Cr Sally Palmer Seconded**

**CARRIED: 6/5**

**For:** *Cr Filomena Piffaretti, Mayor, Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

**Against:** *Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Lorna Clarke.*

#### **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.

At the Ordinary Council Meeting of 9 April 2019, Council passed two resolutions in response to motions raised by former Councillor Chris Cornish. The first resolution required Councillors to declare their political interests and for these to be published in a register on the City’s website. The second resolution required Councillors to disclose their memberships to any local clubs or associations. It should be noted that the original motion by Councillor Cornish also proposed the disclosure of “Social media accounts where a ‘page or group role’ is held”, to be published on an interests register on the City’s website. However, Council voted on the limbs of the motion separately and this component of the motion was lost with four councillors voting for the motion and six Councillors voting against the motion.

During debate, Councillors provided the following reasons that they were voting for or against declaring their social media interests, which are listed below:

#### Reasons For

- Social media can be used to manipulate people's views
- People should know if a councillor manages a specific community Facebook page as it might be used for self-promotion or the promotion of others as a favour
- Most of the things that a Facebook group administrator does are not visible to people. Most times people are not even aware of who runs those pages
- Controlling a page can also be used to censor specific people or views as administrators have the power to ban people or delete comments
- Councillors should not be involved in the management of any community group page to avoid the perception that it may lead to political gain.

#### Reasons Against

- There is a right under the Commonwealth *Privacy Act 1988* to be anonymous.
- There is already ample opportunity for Councillors to disclose their interests at meetings when items in which they have an interest come before the Council for determination.
- It is a good thing that Councillors are involved in local community pages as they are active in and care about their local community.
- It is considered excessive red tape and overreach.

#### **OFFICER'S COMMENT**

Officers welcome improvements to transparency, however there are some matters for Council to consider in deciding on this motion:

1. Use of social media continues to grow. Many community members are active on local community group pages within the City of Bayswater and use these as a source of local information and opinion forum. The City does not and is unable provide any oversight of these pages as they are not set up or administered by the City.
2. There are many registers that need to be maintained and published by the City, some of which are legislated and others that have been requested by the Council. Maintaining the registers takes time and each new register added to the list presents an opportunity cost as the officer must sacrifice or postpone other work to meet the commitment of keeping the register up to date.
3. The City would be unable to check the veracity of disclosures or non-disclosures regarding social media affiliations as it does not have the ability to check pages or groups on the various social media platforms.
4. As with other disclosures, it would be up to the Councillor in question to provide these to the City. Should someone raise a complaint with the City that a Councillor had not disclosed that they were an administrator of a Facebook page or group, the City would be unable to check if this were true as the social media platform would not release that information to the City.

#### **LEGISLATIVE COMPLIANCE**

Nil.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications however there would be a cost to the City in terms of officer time.

**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**

Officers support improvements to transparency. In making its decision on this item, Council should consider:

1. The increased use of community social media pages as sources of information and forum for opinion on local matters.
2. The Officer time that would be required to maintain the register.
3. The inability of the City to check the veracity of claims of non-disclosures.

### 11.3 Cr Giorgia Johnson - Proposed Amendment to WALGA East Zone Meeting Procedures

<b>Responsible Branch:</b>	Governance and Organisational Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	Nil

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Giorgia Johnson raised the following motion:

#### **COUNCIL RESOLUTION**

**That Council supports the following motion to the WALGA East Metropolitan Zone:**

**That the East Metropolitan Zone supports the change in Zone membership by reducing its voting delegates from three to two Zone Delegates and two Deputy Zone Delegates from each member Local Government effective from the commencement of the first Zone meeting following the Ordinary Council Elections.**

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

**CARRIED: 10/1**

**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, Cr Lorna Clarke and Cr Giorgia Johnson.*

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

#### **REASON FOR THE MOTION**

***To ensure there are enough members present at each East Metropolitan Zone meeting to achieve a quorum and to make it easier for the member Councils to find enough members to attend each meeting, given that Councils often have conflicting commitments to attend.***

#### **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.

Cr Johnson is currently the Chair of the WALGA East Metropolitan Zone which consists of six member Councils that provide three voting delegates each. The six member Councils are:

- Town of Bassendean
- City of Bayswater
- City of Belmont
- City of Kalamunda
- Shire of Mundaring
- City of Swan.

At the East Metropolitan Zone meeting of 15 June 2023, Cr Johnson gave notice of her intention to put forward a motion to review the East Metropolitan Zone Standing Orders at the next meeting.

**OFFICER'S COMMENT**

A Notice of Motion to the East Metropolitan Zone meeting to change the number of voting delegates would require the endorsement of Council.

Officers contacted WALGA and was provided with confirmation that the motion is within the power of the East Metropolitan Zone. Clause 14(4) of WALGA's Constitution provides that the WALGA Zones shall determine the number of delegates to which each Member is entitled to be represented on the Zone.

Section 5.2 of the WALGA East Metropolitan Zone Standing Orders states that the quorum for WALGA Zone Meetings is greater than 50% of voting delegates. With the current membership of 18 voting delegates, the quorum would be 10. This motion seeks to reduce the number of voting delegates to 12, meaning that, if the motion were carried, the quorum would be reduced to 7.

Should Council choose to support this motion, it would be presented by Cr Johnson at the next WALGA East Metropolitan Zone meeting, which is scheduled to be held on 17 August 2023.

**LEGISLATIVE COMPLIANCE**

[WALGA Association Constitution](#)

WALGA North Metropolitan Zone Standing Orders

**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**

This Notice of Motion to the East Metropolitan Zone meeting to change the number of voting delegates would require the endorsement of Council before it can be presented to the WALGA East Metropolitan Zone meeting to be held 17 August 2023.

**11.4 Cr Dan Bull - Pedestrian Signalised Crossing - Whatley Crescent**

<b>Responsible Branch:</b>	Governance and Organisational Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	Nil
<b>Refer:</b>	

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 the CEO writes to the Commissioner of Main Roads WA requesting that Main Roads WA:**

- 1. Fund the undertaking and analysis of a traffic video survey to determine the most appropriate type of pedestrian priority crossing on Whatley Crescent near Leake Street**
- 2. Provide 'Support in Principle' for a Pedestrian Signalised Crossing or other most suitable type of pedestrian priority crossing facility based on the outcome of the survey**
- 3. Request for the installation of this facility be funded by the State Government.**

**Cr Dan Bull Moved, Cr Giorgia Johnson Seconded**

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke 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.

A signalised crossing was originally proposed at this location as part of Stage 1 of the Department of Transport's (DoT) Safe Active Street project for Leake Street, Bayswater. DoT however diverted the funding available for the signals to contribute towards the upgrading of the Leake Street underpass as part of the Bayswater Station upgrade project. Whilst the City understood the reasoning for the funding diversion it was still the City's position that a signalised crossing should be provided.

The City has maintained throughout the design processes for the station upgrade, which included modifications to Whatley Crescent, that a signalised crossing should be included as part of the project.

It should be noted that the community feel that the change to one lane in each direction has further compromised the safety of the crossing point as there are now limited gaps for crossing given that all of the traffic has now been funnelled into a single lane in each direction.

The upgrade of the Leake Street underpass includes the widening of the underpass to 3m in width and installation of universal compliant ramps and stairs, as well as lighting upgrade.

### **OFFICER'S COMMENT**

This section of Whatley Crescent is classified as a District Distributor Road under Main Road's Road Hierarchy with a high capacity of vehicle traffic movements. Given the speed limit in this portion of Whatley Cr will remain as 60km/h following the completion of the Bayswater Train Station, a signalised crossing would be deemed as a suitable type of treatment for this location.

Given the approval for the installation of any pedestrian priority crossing facilities falls under Main Roads WA, it is essential to gain support from Main Roads in the first instance for a Pedestrian Signalised Crossing at this location. As Main Roads WA is the sole governing authority for the signs and linemarking of road infrastructure including crossing facilities, any installation of new pedestrian crossing facilities would require their approval.

There is a set of requirements and warrants that need to be met in order for Main Roads (MRWA) to consider providing any pedestrian priority crossing facilities. Although recent changes to the warrants now take Movement and Place into consideration, there are still minimum requirements that need to be met to warrant such facilities such as the minimum level of pedestrian and traffic demand, pedestrian delays as well as design and safety requirements.

Initial discussions with MRWA appeared that they are aware of the Train Station works being undertaken and the impact it has caused to this crossing. Although MRWA had indicated that they would consider a pedestrian priority crossing at this location, such consideration would not be given however until such time that all the roadwork constructions are complete. MRWA have also indicated that given they are the sole authority with power to provide approval to pedestrian crossing facilities, they have funding (although limited) to undertake surveys to determine appropriate crossing facilities to enhance pedestrian safety at various locations that are deemed suitable.

Although it is acknowledged that the new Train Station works for the Midland and Airport Line will be completed by March 2024, the roadworks for the final road layout are anticipated to be complete by September 2023. It is therefore recommended that the City formally writes to Main Roads WA requesting them to provide funding for the undertaking of a traffic video survey at the current crossing location post September 2023 and to provide Support in Principle for a Pedestrian Signalised Crossing should the results from the survey demonstrate its suitability at this location.

The current cost to implement a Pedestrian Signalised Crossing ranges from 300K to 450K depending on site constraints and existing services. As the proposed location is not considered to be problematic and that there is already a traffic warden crossing facility in place, the estimated cost would be in the lower end of this range. Given MRWA is the only authority that can provide approval for the provision of such crossing facilities, it is recommended that the City seek support from them as the initial step irrespective of funding source.

In addition to the above, it should be noted that as part of the Western Australian Planning Commission (WAPC) conditional approval of the Bayswater Train Station development application, there is a condition for the Public Transport Authority (PTA) to undertake a traffic impact assessment which included the review of the Whatley Crescent roadway capacity and the impacts it will have on the pedestrian crossing at Leake Street. There is an agreement in place with PTA to undertake this review including recommendations and an implementation plan post-opening of the station.

### **LEGISLATIVE COMPLIANCE**

- Main Roads Pedestrian Crossings Facilities Guideline



**FINANCIAL IMPLICATIONS**

It is not anticipated that there will be any financial implications to the City as the proposed requests are for MRWA to undertake the traffic survey and for the State Government to fund the installation should MRWA supports such crossing facility at this location.

**STRATEGIC IMPLICATIONS**

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

Theme: Environment and Liveability

Goal E3: Improve the City's walking and cycling network and create safer streets.

**CONCLUSION**

Based on the proposed changes to the road conditions and environment as well as the speed limit for this section of Whatley Crescent as a result of the Bayswater Train Station works, a pedestrian operated signal crossing would be deemed as a suitable crossing treatment for this location. Given Main Roads WA is the only authority that can provide approval for the provision of such crossing facilities, it is recommended that the City seek support from them in the first instance.

**11.5 Cr Dan Bull - Mains Power Connection for Mobile Food Vehicles at Crimea Park**

<b>Responsible Branch:</b>	Property and Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	Nil
<b>Refer:</b>	

**CR GIORGIA JOHNSON DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Giorgia Johnson declared an impartial interest in this item as her former business, Cool Breeze Cafe, is mentioned in the report. Cr Giorgia Johnson 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 investigate the cost of installing a new mains power connection for mobile food vehicles to use at Crimea Park, with a report on the outcomes of the investigation to be presented to Council at the August Ordinary Council Meeting**

**Cr Dan Bull Moved, Cr Sally Palmer Seconded**

**CARRIED UNANIMOUSLY: 11/0**

**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, Cr Lorna Clarke 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.

The City's Mobile Food Vendor Guidelines (the guidelines) outline the requirements for mobile food vendors to operate within the City. The guidelines were last reviewed, updated and approved by Council in August 2022.

In accordance with the guidelines mobile food vendors are permitted to operate at Crimea Park, in the car parking area. There are currently 12 mobile food vendors with permits to operate from Crimea Park.

Additionally, the guidelines state that:

- "2. Mobile food vendors are only permitted to trade within the City of Bayswater if they meet the following conditions:...*
- 2.2 The vehicle or stall must not require an external power connection, unless otherwise agreed to by the City;..."*

At the time the updated guidelines were considered it was recommended that the mobile food vendors not be able to connect to the power at the reserves, unless a historical agreement is in place. The provisions were updated to include the above to reflect this position.

Council has previously supported two requests for connection to the City's power at Riverside Gardens and Bardon.

The former Cool Breeze Café was permitted to connect to the City's power supply 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 power connection and a sub-meter on the basis that it could also be used for City-run community events in Riverside Gardens. At the Ordinary Council Meeting held 25 October 2022, Council requested that the Chief Executive Officer undertake an expression of interest process to allow a new mobile food vendor to connect to the existing power supply at Riverside Gardens. The City undertook the expression of interest process for a new operator and the connection is now being used by Peters CaPhe.

Council also approved an application for a mobile food vehicle to connect to an existing power supply connection 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 considered to have a semi-permanent location at Bardon Park, with a specified car parking bay also being allocated for their exclusive use.

#### OFFICER'S COMMENT

The City is aware of previous issues with insufficient electricity supply for the existing clubrooms. The City currently has a logger in place at Crimea Park to understand the existing usage and whether any upgrades are required to accommodate increased usage (such as a mobile food vendor). The City will not receive the results of the logger assessment until the end of July / early August. In light of the above it is not known whether the existing main switchboard can accommodate an increase in output to provide power for a mobile food vendor.

In the event no upgrades are required the City's electrician has estimated that it will cost \$8,490 for the installation of a new meter and connection point near the car park. There are also other cost implications (such as repairs to the lawn/verge from the trenching, ongoing inspections of the site and on billing of monthly costs) which have not yet been quantified. These works have not been included in the City's budget.

#### LEGISLATIVE COMPLIANCE

Mobile Food Vendor Guidelines provide guidance on mobile food vehicles within the City and outlines operator responsibilities with respect to where they are located, connection to the City's power, disposal of waste, applicable fees and the like.

#### FINANCIAL IMPLICATIONS

The full cost implications will not be known until the result of the logger are received, however the following financial implications may be applicable

<b>Asset Category:</b>	New	<b>Source of Funds:</b>	Municipal
<b>LTFP Impacts:</b>	Not itemised in LTFP		
<b>Notes:</b>	<p>The below costs are subject to further investigation and may not include all costs at this time. The below costs include the following works:</p> <ul style="list-style-type: none"><li>• Supply &amp; install a new post switchboard alongside the carpark fed from the site main switchboard with a 32a 3 phase supply.</li><li>• Supply &amp; install 2 x 15amp weatherproof outlets to the external of the switchboard enclosed in a lockable enclosure.</li><li>• Supply &amp; install an energy meter to each 15amp circuit.</li></ul>		

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$8489.80	-	-	-	-	-	\$0

### STRATEGIC IMPLICATIONS

The installation of a new power connection for mobile food vendors at Crimea Park has the potential to support a vendor to operate at the park.

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.

### CONCLUSION

It is considered that further investigation into the costs associated with installing a new power connection at Crimea Park to better understand the implications on the City.

## **12 Questions From Members Without Notice**

### **12.1 Responses to Questions From Members Without Notice**

Nil.

### **12.2 Questions From Members Without Notice**

**Cr Giorgia Johnson**

#### **Question 1**

**What is the annual cost of maintaining Allen Hill Park on Beechboro Rd North?**

#### **Response 1**

Mr Luke Botica, Director Infrastructure and Assets, took the question on notice.

#### **Question 2**

**In relation to the City offering free rat poison to residents, how many people are utilising this incentive, are people using their whole allocation and how much does this cost the City?**

#### **Response 2**

Mr Des Abel, Director Community Services, took the question on notice.

**Cr Elli Petersen-Pik**

#### **Question 1**

**Are residents able to submit their dog registrations at City venues other than the Civic Center - The Rise, libraries etc.?**

#### **Response 1**

Mr Des Abel, Director Community Services, took the question on notice.

#### **Question 2**

**Can the City review its Deputations page on the City's website? Some residents found it to be confusing trying to submit a deputation online or via a form.**

#### **Response 2**

Ms Karen D'Cunha A/Manager Governance and Organisational Planning and Development advised that the City will review this page to provide more clarity for users. In relation to the confusion, City officers did notice that there were a large number of written deputation forms received instead of the online form and as such the page was reviewed and it appeared the page header for the online form section had disappeared, making it less obvious for users. This has now been rectified but the City can review the page in greater detail to see if there is anything further that can be changed to make the process even clearer.

***At 9:40pm Cr Michelle Sutherland withdrew from the meeting and did not return.***

**13 New Business Of An Urgent Nature**

Nil.

**14 Meeting Closed To The Public****14.1 Matters for Which the Meeting May be Closed****14.1.1 Matters for Which The Meeting May Be Closed**

Nil.

**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 9:42pm.