

Minutes

Ordinary Council Meeting

**22 October 2024,
and resumed on 28 October 2024**

By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on Tuesday, 19 November 2024 by resolution of Council

Mayor Filomena Piffaretti
PRESIDING MEMBER

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'. Questions are limited to three per person before other members of the public will be invited to ask their questions. If there is sufficient time, the Presiding member may allow you to ask additional questions if there are no more questions from other members of the public.
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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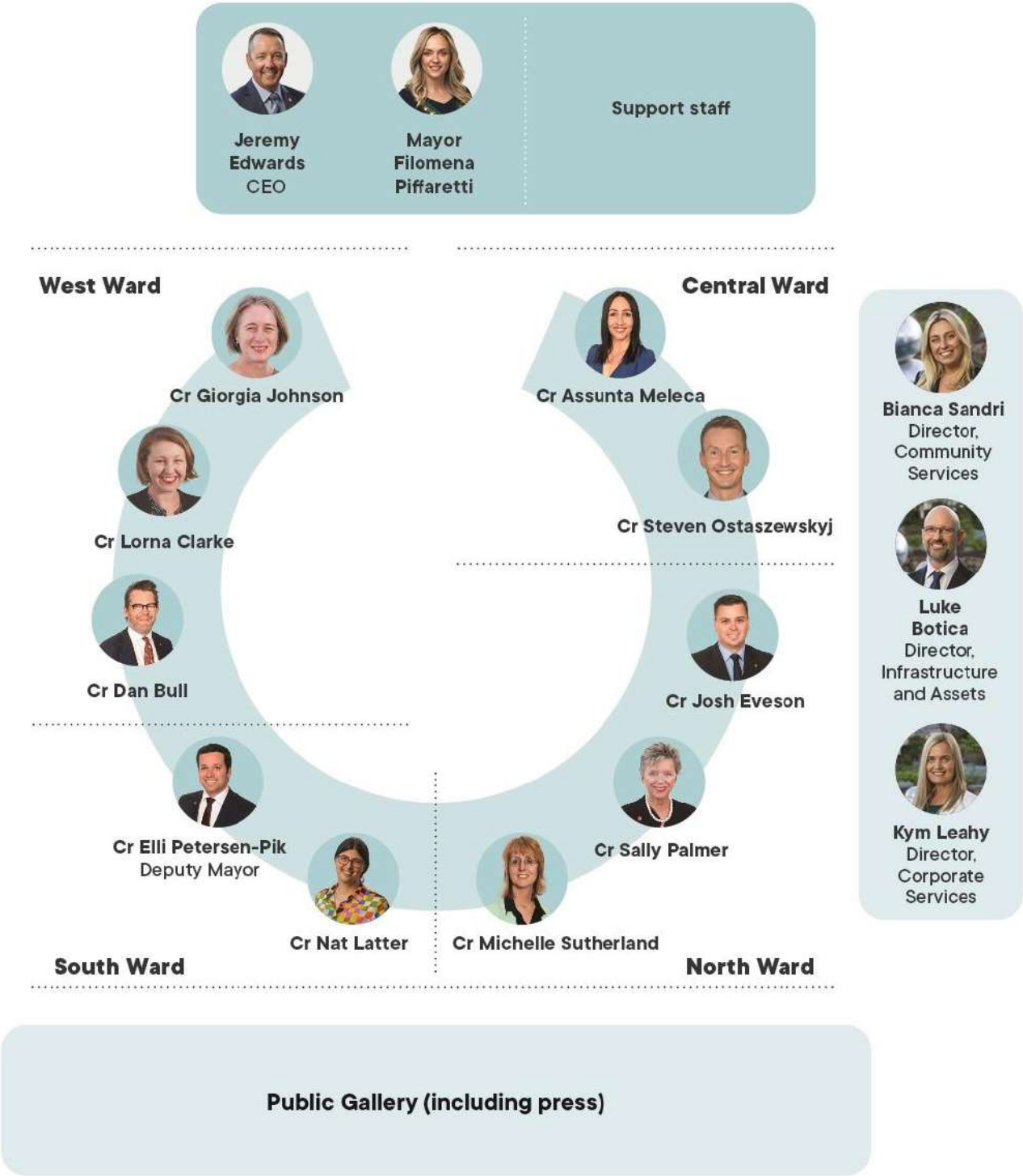
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City of
Bayswater



Council Chambers Seating Plan



Nature of Council's Role in Decision Making

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

City of Bayswater Standing Orders Local Law 2021

6.9 DEPUTATIONS

- (1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the 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 22 October 2024 and resumed on Monday, 28 October 2024.

1 Official Opening

22 October 2024

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

28 October 2024

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

2 Acknowledgement of Country

The Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

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

English Language Interpretation

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

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

3 Announcements From The Presiding Member

There were no announcements from the Presiding Member.

4 Attendance

22 October 2024

Members

Presiding Member

Mayor Filomena Piffaretti

South Ward

Cr Elli Petersen-Pik Deputy Mayor

Cr Nat Latter

North Ward

Cr Josh Eveson

Cr Sally Palmer

Cr Michelle Sutherland

Central Ward

Cr Assunta Meleca
Cr Steven Ostaszewskyj

West Ward

Cr Dan Bull
Cr Lorna Clarke
Cr Giorgia Johnson

Officers

Jeremy Edwards	Chief Executive Officer
Michael Worthington	A/Director Community Services
Luke Botica	Director Infrastructure and Assets
Kym Leahy	Director Corporate Services
Brad Sillence	A/Manager Governance and Strategy
Alix Bray	Manager Property and Economic Development
Alex Devine	Environment Manager
Karen D'Cunha	Coordinator Governance (minute-taker)

Observers

Press - 0
Public - 18

28 October 2024

Members

Presiding Member

Mayor Filomena Piffaretti

South Ward

Cr Elli Petersen-Pik Deputy Mayor
Cr Nat Latter

North Ward

Cr Josh Eveson
Cr Sally Palmer
Cr Michelle Sutherland

Central Ward

Cr Assunta Meleca
Cr Steven Ostaszewskyj

West Ward

Cr Dan Bull
Cr Giorgia Johnson

Officers

Jeremy Edwards	Chief Executive Officer
Bianca Sandri	Director Community Services
Luke Botica	Director Infrastructure and Assets
Kym Leahy	Director Corporate Services
Brad Sillence	A/Manager Governance and Strategy

Karen D'Cunha

Coordinator Governance (minute-taker)

Observers

Press - 0

Public - 0

4.1 Apologies**22 October 2024**

Bianca Sandri

28 October 2024

Cr Lorna Clarke

4.2 Approved Leave of Absence

Elected Member	Date of Leave	Approved by Council
Cr Sally Palmer	2 November 2024 to 13 November 2024 (inclusive)	Ordinary Council Meeting 24.09.24

4.3 Applications for Leave of Absence

Cr Bull withdrew from the meeting at 7:01pm on 22 October 2024 and returned at 7:02pm on 22 October 2024.

COUNCIL RESOLUTION

That Leave of Absence be granted as follows:

- 1. Cr Steven Ostaszewskyj from 2 December 2024 to 3 December 2024 inclusive**
- 2. Cr Assunta Meleca for 29 October 2024;**
- 3. Cr Giorgia Johnson from 19 December 2024 to 26 December 2024 inclusive; and**
- 4. Cr Filomena Piffaretti from 4 November 2024 to 5 November 2024 inclusive.**
- 5. Cr Assunta Meleca Moved, Cr Sally Palmer Seconded**

CARRIED UNANIMOUSLY: 11/0

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Sally Palmer, Cr Michelle Sutherland, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, 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 disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Cr Steven Ostaszewskyj	10.1.3	Impartial	I know one of the deputies who presented last week through my involvement in a local community group with that deputy.
Cr Steven Ostaszewskyj	10.2.1	Impartial	The report shows a line item for Wotton Skate Park and surrounding facilities. I am a member of Morley Windmills Sport Club. The club leases the building at the reserve from the City.
Cr Dan Bull	10.1.1	Impartial	The Local Law refers to Gobba Lake which is across from my house. The decision has already made around Gobba Lake therefore it is an impartial interest as there is no decision to be made in relation to it.
Cr Dan Bull	10.1.2	Impartial	I am the Labor candidate for Maylands in the next state election. The item relates to advocacy positions. Due to the risk of apprehended bias I will leave the room for this item.
Cr Dan Bull	10.1.3	Impartial	There are people involved in all of the tenderers, excluding Chorus Australia Limited, who are known to me.
Cr Dan Bull	10.1.4	Impartial	I am a community representative of the Hillcrest Primary School Board.
Cr Nat Latter	10.1.3	Impartial	One of the applicants is known to me through my work as a Councillor and previous motion from last month.
Cr Nat Latter	10.3.2	Indirect Financial	I own a business whose landlord pays for this service for the property my business occupies.
Cr Joshua Eveson	10.2.1	Impartial	I'm a member of Morley Windmills Sports Club.
Cr Lorna Clarke	10.1.3	Impartial	One of the applicants is known to me via the Reconciliation Committee
Cr Lorna Clarke	10.2.1	Impartial	My son swims at Bayswater Waves and I'm a member of Bayswater Bowling Club.
Cr Lorna Clarke	10.1.2	Impartial	I'm a Labor candidate for Butler at the upcoming State Election and WA Labor President.
Mayor Filomena Piffaretti	10.1.3	Impartial	There are members involved with Multicultural Services and Umbrella that I have met.
Cr Sally Palmer	10.4.1	Impartial	I am a board member of Noranda Primary School which adjoins the pathway mentioned in the motion.
Cr Michelle Sutherland	10.1.2	Impartial	I am a candidate for Mount Lawley in the upcoming state election. I will leave the room.

Name	Item No.	Type of Interest	Nature of Interest
Cr Giorgia Johnson	10.1.1	Impartial	I know some of the people who made deputations through my work at Environment House.
Cr Giorgia Johnson	10.1.3	Impartial	I know some of the applicants through my work as a Councillor.

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 before other members of the public are invited to ask their questions. If there is sufficient time, the Presiding Member may allow additional questions if there are no more questions from other members of the public.
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

Nil.

6.2 Public Question Time

Public Question Time commenced at 7:07pm on 22 October 2024.

The following questions were submitted verbally and were in relation to items on the agenda:

Fiordia Kule, Morley

Item 10.1.3 - Proposal to Lease - Olive Tree House, 6 Blades Close, Morley

Question 1

The recommended applicant has been rated highest in terms of community benefit however as pointed out by Brett Ingram in last week's deputation the current building is only five streets away and they are already delivering their services from that location.

Additionally, they have been rated lowest in efficiency of use. How is this higher rating justified by the City Council?

Response 1

Alix Bray, Manager Property and Economic Development advised that the assessment is an accumulative score, so while they are lower in some aspects, they are higher in other aspects, which combined made them the highest and preferred tenderer.

Question 2

As the only provider of home care services in WA with approved My Aged Care verification specialisation for the LGBTQIA+ service delivery, how does the Council plan to ensure that marginalised and undeserved groups such as older LGBTQIA+ residents will be supported through this decision by providing choice and availability of services for the community?

Response 2

Mayor Filomena Piffaretti advised the application would be assessed against the criteria of the tender.

Wendy Garstone, Maylands

Item 10.5.2.7 – Planning Policy Review: Significant Tree register for Private Land Policy and Guidelines and Item 10.5.2.8 – WALGA Model Local Planning Policy Tree Retention

Question 1

How will reviewing one document without the other impact the ability of the community to provide well considered fully informed feedback during the public engagement period?

Response 1

Alix Bray, Manager Property and Economic Development, advised that the two policies are stand-alone and do not have any interaction with each other. While they do have some similarities (both being for tree protection), they can be considered by the community at different times, however there is some benefit to having them both out together.

Stanley Jeyaraj, Noranda

Item 10.3.1 - Better Bins Plus Go FOGO Bin Size Options

Question 1

If people have already done the right thing by reducing waste, why penalise us and larger families in our communities by taking away or replacing with expensive bins?

Response 1

Mayor Filomena Piffaretti advised there had been no decision by Council to take that approach.

Item 10.5.2.7 – Planning Policy Review: Significant Tree register for Private Land Policy and Guidelines and Item 10.5.2.8 – WALGA Model Local Planning Policy Tree Retention

Question 2

Why impose a guideline that will potentially reduce people's future property value, cripple future owners' property rights by actions of the current owners and also treats future young people's ability to make decisions about their own property?

Response 2

Mayor Filomena Piffaretti advised the question had been heard and that would be a consideration of the Council this evening.

Question 3

Has the City taken legal advice on potential legal action on people's property rights?

Response 3

Jeremy Edwards, Chief Executive Officer, advised the City hadn't sought legal advice in relation to the policy positions.

Giorgina Ker, Bedford

Item 10.5.2.8 - WALGA Model Local Planning Policy Tree Retention**Question 1**

If this policy is not adopted in some form at tonight's meeting, does a substantive Trees on Private Land and Street Verges Policy remain in force, and does this have to go back to the Policy Review Committee?

Response 1

Alix Bray, Manager Property and Economic Development advised that the existing policy would remain in place.

Would it be slated for review or would it just fall back into the next review cycle if no modifications are adopted?

Alix Bray, Manager Property and Economic Development advised that it would fall back into the next review cycle.

Approximately how long before it came up for review again?

Alix Bray, Manager Property and Economic Development took the question on notice. The response will be provided in the agenda for the next meeting of Council.

Item 11.1 – Notice of Motion – Cr Josh Eveson – Construction of a Concrete Path - Illingbridge Street, Morley**Question 2**

The City's current Footpath Policy was adopted in May 2021 by unanimous vote of the Council, including eight members of the current Council. When would this Policy be slated for review?

Response 2

Luke Botica, Director Infrastructure and Assets took the question on notice. The response will be provided in the agenda for the next meeting of Council.

Question 3

At a number of points during the Agenda Briefing Forum it was mentioned that Illingbridge Street is a cul-de-sac and that community connections mentioned by some of the petitioners in favour, like Noranda Primary School are to the North and thus not accessible via Illingbridge Street. Currently there is a pedestrian link from the cul-de-sac to Lindsay Drive which then accesses the pedestrian accessway between Lindsay Drive and Emberson Road giving access to those facilities. Are there any plans to close that pedestrian accessway?

Response 3

Luke Botica, Director Infrastructure and Assets advised that he did not know of any plans to close the pedestrian accessway.

The following questions were submitted verbally and were in relation to matters not on the agenda:

James Miles – Maylands

Maylands Lakes Restoration Project

Question 1

At the August meeting following the Expression of Interest for pumping and filtration options, the Council approved the City to invite companies to tender to implement pumping and filtration solutions. All tender submissions were to be received by September 24 with evaluation outcomes prepared for consideration at the October 24 Ordinary Council Meeting. Given the evaluated outcomes are not being considered tonight, could the City please provide a progress report?

Response 2

Luke Botica, Director Infrastructure and Assets advised the City was still in the process of developing the tender documents, which should be ready within the next two weeks to go out to tender. The aim is to have a report back to Council at its December meeting.

Georgina Ker, Bedford

Pedestrian Safety, Bayswater Town Centre

Question 1

Who is responsible for the signage and pedestrian safety under the station underpass outside the ticket gates (not within the station itself) and along the bus interchange area?

Response 1

Luke Botica, Director Infrastructure and Assets took the question on notice. The response will be provided in the agenda for the next meeting of Council.

Question 2

Delays on the Hotham Street Bridge Project have meant that the southbound closure is now due to start this coming weekend. The Main Roads advertised detour involves a right turn for traffic off Broun Avenue onto Drake Street. Was the City consulted on the planning of the detour? Will the delays have any impact on the construction of the Drake Street Bike Path which I understand is also due to commence soon? Will the City advocate for measures to keep Hillcrest and John Forrest Students safe around this area during the detour?

Response 2

Luke Botica, Director Infrastructure and Assets advised that when Main Roads and its contractors do detours and traffic management they do consult with the City. Those plans are prepared by qualified people who have the right certification to do so.

There is no known impact on the Drake Street bike path, which will go ahead as planned and should be completed on time.

The City will talk to Main Roads and the contractor to ensure that everyone's safety is addressed under their plans.

The following questions were submitted in writing:

Kathryn Lance, Maylands

Gift Disclosure - Mayor Filomena Piffaretti

Question 1

Given the LG ACT does NOT specify seeking investments as the "Role of the Mayor" what were your reasons for attending a dinner with potential investors, INSTEAD of chairing a Council meeting which is a CORE function of the Mayor under the ACT?

Response 1

In accordance with the *Local Government Act 1995* the Mayor represents the interests of the district.

Question 2

What was the specific breakdown of the \$3,300 gift declared?

Was it valued by the Mayor herself or by Bayan Resources?

Response 2

This question has been responded to previously. Please refer to the minutes of the Council meeting held on 24 September 2024.

Question 3

Has the Mayor done anymore to find out who the others were that attended the Busselton trip?

If not, when will she do it?

We the ratepayers would like the Mayor to release the names/job descriptions of the 10 people who attended!

Response 3

This question has been responded to previously. Please refer to the minutes of the Council meeting held on 24 September 2024.

Question 4

When did the Mayor know that she would NOT be attending the Council meeting?

Whom did she contact to notify of her absence from the Council meeting?

What time and on what date did she inform them of her absence from the Council meeting?

What reason did she give?

Response 4

The Mayor was an apology for the Agenda Briefing Forum of 19 March 2024. Her apology was provided through the normal channels.

Question 5

What investment opportunities were discussed with regards to the City?

Name each and what was the outcome.

Response 5

This question has been responded to previously. Please refer to the minutes of the Council meeting held on 27 July 2024, 27 August 2024 and 24 September 2024.

Question 6

What date did the Mayor receive the invite to Busselton?

In what format was the invitation eg. phone call, email, letter, et cetera?

What was the date she accepted the invite?

Response 6

This question has been responded to previously. Please refer to the minutes of the Council meeting held on 24 September 2024.

Question 7

Did she take advice from anyone?

From whom and in what format did she receive it?

Response 7

This question has been responded to previously. Please refer to the minutes of the Council meeting held on 27 August 2024.

Question 8

What is the expectation post the Busselton trip with regards to the Brickworks?

Response 8

No formal proposal has been received by Council.

Question 9

This question is for the CEO, Jeremy Edwards:-

Have ALL the Councillors been FULLY briefed, as per the CEO statement at the Council meeting “that they would get a confidential report after 2 weeks?

If not, why not?

Response 9

The statement made by the Chief Executive Officer at the meeting was in regard to a confidential briefing about the Maylands Brickworks and Golf Course. All Elected Members were invited to the briefing and were provided with the briefing notes following the briefing.

Harvey Tonkin

Item 10.4.1 - Deschamp Reserve Footpath – Designated On-Lead Area

Question 1

I notice the item has a map attached which shows a section of land (owned by the City) as having no designation. As a resident of 40 years and using the park to exercise my dogs it has been my understanding that this area was dog on lead. Can you please clarify the situation?

Response 1

The parcel of land in the south-east corner of the map is allocated for drainage purposes. The 2018 dog exercise review confirmed this as a dog on-lead area.

Question 2

The plan shows an area with no scale are the yellow lines the edge of the concrete or do they extend a distance from the edge of the path? It is difficult to discern what is happening.

Response 2

The yellow lines have been used to identify the two concrete footpaths which are proposed to become on-lead areas. The proposed change does not extend beyond the edges of these paths.

Question 3

The City included the northern path, again with no distances for the ratepayers to know what to expect. If this was to occur then I would have my dog off lead until I walked over the footpath then release the dog as the other side of the footpath which is not under the jurisdiction of the council and hence a dog off lead area.

Response 3

As advised in the response to the previous question, the two concrete footpaths depicted within the yellow boxes are proposed to become on-lead areas.

Public Question Time closed at 7:21pm on 22 October 2024.

7 Confirmation of Minutes

7.1 Ordinary Council Meeting

COUNCIL RESOLUTION

The Minutes of the Ordinary Council Meeting held on 24 September 2024 which have been distributed, be confirmed as a true and correct record.

Cr Steven Ostaszewskyj Moved, Cr Nat Latter Seconded

CARRIED UNANIMOUSLY: 11/0

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

Against: Nil.

7.2 Special Council Meeting

COUNCIL RESOLUTION

The Minutes of the Special Council Meeting held on 1 October 2024 which have been distributed, be confirmed as a true and correct record.

Cr Steven Ostaszewskyj Moved, Cr Elli Petersen-Pik - Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 11/0

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

Against: Nil.

8 Presentations**8.1 Petitions**

No petitions were tabled by Elected Members.

8.2 Presentations

Nil.

8.3 Deputations

The following deputations were received at the Agenda Briefing Forum held on 15 October 2024:

10.1.1 Proposed Keeping and Control of Cats Amendment Local Law 2024

Sandra Boulter was in attendance and spoke in opposition to the officer's recommendation.

Bruce Webber was in attendance and spoke in opposition to the officer's recommendation.

Jasmine Walker was in attendance and spoke in opposition to the officer's recommendation.

David Dyke, was in attendance, and spoke in opposition to the officer's recommendation.

Rachael Roberts, was in attendance, and spoke in opposition to the officer's recommendation.

10.1.3 Proposal to Lease – Olive Tree House, 6 Blades Close, Morley

Brett Ingram, was in attendance, and spoke in opposition to the officer's recommendation.

Fiorda Kule, was in attendance, and spoke in opposition to the officer's recommendation.

Henrietta Podgorska submitted a written deputation in opposition to the officer's recommendation.

Ramdas Sankaran submitted a written deputation in support of the officer's recommendation.

10.3.1 Better Bins Plus Go FOGO Bin Size Options

Rachael Roberts, was in attendance and spoke on this item.

10.5.2.7 Planning Policy Review: Significant Tree Register for Private Land Policy and Guidelines

Paul Shanahan, on behalf of Future Bayswater, submitted a written deputation in opposition to the officer's recommendation.

10.5.2.8 WALGA Model Local Planning Policy Tree Retention

Wendy Garstone, was in attendance, and spoke in support of the officer's recommendation.

Georgina Ker submitted a written deputation in support of the officer's recommendation.

Aileen O'Rourke submitted a written deputation in support of the officer's recommendation.

Alex Ellis submitted a written deputation in support of the officer's recommendation.

11.1 Notice of Motion – Cr Josh Eveson – Construction of a Concrete Path – Illingbridge Street, Morley

Hayley Priestly (spokesperson) and Vince Vinciullo, were in attendance, and spoke in support of the motion.

Jocelyn Deaves submitted a written deputation in opposition to the motion.

Ronald and Lynette Kinnersly submitted a written deputation in opposition to the motion.

Dirk Christo Engelbrecht, Daniel Wilkes, Juanita Engelbrecht and Natalie Engelbrecht submitted a written deputation in support of the motion.

8.4 Delegates Reports

Nil.

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.

Resolved at the meeting on 22 October 2024:

COUNCIL RESOLUTION

That consideration of items 10.1.1, 10.1.3, 10.3.1, 10.5.2.7 10.5.2.8 and 11.1 which were subject to deputations, be brought forward for consideration at the beginning of section 10.

Cr Sally Palmer Moved, Cr Nat Latter Seconded

CARRIED UNANIMOUSLY:11/0

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

Against: *Nil.*

Items considered at the Council meeting on 22 October 2024

The following Items were considered by Council in the order shown, on 22 October 2024:

- 10.1.1 This item was subject to deputations, members disclosed interests in relation to the item, a member moved a motion that was different to the officer's recommendation, and an absolute majority was required to carry the motion.
- 10.1.3 This item was subject to deputations, members disclosed interests in relation to the item, and a member moved a motion that was different to the officer's recommendation.

- 10.3.1 This item was subject to a deputation and a member moved a motion that was different to the officer's recommendation.
- 10.5.2.7 This item was subject to a deputation and a member moved a motion that was different to the officer's recommendation.
- 10.5.2.8 This item was subject to a deputation and a member moved a motion that was different to the officer's recommendation.
- 11.1 This item was an Elected Member motion and was subject to deputations.
- 10.1.2 Members disclosed interests in relation to the item.
- 10.1.4 A member disclosed an interest in relation to this item.
- 10.2.1 Members disclosed interests in relation to the item.

Meeting Adjourned

The 22 October 2024 meeting was adjourned at 10:35pm and reconvened at 7pm on 28 October 2024 (see page 111 for procedural motion).

Items considered at the resumption of the Council meeting on 28 October 2024

The following Items were considered by Council in the order shown, on 28 October 2024:

- 10.3.2 A member wished to move a motion that was different to the officer's recommendation.
- 10.3.3 A member wished to move a motion that was different to the officer's recommendation.
- 10.4.1 A member disclosed an interest in relation to the item, and a member wished to move a motion that was different to the officer's recommendation.
- 11.2 This item was an Elected Member motion.
- 14.1.1 An absolute majority was required to carry this motion.

The following items were carried by exception (En Bloc) at the reconvened meeting of 28 October 2024:

- 10.2.2 List of Payments for the Month of September 2024
- 10.2.3 Investment Report for the Period Ended 30 September 2024
- 10.3.4 Tender No. 15-2024 - Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights
- 10.3.5 EMRC Special Council Meeting Minutes - 29 August 2024
- 10.5.1.1 Gilbert Street Pathway
- 10.5.1.2 Provision of Mid-block Signalised Crossing on Guildford Road, Maylands
- 10.5.1.3 Provision of Mobile Bicycle Racks for Events
- 10.5.2.1 2024 Policy Review Schedule - Progress Report
- 10.5.2.2 2025 Policy Review Schedule
- 10.5.2.3 Policy Review: Cash Backed Reserves
- 10.5.2.4 Policy Review: Graffiti Vandalism
- 10.5.2.5 Policy Review: Edible Pocket Gardens
- 10.5.2.6 Policy Review: Civic Allowance Policy - Chief Executive Officers and Directors
- 10.5.2.9 Policy Review: Home Based Business Licencing
- 10.5.2.10 Policy Review: Telecommunications Infrastructure Policy

- 10.5.2.11 Planning Policy Review: Landscaping Policy and Guidelines
- 10.5.2.12 Planning Policy Review: Proposed Retaining Walls Policy
- 10.5.2.13 Policy Review: Official Photograph of Council
- 10.5.2.14 Policy Review: Caretaker Election Period

10 Reports**10.1 Chief Executive Officer Reports****10.1.1 Proposed Keeping and Control of Cats Amendment Local Law 2024**

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required ABSOLUTE MAJORITY REQUIRED for limb 2
Attachments:	1. Keeping and Control of Cats Local Law 2022 [10.1.1.1 - 12 pages] 2. Keeping and Control of Cats Amendment Local Law 2023 [10.1.1.2 - 3 pages] 3. Proposed Draft Keeping and Control of Cats Amendment Local Law 2024 - as advertised [10.1.1.3 - 3 pages] 4. Community Engagement Report [10.1.1.4 - 3 pages] 5. Letter from Department of LG on Cats Amendment Local Law - redacted [10.1.1.5 - 2 pages] 6. Proposed Draft Keeping and Control of Cats Amendment Local Law 2024 - to make [10.1.1.6 - 3 pages]
Refer:	Item 10.2.5 OCM: 26.4.2022 Item 10.1.1 OCM: 23.8.2022 Item 14.1.2 OCM: 06.12 2022 (Confidential) Item 10.1.1 OCM: 28.2.2023 Item 10.1.1 OCM: 23.5.2023 Item 10.1.1 OCM: 22.8.2023 Item 10.1.2 OCM: 30.4.2024 Item 10.1.3 OCM: 25.6.2024

CR GIORGIA JOHNSON DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Giorgia Johnson declared an impartial interest in this item as she knows some of the people who made deputations through her work at Environment House.

Cr Giorgia Johnson remained in the Council Chambers and voted on this item.

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Dan Bull declared an impartial interest in this item as the local law refers to Gobba Lake which is across from his house. The decision has already been made around Gobba Lake therefore it is an impartial interest as there is no decision to be made in relation to it.

Cr Dan Bull remained in the Council Chambers and voted on this item.

SUMMARY

The purpose of this report is for Council to note the submissions received following the public advertising of the proposed *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* and to consider making the local law.

OFFICER'S RECOMMENDATION

That Council:

1. Notes the submissions received at the close of the public submission period for the proposed *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* as outlined in Attachment 4 to this Report;
2. Makes the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* as contained in Attachment 6 of this Report and authorises the Common Seal to be affixed, noting that the local law is not significantly different to what was originally advertised;
ABSOLUTE MAJORITY REQUIRED
3. Notes the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 of the *Local Government Act 1995*.

MOTION

That Council:

1. Notes the submissions received at the close of the public submission period for the proposed *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* as outlined in Attachment 4 to this Report;
2. Makes the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* as contained in Attachment 3 of this Report and authorises the Common Seal to be affixed;
ABSOLUTE MAJORITY REQUIRED
3. Notes the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 of the *Local Government Act 1995*.

Cr Nat Latter Moved, Cr Elli Petersen-Pik - Deputy Mayor Seconded

Cr Eveson foreshadowed the officer's recommendation.

COUNCIL RESOLUTION

That Council:

1. Notes the submissions received at the close of the public submission period for the proposed *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* as outlined in Attachment 4 to this Report;
2. Makes the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* as contained in Attachment 3 of this Report and authorises the Common Seal to be affixed;
ABSOLUTE MAJORITY REQUIRED
3. Notes the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 of the *Local Government Act 1995*.

Cr Nat Latter Moved, Cr Elli Petersen-Pik - Deputy Mayor Seconded

CARRIED: 6/5

For: Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

Against: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

REASON FOR CHANGE

To reflect Council's previous resolution which was strongly supported by public consultation.

BACKGROUND

The *Keeping and Control of Cats Local Law 2022* (the Principal Cat Local Law) was adopted by Council at its meeting held on 23 August 2022 and was published in the *Government Gazette* on 7 October 2022 (**Attachment 1** refers). The Principal Cat Local Law came into effect on 21 October 2022.

As is legislatively required, the Joint Standing Committee on Delegated Legislation (JSCDL) reviewed the Principal Cat Local Law and subsequently requested Council provide an undertaking to amend it within six months by removing clause 2.2 (relating to cats in other places) and item 2 of Schedule 2, and not enforce these provisions. The rationale provided by the JSCDL was that clause 2.2 was inconsistent with the *Cat Act 2011* (the Cat Act) and therefore not within the power of local governments to include such matters in subsidiary legislation. Clause 2.2 as it was in the Principal Cat Local Law is shown below:

"2.2 Cats in Other Places

- (1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.*
- (2) If a cat is at any time, in contravention of clause 2.2 (1),
 - (a) The keeper of the cat commits an offence; and*
 - (b) An authorised person may seize and impound the cat and deal with the cat pursuant to the Act".**

The undertaking was duly given by Council at its meeting held on 6 December 2022, with a commitment to amend the Principal Cat Local Law by 6 June 2023. The JSDCL was advised of Council's undertaking, and as a result the JSCDL took no further action including making a recommendation to the Legislative Council to disallow the City's Principal Cat Local Law.

Council subsequently resolved at its meeting held on 28 February 2023 to amend the Principal Cat Local Law in compliance with the undertaking and to advertise the amendments for public comment. In addition to the amendments requested by the JSCDL, the Council also included an amendment to add Bayswater Industrial Area to the schedule of "Cat Prohibited Areas".

Following advertisement, the draft *Keeping and Control of Cats Amendment Local Law 2023* (2023 Amendment Local Law) was presented back to Council at its meeting held on 23 May 2023 along with a summary of submissions received. Council resolved to defer consideration of the 2023 Amendment Local Law, to allow consultation with the Chair of the JSCDL and seek advice from the Minister for Local Government.

At the conclusion of these discussions, Council at its meeting held on 23 August 2023 resolved to make the 2023 Amendment Local Law, as provided in **Attachment 2**. The 2023 Amendment Local Law put into effect the undertaking requested by the JSCDL to remove clause 2.2 from the local law. At that time, it was also resolved (in part) that Council:

5. *Requests the Chief Executive Officer initiates a further review of the City's Keeping and Control of Cats Local Law, commencing immediately, to consider additional controls that may be included in the local law to protect wildlife within the City.*

Following the relevant caretaker period and subsequent October 2023 Local Government Elections, a report was then presented to Council at its meeting held on 30 April 2024, detailing

the various options for the control of cats in the district, including what could be achieved through a local law provision. While the officer's recommendation at that time was that Council does not proceed with further amendments to the Principal Cat Local Law, Council subsequently resolved (in part):

That Council:

1. *Requests the CEO to prepare a draft Keeping and Control of Cats Amendment Local Law 2024 for public consultation, in accordance with section 3.12 of the Local Government Act, to incorporate 'by reference' the wording of clause 3.2 'Cats in other places' of the Shire of Northam Cat Local Law 2019 under section 82 of the Cat Act 2011.*

To put this into effect, Council at its meeting held on 25 June 2024, approved for the purposes of public advertising, the *Keeping and Control of Cats Amendment Local Law 2024* (2024 Amendment Local Law) as contained in **Attachment 3**. The 2024 Amendment Local Law included a clause of a similar nature (by reference) to that which was previously removed as part of the 2023 Amendment Local Law, in fulfilling the JSCDL requested undertaking.

The 2024 Amendment Local Law also included clarity to the modified penalty table in the Principal Cat Local Law, as well as referencing Brickworks Lake as a specified cat prohibited area. The 2024 Amendment Local Law is the subject of this report.

EXTERNAL CONSULTATION

As required by the *Local Government Act 1995*, the 2024 Amendment Local Law was advertised for public comment from 11 July to 30 August 2024 on the City's website, *Perth Now*, *The West Australian*, and on the Notice Boards at the Civic Centre and the City's three libraries. As part of the statutory process a letter was also sent to the Minister for Local Government and the Minister for Environment and Climate Action. In addition to the statutory requirements, a dedicated page with information on the 2024 Amendment Local Law, and a submission form was also developed through the City's "Engage Bayswater" site.

At the end of the public consultation period a total of 17 submissions were received. This included a submission from the Friends of Maylands Samphire's. Of the 17 submissions received 13 were in support of the 2024 Amendment Local Law and four were against.

The common themes in support of the proposed amendment included specific comments such as:

- *"Keeping cats contained at home is best for cats and wildlife".*
- *"I fully support the proposed amendments to the control of cats' local law. In fact, I can't wait until the laws go even further to completely ban cats from being outside or off the owner's property".*
- *"I am in support of the proposed amendments, but would also support cats being prohibited from roaming in public completely".*
- *"Support changes to keep cats safe on their own properties and protect native wildlife. I think the cat subsidy is an excellent policy"*

The common themes objecting to the proposed amendment included specific comments such as:

- *"I don't think enough thought has gone into the cost of amending a property to keep cats on home premises. The stress it will cause the cats and the financial pressure it puts on the owners is significant."*

- *“What the Council is proposing is very cruel. Cats are smart animals, they are going to get affected by stress when they can’t get out”.*
- *“Cost of living pressures are currently a prevalent concern in Australia. Many City of Bayswater ratepayers have already shouldered the additional cost of underground power installation. Even if partly subsidised at ratepayers’ expense, cat owners may not have the resources/means to create secure enclosures or indoor spaces that meet the law’s requirements.”*

Further detail of the submissions received is contained in **Attachment 4** to this Report.

The Department of Local Government, Sport and Cultural Industries also provided advice (as per **Attachment 5**) highlighting some concerns with the City’s 2024 Amendment Local Law. The Department expressed an attempt to reintroduce a clause previously disallowed by the JSCDL (by the method of gazettal reference) in the 2024 Amendment Local Law is likely to be disallowed again by the JSCDL and therefore it is likely to request an undertaking for the City to remove it from the Principal Cat Local Law following the 2024 Amendment Local Law coming into effect. The Department reiterated that such a clause is outside the power of a local law, which has also been confirmed by the JSCDL through various undertakings and including in its various reports (for example Report 78 - 22 January 2015 and Report 89 - 17 November 2016).

OFFICER'S COMMENTS

As Council has received numerous reports and information on cat management over recent years and previously amended the Principal Cat Local Law, the following information is re-presented for Council’s consideration in terms of whether the 2024 Amendment Local Law should be made.

Cat Act 2011

Section 79 of the *Cat Act 2011* provides a local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under the Cat Act.

Legal advice was presented to Council at its meeting held on 23 May 2023 around the functions of the local government under the *Cat Act 2011* and indicated that clauses such as clause 2.2 in the Principal Cat Local Law (and now the same clause attempted to be introduced in this new amendment) is likely to be beyond the local law-making power of local government. Legal advice from a member of the community that was subsequently shared with the City, had a contrary view.

Notwithstanding, the position stated in the City’s legal advice has been confirmed through the numerous disallowance motions by the JSCDL on other local governments local laws, citing the *Cat Act 2011* currently does not provide the requisite head of power for a local government to make cat local laws requiring cats to be confined to the owner’s residence or being prevented from roaming in any public place throughout the district.

Advocacy around changes to the Cat Act 2011

The City, through various meetings and correspondence with ministers and other parties (such as the Chair of the JSCDL) has been actively advocating for changes to the *Cat Act 2011* for some time. The City’s delegates, through the WALGA East Metropolitan Zone meeting held on 20 June 2024, successfully presented a motion for WALGA to continue to advocate for the State Government to support an immediate review of the *Cat Act 2011* and to develop a model Cat Local Law for use by local governments.

In August 2024 and in response to the City’s advocacy, both the Minister for Local Government and the Director General of the Department of Local Government, Sport and Cultural Industries

reflected that a review of the *Cat Act 2011* is expected to be carried out in due course (the Department indicating most likely in 2025) which will include seeking feedback and views from local governments, the community and other stakeholders to inform changes and improvements to the legislation.

As part of the 2024 WALGA AGM held on 9 October 2024, a motion was presented for WALGA to advocate to the State Government to make changes to the *Cat Act 2011* to permit local laws to be made to the following effect:

1. Cats are to be confined to the cat owner's residence premises.
2. Cats within public places are to be under effective control and not to create a nuisance.
3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance.
4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.

In view of this it is considered the need to change the provisions of the *Cat Act 2011* is extensively known by the State Government and other stakeholders, and the views of some parts of the community are being strongly advocated for by the local government sector and other interested parties.

Update on actions from resolutions at the 30 April 2024 Ordinary Council Meeting.

As part of the City's business operations, active promotion of responsible cat ownership has continued. Specifically, and in regard to the various components of the resolution made on 30 April 2024, the following activities have occurred:

- The City has continued to promote responsible cat ownership through education programs including the provision of catio workshops held in partnership with Perth Zoo and the Forever Project. Additionally, in the 2024/25 financial year the City is offering a rebate of up to \$500 to encourage resident cat owners to build a catio to protect their pet and local wildlife. At this stage the program has been over-subscribed for the amount of funds that have been allocated, which could anecdotally suggest cat owners are wanted to do the right thing in regard to responsible cat ownership.
- As detailed above the City's delegates successfully gained support for a motion at the WALGA East Zone Meeting on 20 June 2024 for WALGA to continue to advocate for the State Government to support an immediate review of the *Cat Act 2011* and to develop a model Cat Local Law for use by local governments.
- Additional employees have been appointed as authorised persons for the trapping and capture of cats in natural areas, which could result in increased enforcement and the issuing of fines and infringements.
- A letter was sent to the Minister for Local Government to specifically request a timeline for the review of the *Cat Act 2011*. A response has been subsequently received as detailed above.

Proposed 2024 Amendment Local Law provisions

Cats in public places

The *Cat Act 2011* allows local governments, in preparing a local law, to adopt the text of a local law prepared by another local government (section 82 refers). The City's 2024 Amendment Local

Law has taken that approach, on the basis of what is in place in the *Shire of Northam's Cats Local Law 2019*. The Shire's local law (gazetted on 28 October 2019) includes a clause (3.2) that requires, cats in public places, to be under effective control. The wording of the clause is as follows:

"Clause 3.2 Cats in other places

- (1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.*
- (2) If a cat is at any time, in contravention of clause 3.2 (1),
 - (a) the keeper of the cat commits an offence; and*
 - (b) an Authorised Person may seize and impound the cat and deal with the cat pursuant to the Act.**
- (3) A cat shall not be in a place that is not a public place unless-
 - (a) consent to its being there has been given by the occupier, or a person apparently authorised to consent on behalf of the occupier; and*
 - (b) it is under effective control.**
- (4) If a cat is at any time, in a place in contravention of the Shire of Northam Cat Local Law 2019 -
 - (a) The keeper of the cat commits an offence; and*
 - (b) In any premises lawfully entered by an Authorised Person, they may seize and impound the cat and deal with the cat pursuant to the Act."**

This clause has been incorporated 'by-reference' in the City's 2024 Amendment Local Law (with minor modifications) to ensure consistency with the City's Principal Cat Local Law. This clause is similar to the clause that was subsequently removed (following an undertaking to the JSCDL) in the 2023 Amendment Local Law.

Amendments to Modified Penalties Table

In addition to including the above, the proposed 2024 Amendment Local Law also includes an amendment to Schedule 2, item 3, to include a new penalty for the contravention of the new clause 2.3(2)(a) and some other minor modifications to the table to amend the cross-referencing of clauses contained within the Principal Cat Local Law.

Cat prohibited areas - Maylands Lakes

Schedule 3 of the Principal Cat Local Law specifies the areas where cats are prohibited. Number 28 of this schedule currently lists Maylands Lakes (Lake Brearley and Lake Bungana). The inclusion of Maylands Lakes was always intended to include Brickworks Lake, as the three lakes are interconnected (Lake Brearley, Bungana and Brickworks). However, the Brickworks Lake was not specified in the common name, location and lot descriptions provided for in this Schedule. For clarity, number 28 of this Schedule is amended in the 2024 Amendment Local Law to include a reference to Brickworks Lake, and the corresponding lot numbers.

A copy of the 2024 Amendment Local Law as advertised is provided in **Attachment 3**. The 2024 Amendment Local Law has been prepared by the City's solicitors, to ensure that the new clause incorporating the wording from the Shire of Northam's local law 'by-reference' has been drafted correctly.

Options for Council's consideration

In accordance with the *Local Government Act 1995* and following last day for submissions, a local government is to consider any submissions made and may make the local law as proposed, or may make a local law that is not significantly different from what was advertised for comment. If a local law is significantly different to what is proposed, the entire local law creation process must recommence. Furthermore, the JSCDL can request a local government to provide an undertaking to remove clauses, or in certain cases, can recommend disallowance of an entire local law to Parliament.

In view of the previous reports submitted to Council in terms of amendments to the Principal Cat Local Law, and information in this report, the following options are presented for Council's consideration:

Option 1: Council makes the City of Bayswater Keeping and Control of Cats Amendment Local Law 2024 as advertised.

The City's legal advice obtained in January 2024 confirmed while the City can attempt to use the mechanism of section 82 of the *Cat Act 2011* to incorporate the text of any gazetted local law of another local government, it would not preclude the JSCDL from recommending disallowance of the amendment local law that the JSDCL considers to be beyond power. The advice from the Department (see **Attachment 5**) supports this proposition and states "*it appears that the City of Northam's Cat Local Law is an aberration, rather than an example to be followed*".

Due to significant attention from the JSCDL in relation to cat local laws in general it is therefore likely that the 2024 Amendment Local Law would draw an amount of attention and scrutiny from the JSCDL. While Council has supported advertising the 2024 Amendment Local Law, City officers are of the view that if the local law was made in its current form, it is more than likely to be disallowed (in part) by the JSCDL, or an undertaking being requested.

Furthermore, pursuing this option would more than likely place the City in an undesirable position of attempting to enact (by incorporation) a provision in the same or similar form to the provision that Council had previously given an undertaking to the JSCDL to remove, on the basis of it being beyond power. This new attempt by the City may adversely reflect upon the City's reputation as a local government.

On the basis the City has been advised it is likely that the JSCDL would recommend disallowance of the 2024 Amendment Local Law (in part), and previous actions, advice, reports and comments have identified this is likely to be the case, it is not recommended that the 2024 Amendment Local Law be made in its current form, and as advertised.

Option 2: City of Bayswater Council adopts the amended version of the Keeping and Control of Cats Amendment Local Law 2024

While there is concern around the validity of local laws prescribing such matters as proposed in the City's 2024 Amendment Local Law, it is considered worthy for the City to make a revised 2024 Amendment Local Law that contains some of the minor amendments as advertised, being:

- clarification around the modified penalty table in the local law (Schedule 2)
- including the reference to Brickworks Lake in the Maylands Lakes Cat Prohibited Area.

As these amendments were provided and advertised in the proposed 2024 Amendment Local Law, it is considered that it is open to Council to continue with these amendments, as the local law to be made by Council (if adopted) would not be significantly different to what was original advertised. In view of this **Attachment 6** offers a revised *Keeping and Control of Cats Amendment Local Law 2024*.

This option is likely to be supported by the JSCDL and provides for the least amount of risk and reputational damage to the City.

Option 3: City of Bayswater Council does not adopt the *Keeping and Control of Cats Amendment Local Law 2024*.

This option is not recommended as it provides no ability for the City to progress certain amendments, including a reference to Brickworks Lakes as part of the Cat Prohibited Areas in Schedule 3, and other minor amendments to the modified penalty table.

LEGISLATIVE COMPLIANCE

Section 3.12 of the *Local Government Act 1995* sets out the procedure for making local laws. Should Council decide to make a local law, the following actions need to occur in accordance with section 3.12 of the Act:

- The City is to publish the local law in the *Government Gazette* and give a copy of the local law to the Minister. The local law comes into operation 14 days after its gazettal.
- Local public notice is to be given stating the particulars of the local law and the date in which it comes into operation.
- The local law is placed on the City's website and copies made available.
- Submit the required documents and explanatory memoranda to the JSCDL on the local law.

RISK MANAGEMENT CONSIDERATION

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

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

It is considered that a reputational risk is likely for the City should Council wish to progress a local law provision that the JSCDL has consistently sought to remove, and where Council through its previous undertaking, conceded to its removal due to being beyond the local law-making power.

FINANCIAL IMPLICATIONS

The total cost of the 2024 Amendment Local Law, which includes the public notices and final gazettal is approximately \$4,000. This figure does not include the costs for various legal advice provided, or the amount of officer time and internal resource committed in progressing amendments to the Cat Local Law, since 2022.

If the JSCDL requests an undertaking for the City to amend / remove any offending clauses within a local law, a new amendment local law will be required, thereby incurring additional costs similar to that quoted above.

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 progress to amend Schedule 3 to include "Brickworks Lakes" as part of the Maylands Lakes cat prohibited area and minor amendment to the modified penalty schedule, as per the revised *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024* contained in **Attachment 6**.

Over the years the City has advocated on behalf of the community extensively to various levels of government, and through WALGA on behalf of the entire WA local government industry. It has been stated by the Department of Local Government, Sport and Cultural Industries that changes to the *Cat Act 2011* are likely to progress in 2025 through a consultative process, and therefore further work on this issue should be reserved until that time and considering what changes are proposed.



LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

**CITY OF BAYSWATER
KEEPING AND CONTROL OF CATS
LOCAL LAW 2022**

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LOCAL GOVERNMENT ACT 1995
CAT ACT 2011
CITY OF BAYSWATER
KEEPING AND CONTROL OF CATS LOCAL LAW 2022

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on 23 August 2022 to make the following local law.

PART 1 - PRELIMINARY

1.1 Repeal

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

1.2 Citation

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

1.3 Commencement

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

1.4 Application

This local law applies throughout the district.

1.5 Definitions

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

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

cat means an animal of the species *felis catus* or a hybrid of that species;

cat management facility means-

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

cat prohibited area means an area as outlined in Schedule 3;

cattery means any premises where more than 3 cats are boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods-

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

grouped dwelling means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.

local government means the City of Bayswater;

multiple dwelling means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but-

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

nuisance means an activity or condition which is harmful or annoying and which gives rise to legal liability.

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

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

permit means a permit issued by the local government under clause 3.6

permit holder means a person who holds a valid permit under clause 3.6

premises includes the following-

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

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc.) of Western Australia;

Schedule means a schedule to this local law;

Scheme means a town planning scheme of the local government made by it under the *Planning*

and Development Act 2005 and its antecedents; and

single dwelling means a house that stands alone on its own parcel of land.

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

PART 2 - CAT CONTROL

2.1 Cat Nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where the local government receives a complaint from a person, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

2.2 Cats in Other Places

- (1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.
- (2) If a cat is at any time, in contravention of clause 2.2 (1),
- (a) The keeper of the cat commits an offence; and
- (b) An authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.3 Cats in Prohibited Areas

- (1) A cat shall not be in any cat prohibited area as listed on Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause 2.3(1)-
- (a) The owner of the cat commits an offence; and
- (b) An authorised person may seize and impound the cat in accordance with the Act.

PART 3 - PERMITS FOR KEEPING CATS

3.1 Interpretation

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

3.2 Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit-
 - (a) to keep more than 3 cats on any single dwelling or grouped dwelling premises to a maximum of six (6);
 - (b) to keep more than 2 cats on any multiple dwelling property to a maximum of six (6); or
 - (c) to use any premises as a cattery.
- (2) A permit is not required under subclause (1) if the premises concerned are-
 - (a) a refuge of the RSPCA or any other animal welfare organisation;
 - (b) a cat management facility which has been approved by the local government;
 - (c) a veterinary clinic or hospital; or
 - (d) a pet shop.
- (3) A person who keeps more than the standard number of cats on a prescribed premises without approval commits an offence.

3.3 Application for permit

An application for a permit under clause 3.2 shall be-

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

3.4 Refusal to determine application

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

3.5 Factors relevant to determination of application

- (1) In determining an application for a permit, the local government may have regard to -
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;

- (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;
 - (h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
 - (i) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government require an applicant to:
- (a) consult with other nearby landowners; and
 - (b) advise other adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

3.6 Decision on application

- (1) The local government may-
- (a) approve an application for a permit, as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it considers fit;
 - (b) approve an application, but specify an alternative number of cats permitted to be housed at the address; or
 - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it shall advise the applicant accordingly in writing.

3.7 Conditions

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

- (f) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once the cat-
 - (i) dies; or
 - (ii) is permanently removed from the premises.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.
- (3) The permit holder who fails to comply with a condition of a permit commits an offence.

3.8 Duration of permit

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

- (a) it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

3.9 Revocation

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

3.10 Permit not transferable

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

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

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

PART 4 - MISCELLANEOUS

4.1 Giving of an Infringement notice

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

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

PART 5 - OBJECTIONS AND APPEALS

5.1 Objection and appeal rights

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

PART 6 - OFFENCES, DEFENCE AND PENALTIES

6.1 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

6.2 Prescribed offences

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

6.3 Forms

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

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

[Clause 3.7]

A. Permit to keep more than prescribed number of cats

Additional conditions

- (1) The written consent of the owner/occupier to the application for a permit of the adjoining owner/occupier on the same level has been obtained;
- (2) Without the consent of the local government, the permit holder will not substitute once that cat-
 - (a) dies;
 - (b) is permanently removed from the premises.

B. Permit to use premises as a cattery

Additional conditions

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

SCHEDULE 2 - MODIFIED PENALTIES

[Clause 6.2]

Item	Clause	Offence	Modified Penalty
1	2.1(4)	Cat causing a nuisance	\$250
2	2.2(1)	Cats in Other Places	\$250
3	2.3(1)	Cat in prohibited areas	\$250
4	3.2(1)	Keeping more than prescribed number of cats without a permit	\$250
5	3.2(1)(c)	Keeping a cattery without a permit	\$350
6	3.7(3)	Any other offence	\$250
7	3.9	Failure to comply with permit condition	\$250

SCHEDULE 3 - CAT PROHIBITED AREAS

[Clause 2.3]

No.	Common Name	Location	Lot Number	Reserve Number
1	Addlestone Reserve	60 Embleton Avenue, Embleton	-	-
2	Arbor Park	1 Cassia Way, Morley	R39284	R39284
3	Baigup Wetlands	134 Garrett Road, Bayswater	821	-
4	Bardon Park	18 Fourth Avenue, Maylands	R26397	R26397
5	Bath Street Reserve	3 Swan View Terrace, Maylands	R33202	R33202
6	Berringa Park	2 Mary Street, Maylands	R34262	R3462
7	Bohemia Park	11 Eaton Place, Noranda	R35760	R35760
8	Browns Lake Reserve	211 Coode Street, Bedford	50	-
9	Claughton Reserve	89 Katanning Street, Bayswater	R49440	R49440
10	Crimea Park (Wetland)	2 McArthur Street, Morley	R29473	R29473
11	Eric Singleton Bird Sanctuary	129 King William Street, Bayswater	8	-
12	Eric Singleton Bird Sanctuary West	124 King William Street, Bayswater	50	-
13	Evans Place Reserve	10 Evans Place, Bayswater	R28363	R28363
14	Feredy Reserve	7 Feredy Street, Embleton	R26282	R26282
15	Gobba Lake	65 Wyatt Road, Bayswater	501	-
16	Hillcrest Living Stream	Drake Street, Bayswater	52	-
17	Hillcrest Reserve	100 Coode Street, Bayswater	50	R24336
18	Hinds Reserve	130 Milne Street, Bayswater	61	-
19	Houghton Park	1 Purley Street, Bayswater	559	-
20	Ingles Reserve	3 Ashfield Place, Bayswater	R51182	R51182
21	Jakobsons Living Stream	Walter Road West, Morley	R28250	R28250
22	Lightning Park	30 Della Road, Noranda	R46880	R46880
23	Lightning Swamp	33 Della Road, Noranda	R46880	R46880
24	Malaga Drive Bushland	Malaga Drive, Noranda	-	-
25	Maxwell Reserve	2 Maxwell Avenue, Noranda	101	-

No.	Common Name	Location	Lot Number	Reserve Number
26	Maylands Foreshore	48 Clarkson Road, Maylands & 2 Clarkson Road, Maylands	R9323 R33966	R9323 R33966
27	Maylands Jetty Foreshore	18 Fourth Avenue East, Maylands	-	-
28	Maylands Lakes (Lake Brearley & Lake Bungana)	Lake Brearley – Tranby Road, Maylands Lake Bungana – De Havilland View, Maylands	R46293 R46177	R46293 R46177
29	Maylands Samphires	Clarkson Road, Maylands	R48463	R48463
30	McPherson Bushland	20 McPherson Avenue, Noranda	R39364	R39364
31	Newington Reserve	14 Marconi Street, Morley	R39763	R39763
32	Nora Hughes Park (Wetland)	2 Drake Street, Morley	R32362	R32362
33	Patterson Living Stream	1 Patterson Street, Bayswater	R33305	R33305
34	Peters Place Reserve (Wetland)	15 Peters Place, Morley	R4324	R4324
35	Riverside Gardens	127 King William Street, Bayswater	208	-
36	Russell Street Park	95 Russell Street, Morley	1142	-
37	Shadwell Reserve	33 Shadwell Way, Morley	R42714	R42714
38	Strutt Reserve	21 Strutt Way, Noranda	R37139	R37139
39	Swan Lake Reserve	12B Nolan Place, Bayswater	R42128	R42128
40	Tranby Reserve/Peninsula Farm	2 Hardey Road, Maylands	R48463	R48463
41	Weld Square Reserve (Living Stream)	26 Fitzgerald Road, Morley	R43327	R43327
42	Wright Crescent Wetlands (Riverside Gardens, East).	28 Wright Crescent, Bayswater	2	-

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)

19 September 2022



CITY OF BAYSWATER

**KEEPING AND CONTROL OF CATS AMENDMENT
LOCAL LAW 2023**

Local Government Act 1995

City of Bayswater

Keeping and Control of Cats Amendment Local Law 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on 22 August 2023 to make the following amendment local law.

Part 1 - Preliminary

1. Citation

This local law may be cited as the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2023*.

2. Commencement

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

3. Principal Local Law

This local law amends the *City of Bayswater Keeping and Control of Cats Local Law 2022* published in the *Government Gazette* on 7 October 2022.

4. Clause 2.2 amended

Clause 2.2 "Cats in Other Places" is deleted.

5. Schedule 2 amended

Item 2 of Schedule 2 (penalty for offending clause) is deleted.

6. Schedule 3 amended

In Schedule 3, item 43 is inserted as follows;

No.	Common Name	Location	Lot Number	Reserve Number
43	Bayswater Industrial Area	Bordered by Collier Road, Beechboro Road South, the Bayswater Brook, Colwyn Road, Pearson Street, the boundary with Town of Bassendean and Tonkin Highway.	-	-

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



.....
FILOMENA PIFFARETTI
MAYOR

Dated: 23 August 2023



.....
JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER



CITY OF BAYSWATER

**LOCAL GOVERNMENT ACT 1995
CAT ACT 2011**

**KEEPING AND CONTROL OF CATS AMENDMENT
LOCAL LAW 2024**

DRAFT

**Cat Act 2011
Local Government Act 1995**

City of Bayswater

Keeping and Control of Cats Amendment Local Law 2024

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

Part 1 - Preliminary

1. Citation

This local law may be cited as the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024*.

2. Commencement

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

3. Principal Local Law

This local law amends the *City of Bayswater Keeping and Control of Cats Local Law 2022* published in the *Government Gazette* on 7 October 2022 as amended by the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2023* published in the *Government Gazette* on 1 September 2023 ("Principal Local Law").

4. Clause 2.3 inserted

Clause 3.2 "Cats in other places" of the *Shire of Northam's Cat Local Law 2019* gazetted on 29 October 2019 is adopted and inserted as clause 2.3 in the Principal Local Law with the following modifications:

- (a) in subclause (2) "3.2(1))" is deleted and "2.3(1)" inserted;
- (b) in subclause (4) "Shire of Northam Cat Local Law 2019" is deleted and "this local law" inserted;
- (c) the term "Authorised Person" wherever it appears is deleted and "authorised person" inserted in its place; and
- (d) the term "keeper" wherever it appears is deleted and "owner" inserted in its place.

5. Schedule 2 amended

Delete the Table in Schedule 2 of the Principal Local Law and insert the following Table:

Item	Clause	Offence	Modified Penalty
1	2.1(4)	Cat causing a nuisance	\$250
2	2.2(1)	Cats in prohibited areas	\$250
3	2.3(2)(a)	Cat in a public place contrary to clause 2.3(1)	\$250

	3.2(1)	Keeping more than prescribed number of cats without a permit	\$250
5	3.2(1)(c)	Keeping a cattery without a permit	\$350
6	3.9(3)	Failure to comply with permit condition	\$250
7	6.1	Any other offence	\$250

6. Schedule 3 amended

Delete Item 28 in the Table in Schedule 3 of the Principal Local Law and insert the following:

28	Maylands Lakes (Lake Brearley, Lake Bungana and Brickworks Lake)	Lake Brearley – Tranby Road, Maylands Lake Bungana and Brickworks Lake – De Havilland View, Maylands	R46294 R46177 211 & 364	R46293 R46177

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

.....
FILOMENA PIFFARETTI
MAYOR

Dated:

.....
JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER



Proposed Keeping and Control of Cats Amendment Local Law 2024

Community Engagement Report

Community Engagement for the proposed *Keeping and Control of Cats Amendment Local Law 2024* was undertaken between 11 July to 30 August 2024. A total of 17 submissions were received with 12 being submitted through “Engage Bayswater” and the remainder 5 coming from written submissions.

In addition to using “Engage Bayswater” this amendment local law was also advertised in accordance with the Local Public Notice requirements, which included being advertised on the City’s website, Perth Now and the West Australian Newspapers as well as on the Notice Boards at the Civic Centre and the City’s three libraries.

Of the 17 submissions received these were from the following localities:

Maylands – 9

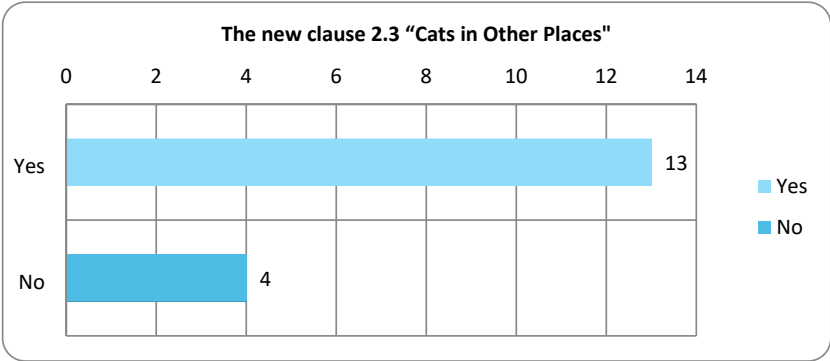
Bayswater – 5

Embleton – 2

Morley - 1

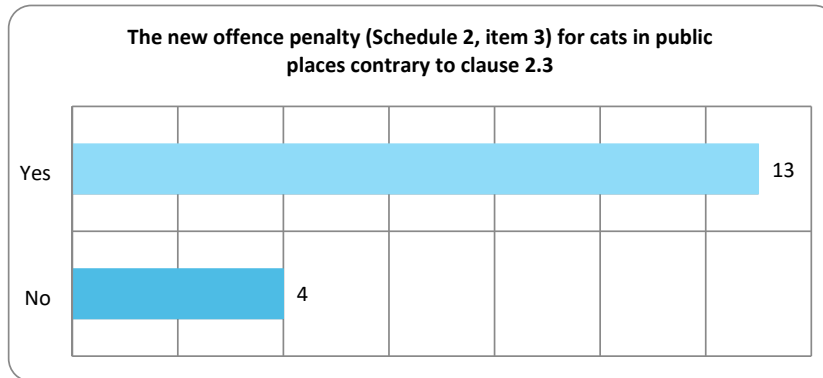
The Engage Bayswater Page included a brief survey, which asked people:

- 1. Are you in support of the amendments made by the *Proposed Keeping and Control of Cats Amendment Local Law 2024*?

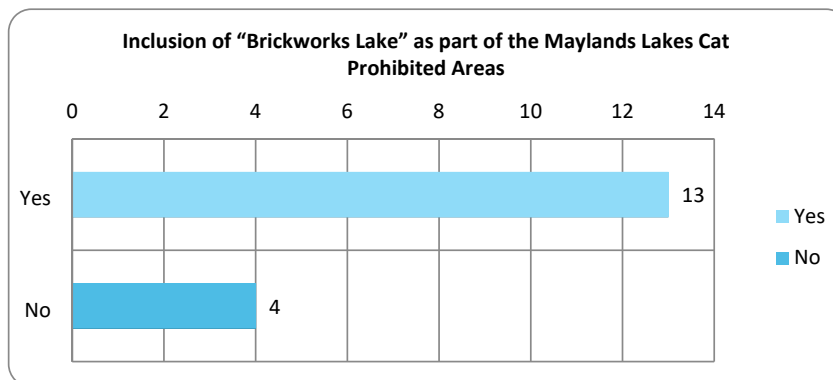




2. Are you in support of the new offence penalty (Schedule 2, item 3) for cats in public places contrary to clause 2.3?



3. Are you in support of "Brickworks Lake" as part of the Maylands Lakes Cat prohibited Areas?



Comments

The following comments were provided as part of the consultation:

- "Supportive of stricter provisions around keeping cats indoors, particularly twilight hours where birds are most vulnerable."
- "Support changes to keep cats safe on their own properties and protect native wildlife. I think the catio subsidy is an excellent policy."
- "I don't think cats should ever be outside unsupervised in any areas. They kill native wildlife as well as becoming injured or killed themselves (largely due to traffic). Sad result either way."
- "I am in support of the proposed amendments, but would also support cats being prohibited from roaming in public completely."



- *"I don't think enough thought has gone into the cost of amending a property to keep cats on home premises. The stress it will cause the cats and the financial pressure it puts on the owners is significant."*
- *"Given just yesterday someone hit a roaming cat with their car outside my house and took off to let me deal with it. I will sign anything to encourage people to keep their cat's home."*
- *"Keeping cats contained at home is best for cats and wildlife. The Cat Haven, RSPCA and Australian Veterinary Association advocate for cat containment laws being passed in WA as cats are safer, healthier and live longer if they stay at home."*
- *"I fully support the proposed amendments to the control of cat's local law. In fact, I can't wait until the laws go even further to completely ban cats from being outside or off the owner's property."*
- *"Our State's amazing volunteers in native animal wildlife groups also want these laws, as they work to protect native local animal species whose populations are under increasing pressure. Domestic cats are responsible for killing hundreds of millions of native animals in Australia each year. I am in support of the amendment of this local law."*
- *"Although the goals of protecting wildlife and enhancing cat safety are commendable, the proposed Keeping and Control of Cats Amendment Local Law 2024 may not be the most effective or equitable solution. Indeed, there could well be unintended adverse consequences."*

Mandatory cat containment will in many cases:

- *Disincentivise cat ownership;*
- *Disadvantage or even penalise strata dwellers, tenants, low-income and other vulnerable residents;*
- *Place already struggling animal shelters under additional strain;*
- *Consume the City of Bayswater's time, budget and resources at no small cost to ratepayers; and*
- *Cause grievous suffering to cats already habituated access to nature and the great outdoors.*

I urge policymakers to consider alternative approaches that balance the needs of cats, cat owners and wildlife, and to engage with the community to find solutions that are both practical and compassionate."

- *"What the Council is proposing is very cruel. Cats are smart animals; they are going to get affected by stress when they can't get out. Can't you just make a provision for all new kittens from a certain date to be indoor animals? You really won't have to wait that long for the existing indoor/outdoor cats to live out their lives and then you will have a Council where all cats are indoor only cats. My current cat is indoor only but it's because she was raised as a kitten, she is way more comfortable with her life."*

[REDACTED]

From: [REDACTED]
Sent: Friday, 6 September 2024 4:50 PM
To: [REDACTED]
Subject: Comments on proposed local law - Cat amendment

Good afternoon,

This email is regarding the City's proposed amendments to its Cat Local Law.

Keeping and Control of Cats Amendment Local Law 2024

1. Confinement of cats/restriction of roaming cats

The Joint Standing Committee on Delegated Legislation has held a long-term position that the Cat Act does not permit local laws which ban or restrict cats from roaming in public, or which impose requirements on cat owners intended toward that aim.

The City is no doubt aware of the Committee's position, as the City recently made an undertaking to the Committee to delete such a clause from its local law in 2023.

It is noted that the City is now attempting to reintroduce a similar clause to its local law via a "gazettal by reference" method. Since this clause will be fundamentally the same as the clause the Committee objected to 2023, it is likely that the Committee will also object to this new clause and request an undertaking that it be removed.

In recent years, several local governments have tried to amend their local law after the Shire of Northam, due to a long-standing belief that this local law has found some method or phrasing of confining cats which the Committee would find acceptable. However, this belief is incorrect, and the local governments who attempted to amend their laws in this manner were subsequently required by the Committee to delete those amendments. Accordingly, it appears the Northam cat local law is an aberration, rather than an example to be followed.

2. Minor comments

The Shire should ensure that all references and cross references are checked for accuracy, particularly if any 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 Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11

PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

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

Please note that my comments:

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

The Shire 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 Shire's policies and objectives.

Regards,

[REDACTED]

Director LG Financial Policy & Statutory Approval
Management and Coordination - Local Government



Department of
**Local Government, Sport
and Cultural Industries**



Department of Local Government, Sport and Cultural Industries
140 William St, Perth WA 6000
PO Box 8349, Perth Business Centre WA 6849

[REDACTED]

www.dlgsc.wa.gov.au

The Department of Local Government, Sport and Cultural Industries acknowledges Aboriginal people throughout Western Australia as the Traditional Owners and Custodians of the lands, waters, and communities in which we operate.

We pay our respects to all Aboriginal people and their cultures, and to Elders past and present.

CITY OF BAYSWATER

LOCAL GOVERNMENT ACT 1995 CAT ACT 2011

KEEPING AND CONTROL OF CATS AMENDMENT LOCAL LAW 2024

**Cat Act 2011
Local Government Act 1995**

City of Bayswater

Keeping and Control of Cats Amendment Local Law 2024

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

Part 1 - Preliminary

1. Citation

This local law may be cited as the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2024*.

2. Commencement

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

3. Principal Local Law

This local law amends the *City of Bayswater Keeping and Control of Cats Local Law 2022* published in the *Government Gazette* on 7 October 2022 as amended by the *City of Bayswater Keeping and Control of Cats Amendment Local Law 2023* published in the *Government Gazette* on 1 September 2023 ("Principal Local Law").

4. Schedule 2 amended

Delete the Table in Schedule 2 of the Principal Local Law and insert the following Table:

Item	Clause	Offence	Modified Penalty
1	2.1(4)	Cat causing a nuisance	\$250
2	2.3(1)	Cats in prohibited areas	\$250
3	3.2(1)	Keeping more than prescribed number of cats without a permit	\$250
4	3.2(1)(c)	Keeping a cattery without a permit	\$350
5	3.7(3)	Failure to comply with permit condition	\$250
6	6.1	Any other offence	\$250

5. Schedule 3 amended

Delete Item 28 in the Table in Schedule 3 of the Principal Local Law and insert the following:

28	Maylands Lakes (Lake Brearley, Lake Bungana and Brickworks Lake)	Lake Brearley – Tranby Road, Maylands Lake Bungana and Brickworks Lake – De	R46294 R46177 211 & 364	R46293 R46177

		Havilland View, Maylands		

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

.....
FILOMENA PIFFARETTI
MAYOR

Dated:

.....
JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

10.1.2 Consideration of WALGA Advocacy Positions: Local Government Elections

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Advocacy
Voting Requirement:	Simple Majority Required
Attachments:	1. WALGA Advocacy Position Options and officer's comments [10.1.2.1 - 5 pages]
Refer:	Item 11.1.14: OCM 18.11.2014 Item 9.3.10 CTFCS: 13.02.2018 Item 10.1.1 OCM: 26.02.2019 Item 13.1 OCM: 25.08.2020 Item 10.1.2 OCM: 7.12.2021 Item 10.2.9 OCM: 22.02.2022 Item 10.1 SCM: 11.10.2022

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Dan Bull declared an impartial interest in this item as he is the Labor candidate for Maylands in the next state election. The item relates to advocacy positions. Cr Bull advised that, due to the risk of apprehended bias, he would leave the room for this item.

At 10:18pm on 22 October 2024, Cr Dan Bull withdrew from the Council Chamber and did not participate in consideration or voting on this item.

CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Lorna Clarke declared an impartial interest in this item as he is the Labor candidate for Maylands in the next state election. The item relates to advocacy positions. Cr Bull advised that, due to the risk of apprehended bias, he would leave the room for this item.

At 10:18pm on 22 October 2024, Cr Lorna Clarke withdrew from the Council Chamber and did not participate in consideration or voting on this item.

CR MICHELLE SUTHERLAND DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Michelle Sutherland declared an impartial interest in this item as she is a candidate for Mount Lawley in the upcoming state election.

At 10:18pm on 22 October 2024, Cr Michelle Sutherland withdrew from the Council Chamber and did not participate in consideration or voting on this item.

SUMMARY

For Council to consider the advocacy positions of the Western Australian Local Government Association relating to local government elections.

OFFICER'S RECOMMENDATION

That Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. Participation - Council supports advocacy position (b);

2. Terms of Office - Council supports advocacy position (a);
3. Voting Methods - Council supports advocacy position (a);
4. Internal Elections - Council supports advocacy position (a);
5. Voting Accessibility - Council supports advocacy position (a), (b) and (c);
6. Method of Election of Mayor - Council supports advocacy position (a).

At 10:20pm on 22 October 2024, Cr Michelle Sutherland rejoined and then immediately withdrew from the meeting.

COUNCIL RESOLUTION

That Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. **Participation - Council supports advocacy position (b);**
2. **Terms of Office - Council supports advocacy position (a);**
3. **Voting Methods - Council supports advocacy position (a);**
4. **Internal Elections - Council supports advocacy position (a);**
5. **Voting Accessibility - Council supports advocacy position (a), (b) and (c);**
6. **Method of Election of Mayor - Council supports advocacy position (b).**

Cr Giorgia Johnson Moved, Cr Nat Latter Seconded

CARRIED: 7/1

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

Against: Cr Steven Ostaszewskyj.

REASON FOR CHANGE

To support that the Council chooses the Mayor from amongst themselves.

At 10:26pm on 22 October 2024, Cr Dan Bull, Cr Lorna Clarke and Cr Michelle Sutherland rejoined the meeting.

BACKGROUND

The Western Australian Local Government Association (WALGA) recently undertook a comprehensive review and analysis of five ordinary election cycles up to and including the 2023 local government elections against the backdrop of legislative reforms to the local government electoral process. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost of conducting local government elections in Western Australia.

The report was presented to WALGA State Council on 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

All local governments are now being asked to provide a Council decision on WALGA's advocacy positions as they relate to local government elections, to see if the WALGA positions are still current and reflective of the local government industry.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

WALGA's current advocacy positions in relation to local government elections are as follows:

Advocacy Item	Statement
Elections	The Local Government sector supports: 1. Four-year terms with a two-year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.
Method of Election of Mayor	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
Conduct of Postal Elections	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third-party provider including Local Governments to conduct postal elections.

WALGA has requested consideration of its advocacy positions, relating to the following:

- Participation.
- Terms of Office.
- Voting methods.
- Internal Elections.
- Voting Accessibility.
- Method of Election of Mayor.

The new advocacy options as presented by WALGA, are detailed in **Attachment 1** to this Report.

Council has considered various reports on the Local Government Act Reform process over a number of years, the last being at the Council meeting held on 22 February 2022. At this meeting Council endorsed a submission on the proposed reforms to the *Local Government Act 1995* that included positions in relation to the matters that WALGA have requested advice on.

On this basis and in view of previous information submitted to Council, an officer's comment against the revised advocacy positions is also detailed in **Attachment 1**. The suggested recommendation to this Report is based on these comments.

While WALGA's request to consider its advocacy positions on a number of election matters has been forthcoming, it is considered unlikely the State Government and the WA Parliament will

change the various reforms recently introduced as part of the recent reform agenda, which were made following extensive consultation with the sector and the broader community.

LEGISLATIVE COMPLIANCE

Local government elections are conducted in accordance with the *Local Government Act 1995* and associated regulations.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this Report.

STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance

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

CONCLUSION

It is recommended that Council considers the officer's comments against WALGA's advocacy positions, and subsequently makes a recommendation to WALGA for WALGA State Council's consideration.

WALGA Proposed Advocacy Position Options	Officer's Comment	Recommendation
1. PARTICIPATION (a) The sector continues to support voluntary voting at local government elections. OR (b) The sector supports compulsory voting at local government elections.	Compulsory voting in local government elections was identified as part of the Phase 2 reform consultation process undertaken in late 2018. Council at its meeting held on 26 February 2019, noted the City's draft Phase 2 submission prepared by the City's administration, but did not endorse it. However individual elected members were encouraged to provide their own submission. Officer's comments in the report to Council for its meeting held on 26 February 2019 expressed strong agreement for compulsory voting. As part of the City's 2022 reform submission (endorsed by Council on 22 February 2022), support for various reforms was given, on the basis that compulsory voting would be introduced. Notwithstanding, compulsory voting in local government is complex in terms of a property ownership or an occupier's right to nominate persons to vote. While compulsory voting works in State and Federal elections (as it is based on the principles of one person one vote), property rights in local government elections does not lend itself to compulsory voting, unless significant electoral reform is implemented to either remove this right or implement compulsory voting exemptions.	In view that Council's previous support for reforms was on the basis that compulsory voting be introduced (OCM 22.02.22), it is therefore recommended that Council supports option (b).

WALGA Proposed Advocacy Position Options	Officer's Comment	Recommendation
2. TERMS OF OFFICE (a) The sector continues to support four-year terms with a two-year spill; OR (b) The sector supports four-year terms on an all in/all out basis.	An elected member's term of Office was identified as part of the Phase 2 reform consultation process undertaken in late 2018. Council at its meeting held on 26 February 2019, noted the City's draft Phase 2 submission prepared by the City's administration, but did not endorse it. However individual elected members were encouraged to provide their own submission. Officer's comments in the report to Council for its meeting held on 26 February 2019 noted strong agreement for election to be held every four years rather than every two years as it currently stands. While elections are a considerable cost impost on local governments, the continuity of experienced elected members supports good governance being maintained and minimises the chance of a full new council possibly being elected based on a singular community concern that may be apparent in an election process.	Due to there being no Council adopted position regarding terms of Office, it is recommended that Council supports the status quo, being option (a).
3. VOTING METHODS (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections. OR	Voting methods was identified as part of the Phase 2 reform consultation process undertaken in late 2018. Council at its meeting held on 26 February 2019, noted the City's draft Phase 2 submission prepared by the City's administration, but did not endorse it. However individual elected members were encouraged to provide their own submission. Officer's comments in the report to Council for its meeting held on 26 February 2019 stated a neutral	As Council's previous support for preferential voting was on the basis that compulsory voting for local government elections also be introduced (OCM 22.02.22), it is recommended that Council supports option (a).

WALGA Proposed Advocacy Position Options	Officer's Comment	Recommendation
(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.	position regarding the voting method, however strong agreement for compulsory voting was indicated. As part of the City's 2022 reform submission (endorsed by Council on 22 February 2022), preferential voting was supported on the basis that compulsory voting for local government elections was also introduced.	
4. INTERNAL ELECTIONS (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections. OR (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.	Voting methods for internal elections (i.e. Deputy Mayor and Presiding Members / Deputy Presiding Members of Committees) was not a reform identified through the reform process. Elections to these positions of Office are conducted in accordance with Schedules 2.3 and 4.1 of the <i>Local Government Act 1995</i>. Depending upon the number of candidates for the positions of either Deputy Mayor, and Presiding Members / Deputy Presiding Members for Committees, it could trigger the optional preferential voting method that was legislatively introduced prior to the 2023 local government elections. It is the position of City officers that a preferential voting method for such internal elections is unnecessary and an inadvertent oversight when the new legislative provisions was introduced. Optional preferential voting for internal elections would not be befitting the small number of votes that occur at such elections, and therefore should be resolved through a first-past-the-post voting method.	Due to there being no Council adopted position regarding internal elections, it is recommended that Council supports option (a).

WALGA Proposed Advocacy Position Options	Officer's Comment	Recommendation
5. VOTING ACCESSIBILITY The sector supports the option to hold general elections through: (a) Electronic voting; and/or (b) Postal voting; and/or (c) In-Person voting.	Voting accessibility was identified as part of the Phase 2 reform consultation process undertaken in late 2018. Council at its meeting held on 26 February 2019, noted the City's draft Phase 2 submission prepared by the City's administration, but did not endorse it. However individual elected members were encouraged to provide their own submission. Officer's comments in the report to Council for its meeting held on 26 February 2019 stated that electronic and online voting should be made available for local government elections. It is the view of City officers that any mechanism to increase voter turnout in local government elections, as well as to increase convenience to vote (particularly in a non-compulsory environment), should be supported.	That Council supports options (a), (b) and (c)
6. METHOD OF ELECTION OF MAYOR The sector supports: (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors' method), with regulations preventing a change in this method. (b) Return to previous legislated provisions – all classes of local governments can decide, by	As part of the City's 2022 reform submission (endorsed by Council on 22 February 2022), Council supported the change of Mayor being elected through a vote of electors, subject to the introduction of compulsory voting for local government elections. Notwithstanding the position was also supported if the matter was legislated. At its Special meeting held on 11 October 2022, (following a letter received from the then Minister for Local Government) Council adopted the direct election	As the election of Mayor by electors has been legislated for Class 1 and 2 local governments, it is recommended that Council supports option (a).

WALGA Proposed Advocacy Position Options	Officer's Comment	Recommendation
absolute majority, the method for electing their Mayor or President. (c) Apply current provisions to all Bands of Local Governments – apply the election by electors' method to all classes of local governments.	method of filling the officer of Mayor, from the 2023 election onwards.	

10.1.3 Proposal to Lease - Olive Tree House, 6 Blades Close, Morley

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. CONFIDENTIAL - Confidential Attachment 1 Rental Assessment [10.1.3.1 - 1 page]
Refer:	Item: 10.1.8 OCM: 30.04.24

Confidential Attachment in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

REASON FOR CONFIDENTIALITY

(e) a matter that if disclosed, would reveal —

(ii) information that has a commercial value to a person; or

CR STEVEN OSTASZEWSKYJ DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Steven Ostaszewskyj declared an impartial interest in this item as he knows the deputies through his involvement with a local community group.

Cr Steven Ostaszewskyj remained in the Council Chambers and voted on this item.

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Dan Bull declared an impartial interest in this item as there are people involved in all the tenderers, including Chorus Australia Limited, who are known to him.

Cr Dan Bull remained in the Council Chambers and voted on this item.

CR NAT LATTER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Nat Latter declared an impartial interest in this item as one of the applicants is known to them through their work as a Councillor and previous motion from last month.

Cr Nat Latter remained in the Council Chambers and voted on this item.

MAYOR FILOMENA PIFFARETTI DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Mayor Filomena Piffaretti declared an impartial interest in this item as there are members involved with Multicultural Services and Umbrella that she has met.

Mayor Filomena Piffaretti remained in the Council Chambers and voted on this item.

CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Lorna Clarke declared an impartial interest in this item as one of the applicants is known to her through the Reconciliation Committee.

Cr Lorna Clarke remained in the Council Chambers and voted on this item.

CR GIORGIA JOHNSON DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Giorgia Johnson declared an impartial interest in this item as she knows some of the applicants through her work as a Councillor.

Cr Giorgia Johnson remained in the Council Chambers and voted on this item.

SUMMARY

Council consideration is sought on tender submissions received from community organisations with respect to the ongoing use of Reserve 47382, Lot 15067, 6 Blades Close, Morley (Olive Tree House).

A tender process was open to community not for profit groups who would be interested in leasing Olive Tree House for a minimum of two years with a maximum of ten years.

Submissions were open from 31 August to 16 September 2024. During that time the City received five tender submissions. All submissions have been evaluated against an assessment matrix. Based on the assessment, Multicultural Services Centre of WA Inc is the preferred tenderer and is recommended to be offered an initial two year lease, with option renewal of up to ten years for exclusive use of the Olive Tree House.

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to lease Olive Tree House, 6 Blades Close, Morley to Submitter 3 - Multicultural Services Centre of WA as detailed in this Report, subject to:

1. 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;
2. Rental amount as contained in Confidential Attachment 1 to this Report;
3. Tenancy term of two years; and
4. The lease being approved by the Minister for Lands.

MOTION

That Council authorises the Chief Executive Officer to lease Olive Tree House, 6 Blades Close, Morley to Submitter 1, Umbrella Multicultural Community Care Services Incorporated as detailed in this Report, subject to:

1. **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;**
2. **Rental amount as contained in Confidential Attachment 1 to this Report;**
3. **Tenancy term of two years; and**
4. **The lease being approved by the Minister for Lands.**

Cr Elli Petersen-Pik - Deputy Mayor Moved, Cr Dan Bull Seconded

Cr Steven Ostaszewskyj foreshadowed the officer's recommendation.

Cr Nat Latter foreshadowed an alternative motion proposing Yokai as the lessee of 6 Blades Close, Morley.

COUNCIL RESOLUTION

That Council authorises the Chief Executive Officer to lease Olive Tree House, 6 Blades Close, Morley to Submitter 1, Umbrella Multicultural Community Care Services Incorporated as detailed in this Report, subject to:

1. 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;
2. Rental amount as contained in Confidential Attachment 1 to this Report;
3. Tenancy term of two years; and
4. The lease being approved by the Minister for Lands.

Cr Elli Petersen-Pik - Deputy Mayor Moved, Cr Dan Bull Seconded

CARRIED: 6/5

For: Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

Against: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

REASON FOR CHANGE

The Council changed the officer's recommendation as it was of the view that Umbrella Multicultural Community Care Services Incorporated would be the best fit for leasing 6 Blades Close, Morley.

BACKGROUND

Olive Tree House was officially opened in May 2004 as a purpose-built adult day centre partly funded by the Department of Health Home and Community Care Program Transition (HACC) Program and partly funded by the City.

At the Community, Technical, Finance and Corporate Services Committee (CTFCSC) meeting held on 17 May 2017 Council considered a report on the HACC programme and resolved to exit the provision of Adult Day Centre and Social Support programs on 30 June 2018.

The facility is located on Crown Land that is shared with the Morley Community Centre (Senior Citizen Centre), with a vesting Management Order to the City of Bayswater. Under the Management Order the City has the ability to lease the site for 'community centre and ancillary purposes'.

At the Ordinary Council meeting held 30 April 2024 Council considered a report to tender for the disposal of Olive Tree House, 6 Blades Close by lease. Council resolved as follows:

"That Council:

1. *Requests that the Chief Executive Officer commence a disposal process, by a lease, of 6A Blades Court Morley by public tender.*
2. *Requests the results of the public tender be provided to Council for consideration at the end of the tender process."*

The entire building is available, with a lettable area of approximately 300m² within a gross building area of approximately 328m². The proposed leased area is shown in the red box below:



EXTERNAL CONSULTATION

The public tender period commenced Saturday 31 August 2024 and concluded Monday 16 September 2024. The tender was circulated to all organisations known to the City to be interested in any upcoming vacant community properties and notification was placed on the City's website and in *The West Australian* Newspaper on Saturday 31 August 2024.

OFFICER'S COMMENTS

Tender Submissions

Submitter 1 - Umbrella Multicultural Community Care Services Inc.

Umbrella Multicultural Community Care Centre Services Inc. (Umbrella) delivers the Commonwealth Home Support Program (CHSP), Home Care Packages (HCP) and Aged Care Volunteer Visitors Scheme (ACVVS) to over 1,000 clients from 70 countries including seniors from LGBTIQ+ backgrounds. Their programs are designed to assist people to live independently in their homes for as long as possible. They have support staff who speak more than 40 different languages to ensure they are able to provide services to Perth's multicultural community.

If successful Umbrella proposes to establish Olive Tree House as a vibrant, multifunctional Centre that expands their service offerings and helps to revitalise a key social space in the City. They would provide the following key activities:

- Drop-in Centre/Community Hub.
- Aged Care Volunteer Visitor Scheme.
- Special Projects.
- Multicultural Library.

Submitter 2 - Chorus Australia Limited

Chorus Australia Limited (Chorus) is a not-for-profit organisation whose purpose is to nurture local communities to thrive. They deliver a range of government funded services that are designed to support seniors, people living with a disability or mental health challenge to live the life they choose, both in their home and the community. They provide a "local operating model" which focuses on creating deeper connections with local communities.

If successful Chorus proposes to undertake the following activities at Olive Tree House:

- Group social support/day care centre activities.
- Community connecting opportunities and activities.
- Offices and meeting room spaces for the team and community partners.
- Equipment storage.

Submitter 3 - Multicultural Services Centre of WA

Multicultural Services Centre of WA (MSCWA) is WA's largest multicultural services provider. MSCWA has been supporting culturally and linguistically diverse (CaLD) Western Australians for over four decades and aims to address the unmet needs of migrants and refugees. They provide a range of programs and services covering aged, disability, health and mental health, housing, counselling, youth, FDV, settlement, family mediation, and emergency relief.

If successful MSCWA is proposing to move their North Metro Multicultural Hub from the Herb Graham Centre in Mirrabooka to the Olive Tree or make the Olive Tree our North East Metro Multicultural Hub. The hub would offer the following:

- Settlement Services.
- Housing Advocacy and other related Services.
- Emergency Relief.
- Counselling Services.
- Jobs and Skills Centre Program Services (JSC).
- Outreach Services.
- Group activities.

Submitter 4 - Tender Funerals

Tender Funerals is a not-for-profit funeral service that ensures that those experiencing financial hardship/distress are able to access personalised, meaningful and affordable funerals. They also provide community education and empowerment around after death care. –Tender Funerals provide a full range of services across after death care, funeral/celebration arrangements and body disposal options. If successful Tender Funerals propose to undertake the following activities at Olive Tree House:

- Funeral consultation.
- Mortuary care.
- Viewing and spending time with deceased.
- Funeral ceremonies.
- Training and education.

Submitter 5 - West Australian Stolen Generations Aboriginal Corporation

West Australian Stolen Generations Aboriginal Corporation seek to create the first Healing Centre on Noongar Boodja that will provide a safe, supportive space for stolen generation survivors and their families to heal. It is their vision to be the first Healing Centre in WA that focuses on building a socially and culturally safe space to empower individuals and communities to overcome trauma. If successful, West Australian Stolen Generations Aboriginal Corporation is to create a facility that offers the following:

- Healing and connection events.
- Traditional food and medicine production.
- Health and agency services.
- Connection events.
- Programs focuses on cultural values and practice.

Tenant Categories

Under the City's *Community Facility Lease and Licence/User Agreement Policy* all the submissions would be considered a Category 4 – Large Not-for Profit Organisations, State and National Clubs/Associations and Places of Worship and would be responsible for the applicable lease fees and charges as follows:

- Annual Rent – 40% of market valuation + GST or as determined by City after an Tender process.

- Outgoings – Emergency Services Levy, all utilities costs, waste charges, annual routine maintenance.

Tender 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').

The below assessment matrix has been applied when determining the suitability of each submission received.

Assessment Criteria	<u>Umbrella.</u>	<u>Chorus</u>	<u>MSCWA</u>	<u>Tender Funerals</u>	<u>West Australian Stolen Generations Aboriginal Corporation</u>
Financial Sustainability	11.09	8.53	12.37	2.13	5.97
Environmental Sustainability	8.96	10.24	10.24	8.96	8.96
Strategic Alignment	7.68	6.40	10.24	3.84	10.24
Community Benefit	8.96	8.96	10.24	3.84	10.24
Governance and Development	11.52	11.52	8.96	7.68	11.52
Efficiency of Use	10.24	11.52	6.40	10.24	10.24
Appropriateness of Use	10.24	8.96	10.24	6.40	10.24
Rental Amount	9.62	6.15	10.00	0.00	0.00
Total Assessment Score	78.31	72.29	78.69	43.09	67.41

In accordance with the City's *Community Facility Lease and Licence/User Agreement* the annual rent is to be 40% of market valuation plus GST, or as otherwise determined by the City following an Expression of Interest / Tender process. The proposed rental amounts and rent assessments are included in **Confidential Attachment 1.**

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'.

The matrix identified that MSCWA, with an overall score of 78.69, was the preferred candidate against the selection criteria. City Officers will work with Umbrella, Chorus, West Australian Stolen Generations and Tender Funerals where applicable, to find alternative locations.

LEGISLATIVE COMPLIANCE

In accordance with section 3.58 of the *Local Government Act 1995*, advertising for the Dispose of Land by Lease was advertised in *The West Australian* on 31 August 2024.

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

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods. SR04 - Inability to work collaboratively to engage and partner with the stakeholders to promote and advocate opportunities to live and invest.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable

Item 1: Lease of 6 Blades Close, Morley to Multicultural Services Centre of WA

Asset Category: New **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 (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	-	\$900	As per Confidential Attachment 1	5	-	\$0

STRATEGIC IMPLICATIONS

In the event Council proceed with the lease of Olive Tree House, 6 Blades Close, Morley it will ensure a currently underutilised City owned site will be used for a community benefit.

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.
 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 authorises the Chief Executive Officer to lease Olive Tree House, 6 Blades Close, Morley in accordance with the City's Community Facility Lease and Licence/User Agreement Policy, subject to the following terms:

- Lease Term: 2 years.
- Rent: As per Confidential Attachment 1.
- Utility Charges: To be paid by the tenant.

10.1.4 Excision of Reserve 15178 - Hillcrest Primary School for Proposed Bike Path

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Proposed Bike Path - Drake Street [10.1.4.1 - 1 page]
Refer:	Item: 10.3.2 OCM: 23.05.23 Item: 10.3.1 OCM: 30.01.24

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Dan Bull declared an impartial interest in this item as he is a community representative of the Hillcrest Primary School.

Cr Dan Bull remained in the Council Chambers and voted on this item.

SUMMARY

Council's support is sought for the excision of 172m² from Reserve 15178, Hillcrest Primary School, 2 Bay View Street, Bayswater for the installation of a bike path and amalgamation into road reserve.

To implement the City's Bike Plan. the existing road reserve area is constrained and insufficient for the bike path works to be completed, therefore additional land is required. The City is proposing to excise a portion of Hillcrest Primary School, Reserve 15178, 2 Bay View Street, Bayswater and dedicated as road reserve in accordance with the *Land Administration Act 1997*.

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

That Council:

1. Authorises a request being made to the Minister of Lands to excise and dedicate as road reserve for proposed bike path for 172m² (subject to survey) of Reserve 15178, Hillcrest Primary School, 2 Bay View Street, Bayswater;
2. Authorises the Chief Executive Officer to execute all documentation and comply with all applicable legislation as is required;
3. Indemnifies the Minister of Lands against any claim for compensation arising from the excision and dedication.

Cr Georgia Johnson Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 11/0

For: *Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Sally Palmer, Cr Michelle Sutherland, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Georgia Johnson.*

Against: *Nil.*

BACKGROUND

At the Ordinary Council Meeting held on 23 May 2023 Council considered a report on the Drake Street bike path design and resolved as follows:

“That Council:

- 1. Endorses the Drake Street Bike Path designs (Drawing Nos. 22-2-18-801, 22-2-18-802 and 22-2-18-803 as included in Attachment 1) and advises the Department of Transport accordingly; and*
- 2. Requests the CEO to explore a safe crossing at Broun Avenue as part of the Drake Street Bike Plan.”*

To enable the construction of the bike path along the Drake Street perimeter, an additional 172m² of land is required from the Hillcrest Primary School, Reserve 15178, 2 Bay View Street, Bayswater.

Hillcrest Primary School is located on Lot 5658 (Reserve 15178), comprised in Certificate of Land Title LR3090/349, managed by the Department of Education (DoE). The land parcel comprises of a total area of 3.9638 hectares and is zoned ‘Public Purposes’.



EXTERNAL CONSULTATION

The City have presented the proposed bike path plan to the DoE outlining the projects benefits to students and the greater community. The DoE were supportive of the bike path and of excising a portion of their land to enable construction to occur. The DoE noted that their support was

based on all costs being borne by the City. Additionally they were supportive of work commencing in the December/January school holidays to reduce impact on the school community.

The Department of Planning, Lands and Heritage (DPLH) have provided Aboriginal Heritage checks on the proposed land taking and have identified no concerns with the land. The City will need to seek final approval from DPLH to finalise the excision process.

Internal consultation has been undertaken to confirm the land requirement and timing for the proposed bike path ensuring a smooth co-ordination between the City, DoE and Hillcrest Primary School. The bike path is set to be completed during the December/January school holiday period for minimal disruption to student movement and ensuring a safe construction environment.

No public consultation has occurred on this matter. No further consultation is required as a part of the excision and road dedication process.

OFFICER'S COMMENTS

The City has identified the need for a bike path linking the Bayswater train station and the Morley activity centre to create safer access routes across the City. In order to construct the proposed bike path additional space along Drake Street is required. As detailed above the DoE has agreed to give the City a portion of their site for the construction of the bike path.

The opportunity to create a bike path can deliver significant improvements to the greater community by reducing congestion, improving mental and physical health outcomes and making our neighbourhoods more liveable.

Area for Acquisition

The portion of the Hillcrest Primary School site to be acquired has been minimised to ensure there is limited impact on the school. The area to be acquired is shown in the map below. The City will be acquiring approximately 172m².



LEGISLATIVE COMPLIANCE

The ability to dedicate land as road reserve for the purpose of a bike path is authorised by the provisions of the *Land Administration Act 1997* (LAA).

Section 56 of the LAA provides that were a local government requests the Minister of Lands to dedicate land as road reserve for the bike path it is to indemnify the Minister against any claim for compensation that may arise from that action.

The DoE (under delegated authority pursuant to Section 216 (2)(a) of the *School Education Act 1999*, has approved the City's request for the 172m² land excision from Reserve 15178, Hillcrest Primary School.

RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category, if the officer's recommendation is not adopted by the Council. The risks relating to the issue contained within this report has been identified and considered within the City's corporate risk register. Action plans have been developed to manage this risk.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR05 - Inability to manage stakeholder expectation through early and ongoing engagement.	

FINANCIAL IMPLICATIONS

The DoE has advised that the City will not be required to pay a purchase price for the land excision, however, the City will pay all costs arising from the excision of land and its dedication as road. Costs will include survey, subdivision, Landgate registration fees and other approved costs.

The bike path and associated costs will be funded in its entirety by the 'New Path' project fund 81104.

Item 1: Land excision and dedication process

Asset Category: New

Source of Funds: Grant

LTFP Impacts: Funds for the construction of the bike path have been included in the 2024/25 budget.

Notes:

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	EMPLOYEE				
1	\$15,000	-	-	-	-	-	\$250,000

STRATEGIC IMPLICATIONS

In the event Council proceed with the excising of land from Hillcrest Primary School Reserve 15178, and dedicating it as a road, it will form a part of the bike network connecting the Bayswater train station to the Morley activity centre creating better and safer movement networks across the City.

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

Theme: Community

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

Theme: Environment and Liveability

Goal E3: Improve the City's walking and cycling network and create safer streets.

CONCLUSION

In light of the above it is recommended that Council support a request being made to the Minister of Lands to excise and dedicate as road reserve 172m² of Reserve 15178, Hillcrest Primary School, 2 Bay View Street, Bayswater.



10.2 Corporate Services Directorate Reports**10.2.1 Financial Report for the Period Ended 30 September 2024**

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Monthly Financial Statement Snapshot [10.2.1.1 - 1 page] 2. Executive Summary and Statement of Financial Activity Significant Variances [10.2.1.2 - 5 pages] 3. Statement of Financial Activity [10.2.1.3 - 1 page] 4. Statement of Financial Position [10.2.1.4 - 1 page] 5. Net Current Assets [10.2.1.5 - 1 page] 6. Cash Backed Reserves Report [10.2.1.6 - 1 page] 7. Capital Acquisitions & Non-Operating Grants Report [10.2.1.7 - 13 pages]

CR STEVEN OSTASZEWSKYJ DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Steven Ostaszewskyj declared an impartial interest in this item as the report shows a line item for Wotton Skate Park and surrounding facilities. He is a member of Morley Windmills Sport Club. The club leases the building at the reserve from the City.

Cr Steven Ostaszewskyj remained in the Council Chambers and voted on this item.

CR JOSH EVESON DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Josh Eveson declared an impartial interest in this item as he is a member of Morley Windmills Sport Club.

Cr Josh Eveson remained in the Council Chambers and voted on this item.

CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Lorna Clarke declared an impartial interest in this item as her son swims at Bayswater Waves and she is a member of Bayswater Bowling Club.

Cr Lorna Clarke remained in the Council Chambers and voted on this item.

SUMMARY

This report details the financial reports for the period ended 30 September 2024 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**).

At 10:28pm on 22 October 2024, Cr Nat Latter withdrew from the meeting.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the financial reports for the period ended 30 September 2024, 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 Georgia Johnson Moved, Cr Elli Petersen-Pik - Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 10/0

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Sally Palmer, Cr Michelle Sutherland, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke, and Cr Georgia 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 Statement of Financial Activity 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 25 June 2024, Council adopted the Annual Budget for the 2024/25 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 2024/25 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**);

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 September 2024.

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 MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low

Governance and Compliance	Low	Medium
Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making.	

FINANCIAL IMPLICATIONS

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.

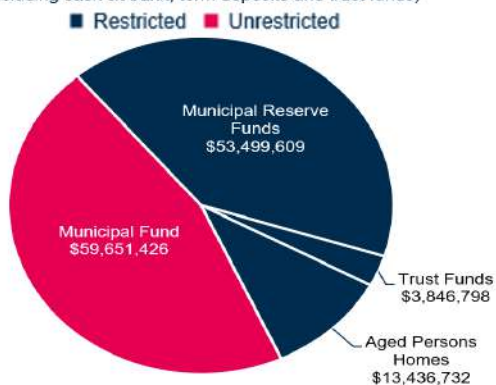
CONCLUSION

In light of the above, it is recommended that Council receives the financial reports for the period ended 30 September 2024.

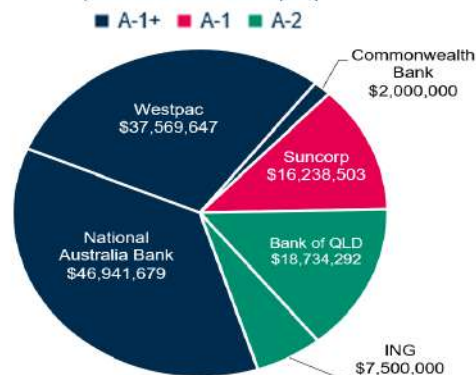
Monthly Financial Statement Snapshot

September 2024

Total Cash and Cash Equivalents
(including cash at bank, term deposits and trust funds)



Term Deposits by Bank
(refer to investment report)



	Debtor				Trade Creditors
	Sundry	Infringement	Recreation	Total	
Total Outstanding	\$314,094	\$525,464	\$718,465	\$1,558,023	\$929,042
Not yet due	0%	7%	60%	26%	0%
Current	83%	1%	21%	29%	91%
Over 30 days	12%	3%	2%	4%	3%
Over 60 days	5%	89%	17%	41%	6%

Rates & Charges	
Collected	63.43%
Total Outstanding	\$29,844,370
Deferred Rates	\$789,684

Payment Options	YTD 2024/25	2023/24
Payment in Full	16,911	21,111
Installment	9,834	8,422
Rates Smoothing	2,888	2,423
Arrangement	546	698
None Selected	3,359	1,016

Capital

	Amended Budget	YTD Amended Budget	YTD Actual	YTD %
Revenue	\$10,935,544	\$823,901	\$133,637	16%
Expenditure	\$25,489,255	\$3,127,078	\$3,098,730	99%

Operating

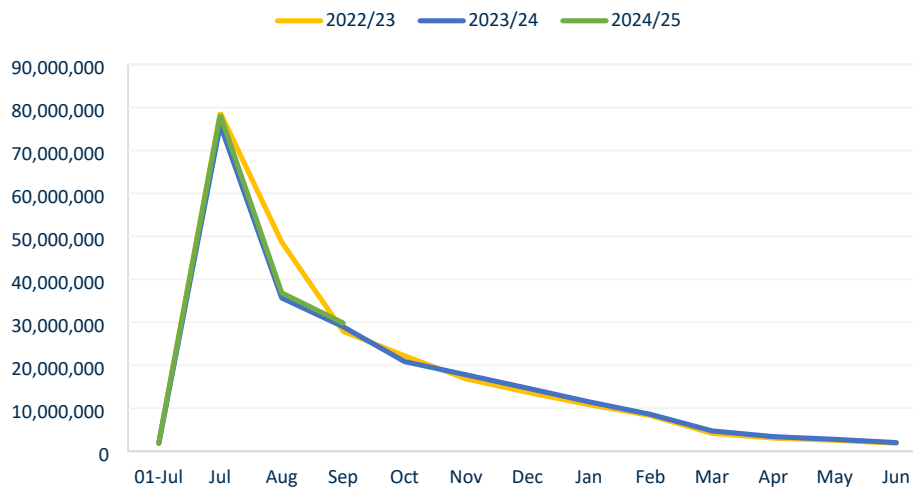
	Amended Budget	YTD Amended Budget	YTD Actual	YTD %
Revenue	\$96,749,418	\$80,639,735	\$79,927,589	99%
Expenditure	\$101,413,493	\$25,188,700	\$24,098,662	96%

City of Bayswater Executive Summary for the period 1 July 2024 to 30 September 2024

Revenue

The annual rate notices were issued on 19 July with a due date of 23 August for full payment or 1st instalment, with the last instalment due in March 2025. To date 63.43% of the total rate revenue raised has been received, with 16,911 (50%) of properties paid in full and 13,268 (40%) properties nominating a payment option.

Rates Receivable (excluding prepaid and deferred rates)



(Note: includes all charges on rates notice including ESL and rubbish fees)

Debtors

Currently, there is a total of \$1.5M of outstanding debts of which \$314K relates to sundry debtors, 83% of which are not due yet; \$525K to infringement debts and \$718K to recreation debts.

Capital

Capital revenue is recognised once the expenditure has been incurred and performance obligations met. The year-to-date budget includes an allocation of \$824K for capital revenue which has largely not yet been received or recognised.

Capital expenditure related to payments for property, plant and equipment is \$358K ahead of the year-to-date budget. Projects such as Plant & Equipment replacement program, Bayswater Community Center aircon renewal and Maylands Brickwork Rectification are currently underway and ahead of budget.

Expenditure related to construction and infrastructure projects is \$386K ahead of the year-to-date budget for projects such as Park Construction and City Wide Playspace Redevelopments. The variance is due to projects originally expected to be completed in 2023/24 that have carried over into 2024/25. These projects will be considered in the final carry forward review.

Operating

Year-to-date operating revenue (including rates) is 1% lower than the year-to-date budget. This is largely due to the advance payment of the 2024-25 grants commission funding being received in June 2024.

Operating expenditure is 4% lower in comparison to the year-to-date budget, largely due to timing of expenditure across several areas such as employee costs, other expenditure and profit/loss on asset disposal.

City of Bayswater
Statement of Financial Activity
Significant Variances
For the period 1 July 2024 to 30 September 2024

Operating activities
Revenue from operating activities

Nature or Type	YTD Amended Budget \$	YTD Actual \$	Variance Positive/ (Negative) \$
General rates • Minor variance due to outstanding interim adjustments	52,122,024	52,071,060	(50,964)
Rates excluding general rates • Immaterial variance due to outstanding interim adjustments	8,369,283	8,340,437	(28,846)
Grants, subsidies, and contributions • The variance is predominantly due to the advance payment of the 2024-25 grant from the Grants Commission being received in June 2024.	1,324,836	182,293	(1,142,543)
Fees and charges • Mainly relates to the spread of the Domestic and Commercial refuse charges budget. • Revenue from Bayswater Waves Health Club memberships (\$73K) and Swim School enrolments (\$36K) are higher than anticipated. • Revenue from Green Fees at Maylands Peninsula Golf Course (\$42K) and Embleton Golf Course (\$16K) higher than the year-to-date budget. • Revenue from Venue/Facility Hire at Morley Sport and Recreation Centre is \$78K higher than anticipated. • Health Club membership income at the RISE is \$42K higher than year-to-date budget.	17,001,143	17,335,329	334,186
Interest revenue • Immaterial variance	1,549,418	1,537,607	(11,811)
Other revenue • The variance is due to an unbudgeted reimbursement of \$209K for the reinstatement of Halliday Park from damage caused whilst storing materials for the Metronet Station project. Works related to this reimbursement will occur in the 2024/25 financial year and will be considered in the mid-year budget review or earlier.	273,031	460,862	187,831
Total	80,639,735	79,927,589	(712,146)

Expenditure from operating activities

Nature or Type	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Employee costs			
• Variance related to timing of the Workers Compensation Insurance premium and FBT expense.	(10,971,562)	(10,700,021)	271,541
Material and contracts			
Expenditure related to the Underground Power project is \$1.05M over budget due to the final payment being processed in August, rather than in the 2023-24 financial year as originally anticipated. The budget for this project will be carried forward during the final carry forward review process. This variance has been offset by several projects that are below year-to-date budget, such as:			
• Tree Planting Program (\$198K)	(8,368,295)	(8,360,021)	8,274
• Information and Communication Technology (\$160K)			
• Asset Mapping Services (\$154K)			
• Security Services (\$137K)			
• Waste Disposal and Processing – Material Recovery Facility Processing (\$77K) and Bulk Waste Disposal (\$48K)			
• Engineering Works Crossover expenditure (\$101K)			
Utility charges			
• Invoices for utilities are yet to be received.	(957,438)	(829,220)	128,218
Depreciation			
• Immaterial variance.	(3,398,392)	(3,349,645)	48,747
Insurance			
• Budget spread issue related to the annual insurance premium instalments.	(716,409)	(559,570)	156,839
Other expenditure			
• Budget spread issue related to timing of attendance fees, bad debt write-off, allowances and donations.	(368,458)	(133,862)	234,596
Finance costs			
• Immaterial variance.	(163,311)	(166,324)	(3,013)
Profit/(Loss) on asset disposal			
• Budget spread issue with the full annual budget amount being allocated in July however asset disposals will not occur until later into the year.	(244,836)	0	244,836
Total	(25,188,700)	(24,098,662)	1,090,037

Discontinued operations

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
• Immaterial variance.	178,825	164,167	(14,657)

Non-cash operating activities excluded from the budget

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Non-cash operating activities			
• The variation is due to the phasing of movement in non-cash items such as depreciation, loss on asset disposals and movement in non-current assets and liabilities.	3,487,408	4,138,363	650,955

Investing activities

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Capital grants, subsidies and contributions			
Grant revenue is recognised as expenditure is incurred and performance obligations met. Revenue has been budgeted but not yet received/recognised for the following projects:			
• Low-Cost Urban Road projects	823,901	133,637	(690,264)
• Roads to Recovery projects			
• Riverside Gardens Urban Forest			
• Tranby House Reserve Foreshore			
• Drake Street Bike Path			
Proceeds from disposal of assets			
The variance is due to unbudgeted revenue from recent land disposals as per Council resolution OCM 30.04.2024. This variance has been offset by lower than anticipated proceeds from plant and fleet disposals which are expected to occur later in the financial year.	446,003	563,684	117,681
Payments for property, plant and equipment			
The variance is due to budget timing as several projects that were expected to be completed in 23/24 have continued into the new financial year. and will be included as part of the final carry forward review.	(1,678,367)	(2,035,883)	(357,516)
Budgeted projects such as Plant and Equipment replacement program (\$179K) and Bayswater Community Center aircon renewal (\$59K) are underway and ahead of year-to-date budget.			

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Payments for construction and infrastructure The variance is due to several projects being slightly ahead or behind the year-to-date budget. Projects such as Park Construction (\$196K) and City Wide Playspace Redevelopments (\$162K) are ahead of year-to-date budget. Whereas projects such as Footpath Construction (\$412K) and Roads to Recovery (\$115K) are behind year-to-date budget. The variance has also been impacted by several projects that were expected to be completed in 23/24 but have continued into the new financial year. These projects will be considered as part of the final carry forward review.	(1,448,711)	(1,062,847)	385,864

Financing activities

Description	Amended Budget YTD \$	Actual YTD \$	Variance Positive/ (Negative) \$
Payment for principal portion of lease liability Immaterial variance.	0	(14,577)	(14,577)
Transfer to reserves This relates to the transfer of investment income on reserve funds. The variance is due to the budget spread of interest income with the actual impacted by term deposits maturing during the month.	(97,910)	(652,488)	(554,578)

City of Bayswater
Statement of Financial Activity
for the period 1 July 2024 to 30 September 2024

	Budget	Amended Budget	YTD Amended Budget	YTD Actual	Variance	Variance
	\$	\$	\$	\$	\$	%
Operating activities						
Revenue from operating activities						
General rates	52,331,216	52,331,216	52,122,024	52,071,060	(50,964)	(0%)
Rates excluding general rates	8,364,448	8,364,448	8,369,283	8,340,437	(28,846)	(0%)
Grants, subsidies and contributions	3,703,937	3,703,937	1,324,836	182,293	(1,142,543)	(86%)
Fees and charges	25,883,686	25,883,686	17,001,143	17,335,329	334,186	2%
Interest revenue	5,496,744	5,496,744	1,549,418	1,537,607	(11,811)	(1%)
Other revenue	969,386	969,386	273,031	460,862	187,831	69%
	96,749,418	96,749,418	80,639,735	79,927,589	(712,146)	(1%)
Expenditure from operating activities						
Employee costs	(45,733,058)	(45,733,058)	(10,971,562)	(10,700,021)	271,541	(2%)
Materials and contracts	(35,448,632)	(35,448,632)	(8,368,295)	(8,360,021)	8,274	(0%)
Utility charges	(4,044,956)	(4,044,956)	(957,438)	(829,220)	128,218	(13%)
Depreciation	(13,593,021)	(13,593,021)	(3,398,392)	(3,349,645)	48,747	(1%)
Insurance	(1,278,656)	(1,278,656)	(716,409)	(559,570)	156,839	(22%)
Other expenditure	(445,398)	(445,398)	(368,458)	(133,862)	234,596	(64%)
Finance costs	(624,936)	(624,936)	(163,311)	(166,324)	(3,013)	2%
Profit/(Loss) on asset disposal	(244,836)	(244,836)	(244,836)	0	244,836	(100%)
	(101,413,493)	(101,413,493)	(25,188,700)	(24,098,662)	1,090,037	(4%)
Discontinued operations	553,098	553,098	178,825	164,167	(14,657)	(8%)
Non-cash amounts excluded from operating activities	15,451,346	15,451,347	3,487,408	4,138,363	650,955	19%
Amount attributable to operating activities	11,340,369	11,340,370	59,117,268	60,131,456	1,014,188	2%
Investing activities						
Inflows from investing activities						
Capital grants, subsidies and contributions	10,935,544	10,935,544	823,901	133,637	(690,264)	(84%)
Proceeds from disposal of assets	446,003	446,003	446,003	563,684	117,681	26%
	11,381,547	11,381,547	1,269,904	697,321	(572,583)	(45%)
Outflows from investing activities						
Payments for property, plant and equipment	(10,340,774)	(10,340,774)	(1,678,367)	(2,035,883)	(357,516)	21%
Payments for construction of infrastructure	(15,148,481)	(15,148,481)	(1,448,711)	(1,062,847)	385,864	(27%)
	(25,489,255)	(25,489,255)	(3,127,078)	(3,098,730)	28,348	(1%)
Amount attributable to investing activities	(14,107,708)	(14,107,708)	(1,857,174)	(2,401,409)	(544,235)	29%
Financing activities						
Inflows from financing activities						
Transfer from reserves	41,219,072	41,219,072	0	0	0	No Budget
	41,219,072	41,219,072	0	0	0	No Budget
Outflows from financing activities						
Repayment of borrowings	(2,451,100)	(2,451,100)	0	0	0	No Budget
Payment for principal portion of lease liability	(126,381)	(126,381)	0	(14,577)	(14,577)	No Budget
Transfer to reserves	(36,839,617)	(36,839,617)	(97,910)	(652,488)	(554,578)	566%
	(39,417,098)	(39,417,098)	(97,910)	(667,065)	(569,156)	581%
Amount attributable to financing activities	1,801,974	1,801,974	(97,910)	(667,065)	(569,156)	581%
Movement in surplus or (deficit)						
Surplus or (deficit) at the start of the financial year	965,365	965,365	965,365	15,299,397	14,334,032	1485%
Amount attributable to operating activities	11,340,369	11,340,370	59,117,268	60,131,456	1,014,188	2%
Amount attributable to investing activities	(14,107,708)	(14,107,708)	(1,857,174)	(2,401,409)	(544,235)	29%
Amount attributable to financing activities	1,801,974	1,801,974	(97,910)	(667,065)	(569,156)	581%
Surplus or (deficit) after imposition of general rates	(0)	0	58,127,549	72,362,378	14,234,830	24%

City of Bayswater
Statement of Financial Position
For the period ended 30 September 2024

	Opening Balance	Closing Balance
	\$	\$
Current assets		
Cash and cash equivalents	90,628,189	126,587,767
Trade and other receivables	10,852,615	37,946,636
Inventories	2,926,416	2,935,487
Prepayments	693,102	757,469
Total Current assets	105,100,322	168,227,359
Non-current assets		
Trade and other receivables (NCA)	1,981,239	967,171
Other financial assets at amortised cost	2,594,508	2,594,508
Property, plant and equipment	562,950,355	562,946,756
Infrastructure	229,127,609	228,352,263
Intangible assets	9,684	9,684
Investment Property	10,140,000	10,140,000
Right of use assets	347,967	312,314
Controlled & associated entities & joint venture interests	38,949,839	38,949,839
Total Non-current assets	846,101,202	844,272,535
Total Assets	951,201,524	1,012,499,894
Current liabilities		
Trade and other payables	10,945,393	15,976,168
Other financial liabilities at amortised costs	2,451,101	2,451,101
Lease liabilities	171,223	156,646
Provisions	7,354,074	7,623,191
Grant Liabilities	1,985,355	1,861,971
Contract Liabilities	1,732,453	1,806,821
Clearing accounts	0	17,606
Total Current liabilities	24,639,598	29,893,503
Non-current liabilities		
Other financial liabilities at amortised cost	11,704,631	11,704,631
Lease liabilities	3,274,127	3,274,127
Provisions	412,552	330,286
Total Non-current liabilities	15,391,310	15,309,045
Total Liabilities	40,030,908	45,202,548
Net Assets	911,170,616	967,297,346
Equity		
Retained surplus	253,813,227	309,287,470
Reserves - cash backed	53,350,129	54,002,617
Revaluation surplus	604,007,259	604,007,259
Total Equity	911,170,616	967,297,346

**City of Bayswater
Net Current Assets
as at 30 September 2024**

Municipal and Aged Persons Homes	Opening Balance	Closing Balance
	\$	\$
Current assets		
Cash and cash equivalents	90,628,189	126,587,767
Trade and other receivables	10,852,615	37,946,636
Inventories	2,926,416	2,935,487
Prepayments	693,102	757,469
Total	105,100,322	168,227,359
Current liabilities		
Trade and other payables	(10,945,393)	(15,976,168)
Other financial liabilities at amortised costs	(2,451,101)	(2,451,101)
Lease liabilities	(171,223)	(156,646)
Provisions	(7,354,074)	(7,623,191)
Grant Liabilities	(1,985,355)	(1,861,971)
Contract Liabilities	(1,732,453)	(1,806,821)
Clearing accounts	0	(17,606)
Total	(24,639,598)	(29,893,503)
Net current assets	80,460,724	138,333,855
Restricted - Reserves	(53,350,129)	(54,002,617)
Cash backed employee provisions	1,724,469	1,745,551
Restricted - Aged Persons Homes	(16,125,022)	(16,289,189)
Current Portion of Lease Liabilities	138,254	123,677
Current Portion of borrowings	2,451,101	2,451,101
	15,299,397	72,362,378

City of Bayswater
Cash Backed Reserves
for the period 1 July 2024 to 30 September 2024

	Budget Amended				Actual				
	Opening Balance	Transfer to	Transfer (from)	Closing Balance	Opening Balance	Opening BL Equity Tfr	Transfer to	Transfer (from)	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Aged Persons Homes - General Reserve	19,942,294	0	(19,942,294)	0	20,317,993	(20,317,993)	0	0	0
Aged Persons Homes - Prudential Requirements Reserve	3,185,952	0	(3,185,952)	0	3,124,064	(3,124,064)	0	0	0
Bayswater Bowling Club Capital Improvements Reserve	11,081	538	0	11,619	11,313	0	138	0	11,451
Bayswater City Soccer Club Rooms Redevelopment Reserve	0	209,703	(200,000)	9,703	0	200,000	1,612	0	201,612
Bayswater Tennis Club Reserve	122,130	5,925	0	128,055	125,232	0	1,643	0	126,875
Bayswater Waves Aquatic Centre Reserve	358,990	0	(358,990)	0	371,285	(371,285)	0	0	0
Bore and Reticulation Reserve	10,801	0	(10,801)	0	10,876	(10,876)	0	0	0
Building Furniture and Equipment Reserve	157,333	0	(157,333)	0	158,433	(158,433)	0	0	0
Buildings and Facilities Reserve	0	5,766,827	(1,976,870)	3,789,957	0	5,500,000	67,239	0	5,567,239
Cash in Lieu - Public Open Space	1,104,294	53,574	0	1,157,868	1,051,373	0	12,853	0	1,064,226
City Buildings and Amenities Reserve	841,212	0	(841,212)	0	850,632	(850,632)	833	0	833
Civic Centre Reserve	69,093	0	(69,093)	0	69,578	(69,578)	0	0	0
Climate Action Reserve	0	3,387,583	(92,292)	3,295,291	0	3,116,394	38,099	0	3,154,493
Economic Stimulus Reserve	508,090	0	(508,090)	0	1,456,690	(1,456,690)	0	0	0
Emission Reduction Energy Plan Reserve	94,454	0	(94,454)	0	186,784	(186,784)	0	0	0
Eric Singleton Bird Sanctuary Reserve	1,331,201	0	(1,331,201)	0	1,340,509	(1,340,509)	0	0	0
Fleet and Plant Renewal/Upgrade Reserve	0	2,359,157	(432,369)	1,926,788	0	2,250,000	27,507	0	2,277,507
FOGO Reserve	4,585,007	106,720	(2,158,000)	2,533,727	4,717,620	(1,858,000)	35,019	0	2,894,639
Footpath and Cycleway Reserve	18,441	0	(18,441)	0	19,311	(19,311)	0	0	0
General Waste Management Reserve	4,721,292	2,061,691	(1,050,000)	5,732,983	5,483,549	1,858,000	87,652	0	7,429,201
Golf Courses Reserve	1,275,228	0	(1,275,228)	0	1,528,020	(1,528,020)	0	0	0
Information and Communication Technology (ICT) Reserve	239,106	5,003,464	(1,205,998)	4,036,572	241,128	4,758,872	61,127	0	5,061,127
Landfill Restoration Reserve	383,307	0	(383,307)	0	391,579	(391,579)	0	0	0
Les Hansman Community Centre Development Reserve	77,963	0	(77,963)	0	126,678	(126,678)	0	0	0
Long Service Leave and Entitlements Reserve	1,711,964	81,925	0	1,793,889	1,724,469	0	21,082	0	1,745,551
Major Capital Works Reserve	6,071,468	3,798,011	(228,302)	9,641,177	7,059,125	4,435,039	142,714	0	11,636,878
Maylands Lakes Reserve	5,136	0	(5,136)	0	5,172	(5,172)	0	0	0
Maylands Waterland Reserve	466,711	0	(466,711)	0	469,974	(469,974)	0	0	0
Morley City Centre Reserve	589,338	0	(589,338)	0	593,459	(593,459)	0	0	0
Morley Library Seed Reserve	0	1,048,514	0	1,048,514	0	1,000,000	12,225	0	1,012,225
Morley Sport and Recreation Centre Reserve	266,428	0	(266,428)	0	384,950	(384,950)	0	0	0
Noranda Netball Courts Reserve	74,459	3,612	0	78,071	76,015	0	929	0	76,944
Plant and Works Equipment Reserve	28,438	0	(28,438)	0	3,011	(3,011)	0	0	0
Playground and Parks Reserve	55,278	0	(55,278)	0	55,743	(55,743)	0	0	0
Rates Smoothing Reserve	0	629,108	0	629,108	0	600,000	7,335	0	607,335
Recreation Renewal/Upgrade Reserve	0	4,194,056	(227,069)	3,966,987	0	4,000,000	48,901	0	4,048,901
River Restoration Reserve	126,331	0	(126,331)	0	132,742	(132,742)	0	0	0
Roads and Drainage Reserve	14,125	0	(14,125)	0	14,229	(14,229)	0	0	0
Senior Citizens Building Reserve	27,774	0	(27,774)	0	27,971	(27,971)	0	0	0
Strategic Property Reserve	48,488	2,048,540	(1,100,000)	997,028	23,834	1,976,166	24,451	0	2,024,451
Streetscapes Reserve	140,533	0	(140,533)	0	143,285	(143,285)	0	0	0
Sustainable Environment Reserve	59,717	0	(59,717)	0	61,253	(61,253)	0	0	0
The RISE Reserve	396,527	0	(396,527)	0	405,886	(405,886)	0	0	0
Transport Renewal/Upgrade Reserve	0	5,242,570	(1,535,878)	3,706,692	0	5,000,000	61,127	0	5,061,127
Underground Power Reserve	0	838,099	0	838,099	0	0	0	0	0
Workers' Compensation Reserve	581,599	0	(581,599)	0	586,363	(586,363)	0	0	0
Total	49,701,583	36,839,617	(41,219,072)	45,322,128	53,350,129	(0)	652,488	0	54,002,617

**City of Bayswater
Capital Acquisitions & Non-Operating Grants
for the period 1 July 2024 to 30 September 2024**

	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
	\$	\$	\$	\$	\$	\$
Non-operating grants, subsidies and contributions - summary						
1622 Buildings	(1,550,909)	(1,550,909)	0	(8,096)	0	(1,542,813)
1632 Furniture and equipment	0	0	0	(10,455)	0	10,455
1702 Roads	(4,358,035)	(4,358,035)	(479,741)	(19,019)	0	(4,339,016)
1712 Footpath	(630,000)	(630,000)	(76,000)	(6,068)	0	(623,932)
1732 Park development	(4,375,000)	(4,375,000)	(266,000)	(90,000)	0	(4,285,000)
1742 Other infrastructure	(21,600)	(21,600)	(2,160)	0	0	(21,600)
	<u>(10,935,544)</u>	<u>(10,935,544)</u>	<u>(823,901)</u>	<u>(133,637)</u>	<u>0</u>	<u>(10,801,907)</u>
Capital acquisitions - summary						
Purchase of property, plant and equipment						
1612 Land	1,100,000	1,100,000	1,100,000	1,100,000	0	0
1622 Buildings	6,153,545	6,153,545	72,563	525,457	787,561	4,840,527
1632 Furniture and equipment	1,357,753	1,357,753	384,741	98,714	253,642	1,005,398
1652 Plant and equipment	1,729,476	1,729,476	121,063	311,712	1,270,477	147,287
	<u>10,340,774</u>	<u>10,340,774</u>	<u>1,678,367</u>	<u>2,035,883</u>	<u>2,311,679</u>	<u>5,993,212</u>
Purchase and construction of infrastructure assets						
1702 Roads	6,815,453	6,815,453	599,836	347,089	109,773	6,358,591
1712 Footpath	1,578,213	1,578,213	423,300	54,133	2,064,437	(540,357)
1722 Drainage	66,125	66,125	6,612	0	11,330	54,795
1732 Park development	6,239,569	6,239,569	374,051	622,532	939,607	4,677,430
1742 Other infrastructure	449,121	449,121	44,912	39,092	34,655	375,374
	<u>15,148,481</u>	<u>15,148,481</u>	<u>1,448,711</u>	<u>1,062,847</u>	<u>3,159,802</u>	<u>10,925,832</u>
Purchase of intangible assets						
1852 Intangible assets	0	0	0	0	3,240	(3,240)
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,240</u>	<u>(3,240)</u>
Total by Work in Progress Natural Account	<u>25,489,255</u>	<u>25,489,255</u>	<u>3,127,078</u>	<u>3,098,730</u>	<u>5,474,721</u>	<u>16,915,804</u>

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Land							
Land							
81357	Land Purchase-45 Ninth Ave,Mayland	1,100,000	1,100,000	1,100,000	1,100,000	0	0
		1,100,000	1,100,000	1,100,000	1,100,000	0	0
Total Land		1,100,000	1,100,000	1,100,000	1,100,000	0	0
Buildings							
Building major capital works							
80613	Morley Sport & Recreation Ctre - basketball court extension	0	0	0	13,037	0	(13,037)
80840	Upper Hillcrest Reserve - transportable changeroom	0	0	0	218,182	50,583	(268,764)
81064	Lightning Park - facility upgrades	750,000	750,000	0	0	409	749,591
81065	Morley Noranda Recreation Club - facility upgrades	750,000	750,000	0	0	0	750,000
81192	Crimea Park - upgrade external changerooms and toilets	0	0	0	65,170	0	(65,170)
81195	Houghton Park Pavilion - upgrade toilets	0	0	0	0	1,980	(1,980)
81196	Light Car Club - Moojebing Reserve - upgrade kitchen and flo	0	0	0	0	790	(790)
81244	Maylands Brickworks Reserve Upgrades - Fencing	45,000	45,000	0	13,842	10,865	20,293
81246	Maylands Sport and Rec Renewal - Aircon	60,000	60,000	0	0	0	60,000
81247	Maylands Sport and Rec Renewal - Roof	95,000	95,000	0	0	0	95,000
81250	Morley Sport and Rec Renewal - Aircon	150,000	150,000	0	0	56,046	93,954
81251	Morley Sport and Rec Renewal - Roof	250,000	250,000	0	0	0	250,000
81261	Silverwood Child Care Centre Renewal - Roof	150,000	150,000	0	0	159,833	(9,833)
81265	Various Items Replacement	150,000	150,000	0	0	15,676	134,324
81268	Waste Transfer Station Renewal - Structural Repairs	1,000,000	1,000,000	0	0	0	1,000,000
81337	Maylands Brickworks Reserve Renewal - Structure	250,000	250,000	50,000	0	0	250,000
81341	Noranda Soccer Changroom Upgrade	180,000	180,000	0	13,661	9,850	156,489
		3,830,000	3,830,000	50,000	323,891	306,031	3,200,078

	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
	\$	\$	\$	\$	\$	\$
Building minor capital works						
80992 Waste Transfer Station - upgrade office, showers & toilets	0	0	0	2,427	0	(2,427)
81185 Maylands Golf Course - renew depot	0	0	0	0	42	(42)
81235 Bedford Hall Renewal - Flooring	80,000	80,000	0	0	79,932	68
81238 Drill Hall Renewal - Aircon	12,000	12,000	12,000	8,666	0	3,334
81239 Ellis House Renewal - Aircon	15,000	15,000	0	0	0	15,000
81240 Houghton Reserve Pavillion - Upgrade disability access ent	10,000	10,000	0	0	0	10,000
81241 Les Hansman Community Centre Renewal - Aircon	35,000	35,000	0	0	31,579	3,421
81242 Lightning Park Pavilion Renewal - Fire detection system	10,000	10,000	0	0	0	10,000
81243 Lower Hillcrest RAL Massie Pavilion Upgrade - Security	25,000	25,000	0	0	0	25,000
81245 Maylands Hall Renewal - Fire detection system	17,000	17,000	0	0	15,480	1,520
81249 Morley Library Upgrade - Access Control	30,000	30,000	0	0	21,065	8,935
81256 Paddy Walker Works Depot - Install motor to Carpenters work	5,000	5,000	0	0	3,117	1,883
81257 Paddy Walker Works Depot - Mechanical Work Shop renew floor	20,000	20,000	0	0	10,400	9,600
81258 Paddy Walker Works Depot Renewal - Aircon	20,000	20,000	0	22,260	0	(2,260)
81259 Riverslea Lodge Renewal	20,000	20,000	0	0	0	20,000
81260 SES Headquarters Renewal - Floor	20,000	20,000	0	0	0	20,000
81264 Various Hot Water Systems Replacement	10,000	10,000	0	1,001	0	8,999
81266 Various New Roof Safety Systems	50,000	50,000	0	0	13,238	36,762
81267 Waltham Reserve Changeroom Renewal - concrete structure	15,000	15,000	0	0	0	15,000
81335 Ellis House Lighting Upgrade	14,545	14,545	0	0	0	14,545
81338 Maylands Hall Blackout Blinds	14,841	14,841	0	0	12,287	2,554
81340 Moojebing Reserve Shade Sail	40,000	40,000	0	0	0	40,000
81342 RA Cook Reserve Softball back net upgrade	10,909	10,909	0	86	10,150	674
	474,295	474,295	12,000	34,440	197,291	242,564
Aquatic facilities						
80614 Bayswater Waves - Refurbish 25m pool, pool hall, plant room	0	0	0	0	17,876	(17,876)
80973 Bayswater Waves - refurbishment	0	0	0	63,667	72,111	(135,778)
81233 Bayswater Waves Renewal - External wall sheeting	60,000	60,000	0	0	0	60,000
81234 Bayswater Waves Renewal - Roof	600,000	600,000	0	0	0	600,000
81348 Bayswater Waves Renewal - Plant	81,250	81,250	10,563	130	9,632	71,488
81349 Bayswater Waves Renewal - sound equipment	5,000	5,000	0	0	0	5,000
81350 Bayswater Waves Upgrade - Building Management System	30,000	30,000	0	0	0	30,000
	776,250	776,250	10,563	63,797	99,619	612,834

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Aged care facilities							
81248	Metome Gardens Renewal	25,000	25,000	0	0	0	25,000
		25,000	25,000	0	0	0	25,000
Plant and equipment							
80999	The RISE - Unplanned Capital	0	0	0	1,559	1,559	(3,118)
		0	0	0	1,559	1,559	(3,118)
Other infrastructure construction							
81216	Maylands Sports & Rec Club- Patio Extension- Event space	0	0	0	88	20,050	(20,138)
		0	0	0	88	20,050	(20,138)
Other infrastructure renewal							
81220	Maylands Brickwork Rectification	75,000	75,000	0	47,710	21,600	5,690
		75,000	75,000	0	47,710	21,600	5,690
Administration Buildings							
81236	Civic Centre Renewal - Aircon	588,000	588,000	0	0	0	588,000
81237	Civic Centre Renewal - Fire detection system	30,000	30,000	0	0	27,820	2,180
		618,000	618,000	0	0	27,820	590,180
Halls & Community Centres							
81198	Morley Community Centre - roof replacement	0	0	0	0	48,241	(48,241)
81228	Lower Hilcrest Clubrooms (redevelopment)	0	0	0	0	18,216	(18,216)
81230	Civic Centre: IT upgrades to Directors office	0	0	0	689	0	(689)
81232	Bayswater Community Centre Renewal - Aircon	60,000	60,000	0	58,572	0	1,428
81252	Olive Tree House - Ducted toilet exhaust Replacement	10,000	10,000	0	0	0	10,000
81253	Olive Tree house - Staff relocation	150,000	150,000	0	0	0	150,000
81254	Olive Tree House Renewal - flooring	20,000	20,000	0	0	0	20,000
81255	Olive Tree House Renewal - Painting	60,000	60,000	0	0	0	60,000
81263	Upper Hillcrest Reserve Renewal - Hot water System	20,000	20,000	0	0	0	20,000
		320,000	320,000	0	59,261	66,457	194,282

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Sport & Recreation Facilities							
80764	Lightning Park Recreation Centre - Spectator shelter	0	0	0	(5,289)	0	5,289
81262	The RISE Renewal - Fire detection system	35,000	35,000	0	0	31,350	3,650
		35,000	35,000	0	(5,289)	31,350	8,939
Sustainable Environment							
81183	Emission Reduction and Renewable Energy Delivery	0	0	0	0	15,785	(15,785)
		0	0	0	0	15,785	(15,785)
Total Buildings		6,153,545	6,153,545	72,563	525,457	787,561	4,840,527
Furniture and equipment							
Aquatic facilities							
81113	Bayswater Waves - renew plant and equipment	0	0	0	7,179	0	(7,179)
81347	Bayswater Waves - New Visitation Monitors	8,000	8,000	0	0	0	8,000
		8,000	8,000	0	7,179	0	821
Furniture and equipment							
81118	Information Services - In Vehicle Communication Amplificatio	0	0	0	0	20,000	(20,000)
81274	Assets and Mapping - Duress Equipment Replacement Program	5,000	5,000	0	0	0	5,000
81276	Environmental Health - Equipment Upgrade	80,000	80,000	80,000	0	4,094	75,906
81332	Library Services - ICT Equipment Replacement Program	20,000	20,000	0	0	0	20,000
81353	Rangers and Security Equipment Renewal Program	28,660	28,660	0	0	0	28,660
		133,660	133,660	80,000	0	24,094	109,566
IT capital							
80088	Virtual Infrastructure Server Replacement Program	0	0	0	(16,000)	0	16,000
81097	Embleton Room- Wireless Microphone system	0	0	0	0	1,671	(1,671)
81098	Council chamber upgrade	0	0	0	0	360	(360)
81111	Information Services - Network Infrastructure Replacement Pr	481,501	481,501	115,560	0	0	481,501
81115	Information Services - Equipment Replacement Program	0	0	0	20,435	270	(20,705)
81117	Information Services - Workstation Replacement Program	0	0	0	47,955	153,170	(201,125)
		481,501	481,501	115,560	52,390	155,471	273,640

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
IT renewal							
81275	Assets and Mapping - Network Infrastructure Replacement Pro	22,000	22,000	22,000	0	0	22,000
81351	The RISE - New Visitation Monitors	8,000	8,000	0	0	0	8,000
81352	MSRC - New Visitation Monitors	8,000	8,000	0	0	0	8,000
81354	Information Services - Council chambers system Replacement	240,000	240,000	57,600	0	0	240,000
81355	Information Services - End User Devices Replacement Program	386,592	386,592	92,781	0	0	386,592
81356	Information Services - Telephony Replacement Program	70,000	70,000	16,800	0	0	70,000
		734,592	734,592	189,181	0	0	734,592
CCTV Renewal							
80489	CCTV Servers - replacement	0	0	0	0	5,817	(5,817)
81116	Information Services - CCTV Infrastructure Replacement Progr	0	0	0	0	20,278	(20,278)
		0	0	0	0	26,095	(26,095)
Other infrastructure construction							
81219	MSRC-Technology Infrastructure	0	0	0	32,800	47,982	(80,782)
		0	0	0	32,800	47,982	(80,782)
Water Facilities							
81114	Bayswater Waves - unplanned capital	0	0	0	6,345	0	(6,345)
		0	0	0	6,345	0	(6,345)
Total Furniture and equipment		1,357,753	1,357,753	384,741	98,714	253,642	1,005,398
Plant and equipment							
Building minor capital works							
81108	Install and commission above ground fuel system	0	0	0	11,229	6,254	(17,482)
		0	0	0	11,229	6,254	(17,482)
Plant and equipment							
81110	Plant and Equipment replacement program	1,729,476	1,729,476	121,063	300,484	1,264,223	164,770
		1,729,476	1,729,476	121,063	300,484	1,264,223	164,770
Total Plant and equipment		1,729,476	1,729,476	121,063	311,712	1,270,477	147,287

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Roads							
Building minor capital works							
81191	Pat O'Hara Reserve - Morley Sport and Recreation Centre rede	150,000	150,000	0	0	8,179	141,821
		150,000	150,000	0	0	8,179	141,821
Road construction							
80245	Traffic management - general	0	0	0	19,050	341	(19,390)
80960	Low Cost Urban Safety Design & Construction - Frank Drago	0	0	0	21,115	14,499	(35,614)
80961	Low Cost Urban Safety Design & Construction - Bayswater Wave	0	0	0	67,533	349	(67,882)
81063	Low Cost Urban Safety Program	300,000	300,000	0	49,144	1,927	248,929
81081	Low Cost Urban Safety Design & Construction-Weld Square	237,261	237,261	0	280	0	236,981
81083	Low Cost Urban Safety Design & Construction-Shearn Park	86,906	86,906	0	27,024	7,546	52,335
81084	Low Cost Urban Safety Design & Construction-Maylands Strip	222,676	222,676	0	280	0	222,396
81089	Low Cost Urban Safety Design & Construction-Beaufort Park	0	0	0	116,698	30,185	(146,884)
81090	Low Cost Urban Safety Design & Construction-RA Cook Park	0	0	0	280	0	(280)
81336	LCURS - Road Safety Treatments	2,000,000	2,000,000	360,000	0	0	2,000,000
		2,846,843	2,846,843	360,000	301,402	54,848	2,490,593
Road renewal							
81293	Resurface Intersection- Russell Street to Bishop Street	177,408	177,408	0	0	0	177,408
		177,408	177,408	0	0	0	177,408
Roads to recovery							
81027	Road Resurfacing - Cooper Rd - Wylde to Wolseley	0	0	0	0	4,831	(4,831)
81224	R2R- Vera St-Wellington Rd to Lee St	0	0	0	3,199	0	(3,199)
81298	Road Resurface Arundel Stfrom Lawrence Streetto Toowong Stre	119,416	119,416	0	0	5,908	113,508
81302	Road Resurface Drake Stfrom Broun Avenueto Union Rd (R2R)	242,077	242,077	0	0	0	242,077
81304	Road Resurface Farmfield Wyfrom Harrowshill Rd To Harrowshil	119,741	119,741	119,741	1,707	950	117,084
81314	Road Resurface Reman Rdfrom Langley Roadto Cul-De-Sac (R2R)	68,145	68,145	0	0	0	68,145
		549,379	549,379	119,741	4,905	11,689	532,785
Black spot state							
81279	Intersection upgrade Benara Road / Emberson Road	35,000	35,000	0	0	11,336	23,664
		35,000	35,000	0	0	11,336	23,664

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Base road grant							
81297	Road Resurface Abinger Stfrom Noranda Avenueto Ranmore Way	50,622	50,622	0	331	0	50,291
81299	Road Resurface Avenell Rdfrom Clavering Roadto Raleigh Road	99,329	99,329	0	3,190	430	95,709
81300	Road Resurface Bromley Stfrom Burnett Streetto Rothbury Road	124,413	124,413	0	0	1,720	122,693
81301	Road Resurface Burnett Stfrom Mcgregor Streetto Mallion Stre	80,801	80,801	0	0	0	80,801
81303	Road Resurface Fairs Stfrom Drake Streetto Bromley Street	23,040	23,040	0	0	0	23,040
81305	Road Resurface Feredy Stfrom Bromley Streetto Burnett Street	43,386	43,386	0	331	430	42,625
81306	Road Resurface Gilders Plfrom Union Streetto Cul-De-Sac	15,349	15,349	0	0	0	15,349
81307	Road Resurface Higgins Wyfrom Newton Streetto Wyatt Road	48,351	48,351	0	0	0	48,351
81308	Road Resurface Hudson Stfrom Langley Roadto Rothbury Road	74,635	74,635	0	0	0	74,635
81309	Road Resurface Mcgregor Stfrom Broun Avenueto Burnett Street	58,410	58,410	0	0	0	58,410
81310	Road Resurface Newton Stfrom Guildford Roadto Cul-De-Sac	55,490	55,490	0	501	0	54,989
81311	Road Resurface Noranda Avefrom Hookwood Roadto Camboon Road	38,940	38,940	0	3,011	0	35,929
81312	Road Resurface Paine Rdfrom Hse 21 To Alfreda Avenue	100,595	100,595	100,595	5,336	950	94,309
81313	Road Resurface Ranmore Wyfrom Dormans Roadto Hookwood Road	87,615	87,615	0	675	0	86,940
81315	Road Resurface Thursley Wyfrom Abinger St To Noranda Avenue	90,860	90,860	0	0	0	90,860
81316	Road Resurface Union Stfrom Drake Streetto Reman Road	42,704	42,704	0	338	532	41,834
81317	Road Resurface Ward Plfrom Feredy Streetto Cul-De-Sac	16,063	16,063	0	6,985	0	9,078
		1,050,603	1,050,603	100,595	20,696	4,062	1,025,845
Arterial road construction							
81127	Arterial Roads - Direct Grant /Resurfacing - Broun Ave/Colli	0	0	0	18,689	0	(18,689)
		0	0	0	18,689	0	(18,689)
Metropolitan Regional Road Group Projects							
81294	Road Rehabilitation Camboon Road (MRRG)	268,386	268,386	0	0	0	268,386
81295	Road Rehabilitation Crimea Street (MRRG)	338,937	338,937	0	1,397	19,230	318,310
81296	Road Rehabilitation McGilvray Avenue (MRRG)	660,937	660,937	0	0	430	660,507
		1,268,260	1,268,260	0	1,397	19,660	1,247,203
Sporting Reserves							
81278	Carpark Resurfacing Program - Pat'O Hara Reserve	154,000	154,000	0	0	0	154,000
81281	Morley Sport and Recreation carpark (Pat O'Hara) Stage 2	150,000	150,000	0	0	0	150,000
81282	Morley Sport and Recreation carpark (Pat O'Hara) Stage 3	200,000	200,000	0	0	0	200,000
81321	Upper Hillcrest Reserve Disabled Carpark Expansion	75,000	75,000	0	0	0	75,000
		579,000	579,000	0	0	0	579,000

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Parking Services							
81320	Upgrade ACROD parking	8,960	8,960	0	0	0	8,960
		8,960	8,960	0	0	0	8,960
Recreation Reserves							
81322	Waterland Carpark Expansion	150,000	150,000	19,500	0	0	150,000
		150,000	150,000	19,500	0	0	150,000
Total Roads		6,815,453	6,815,453	599,836	347,089	109,773	6,358,591
Footpath							
Footpath construction							
81283	Pathway Expansion Program - Beechboro Road North	25,000	25,000	12,500	3,111	33,108	(11,219)
81284	Pathway Expansion Program - Camboon Road	98,000	98,000	98,000	2,911	24,989	70,099
81285	Pathway Expansion Program - Cox Street	56,000	56,000	0	992	0	55,008
81286	Pathway Expansion Program - Endeavour Road	64,800	64,800	0	0	520	64,280
81287	Pathway Expansion Program - Illingbridge Street	45,000	45,000	22,500	0	0	45,000
81288	Pathway Expansion Program - LTCN Bike Path, Drake Street	760,000	760,000	152,000	0	0	760,000
81289	Pathway Expansion Program - Mahogany Road	17,000	17,000	8,500	0	430	16,570
81290	Pathway Expansion Program - Ramsden Way	65,000	65,000	65,000	3,834	25,000	36,166
81291	Pathway Expansion Program -Gilbert Street	67,813	67,813	0	0	0	67,813
81292	Pathway Expansion Program -Thorpe Street	129,600	129,600	64,800	0	0	129,600
		1,328,213	1,328,213	423,300	10,849	84,047	1,233,317
Park development construction							
81104	New Path - Hester/Evans/Drake	250,000	250,000	0	43,284	0	206,716
		250,000	250,000	0	43,284	0	206,716
Total Footpath		1,578,213	1,578,213	423,300	54,133	84,047	1,440,033

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Drainage							
Drainage construction							
80248	Urban water sensitive design	0	0	0	0	8,970	(8,970)
80928	City-wide - optimise drainage amenity	0	0	0	0	2,360	(2,360)
		0	0	0	0	11,330	(11,330)
Drainage renewal							
81280	Low Point New Drainage Program	66,125	66,125	6,612	0	0	66,125
		66,125	66,125	6,612	0	0	66,125
Total Drainage							
		66,125	66,125	6,612	0	11,330	54,795
Park development							
Park development construction							
80242	Riverbank restoration	92,292	92,292	0	67,014	23,175	2,104
81004	Birkett Street Reserve - redevelopment	0	0	0	17,227	0	(17,227)
81171	Program - Natural Environment Improvement - Foreshore River	240,000	240,000	0	138,720	111,407	(10,127)
81218	Bardon Park-Inclusive Swing	0	0	0	1,530	62,853	(64,383)
81269	Maylands Lakes Masterplan Implimentation	250,000	250,000	0	0	0	250,000
81270	New Lightning Park Limestone Path	80,000	80,000	0	0	0	80,000
81271	Public Bin Renewal Program	65,000	65,000	0	0	0	65,000
81272	Rudloc Reserve Transformation	550,000	550,000	0	0	0	550,000
81273	Tranby Riverbank Restoration	100,000	100,000	0	0	0	100,000
81323	Bore Pump Renewal Program	117,500	117,500	30,551	275	39,737	77,488
81324	Further Greening of Guildford Road	100,000	100,000	0	0	0	100,000
81325	Irrigation Renewal Program	64,577	64,577	0	28,839	120,814	(85,077)
81326	Irrigation Renewal Program - Design	100,000	100,000	20,000	0	0	100,000
81327	Irrigation Renewal Program -Water usage reduction strategy	250,000	250,000	0	0	0	250,000
81328	Median Island Tree Planting Program	200,000	200,000	50,000	0	0	200,000
81329	Park Furniture Renewal Program	50,000	50,000	0	0	0	50,000
81330	Passive Park Lights Renewal Program	36,200	36,200	0	0	0	36,200
81331	Removal of dilapidated jetty Lake Brearley, Maylands	10,000	10,000	0	0	0	10,000
81334	Crimea - Tennis/Skate/Baseball Floodlight System Renewal	250,000	250,000	0	0	0	250,000
81358	Halliday Hosue-Retic	20,000	20,000	0	0	15,000	5,000
		2,575,569	2,575,569	100,551	253,605	372,985	1,948,979

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Sustainable environment							
81214	Maylands Lakes - Water Quality Improvements	0	0	0	33,721	13,431	(47,152)
		0	0	0	33,721	13,431	(47,152)
Tree management							
81165	Riverside Gardens Urban Forest	0	0	0	96,841	78,234	(175,075)
81344	Riverside Gardens Urban Forest (Advocacy Project)	1,650,000	1,650,000	148,500	0	0	1,650,000
		1,650,000	1,650,000	148,500	96,841	78,234	1,474,925
Drink fountains							
80971	Lake Bungana - drink fountain	0	0	0	16	0	(16)
		0	0	0	16	0	(16)
Playground							
81175	City Wide - Playspace Redevelopments	0	0	0	161,831	295,518	(457,348)
81176	City Wide - Sports Goal Replacements	0	0	0	12,563	0	(12,563)
81333	Cricket Pitch Renewal Program	64,000	64,000	0	0	0	64,000
81343	Riverside Gardens Playground Renewal	50,000	50,000	0	0	0	50,000
81345	Sport Court Replacement Program	100,000	100,000	0	0	0	100,000
81346	Sport Goal Renewal Program	20,000	20,000	0	0	0	20,000
		234,000	234,000	0	174,393	295,518	(235,911)
Other infrastructure construction							
80595	Hinds Reserve - construction of a multi-user access ramp	0	0	0	0	2,010	(2,010)
80946	Wotton Skate Park and surrounding facilities	0	0	0	0	67,300	(67,300)
81062	Tranby House Reserve Foreshore - rehab and revegetation	1,000,000	1,000,000	100,000	0	0	1,000,000
81177	City Wide - Sports Lighting Renewals	0	0	0	1,935	34,733	(36,668)
81339	Mills Avenue Pocket Park Development (Metronet)	680,000	680,000	0	0	0	680,000
		1,680,000	1,680,000	100,000	1,935	104,043	1,574,022

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Other infrastructure renewal							
80755	Critical Asset Renewal Program	0	0	0	25,802	17,824	(43,626)
81167	Bore and Pump Replacement Program	0	0	0	4,014	41,913	(45,927)
81169	Critical Asset Renewal and Upgrade Program	0	0	0	22,385	0	(22,385)
		0	0	0	52,201	59,737	(111,938)
Recreation Reserves							
81173	City Wide - Community Ball Court Resurfacing	100,000	100,000	25,000	5,381	1,035	93,584
81181	City Wide - Sporting Reserve Fencing Replacements	0	0	0	4,438	0	(4,438)
81182	Upper Bardon Park	0	0	0	0	14,625	(14,625)
		100,000	100,000	25,000	9,819	15,660	74,521
Total Park development		6,239,569	6,239,569	374,051	622,532	939,607	4,677,430
Other infrastructure							
Traffic management							
81319	Traffic Management Devices	65,000	65,000	6,500	3,539	24,546	36,915
		65,000	65,000	6,500	3,539	24,546	36,915
Street lights							
81119	City Lighting Renewal Program/New Req	0	0	0	32,191	1,496	(33,687)
81120	Citywide Passive Lighting Program	0	0	0	0	2,600	(2,600)
81318	Street Lightpole Upgrade	303,481	303,481	30,348	1,150	0	302,331
		303,481	303,481	30,348	33,340	4,096	266,045

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		\$	\$	\$	\$	\$	\$
Other infrastructure construction							
81122	Bus Shelters - upgrade program	32,256	32,256	3,225	0	0	32,256
81277	Bus Shelter Expansion Program	48,384	48,384	4,839	0	0	48,384
		80,640	80,640	8,064	0	0	80,640
Other infrastructure construction							
80392	Maylands Town Centre - City-led infrastructure activation	0	0	0	2,213	1,503	(3,716)
80957	Morley Activity Centre - streetscape improvement (RAC Grant)	0	0	0	0	440	(440)
80967	Grand Prom - Shopping Precinct Regeneration (RAC Grant)	0	0	0	0	1,700	(1,700)
81121	Town Centre's - City Led Place Activation	0	0	0	0	2,370	(2,370)
		0	0	0	2,213	6,013	(8,226)
Total Other infrastructure		449,121	449,121	44,912	39,092	34,655	375,374
Intangible assets							
Software							
80950	Website development for online bookings	0	0	0	0	3,240	(3,240)
		0	0	0	0	3,240	(3,240)
Total Intangible assets		0	0	0	0	3,240	(3,240)
Total capital projects		25,489,255	25,489,255	3,127,078	3,098,730	3,494,331	18,896,194

PROCEDURAL MOTION

That, in accordance with clause 11.7 of the City of Bayswater Standing Orders Law 2021, the meeting be adjourned for 5 minutes.

Mayor Filomena Piffaretti Moved, Cr Sally Palmer Seconded

CARRIED: 8/2

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Sally Palmer, Cr Elli Petersen-Pik - Deputy Mayor, Cr Giorgia Johnson and Cr Lorna Clarke.

Against: Cr Michelle Sutherland and Cr Dan Bull.

At 10:29pm on 22 October 2024, the meeting closed to the public and the live streaming suspended.

At 10:34pm on 22 October 2024, the meeting reopened to the public and the live streaming resumed.

At 10:34pm on 22 October 2024, Cr Nat Latter rejoined the meeting.

COUNCIL RESOLUTION (PROCEDURAL MOTION)

That, in accordance with clause 11.7 of the City of Bayswater Standing Orders Law 2021, the meeting be adjourned to 7:00pm on Monday, 28 October 2024.

Mayor Filomena Piffaretti Moved, Cr Michelle Sutherland Seconded

CARRIED: 9/2

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Sally Palmer, Cr Michelle Sutherland, Cr Nat Latter, Cr Lorna Clarke and Cr Giorgia Johnson.

Against: Cr Elli Petersen-Pik - Deputy Mayor and Cr Dan Bull.

At 10:35pm on 22 October 2024, the meeting was adjourned and the live stream ended.

10.2.2 List of Payments for the Month of September 2024

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate Services
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Schedule of Accounts Municipal Fund [10.2.2.1 - 9 pages] 2. Schedule of Accounts Aged Persons Home Account [10.2.2.2 - 1 page] 3. Schedule of Accounts Trust [10.2.2.3 - 1 page] 4. Summary of Corporate Credit Card Expenses [10.2.2.4 - 1 page] 5. Summary of Corporate Purchase Cards [10.2.2.5 - 5 pages] 6. Electronic Fund Transfers [10.2.2.6 - 1 page]

SUMMARY

This report presents the list of payments, comprising **Attachments 1, 2, 3, 4, 5 and 6** made under delegated authority for the month of September 2024 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 September 2024 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**);
5. Summary of Corporate Purchase Card Expenses (**Attachment 5**); and
6. Electronic Fund Transfers (**Attachment 6**).

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust Funds in addition to Aged Care accounts in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

A list of accounts paid is to be provided to Council where such delegation is made.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

A list of payments is presented to Council each month for noting in accordance with the *Local Government (Financial Management) Regulations 1996*.

Payments drawn from the Municipal Account for the month of September 2024 are included in **Attachment 1**.

Payments drawn from the Aged Persons Homes Account for the month of September 2024 are included in **Attachment 2**.

Payments drawn from the Trust Fund for the month of September 2024 are included in **Attachment 3**.

Payments made via corporate credit and purchase cards are included in **Attachment 4 and Attachment 5** respectively. Regulation 13(A) of the *Local Government (Financial Management) Regulations 1996* was updated requiring the reporting of payments by employees via purchase cards (i.e. in addition to Credit Cards) to be reported from 1 October 2023. Purchase Cards used by employees include BP (Fuel) and Bunnings Cards with those transactions reported separately but the total spend is included in payments from the Municipal Account.

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 6**.

All payments are summarised in **Table 1**.

Table 1

<i>Payment Type</i>	<i>Reference</i>	<i>Amount \$</i>
<i>Municipal Account</i>		
BPay	BP000272-274,	
Direct Credits	DC000614-631,	\$8,051,850.85
Electronic Fund Transfers (EFTs)	EF085744-085754, EF085756-086065, EF086067-086227, EF086231-086428	
<i>Aged Persons Homes</i>		
Electronic Fund Transfers (EFTs)	EF085755, EF086066, EF086228-086230	\$17,504.69
<i>Trust Fund</i>		
Electronic Fund Transfers (EFTs)	EF086429	\$26,754.09
<i>Credit Card Expenses</i>	29 August 2024 to 27 September 2024	\$4,496.36

<i>Direct Debit and Other Electronic Fund Transfer</i>	1 September 2024 to 30 September 2024	\$17,689,839.70
	Total	\$25,790,445.69

The following payments from previous months were cancelled in September.

- Municipal Account:
 - EF086026 17/09/24 Geraldine Roxburgh - \$600.00
 - EF086049 17/09/24 Precision AG Pace Pty Ltd - \$1,485.23
 - EF086140 25/09/24 The Trust for Moore Trust - \$1,980.00

LEGISLATIVE COMPLIANCE

Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

Procurement Policy.

Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds and the Aged Care Homes accounts. Therefore, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is prepared each month showing each account paid since the list was prepared.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

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 September 2024 comprising **Attachments 1, 2, 3, 4, 5 and 6.**

City of Bayswater

List of Payment - Municipal

for the period 1 September 2024 to 30 September 2024

<i>Reference</i>	<i>Date</i>	<i>Creditor Name</i>	<i>Invoice details</i>	<i>Amount Paid</i>
<i>Payments</i>				<i>\$</i>
BP000272	19/09/24	Coca Cola Europacific Partners Australia Pty Ltd	Kiosk Stock	2,662.84
BP000273	19/09/24	RAC Businesswise	Memberships and Subscriptions	600.00
BP000274	26/09/24	Coca Cola Europacific Partners Australia Pty Ltd	Kiosk Stock	1,707.90
DC000614	04/09/24	Superchoice	Payroll Payment	247,051.60
DC000615	04/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000616	05/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000617	04/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000618	05/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000619	05/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000620	13/09/24	ES2 Pty Ltd	Software Maintenance	-43,319.38
DC000621	06/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000622	06/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000623	06/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000624	05/09/24	Easialary Pty Ltd	Payroll Payment	9,408.82
DC000625	18/09/24	Easialary Pty Ltd	Payroll Payment	8,950.19
DC000626	18/09/24	Superchoice	Payroll Payment	246,990.21
DC000627	13/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000628	13/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000629	20/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	8,256.00
DC000630	20/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
DC000631	20/09/24	Department of Justice/Fines Enforcement Registry	Legal Expenses and Court Costs	86.00
EF085744	02/09/24	Assunta Meleca	Councillor Allowances and Reimbursements	3,208.54
EF085745	02/09/24	Daniel Bull	Councillor Allowances and Reimbursements	3,201.92
EF085746	02/09/24	Elli Petersen-Pik	Councillor Allowances and Reimbursements	5,270.57
EF085747	02/09/24	Filomena Piffaretti	Councillor Allowances and Reimbursements	12,911.88
EF085748	02/09/24	Giorgia Johnson	Councillor Allowances and Reimbursements	3,208.54
EF085749	02/09/24	Joshua Eveson	Councillor Allowances and Reimbursements	3,208.54
EF085750	02/09/24	Lorna J Clarke	Councillor Allowances and Reimbursements	3,208.54
EF085751	02/09/24	Michelle Louise Sutherland	Councillor Allowances and Reimbursements	3,208.54
EF085752	02/09/24	Nat Latter	Councillor Allowances and Reimbursements	3,109.30
EF085753	02/09/24	Sally Palmer	Councillor Allowances and Reimbursements	2,911.28
EF085754	02/09/24	Steven George Ostaszewskij	Councillor Allowances and Reimbursements	3,208.54
EF085756	05/09/24	Adriano Casella	Refund Facility Hire Bond	550.00
EF085757	05/09/24	AlintaGas Sales Pty Ltd	Gas Usage Charges	840.05
EF085758	05/09/24	Amy Middleton	Refund Swimming Lessons	90.00
EF085759	05/09/24	Associated and Catholic Colleges of WA	Refund Bond	350.00
EF085760	05/09/24	Australian Childhood Foundation	Refund Health Centre Memberships	172.81
EF085761	05/09/24	Caitlin Amber Morgan	Waterwise Verge Rebate	250.00
EF085762	05/09/24	Coventry Village Pty Ltd	Refund Rates Overpayment	55,543.55
EF085763	05/09/24	CT15 Pty Ltd T/A CTI Risk Management-Petty Cash	Petty Cash Reimbursement	580.05
EF085764	05/09/24	Dancelife Unite WA	Refund Facility Hire Bond	155.70
EF085765	05/09/24	DOR Trading Pty Ltd T/A IMCO Australasia	Construction and Civil Works Tools and Materials	2,337.50
EF085766	05/09/24	E Laugharne Davies	Refund Facility Hire Bond	651.70
EF085767	05/09/24	Filomena Piffaretti	Councillor Allowances and Reimbursements	31.22
EF085768	05/09/24	J Casie Chitty	Refund Rates Overpayment	109.99
EF085769	05/09/24	J Eh Kaw Thaw Saw (Don)	Refund Rates Overpayment	108.61
EF085770	05/09/24	Jessica Renee Bateman	Refund Rates Overpayment	199.25
EF085771	05/09/24	Junaid Chaudhry	Refund Rates Overpayment	72.35
EF085772	05/09/24	Kadampa Meditation Centre Perth Incorpor	Venue Hire	428.30
EF085773	05/09/24	Kawsar Mussa	Refund Bond	1,000.00
EF085774	05/09/24	Kellie Staben	Waterwise Verge Rebate	250.00
EF085775	05/09/24	L & D Nguyen No 2 Pty Ltd	Refund Rates Overpayment	2,174.17
EF085776	05/09/24	Margit Haas	Refund Rates Overpayment	1,646.20
EF085777	05/09/24	Michael Hewitt	Refund Rates Overpayment	1,868.68
EF085778	05/09/24	Nasim Rezaee and Javid Maleki	Refund Rates Overpayment	693.94
EF085779	05/09/24	Nguyen Thu Thuy Do	Waterwise Verge Rebate	500.00
EF085780	05/09/24	Rainbow Families Australia Incorporated	Grants & Funding	2,387.00
EF085781	05/09/24	Sarah Burnell	Refund Rates Overpayment	126.60
EF085782	05/09/24	Sinead Creedon and Samuel Timmins	Cloth Nappy Rebate	100.00
EF085783	05/09/24	Synergy	Electricity Charges (Other Than Street Lighting)	27,473.71
EF085784	05/09/24	Thi Lan Nguyen	Refund Rates Overpayment	1,489.56
EF085785	05/09/24	Vicky Dunford	Refund Rates Overpayment	122.45
EF085786	05/09/24	Water Corporation	Water Usage Charges	40,516.62
EF085787	05/09/24	7 To 1 Photography	Photography / Video Production	1,375.00
EF085788	05/09/24	A1 Locksmiths	Key / Lock Services	175.00
EF085789	05/09/24	Abstract Investments (WA) Pty Ltd T/A Smoke and Mirrors Audio Visual	Equipment Hire	3,697.25
EF085790	05/09/24	Aceway Unit Trust T/A City Toyota	Plant and Vehicle Purchasing	37,010.23
EF085791	05/09/24	ADT Security	Buildings and Events Security Expenses	52.00
EF085792	05/09/24	Advance Vacuumed Gutters	Cleaning Services	1,591.07
EF085793	05/09/24	All-Ways Training Services Pty Ltd	Staff Training, Development and Support	1,590.00
EF085794	05/09/24	AMS Technology Group Pty Ltd	Building Maintenance and Services	903.90
EF085795	05/09/24	Aquamoni Pty Ltd	Parks & Gardens Materials	11,938.30
EF085796	05/09/24	Aska Aska T/A Aska Illustration	Youth and Seniors Community Activities	683.00
EF085797	05/09/24	Australian Local Government Women' Association WA Branch	Memberships and Subscriptions	60.00
EF085798	05/09/24	Australia and New Zealand Recycling Platform Ltd	Waste Collection and Hygiene Services	3,712.13
EF085799	05/09/24	Australian Reptile Rescue Services Pty Ltd	Pest Control	945.00
EF085800	05/09/24	Baycorp (WA) Pty Limited	Legal Expenses and Court Costs	75.00
EF085801	05/09/24	Bayswater Bowling & Rec Club	Venue Hire	508.00
EF085802	05/09/24	Bayswater Community Mens Shed Inc.	Equipment Purchases	650.00
EF085803	05/09/24	Bayswater Morley Districts Cricket Club	Garden Maintenance	56,200.00
EF085804	05/09/24	BMH Electrical Contractors Pty Ltd	Construction and Civil Works Payments	4,917.00

Reference Payments	Date	Creditor Name	Invoice details	Amount Paid \$
EF085805	05/09/24	Boyan Electrical Services	Electrical Installation & Repair	4,815.53
EF085806	05/09/24	Broadspec Environmental Pty Ltd	Environmental Testing and Sampling	38.50
EF085807	05/09/24	Brownes Foods Operations Pty Ltd	Office Stationery and Consumables	204.25
EF085808	05/09/24	Bunnings Group Ltd	Engineering Works Materials	4,485.23
EF085809	05/09/24	Capital Recycling	Street Sweeping	871.20
EF085810	05/09/24	Chared Holding Pty Ltd T/A Battery World Morley	Building Supplies and Hardware	200.00
EF085811	05/09/24	Chemistry Centre (WA)	Analytical and Testing Services	1,783.10
EF085812	05/09/24	The Trustee for Aden Wholesale Unit Trust T/A City Subaru	Plant and Vehicle Purchasing	42,146.30
EF085813	05/09/24	Cleanaway Pty Ltd	Waste Collection and Hygiene Services	2,544.33
EF085814	05/09/24	CNW Pty Ltd	Construction and Civil Works Tools and Materials	63.29
EF085815	05/09/24	The Trustee for Bios Unit Trust T/A C-Wise	Garden Maintenance	18,172.88
EF085816	05/09/24	Diana Kudsee	Youth and Seniors Community Activities	320.00
EF085817	05/09/24	E Fire & Safety	Equipment Maintenance	20,361.00
EF085818	05/09/24	Eastern Metropolitan Regional Council	Waste Collection and Hygiene Services	23,323.28
EF085819	05/09/24	Epic Catering & Events Services Pty Ltd	Functions and Events Catering Expenses	330.00
EF085820	05/09/24	Fleet Fitness	Aquatic Maintenance and Services	203.50
EF085821	05/09/24	Flexi Staff Group Pty Ltd	Labour Hire and Temporary Replacement	4,181.35
EF085822	05/09/24	Fort Amity Pty Ltd T/A Bent Logic	Rise Materials & Consumables	3,850.00
EF085823	05/09/24	Freedom Fairies Pty Ltd	Community Engagement Framework	2,708.75
EF085824	05/09/24	Fulton Hogan Industries Pty Ltd	Construction and Civil Works Payments	113,140.60
EF085825	05/09/24	Future Institute of Australia Pty Ltd	Staff Training, Development and Support	880.00
EF085826	05/09/24	G.M. Millane & Co	Plant and Vehicle Parts and Materials	1,131.90
EF085827	05/09/24	GFG Temporary Assist	Labour Hire and Temporary Replacement	9,563.40
EF085828	05/09/24	Golden Age Health Products & Custom Built Saunas	Equipment Maintenance	1,202.00
EF085829	05/09/24	Goldfoam Investments Pty Ltd T/A Midland Mowers	Minor Equipment Purchase	2,088.45
EF085830	05/09/24	Greening Australia Ltd	Civil Works Design and Technical Support	33,000.00
EF085831	05/09/24	Hays Specialist Recruitment (Aust) Pty Ltd	Labour Hire and Temporary Replacement	8,930.52
EF085832	05/09/24	Insight Enterprises Australia Pty Ltd	Software Maintenance	895.80
EF085833	05/09/24	Intelife Group Limited	Cleaning Services	2,297.51
EF085834	05/09/24	IPA By Synergie Pty Ltd	Labour Hire and Temporary Replacement	1,879.67
EF085835	05/09/24	Irrigation Australia Ltd	Parks & Gardens Materials	15.00
EF085836	05/09/24	JBG Hospitality Pty Ltd T/A Noranda IGA	Animal Supplies & Services	160.05
EF085837	05/09/24	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & Gardens Reticulation Repairs & Upgrades	204.51
EF085838	05/09/24	Kan Holdings Group Pty Ltd	Postage and Courier Charges	803.00
EF085839	05/09/24	Kasse Marie McCumiskey	Youth and Seniors Community Activities	480.00
EF085840	05/09/24	Kelyn Training Services	Staff Training, Development and Support	440.00
EF085841	05/09/24	Landgate	Gross Rental Valuation Charges	891.00
EF085842	05/09/24	Local Government Professionals Aust WA	Staff Training, Development and Support	3,300.00
EF085843	05/09/24	McLeods	Legal Expenses and Court Costs	957.26
EF085844	05/09/24	McLeods Lawyers Pty Ltd	Legal Expenses and Court Costs	152.05
EF085845	05/09/24	Me Group Pty Ltd T/A Display Me	Office Stationery and Consumables	137.50
EF085846	05/09/24	The Trustee for the Ingwelala Trust T/A Westoz Food Distribu	Kiosk Stock	2,393.70
EF085847	05/09/24	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & Gardens Tree Pruning & Assoc. Services	9,131.59
EF085848	05/09/24	Nintex Pty Ltd	Memberships and Subscriptions	30,694.03
EF085849	05/09/24	Norman Jorgensen	Youth and Seniors Community Activities	751.30
EF085850	05/09/24	Olistico Pty Ltd	Community Engagement Framework	4,607.50
EF085851	05/09/24	Orbit Health & Fitness Solutions	Equipment Maintenance	318.25
EF085852	05/09/24	Our Community Pty Ltd	Memberships and Subscriptions	400.00
EF085853	05/09/24	Planning Institute of Australia	Conference Expenses	2,340.00
EF085854	05/09/24	Practical Products Pty Ltd	Minor Equipment Purchase	1,353.00
EF085855	05/09/24	Pro-Lamps Pty Ltd	Building Supplies and Hardware	730.40
EF085856	05/09/24	Brenfield Pty Ltd T/A Promolab	Staff Training, Development and Support	1,608.75
EF085857	05/09/24	The Trustee for Alba Unit Trust T/A Quality Press	Printing and Graphic Design Expenses	627.00
EF085858	05/09/24	Reece Australia Pty Ltd T/A Reece Plumbing	Building Supplies and Hardware	96.22
EF085859	05/09/24	GPC Asia Pacific Pty Ltd T/A Repco	Plant and Vehicle Parts and Materials	783.14
EF085860	05/09/24	RTS Training	Staff Training, Development and Support	390.00
EF085861	05/09/24	RTV Computers Pty Ltd	Equipment Purchases	19,365.50
EF085862	05/09/24	Rubek Automatic Doors	Building Maintenance and Services	66.00
EF085863	05/09/24	Shane McCarthy	Youth and Seniors Community Activities	680.00
EF085864	05/09/24	Signbiz WA	Parks & Gardens Contract Payments	1,980.00
EF085865	05/09/24	Sonic Health Plus Pty Ltd	Medical Services and Materials	80.30
EF085866	05/09/24	Sports Turf Technology Pty Ltd	Parks & Gardens Contract Payments	1,595.00
EF085867	05/09/24	St John Ambulance Western Australia Ltd	Medical Services and Materials	2,620.87
EF085868	05/09/24	Stuart G Shackell Pty Ltd T/A Signarama Morley	Signage and Banners	275.00
EF085869	05/09/24	The Trustee for the O'Grady Family Trust Efficient Site Services	Parks & Gardens Contract Payments	28,578.00
EF085870	05/09/24	Tanks For Hire	Plant and Vehicle Purchasing	726.00
EF085871	05/09/24	Team Global Express Pty Ltd T/A IPEC Pty Ltd	Postage and Courier Charges	397.27
EF085872	05/09/24	The Trustee for L Jeffrey Family Trust T/A Cockburn Party Hire	Equipment Hire	2,656.00
EF085873	05/09/24	The Trustee for Masabe Family Trust T/A Five Star Fencing and Pergolas	Fencing	8,960.00
EF085874	05/09/24	The Trustee for Northbridge Enterprises Unit Trust T/A BBC Entertainment	Functions and Events Entertainment Expenses	1,705.00
EF085875	05/09/24	The Trustee for The McCartney Family Trust T/A Kerb Doctor	Construction and Civil Works Payments	8,384.26
EF085876	05/09/24	T-Quip	Plant and Vehicle Parts and Materials	252.60
EF085877	05/09/24	Trailer Parts Pty Ltd T/A Martins Trailer Parts	Plant and Vehicle Parts and Materials	129.61
EF085878	05/09/24	Vescient Pty Ltd	Marketing and Promotional Material	750.00
EF085879	05/09/24	Volunteer Centre of Western Australia (Inc.)	Memberships and Subscriptions	627.00
EF085880	05/09/24	WA Local Government Association	Staff Training, Development and Support	2,398.00
EF085881	05/09/24	J.D Caffey & Caffey Family Trust T/A Westbooks	Book Purchases	152.11
EF085882	05/09/24	Western Power	Civil Works Design and Technical Support	6,600.00
EF085883	05/09/24	WPC Group Ltd	Labour Hire and Temporary Replacement	4,356.75
EF085884	12/09/24	3 Monkeys Audiovisual	Youth and Seniors Community Activities	115.50
EF085885	12/09/24	Abaxa	Garden Maintenance	715.86
EF085886	12/09/24	Acclaimed Catering Pty Ltd	Functions and Events Catering Expenses	1,070.30
EF085887	12/09/24	AFGRI Equipment Australia Pty Ltd	Plant and Vehicle Parts and Materials	1,401.92
EF085888	12/09/24	AFL Sports Ready Ltd	Labour Hire and Temporary Replacement	32,043.41
EF085889	12/09/24	Ahern Australia Pty Ltd	Plant and Vehicle Parts and Materials	1,414.58
EF085890	12/09/24	AMS Technology Group Pty Ltd	Building Maintenance and Services	9,041.46

Reference Payments	Date	Creditor Name	Invoice details	Amount Paid \$
EF085891	12/09/24	Aquamonix Pty Ltd	Parks & Gardens Materials	7,196.20
EF085892	12/09/24	Arbor West Pty Ltd T/A Classic Tree Services	Garden Maintenance	108,758.35
EF085893	12/09/24	Architectural Ceiling Systems Pty Ltd T/A Ceiling Manufacturers of Australia	Minor Equipment Purchase	607.75
EF085894	12/09/24	Asphaltech Pty Ltd	Construction and Civil Works Payments	958.29
EF085895	12/09/24	ATC Work Smart	Trainee	246.51
EF085896	12/09/24	Australia Post	Postage and Courier Charges	15,675.96
EF085897	12/09/24	Australian Services Union	Payroll Payment	236.50
EF085898	12/09/24	Australian Taxation Office	Payroll Payment	303,348.00
EF085899	12/09/24	Axiis Contracting Pty Ltd	Construction and Civil Works Payments	16,285.71
EF085900	12/09/24	Bedford Bowling Club Inc	Garden Maintenance	19,359.99
EF085901	12/09/24	BOC Ltd	Minor Equipment Purchase	228.29
EF085902	12/09/24	Boyan Electrical Services	Electrical Installation & Repair	219.46
EF085903	12/09/24	Brownes Foods Operations Pty Ltd	Office Stationery and Consumables	204.25
EF085904	12/09/24	Bunnings Group Ltd	Engineering Works Materials	4,918.42
EF085905	12/09/24	C.J Luk & N.P Luk T/A Hire A Hubby	Environmental Health Services & Supplies	3,929.20
EF085906	12/09/24	Campbell's Janitor Supplies Pty Ltd T/A The Goods Australia	Cleaning Supplies	1,618.97
EF085907	12/09/24	Marinovich Family Trust T/A Carnival Amusements	Equipment Hire	10,568.00
EF085908	12/09/24	Cat Haven	Animal Supplies & Services	187.00
EF085909	12/09/24	Chemistry Centre (WA)	Environmental Testing and Sampling	4,283.92
EF085910	12/09/24	Child Support Agency	Payroll Payment	1,410.63
EF085911	12/09/24	Cleanaway Pty Ltd	Waste Collection and Hygiene Services	414.76
EF085912	12/09/24	Cleantex Pty Ltd	Staff Uniforms and Protective Equipment	853.24
EF085913	12/09/24	CNW Pty Ltd	Construction and Civil Works Tools and Materials	918.20
EF085914	12/09/24	Contra-flow Pty Ltd	Traffic Management	11,359.22
EF085915	12/09/24	CRPM Services High Pressure Cleaning	Graffiti Removal	3,844.50
EF085916	12/09/24	Design Right Pty Ltd	Construction and Civil Works Payments	10,835.00
EF085917	12/09/24	Diversity Council Australia Ltd	Memberships and Subscriptions	5,403.00
EF085918	12/09/24	Downer Edi Engineering Power Pty Ltd	Buildings and Events Security Expenses	445.50
EF085919	12/09/24	Eastern Metropolitan Regional Council	Waste Collection and Hygiene Services	29,456.20
EF085920	12/09/24	Environmental Industries Pty Ltd	Parks & Gardens Contract Payments	5,543.58
EF085921	12/09/24	Epic Catering & Events Services Pty Ltd	Functions and Events Catering Expenses	1,276.00
EF085922	12/09/24	Flexi Staff Group Pty Ltd	Labour Hire and Temporary Replacement	1,246.66
EF085923	12/09/24	Fuel Distributors of WA Pty Ltd	Fuel and Oil	20,264.93
EF085924	12/09/24	Fulton Hogan Industries Pty Ltd	Engineering Works Materials	4,039.20
EF085925	12/09/24	Galleria Toyota	Plant and Vehicle Parts and Materials	22.00
EF085926	12/09/24	Garden Care West (WA)	Garden Maintenance	2,673.00
EF085927	12/09/24	GFG Temporary Assist	Labour Hire and Temporary Replacement	20,177.58
EF085928	12/09/24	GHD Pty Ltd	Professional Consultancy Services	10,724.27
EF085929	12/09/24	Hays Specialist Recruitment (Aust) Pty Ltd	Labour Hire and Temporary Replacement	22,672.67
EF085930	12/09/24	Health Insurance Fund of WA	Payroll Payment	300.70
EF085931	12/09/24	Hi Tech Sports Pty Ltd	Equipment Maintenance	2,237.40
EF085932	12/09/24	Hospital Benefit Fund of WA	Payroll Payment	874.01
EF085933	12/09/24	Hydrodynamic Pumps Pty Ltd	Building Supplies and Hardware	6,036.80
EF085934	12/09/24	ibookingsystems	Memberships and Subscriptions	99.00
EF085935	12/09/24	Insight Enterprises Australia Pty Ltd	Software Maintenance	986.30
EF085936	12/09/24	IPA By Synergie Pty Ltd	Labour Hire and Temporary Replacement	2,349.58
EF085937	12/09/24	Julia Michelle Lawrinson T/A Lawrinson Literary Services	Youth and Seniors Community Activities	800.00
EF085938	12/09/24	James Bennett Pty Ltd	Book Purchases	100.30
EF085939	12/09/24	John Martin Robley T/A Noranda Veterinary Clinic	Animal Supplies & Services	55.00
EF085940	12/09/24	The Trustee for JP Unit Trust T/A John Papas Trailers (Aust) Pty Ltd	Minor Equipment Purchase	2,000.00
EF085941	12/09/24	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & Gardens Reticulation Repairs & Upgrades	1,268.31
EF085942	12/09/24	Kasse Marie McCumiskey	Youth and Seniors Community Activities	800.00
EF085943	12/09/24	Landgate	Gross Rental Valuation Charges	659.32
EF085944	12/09/24	Les Mills Australia	Memberships and Subscriptions	3,101.32
EF085945	12/09/24	Linemarking WA Pty Ltd	Construction and Civil Works Payments	9,353.54
EF085946	12/09/24	Macri Partners	Audit Services	1,650.00
EF085947	12/09/24	Major Motors Pty Ltd	Plant and Vehicle Parts and Materials	299.19
EF085948	12/09/24	Marquee Magic	Equipment Hire	4,245.00
EF085949	12/09/24	Max & Claire Pty Ltd T/A Ergolink	Minor Equipment Purchase	490.50
EF085950	12/09/24	Maxwell Robinson & Phelps	Pest Control	389.27
EF085951	12/09/24	McIntosh Holdings Pty Ltd	Parks & Gardens Materials	4.95
EF085952	12/09/24	McLeods Lawyers Pty Ltd	Legal Expenses and Court Costs	3,474.24
EF085953	12/09/24	Meg Emily Caddy	Youth and Seniors Community Activities	705.00
EF085954	12/09/24	Message4U Pty Ltd T/A Sinch MessageMedia	Memberships and Subscriptions	213.10
EF085955	12/09/24	Miltom Pty Ltd T/A Classic Hire	Equipment Hire	5,148.00
EF085956	12/09/24	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & Gardens Tree Pruning & Assoc. Services	3,134.80
EF085957	12/09/24	Multispares Ltd	Plant and Vehicle Parts and Materials	379.19
EF085958	12/09/24	Northam's Avon Descent Association (Inc)	Memberships and Subscriptions	33,000.00
EF085959	12/09/24	Paywise Pty Ltd	Payroll Payment	756.98
EF085960	12/09/24	Planning Institute of Australia	Conference Expenses	730.00
EF085961	12/09/24	Pool & Pump Service & Repairs Pty Ltd	Aquatic Maintenance and Services	1,274.86
EF085962	12/09/24	Porter Consulting Engineers	Civil Works Design and Technical Support	605.00
EF085963	12/09/24	Product Recovery Industries Pty Ltd	Tipping Fee	247.50
EF085964	12/09/24	Proglity Pty Ltd	Minor Equipment Purchase	761.12
EF085965	12/09/24	Pump Control Systems	Parks & Gardens Contract Payments	20,731.15
EF085966	12/09/24	The Trustee for Alba Unit Trust T/A Quality Press	Printing and Graphic Design Expenses	539.00
EF085967	12/09/24	Relationships Australia Western Australia	Staff Training, Development and Support	1,584.00
EF085968	12/09/24	GPC Asia Pacific Pty Ltd T/A Repco	Plant and Vehicle Parts and Materials	1,351.18
EF085969	12/09/24	Reverberate Consulting Pty Ltd	Legal Expenses and Court Costs	5,049.00
EF085970	12/09/24	Rites Together Ltd	Youth and Seniors Community Activities	500.00
EF085971	12/09/24	RTS Training	Staff Training, Development and Support	130.00
EF085972	12/09/24	Rubek Automatic Doors	Building Maintenance and Services	297.00
EF085973	12/09/24	Savana Environmental Australia Pty Ltd T/A Savana Services	Environmental Health Services & Supplies	19,095.45
EF085974	12/09/24	Seek Limited	Advertising Recruitment	352.30
EF085975	12/09/24	Serenity Risk Solutions Pty Ltd	Buildings and Events Security Expenses	2,228.60
EF085976	12/09/24	Sesame Cuisine Pty Ltd	Functions and Events Catering Expenses	220.00

Reference Payments	Date	Creditor Name	Invoice details	Amount Paid \$
EF085977	12/09/24	Shred-X Pty Ltd	Document Management and Archiving	93.63
EF085978	12/09/24	Simba Textile Mills Pty Ltd	Kiosk Stock	606.65
EF085979	12/09/24	Site Sentry Pty Ltd	Equipment Maintenance	4,294.40
EF085980	12/09/24	Sonic Health Plus Pty Ltd	Medical Services and Materials	80.30
EF085981	12/09/24	The Library Board of WA T/A State Library of WA	Library Book Stock and Materials	5,170.00
EF085982	12/09/24	Statewide Cleaning Supplies Pty Ltd	Cleaning Supplies	111.21
EF085983	12/09/24	Stuart G Shackell Pty Ltd T/A Signarama Morley	Parks & Gardens Contract Payments	41,635.56
EF085984	12/09/24	Superior Nominees Pty Ltd T/A Miracle Recreation Equipment	Parks & Gardens Contract Payments	2,145.00
EF085985	12/09/24	The Trustee for the O'Grady Family Trust Efficient Site Services	Parks & Gardens Contract Payments	38,174.40
EF085986	12/09/24	Syrinx Environmental Pty Ltd	Professional Consultancy Services	81,493.50
EF085987	12/09/24	Team Global Express Pty Ltd T/A IPEC Pty Ltd	Postage and Courier Charges	397.27
EF085988	12/09/24	T.M Coghill & J Reeves T/A Technologically Speaking	Youth and Seniors Community Activities	330.00
EF085989	12/09/24	The Trustee for Lift Shop Trust	Building Maintenance and Services	674.30
EF085990	12/09/24	The Trustee for The McCartney Family Trust T/A Kerb Doctor	Construction and Civil Works Payments	1,832.60
EF085991	12/09/24	LGRCEU T/A The Western Australian Municipal Road Boards Parks	Payroll Payment	924.00
EF085992	12/09/24	Tim Hill	Audit Services	500.00
EF085993	12/09/24	Moore Enterprises (WA) Pty Ltd T/A Totally Workwear Malaga	Staff Uniforms and Protective Equipment	542.19
EF085994	12/09/24	Twins (WA) Pty Ltd	Functions and Events Catering Expenses	440.00
EF085995	12/09/24	Ulverscroft Australia Pty Ltd	Library Book Stock and Materials	3,025.00
EF085996	12/09/24	Viking Rentals	Cleaning Services	323.95
EF085997	12/09/24	WA Local Government Association	Staff Training, Development and Support	1,630.00
EF085998	12/09/24	Walcott Industries Pty Ltd	Building Maintenance and Services	1,485.00
EF085999	12/09/24	Walkinshaw Force Pty Ltd	Equipment Maintenance	2,541.00
EF086000	12/09/24	Wattleup Tractors	Plant and Vehicle Parts and Materials	561.00
EF086001	12/09/24	WC Convenience Management Pty Ltd T/A WC Innovations	Parks & Gardens Contract Payments	3,014.99
EF086002	12/09/24	Western Resource Recovery	Waste Collection and Hygiene Services	225.37
EF086003	12/09/24	Winc Australia Pty Ltd	Office Stationery and Consumables	210.33
EF086004	12/09/24	Woolworths Group Limited	Functions and Events Catering Expenses	152.72
EF086005	12/09/24	Workclobber Trust & Lindal Family Trust T/A Work Clobber	Staff Uniforms and Protective Equipment	179.10
EF086006	12/09/24	WPC Group Ltd	Labour Hire and Temporary Replacement	4,887.92
EF086007	12/09/24	A E Smith	Refund Rates Overpayment	108.61
EF086008	12/09/24	A R Bacon & M B Bacon	Refund Rates Overpayment	765.59
EF086009	12/09/24	Acton Belle Property	Refund Rates Overpayment	599.85
EF086010	12/09/24	Acton Belle Property	Refund Rates Overpayment	547.08
EF086011	12/09/24	ADG Romeo Family Trust	Crossover Subsidy	735.00
EF086012	12/09/24	AlintaGas Sales Pty Ltd	Gas Usage Charges	861.05
EF086013	12/09/24	Andrew Malcolm Hayes T/A Beyond The Haze ADHD Coaching	Marketing and Promotional Material	500.00
EF086014	12/09/24	Austin Homes Pty Ltd	Refund Residential Verge Deposit	1,485.23
EF086015	12/09/24	Australian Christian College-Southlands	Refund Facility Hire Bond	696.00
EF086016	12/09/24	B T Pickles	Waterwise Verge Rebate	250.00
EF086017	12/09/24	Bayswater Primary School	Awards and Scholarships	55.00
EF086018	12/09/24	Chaudhry Fahim Sarwar Bajwa	Refund Residential Verge Deposit	1,485.23
EF086019	12/09/24	Chisholm Catholic College	Awards and Scholarships	110.00
EF086020	12/09/24	City of Wanneroo	Staff Leave and Entitlement	7,016.72
EF086021	12/09/24	CTI5 Pty Ltd T/A CTI Risk Management-Petty Cash	Petty Cash Reimbursement	194.55
EF086022	12/09/24	Cyber Real Estate Pty Ltd	Refund Rates Overpayment	449.71
EF086023	12/09/24	D Wirtz	Refund Rates Overpayment	666.31
EF086024	12/09/24	Dale Alcock Homes	Refund Residential Verge Deposit	1,400.00
EF086025	12/09/24	Emily J Klippel	Refund Bond	550.00
EF086026	12/09/24	Geraldine Roxburgh	Refund Rates Overpayment	600.00
EF086027	12/09/24	Graeme Skeggs	Waterwise Verge Rebate	250.00
EF086028	12/09/24	Hamed Habibzadeh Nesami	Refund Residential Verge Deposit	1,400.00
EF086029	12/09/24	Harpreet Singh	Crossover Subsidy	735.00
EF086030	12/09/24	Hyunju Kim	Refund Rates Overpayment	146.14
EF086031	12/09/24	James Le Sueur	Refund Rates Overpayment	304.48
EF086032	12/09/24	Joanne and Hamish Garland	Refund Facility Hire Bond	350.00
EF086033	12/09/24	John Forrest Secondary College	Awards and Scholarships	110.00
EF086034	12/09/24	Kelly Graus	Refund Rates Overpayment	388.60
EF086035	12/09/24	Kelly Osyka	Refund Swimming Lessons	119.70
EF086036	12/09/24	Lois Moir	Waterwise Verge Rebate	500.00
EF086037	12/09/24	Luca Construct	Refund Residential Verge Deposit	1,485.23
EF086038	12/09/24	M & M Glyzewski	Refund Residential Verge Deposit	1,560.00
EF086039	12/09/24	M J Kirkness	Waterwise Verge Rebate	500.00
EF086040	12/09/24	M K Piller-Dalby	Refund Rates Overpayment	2,498.96
EF086041	12/09/24	Majestic Stairs Pty Ltd	Refund Rates Overpayment	615.76
EF086042	12/09/24	Mervi Marjaana Mattila & Jarrod Earl Mur	Refund Rates Overpayment	878.95
EF086043	12/09/24	My Homes WA Pty Ltd	Refund Residential Verge Deposit	1,400.00
EF086044	12/09/24	My Homes WA Pty Ltd	Refund Residential Verge Deposit	1,400.00
EF086045	12/09/24	Ngala Community Services	Refund Facility Hire Bond	179.97
EF086046	12/09/24	Patricia Margaret Mason	Refund Rates Overpayment	846.78
EF086047	12/09/24	Paul & Jessica Jefferies	Refund Rates Overpayment	138.98
EF086048	12/09/24	Perth Psychology Collective	Refund Rates Overpayment	168.35
EF086049	12/09/24	Precision AG Pace Pty Ltd	Refund Residential Verge Deposit	1,485.23
EF086050	12/09/24	Prime Projects Construction Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086051	12/09/24	Primilson Xavier	Refund Rates Overpayment	3,102.15
EF086052	12/09/24	Rahman Hidayat	Refund Rates Overpayment	260.04
EF086053	12/09/24	Robyn Buurman	Refund Rates Overpayment	5,000.00
EF086054	12/09/24	Rudilla Catalina Slee & Gordon James Sle	Waterwise Verge Rebate	500.00
EF086055	12/09/24	Saskia Musarri	Refund Rates Overpayment	955.44
EF086056	12/09/24	Serene Khoo	Waterwise Verge Rebate	250.00
EF086057	12/09/24	Synergy	Electricity Charges (Other Than Street Lighting)	123,246.96
EF086058	12/09/24	Tangent Nominees Pty Ltd	Refund Residential Verge Deposit	1,400.00
EF086059	12/09/24	Telstra Limited	Office Telephone and Communication Expenses	6,690.26
EF086060	12/09/24	The Gables SP 269	Refund Facility Hire Bond	233.80
EF086061	12/09/24	Travis Mitchell Construction	Refund Residential Verge Deposit	1,485.23
EF086062	12/09/24	Tristan Ward & Helen Beth Jackson	Waterwise Verge Rebate	500.00

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				\$
EF086063	12/09/24	Water Corporation	Water Usage Charges	2,672.49
EF086064	12/09/24	Wesfarmers Kleenheat Gas Pty Ltd	Gas Usage Charges	28,889.12
EF086065	12/09/24	Westview Builders WA Pty Ltd	Refund Residential Verge Deposit	1,485.23
EF086067	19/09/24	A. Richards Pty Ltd T/A Richgro Garden Products	Parks & Gardens Materials	796.00
EF086068	19/09/24	Acclaimed Catering Pty Ltd	Functions and Events Catering Expenses	2,327.60
EF086069	19/09/24	Active Discovery	Plant and Vehicle Purchasing	33,891.00
EF086070	19/09/24	Acurix Networks Pty Ltd	Software Maintenance	1,926.10
EF086071	19/09/24	ADT Security	Buildings and Events Security Expenses	56.42
EF086072	19/09/24	Advance Vacuumed Gutters	Cleaning Services	2,228.28
EF086073	19/09/24	ALS Library Services Pty Ltd	Book Purchases	1,464.23
EF086074	19/09/24	AMS Technology Group Pty Ltd	Building Maintenance and Services	41.84
EF086075	19/09/24	Apace Aid Incorporated	Garden Maintenance	3,575.00
EF086076	19/09/24	Arbor West Pty Ltd T/A Classic Tree Services	Garden Maintenance	4,766.85
EF086077	19/09/24	Australian Agribusiness (Holdings) Pty Ltd T/A Nuturf	Parks & Gardens Materials	15,961.00
EF086078	19/09/24	Bepassey Nominees Pty Ltd T/A Beacon Equipment	Plant and Vehicle Parts and Materials	219.80
EF086079	19/09/24	Boyan Electrical Services	Electrical Installation & Repair	5,437.66
EF086080	19/09/24	BP Australia Pty Ltd	Fuel and Oil	2,063.20
EF086081	19/09/24	Brownes Foods Operations Pty Ltd	Office Stationery and Consumables	131.15
EF086082	19/09/24	Bucher Municipal Pty Ltd	Plant and Vehicle Parts and Materials	635.43
EF086083	19/09/24	Bunnings Group Ltd	Engineering Works Materials	3,083.28
EF086084	19/09/24	Campbell's Janitor Supplies Pty Ltd T/A The Goods Australia	Cleaning Services	400.16
EF086085	19/09/24	Carol Foley	Youth and Seniors Community Activities	300.00
EF086086	19/09/24	CEI Pty Ltd T/A Raeco	Minor Equipment Purchase	17,848.59
EF086087	19/09/24	Cleanaway Pty Ltd	Waste Collection and Hygiene Services	5,637.14
EF086088	19/09/24	CNW Pty Ltd	Equipment Maintenance	644.22
EF086089	19/09/24	Contra-flow Pty Ltd	Traffic Management	710.86
EF086090	19/09/24	CTI5 Pty Ltd T/A CTI Risk Management	Fees and Charges	3,146.00
EF086091	19/09/24	Decipha Pty Ltd	Postage and Courier Charges	1,452.75
EF086092	19/09/24	Department of Fire and Emergency Services	Emergency Services Levy	3,396,107.84
EF086093	19/09/24	E Fire & Safety	Construction and Civil Works Payments	1,836.74
EF086094	19/09/24	Eastern Merchant Pty Ltd T/A Maylands Park Lottery Centre and News Agency	Memberships and Subscriptions	226.96
EF086095	19/09/24	Eastern Metropolitan Regional Council	Waste Collection and Hygiene Services	318,459.83
EF086096	19/09/24	Europcar WA	Insurance Excess	1,000.00
EF086097	19/09/24	Ezy Vend Pty Ltd	Equipment Hire	220.00
EF086098	19/09/24	GHD Pty Ltd	Analytical and Testing Services	8,670.20
EF086099	19/09/24	Hart Sport Australia Pty Ltd	Youth and Seniors Community Activities	473.00
EF086100	19/09/24	Hays Specialist Recruitment (Aust) Pty Ltd	Labour Hire and Temporary Replacement	7,330.27
EF086101	19/09/24	James Bennett Pty Ltd	Book Purchases	53.15
EF086102	19/09/24	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & Gardens Reticulation Repairs & Upgrades	1,011.56
EF086103	19/09/24	Kan Holdings Group Pty Ltd	Postage and Courier Charges	291.85
EF086104	19/09/24	Led Signs Pty Ltd	Equipment Maintenance	599.50
EF086105	19/09/24	Linemarking WA Pty Ltd	Construction and Civil Works Payments	3,067.42
EF086106	19/09/24	Local Government Professionals Aust WA	Staff Training, Development and Support	750.00
EF086107	19/09/24	Main Roads Western Australia	Aquatic Maintenance and Services	73,331.14
EF086108	19/09/24	Max & Claire Pty Ltd T/A Ergolink	Equipment Purchases	2,218.00
EF086109	19/09/24	Maxwell Robinson & Phelps	Pest Control	242.98
EF086110	19/09/24	McLeods Lawyers Pty Ltd	Legal Expenses and Court Costs	1,138.73
EF086111	19/09/24	MDM Entertainment Pty Ltd	Library Book Stock and Materials	484.08
EF086112	19/09/24	Midland Brick Pty Ltd	Engineering Works Materials	4,050.63
EF086113	19/09/24	Miltom Pty Ltd T/A Classic Hire	Equipment Hire	1,920.60
EF086114	19/09/24	Mobile Sentinel Pty Ltd T/A Little Rippers Technology	Animal Supplies & Services	9,108.00
EF086115	19/09/24	TheTrustee for the Ingwelala Trust T/A Westoz Food Distrib	Kiosk Stock	2,945.02
EF086116	19/09/24	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & Gardens Tree Pruning & Assoc. Services	550.00
EF086117	19/09/24	Ngala-Boodja/Aboriginal Land Care	Parks & Gardens Contract Payments	2,310.00
EF086118	19/09/24	NoiseNet Operations Pty Ltd	Equipment Maintenance	5,250.00
EF086119	19/09/24	Pool & Pump Service & Repairs Pty Ltd	Aquatic Maintenance and Services	3,275.38
EF086120	19/09/24	Pr Power Pty Ltd	Equipment Maintenance	2,678.42
EF086121	19/09/24	Prestige Elevators Pty Ltd	Building Maintenance and Services	1,815.00
EF086122	19/09/24	Prestige Property Maintenance Pty Ltd	Parks & Gardens Contract Payments	22,666.47
EF086123	19/09/24	Proglity Pty Ltd	IT Network Maintenance	1,430.00
EF086124	19/09/24	Pro-Lamps Pty Ltd	Building Supplies and Hardware	330.00
EF086125	19/09/24	Brenfield Pty Ltd T/A Promolab	Staff Uniforms and Protective Equipment	1,938.75
EF086126	19/09/24	The Trustee for Alba Unit Trust T/A Quality Press	Signage and Banners	1,171.50
EF086127	19/09/24	Redimed Pty Ltd	Medical Services and Materials	236.65
EF086128	19/09/24	Reece Australia Pty Ltd T/A Reece Plumbing	Minor Equipment Purchase	583.00
EF086129	19/09/24	Rentokil Initial Pty Ltd	Building Maintenance and Services	425.82
EF086130	19/09/24	GPC Asia Pacific Pty Ltd T/A Repco	Plant and Vehicle Parts and Materials	3,889.75
EF086131	19/09/24	R & M Associates Pty Ltd T/A The Drug Detection Agency - Kewdale	Medical Services and Materials	696.30
EF086132	19/09/24	Roof Safety Solutions Pty Ltd	Building Maintenance and Services	493.87
EF086133	19/09/24	RTV Computers Pty Ltd	Equipment Purchases	20,542.50
EF086134	19/09/24	Rubek Automatic Doors	Building Maintenance and Services	365.20
EF086135	19/09/24	SirsiDynix Pty Ltd	Staff Training, Development and Support	528.00
EF086136	19/09/24	Sonic Health Plus Pty Ltd	Medical Services and Materials	490.60
EF086137	19/09/24	Statewide Cleaning Supplies Pty Ltd	Cleaning Supplies	405.67
EF086138	19/09/24	The Trustee for the O'Grady Family Trust Efficient Site Services	Equipment Hire	374.00
EF086139	19/09/24	Team Global Express Pty Ltd T/A IPEC Pty Ltd	Postage and Courier Charges	397.27
EF086140	19/09/24	The Trust for Moore trust	Community Engagement Framework	1,980.00
EF086141	19/09/24	The Trustee for the Nixon Family Trust T/A Kwik Kopy Printing Centre - Perth CBD	Printing and Graphic Design Expenses	638.00
EF086142	19/09/24	Totally Board Pty Ltd	Youth and Seniors Community Activities	380.00
EF086143	19/09/24	Trailer Parts Pty Ltd T/A Martins Trailer Parts	Plant and Vehicle Parts and Materials	129.61
EF086144	19/09/24	UHG Trading Pty Ltd T/A Unicare Health	Aquatic Maintenance and Services	242.00
EF086145	19/09/24	Van Ryt Industries	Equipment Purchases	42,570.88
EF086146	19/09/24	Veolia Water Operations Pty Ltd	Equipment Maintenance	5,241.50
EF086147	19/09/24	WA Ranger Association Inc.	Conference Expenses	1,650.00
EF086148	19/09/24	WC Convenience Management Pty Ltd T/A WC Innovations	Building Maintenance and Services	3,014.99
EF086149	19/09/24	West Coast Turf	Parks & Gardens Materials	3,382.50

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				\$
EF086150	19/09/24	J.D Caffey & Caffey Family Trust T/A Westbooks	Library Book Stock and Materials	111.90
EF086151	19/09/24	Western Power	Electrical Installation & Repair	43,608.92
EF086152	19/09/24	Woolworths Group Limited	Kiosk Stock	503.89
EF086153	19/09/24	Workclobber Trust & Lindal Family Trust T/A Work Clobber	Staff Uniforms and Protective Equipment	501.30
EF086154	19/09/24	Zenien	Equipment Maintenance	4,878.37
EF086155	19/09/24	Zircodata Pty Ltd	Document Management and Archiving	254.41
EF086156	19/09/24	A&S Trusso	Grants & Funding	9,000.00
EF086157	19/09/24	Adam Trainer	Waterwise Verge Rebate	250.00
EF086158	19/09/24	Albert Abordi Family Trust	Waterwise Verge Rebate	500.00
EF086159	19/09/24	AlintaGas Sales Pty Ltd	Gas Usage Charges	185.90
EF086160	19/09/24	Anna Perruzza	Refund Crossover	984.80
EF086161	19/09/24	Assetbuild Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086162	19/09/24	Assetbuild Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086163	19/09/24	Assetbuild Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086164	19/09/24	Atasha Edwards	Refund Rates Overpayment	1,093.07
EF086165	19/09/24	Aveling Homes Pty Ltd	Refund Residential Verge Deposit	1,400.00
EF086166	19/09/24	Aveling Homes Pty Ltd	Refund Residential Verge Deposit	1,400.00
EF086167	19/09/24	Chinese Dance Australia Inc	Grants & Funding	3,000.00
EF086168	19/09/24	Colm Trant	Refund Residential Verge Deposit	1,485.23
EF086169	19/09/24	Community Arts Network of WA	Grants & Funding	5,500.00
EF086170	19/09/24	CSNP Foods Pty Ltd	Refund Commercial Verge Deposit	1,400.00
EF086171	19/09/24	CT15 Pty Ltd T/A CTI Risk Management-Petty Cash	Petty Cash Reimbursement	1,390.85
EF086172	19/09/24	CWA of WA Inc. (Bayswater)	Refund Facility Hire Bond	51.50
EF086173	19/09/24	DBD Developments	Refund Residential Verge Deposit	1,435.00
EF086174	19/09/24	Deeqa Mahmud Handule	Refund Bond	1,000.00
EF086175	19/09/24	Department of Finance	Refund Rates Overpayment	144.78
EF086176	19/09/24	Durham Road School	Awards and Scholarships	55.00
EF086177	19/09/24	Easialary Pty Ltd	Staff Superannuation & Other Deductions	1,820.45
EF086178	19/09/24	Embark Building Pty Ltd	Refund Residential Verge Deposit	1,485.23
EF086179	19/09/24	Emilia Rigoli	Refund Rates Overpayment	180.74
EF086180	19/09/24	FA Mitchell & MP Davey	Refund Residential Verge Deposit	1,485.23
EF086181	19/09/24	Friends of Lightning Swamp Bushland Inc.	Donation	3,500.00
EF086182	19/09/24	Gareth P Samuels	Refund Rates Overpayment	1,895.78
EF086183	19/09/24	Geraldine Roxburgh	Refund Rates Overpayment	600.00
EF086184	19/09/24	Hampton Park Primary School	Awards and Scholarships	55.00
EF086185	19/09/24	Hampton Senior High School	Awards and Scholarships	110.00
EF086186	19/09/24	Hillcrest Primary School	Awards and Scholarships	55.00
EF086187	19/09/24	Holmes B P	Refund Rates Overpayment	2,406.16
EF086188	19/09/24	Inglewood Primary School	Refund Facility Hire Bond	350.00
EF086189	19/09/24	ISC Pty Ltd	Refund Miscellaneous	2,062.50
EF086190	19/09/24	Jazam Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086191	19/09/24	John Hearn	Refund Rates Overpayment	862.55
EF086192	19/09/24	K Fehrenbach	Donation	200.00
EF086193	19/09/24	Kate Garrett	Refund Residential Verge Deposit	1,560.00
EF086194	19/09/24	Kate M and Matthew B Bowker	Waterwise Verge Rebate	250.00
EF086195	19/09/24	Kevin Rogers	Refund Rates Overpayment	1,400.00
EF086196	19/09/24	Laneway Artspace G. Mazalevskis	Grants & Funding	5,000.00
EF086197	19/09/24	Liya Guo	Refund Rates Overpayment	206.08
EF086198	19/09/24	Marisa Di Lorenzo & Katherine Louise Shi	Waterwise Verge Rebate	250.00
EF086199	19/09/24	Mark Anderson	Refund Residential Verge Deposit	1,400.00
EF086200	19/09/24	Maylands Peninsula Primary School	Awards and Scholarships	55.00
EF086201	19/09/24	Michael Saunders	Refund Residential Verge Deposit	1,485.23
EF086202	19/09/24	Morteza Hasanon	Refund Bond	300.00
EF086203	19/09/24	Nicole Rae Durrant	Staff Allowances and Reimbursements	228.80
EF086204	19/09/24	Noranda Primary School	Awards and Scholarships	55.00
EF086205	19/09/24	Omni Projects Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086206	19/09/24	The Trustee for The Broomhead Family Trust T/A The Broomhead Family Trust	Parks & Gardens Contract Payments	330.00
EF086207	19/09/24	PCB Developments Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086208	19/09/24	Plunkett Homes (1903) Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086209	19/09/24	Plunkett Homes (1903) Pty Ltd	Refund Development Application Fee	247.02
EF086210	19/09/24	Precision AG Pace Pty Ltd	Refund Residential Verge Deposit	1,485.23
EF086211	19/09/24	R U Developments	Refund Residential Verge Deposit	1,400.00
EF086212	19/09/24	Robert Ian Anderson	Refund Residential Verge Deposit	1,400.00
EF086213	19/09/24	Rotary Club of West Perth Inc.	Donation	350.00
EF086214	19/09/24	RP Arnold	Waterwise Verge Rebate	250.00
EF086215	19/09/24	Rynat Industries Australia Pty Ltd T/A Rynat Industries Aust	Minor Equipment Purchase	3,997.40
EF086216	19/09/24	Services Australia Official Administered	Refund Sundry Debtor	40.00
EF086217	19/09/24	Shakiah Fehrenbach	Donation	200.00
EF086218	19/09/24	St Peter's Primary School	Donation	55.00
EF086219	19/09/24	Stacey Robinson	Refund Animal Sterilisation	42.50
EF086220	19/09/24	Stacey Robinson	Refund Animal Sterilisation	42.50
EF086221	19/09/24	Stephen Chatterton	Waterwise Verge Rebate	250.00
EF086222	19/09/24	Synergy	Electricity Charges (Other Than Street Lighting)	321.92
EF086223	19/09/24	Telstra Limited	Office Telephone and Communication Expenses	120.00
EF086224	19/09/24	The RCA of Perth Infant Jesus School	Awards and Scholarships	55.00
EF086225	19/09/24	Toni A Outten	Refund Facility Hire Bond	1,000.00
EF086226	19/09/24	Trio Homes WA Pty Ltd	Refund Residential Verge Deposit	1,435.00
EF086227	19/09/24	Water Corporation	Water Usage Charges	8,368.84
EF086231	26/09/24	15251 - Ascot Park	Refund Bond	550.00
EF086232	26/09/24	A1 Pools P/L	Refund Residential Verge Deposit	1,485.23
EF086233	26/09/24	AlintaGas Sales Pty Ltd	Gas Usage Charges	1,373.25
EF086234	26/09/24	B & D Notarangelo	Refund Bond	100.00
EF086235	26/09/24	Bianca Sandri	Staff Allowances and Reimbursements	230.96
EF086236	26/09/24	Carrisa Pty Ltd	Refund Residential Verge Deposit	1,560.00
EF086237	26/09/24	Christian Spatara	Staff Allowances and Reimbursements	18.00
EF086238	26/09/24	Conan Fitness	Grants & Funding	3,531.00

Reference	Date	Creditor Name	Invoice details	Amount Paid
Payments				\$
EF086239	26/09/24	CTI5 Pty Ltd T/A CTI Risk Management-Petty Cash	Petty Cash Reimbursement	106.00
EF086240	26/09/24	Dorothy Bagshaw	Sitting Fee	200.00
EF086241	26/09/24	E Tedesco	Refund Residential Verge Deposit	1,485.23
EF086242	26/09/24	Ellen Shelton	Staff Allowances and Reimbursements	346.64
EF086243	26/09/24	Helen O'Grady Drama Academy	Refund Bond	1,000.00
EF086244	26/09/24	Hurricanes Netball Club	Refund Bond	350.00
EF086245	26/09/24	Amy Tolley	Staff Allowances and Reimbursements	209.90
EF086246	26/09/24	J M Louth	Refund Health Centre Memberships	102.00
EF086247	26/09/24	Karen Michelle D'Cunha	Waterwise Verge Rebate	500.00
EF086248	26/09/24	Kids Promotions	Refund Bond	1,000.00
EF086249	26/09/24	Michael Craig Osborne	Refund Rates Overpayment	1,942.17
EF086250	26/09/24	Mirjana Vujovic	Refund Rates Overpayment	389.31
EF086251	26/09/24	Nathan Collins	Refund Rates Overpayment	361.75
EF086252	26/09/24	North Dianella Netball Club	Refund Bond	500.00
EF086253	26/09/24	Nulook Homes Pty Ltd	Refund Residential Verge Deposit	1,485.23
EF086254	26/09/24	Oluwabunmi Christiana Ogunleye	Refund Bond	500.00
EF086255	26/09/24	The Trustee for The Broomhead Family Trust T/A The Broomhead Family Trust	Parks & Gardens Contract Payments	330.00
EF086256	26/09/24	Paul Lefever	Refund Rates Overpayment	782.48
EF086257	26/09/24	Plunkett Homes (1903) Pty Ltd	Refund Residential Verge Deposit	1,400.00
EF086258	26/09/24	Power Building Company WA	Refund Residential Verge Deposit	1,435.00
EF086259	26/09/24	Quairading Football Club	Refund Bond	550.00
EF086260	26/09/24	R J Gethin & J L Weir	Waterwise Verge Rebate	122.85
EF086261	26/09/24	Ricoh Australia Pty Ltd	Photocopying Contract Charges	3,788.42
EF086262	26/09/24	Steve Nellini	Staff Allowances and Reimbursements	175.74
EF086263	26/09/24	Synergy	Electricity Charges (Other Than Street Lighting)	30,970.13
EF086264	26/09/24	The Trust for Moore trust	Community Engagement Framework	1,980.00
EF086265	26/09/24	Triumph Homes	Refund Residential Verge Deposit	1,435.00
EF086266	26/09/24	B.J Kenny & K.M Kenny T/A Trophy Warehouse	Office Stationery and Consumables	15.00
EF086267	26/09/24	Water Corporation	Water Usage Charges	4,498.80
EF086268	26/09/24	WA Stolen Generations Aboriginal Corporation T/A Yokai Healing Our Spirit	Sitting Fee	200.00
EF086269	26/09/24	Wiseclimb Investments	Refund Residential Verge Deposit	1,485.23
EF086270	26/09/24	3 Monkeys Audiovisual	Equipment Purchases	4,591.70
EF086271	26/09/24	A1 Locksmiths	Key / Lock Services	5,549.41
EF086272	26/09/24	Abco Products Pty Ltd	Equipment Maintenance	8,007.71
EF086273	26/09/24	Acclaimed Catering Pty Ltd	Functions and Events Catering Expenses	2,202.20
EF086274	26/09/24	Aceway Unit Trust T/A City Toyota	Plant and Vehicle Parts and Materials	198.00
EF086275	26/09/24	Action Glass & Aluminium	Construction and Civil Works Tools and Materials	14,448.39
EF086276	26/09/24	ADT Security	Buildings and Events Security Expenses	263.43
EF086277	26/09/24	Advance Press (2013) Pty Ltd	Advertising Public Notices	15,166.25
EF086278	26/09/24	ALS Library Services Pty Ltd	Book Purchases	511.59
EF086279	26/09/24	AMS Technology Group Pty Ltd	Building Maintenance and Services	2,497.12
EF086280	26/09/24	Anton & Jo Pty Ltd T/A Bayswater News & Lotteries	Memberships and Subscriptions	259.76
EF086281	26/09/24	Arbor West Pty Ltd T/A Classic Tree Services	Parks & Gardens Tree Pruning & Assoc. Services	6,506.50
EF086282	26/09/24	ATC Work Smart	Trainee	246.51
EF086283	26/09/24	Australian Services Union	Payroll Payment	236.50
EF086284	26/09/24	Australian Taxation Office	Payroll Payment	309,917.00
EF086285	26/09/24	BGC (Australia) Pty Ltd T/A BGC Concrete	Engineering Works Materials	547.36
EF086286	26/09/24	Boya Equipment Pty Ltd	Plant and Vehicle Parts and Materials	6,892.88
EF086287	26/09/24	Boyan Electrical Services	Electrical Installation & Repair	18,679.10
EF086288	26/09/24	Brady Australia Pty Ltd T/A Seton Australia	Construction and Civil Works Tools and Materials	178.22
EF086289	26/09/24	Bridgestone Aust Ltd	Plant and Vehicle Parts and Materials	412.70
EF086290	26/09/24	Brownes Foods Operations Pty Ltd	Office Stationery and Consumables	204.25
EF086291	26/09/24	BT Equipment Pty Ltd T/A 600 Cranes Australia	Plant and Vehicle Parts and Materials	1,212.71
EF086292	26/09/24	Bucher Municipal Pty Ltd	Plant and Vehicle Parts and Materials	1,273.80
EF086293	26/09/24	Bunnings Group Ltd	Engineering Works Materials	2,559.72
EF086294	26/09/24	Capital Recycling	Street Sweeping	9,655.80
EF086295	26/09/24	The Trustee for Borrello Family Trust T/A Carramar Resource Industries	Parks & Gardens Materials	770.00
EF086296	26/09/24	Cat Haven	Animal Supplies & Services	672.93
EF086297	26/09/24	Central Regional Tafe	Staff Training, Development and Support	528.12
EF086298	26/09/24	Chemistry Centre (WA)	Environmental Testing and Sampling	1,437.68
EF086299	26/09/24	Child Support Agency	Payroll Payment	1,410.48
EF086300	26/09/24	Cleanaway Equipment Services Pty Ltd	Waste Collection and Hygiene Services	198.00
EF086301	26/09/24	Cleanaway Pty Ltd	Waste Collection and Hygiene Services	107.80
EF086302	26/09/24	CNW Pty Ltd	Construction and Civil Works Tools and Materials	1,627.73
EF086303	26/09/24	Contra-flow Pty Ltd	Traffic Management	5,135.33
EF086304	26/09/24	Corsign WA Pty Ltd	Signage and Banners	11,410.74
EF086305	26/09/24	Daine Batchelor T/A Tintworks Morley	Plant and Vehicle Parts and Materials	350.00
EF086306	26/09/24	David Gray & Co Pty Ltd	Pest Control	1,342.00
EF086307	26/09/24	Dekk RTP Pty Ltd	Plant and Vehicle Parts and Materials	548.90
EF086308	26/09/24	Department of Transport - Vehicle Search	Vehicle Searches	1,242.10
EF086309	26/09/24	Dowsing Group Pty Ltd	Construction and Civil Works Payments	14,404.23
EF086310	26/09/24	DS & JS Freeman Pty Ltd T/A WA Central Signs	Signage and Banners	148.50
EF086311	26/09/24	E Fire & Safety	Equipment Maintenance	13,730.46
EF086312	26/09/24	Eastern Merchant Pty Ltd T/A Maylands Park Lottery Centre and News Agency	Memberships and Subscriptions	134.02
EF086313	26/09/24	Eastern Metropolitan Regional Council	Waste Collection and Hygiene Services	141,854.85
EF086314	26/09/24	Environmental Industries Pty Ltd	Parks & Gardens Contract Payments	5,543.58
EF086315	26/09/24	Epic Catering & Events Services Pty Ltd	Functions and Events Catering Expenses	473.00
EF086316	26/09/24	Exbo Signage and Digital Pty Ltd T/A Bokay Signage	Plant and Vehicle Parts and Materials	3,660.97
EF086317	26/09/24	Fortis Security Pty Ltd	Building Maintenance and Services	305.25
EF086318	26/09/24	Fuel Distributors of WA Pty Ltd	Fuel and Oil	16,718.10
EF086319	26/09/24	Gatecrasher Advertising Pty Ltd	Marketing and Promotional Material	4,585.06
EF086320	26/09/24	Gembira Holdings Pty Ltd T/A BCJ Plastic Products	Construction and Civil Works Tools and Materials	693.00
EF086321	26/09/24	Bollertronix	Aquatic Maintenance and Services	1,314.06
EF086322	26/09/24	GFG Temporary Assist	Labour Hire and Temporary Replacement	20,198.48
EF086323	26/09/24	GHD Pty Ltd	Professional Consultancy Services	19,526.38
EF086324	26/09/24	Hays Specialist Recruitment (Aust) Pty Ltd	Labour Hire and Temporary Replacement	13,051.39

Reference Payments	Date	Creditor Name	Invoice details	Amount Paid \$
EF086325	26/09/24	Health Insurance Fund of WA	Payroll Payment	300.70
EF086326	26/09/24	The Trustee for Ben & Rachael Kenyon Family Trust T/A Homewood Consulting Pty Ltd	Professional Consultancy Services	4,207.50
EF086327	26/09/24	Hospital Benefit Fund of WA	Payroll Payment	874.01
EF086328	26/09/24	Hydra Storm	Construction and Civil Works Tools and Materials	4,587.00
EF086329	26/09/24	Instant Toilet & Showers Pty Ltd T/A Instant Products Hire	Equipment Hire	3,146.00
EF086330	26/09/24	Intelife Group Limited	Cleaning Services	2,297.51
EF086331	26/09/24	IPA By Synergie Pty Ltd	Labour Hire and Temporary Replacement	3,759.34
EF086332	26/09/24	Irrigation Australia Ltd	Conference Expenses	15.00
EF086333	26/09/24	IWM (PBH) Pty Ltd T/A Perth Bin Hire	Waste Collection and Hygiene Services	1,819.40
EF086334	26/09/24	Ixom Operations Pty Ltd	Aquatic Chemicals and Consumables	4,286.41
EF086335	26/09/24	J Blackwood & Son Pty Ltd T/A Blackwoods Atkins	Parks & Gardens Materials	1,673.77
EF086336	26/09/24	JEC Holdings WA Pty Ltd T/A CAI Fences	Parks & Gardens Contract Payments	2,310.00
EF086337	26/09/24	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & Gardens Reticulation Repairs & Upgrades	207.21
EF086338	26/09/24	Kayelene Gaye Kerr T/A eSafeKids	Marketing and Promotional Material	770.00
EF086339	26/09/24	Kennards Hire Pty Ltd	Equipment Hire	835.60
EF086340	26/09/24	K-Line Fencing Group	Fencing	11,951.50
EF086341	26/09/24	Lamigraf (Australia) Pty Ltd T/A The Book Cover Company	Library Book Stock and Materials	182.00
EF086342	26/09/24	Landgate	Title Search	94.80
EF086343	26/09/24	Leonie Helen Thompson T/A The Poster Girls	Publications	224.40
EF086344	26/09/24	Linemarking WA Pty Ltd	Construction and Civil Works Payments	1,785.33
EF086345	26/09/24	Livepro Australia Pty Ltd	Staff Training, Development and Support	275.00
EF086346	26/09/24	Living Turf	Parks & Gardens Materials	60,379.00
EF086347	26/09/24	Logic Cranes and Hoists	Parks & Gardens Materials	964.35
EF086348	26/09/24	M.J O'Connell & K.B. Popp T/A Kindling Creative	Community Engagement Framework	2,850.00
EF086349	26/09/24	Mader Contracting Pty Ltd	Labour Hire and Temporary Replacement	15,642.00
EF086350	26/09/24	Main Roads Western Australia	Refund Of Grant	9,125.71
EF086351	26/09/24	Marketforce Pty Ltd	Printing and Graphic Design Expenses	3,513.93
EF086352	26/09/24	Max & Claire Pty Ltd T/A Ergolink	Equipment Purchases	551.00
EF086353	26/09/24	McLeods Lawyers Pty Ltd	Legal Expenses and Court Costs	9,316.73
EF086354	26/09/24	MDM Entertainment Pty Ltd	Library Book Stock and Materials	274.78
EF086355	26/09/24	Minterellison	Legal Expenses and Court Costs	1,821.14
EF086356	26/09/24	Mobile Sentinel Pty Ltd T/A Little Rippers Technology	Animal Supplies & Services	440.00
EF086357	26/09/24	Morley Mower Centre	Plant and Vehicle Parts and Materials	369.60
EF086358	26/09/24	Morley Primary School	Awards and Scholarships	55.00
EF086359	26/09/24	TheTrustee for the Ingwelala Trust T/A Westoz Food Distribu	Kiosk Stock	1,900.49
EF086360	26/09/24	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & Gardens Tree Pruning & Assoc. Services	54,901.83
EF086361	26/09/24	Nestle Australia Ltd	Minor Equipment Purchase	1,548.92
EF086362	26/09/24	Ngala-Boodja/Aboriginal Land Care	Parks & Gardens Contract Payments	5,912.50
EF086363	26/09/24	Nqpetro Pty Ltd	Equipment Maintenance	841.50
EF086364	26/09/24	Nyoongar Outreach Services Inc.	Community Engagement Framework	9,166.30
EF086365	26/09/24	Officeworks Ltd T/A Officeworks	Office Stationery and Consumables	1,118.00
EF086366	26/09/24	OHSG Pty Ltd T/A Dean's Autoglass	Plant and Vehicle Repairs	176.83
EF086367	26/09/24	Omnicom Media Group Australia Pty Ltd	Marketing and Promotional Material	1,583.62
EF086368	26/09/24	Robert Thomas White T/A Oz Bat	Kiosk Stock	175.00
EF086369	26/09/24	Para-Mobility Pty Ltd	Aquatic Chemicals and Consumables	481.50
EF086370	26/09/24	The Trustee for the Parker Black & Forrest Unit Trust Parker Black and Forrest	Building Supplies and Hardware	312.02
EF086371	26/09/24	Parks and Leisure Australia	Conference Expenses	748.00
EF086372	26/09/24	Paywise Pty Ltd	Payroll Payment	756.98
EF086373	26/09/24	Perth Auto Alliance Pty Ltd T/A Lynford Motors	Plant and Vehicle Parts and Materials	150.20
EF086374	26/09/24	Pinnacle Height Safety Pty Ltd	Staff Training, Development and Support	199.00
EF086375	26/09/24	Pirtek Malaga	Plant and Vehicle Parts and Materials	38.97
EF086376	26/09/24	Pool & Pump Service & Repairs Pty Ltd	Aquatic Maintenance and Services	23,522.66
EF086377	26/09/24	Pr Power Pty Ltd	Equipment Maintenance	685.52
EF086378	26/09/24	Prestige Property Maintenance Pty Ltd	Parks & Gardens Contract Payments	16,381.20
EF086379	26/09/24	Product Recovery Industries Pty Ltd	Tipping Fee	1,325.50
EF086380	26/09/24	Proglity Pty Ltd	It Network Maintenance	21,120.00
EF086381	26/09/24	Pro-Lamps Pty Ltd	Building Supplies and Hardware	148.50
EF086382	26/09/24	Public Transport Authority of Western Australia	Construction and Civil Works Payments	12,637.90
EF086383	26/09/24	The Trustee for Alba Unit Trust T/A Quality Press	Signage and Banners	709.50
EF086384	26/09/24	Reconciliation WA	Memberships and Subscriptions	1,699.50
EF086385	26/09/24	Redimed Pty Ltd	Medical Services and Materials	1,936.00
EF086386	26/09/24	Reece Australia Pty Ltd T/A Reece Plumbing	Minor Equipment Purchase	1,655.21
EF086387	26/09/24	Refresh Waters Pty Ltd	Food & Drinks	99.00
EF086388	26/09/24	Rentokil Initial Pty Ltd	Building Maintenance and Services	3,112.22
EF086389	26/09/24	GPC Asia Pacific Pty Ltd T/A Repco	Plant and Vehicle Parts and Materials	1,172.18
EF086390	26/09/24	Roy Galvin & Co. Pty Ltd T/A Galvins Plumbing Supplies	Construction and Civil Works Tools and Materials	3,120.97
EF086391	26/09/24	RTV Computers Pty Ltd	Office Stationery and Consumables	11,583.00
EF086392	26/09/24	Schindler Lifts Australia Pty Ltd	Building Maintenance and Services	7,225.68
EF086393	26/09/24	Sonic Health Plus Pty Ltd	Medical Services and Materials	875.60
EF086394	26/09/24	Specialist Trailer Builders Pty T/A OMB WA	Plant and Vehicle Parts and Materials	1,540.00
EF086395	26/09/24	The Trustee for Sportsworld Unit Trust T/A Sportsworld of WA	Kiosk Stock	2,226.40
EF086396	26/09/24	St John Ambulance Western Australia Ltd	Staff Training, Development and Support	301.00
EF086397	26/09/24	State Wide Turf Services	Parks & Gardens Materials	68,509.18
EF086398	26/09/24	Strata Corporation Pty Ltd T/A Stratagreen	Parks & Gardens Materials	922.96
EF086399	26/09/24	Stratco (WA) Pty Ltd	Building Supplies and Hardware	516.06
EF086400	26/09/24	The Trustee for the O'Grady Family Trust Efficient Site Services	Parks & Gardens Contract Payments	23,364.00
EF086401	26/09/24	The Trustee for Silverspring Trust T/A T J Depiazzi & Sons	Parks & Gardens Materials	8,457.90
EF086402	26/09/24	Talis Consultants	Labour Hire and Temporary Replacement	6,495.50
EF086403	26/09/24	Team Global Express Pty Ltd T/A IPEC Pty Ltd	Postage and Courier Charges	392.68
EF086404	26/09/24	Techworks Plumbing Pty Ltd Techworks Plumbing Pty Ltd	Building Maintenance and Services	2,426.54
EF086405	26/09/24	The Trustee for R Servaas Family Trust T/A Wanneroo Plant Farm	Parks & Gardens Plants and Trees	426.80
EF086406	26/09/24	The Trustee for TDCS Unit Trust T/A Clubmap Pty Ltd	Community Engagement Framework	2,750.00
EF086407	26/09/24	The Trustee For the Dry Cleaning Family Trust T/A New Look Dry Cleaners Morley	Cleaning Services	607.31
EF086408	26/09/24	The Trustee for the Dzodzogs Family Trust	Parks & Gardens Contract Payments	7,394.89
EF086409	26/09/24	LGRCEU T/A The Western Australian Municipal Road Boards Parks	Payroll Payment	946.00
EF086410	26/09/24	Tool Kit Depot	Minor Equipment Purchase	630.44

<i>Reference</i>	<i>Date</i>	<i>Creditor Name</i>	<i>Invoice details</i>	<i>Amount Paid</i>
Payments				\$
EF086411	26/09/24	Moore Enterprises (WA) Pty Ltd T/A Totally Workwear Malaga	Staff Uniforms and Protective Equipment	5,789.44
EF086412	26/09/24	T-Quip	Plant and Vehicle Parts and Materials	1,193.70
EF086413	26/09/24	Two Way Hire and Sales	Minor Equipment Purchase	5,040.20
EF086414	26/09/24	UHG Trading Pty Ltd T/A Unicare Health	Depot Stores Aand Consumables	1,138.50
EF086415	26/09/24	Urbis Ltd	Professional Consultancy Services	6,600.00
EF086416	26/09/24	WA Local Government Association	Staff Training, Development and Support	1,199.00
EF086417	26/09/24	WA Ranger Association Inc.	Conference Expenses	1,300.00
EF086418	26/09/24	Walcott Industries Pty Ltd	Parks & Gardens Contract Payments	1,852.40
EF086419	26/09/24	Wanneroo Agricultural Machinery	Plant and Vehicle Parts and Materials	614.90
EF086420	26/09/24	Wattleup Tractors	Plant and Vehicle Repairs	2,863.33
EF086421	26/09/24	Way Funky Company Pty Ltd	Kiosk Stock	865.70
EF086422	26/09/24	Western Resource Recovery	Building Maintenance and Services	572.00
EF086423	26/09/24	Westworks Group	Professional Consultancy Services	2,145.00
EF086424	26/09/24	Winc Australia Pty Ltd	Minor Equipment Purchase	7,651.75
EF086425	26/09/24	Workclobber Trust & Lindal Family Trust T/A Work Clobber	Staff Uniforms and Protective Equipment	126.00
EF086426	26/09/24	Workpower Inc	Parks & Gardens Contract Payments	33,110.41
EF086427	26/09/24	WPC Group Ltd	Labour Hire and Temporary Replacement	17,264.81
EF086428	26/09/24	Zenien	Equipment Maintenance	907.50
				8,051,850.85
Cancelled Payments				
EF086026	17/09/24	Geraldine Roxburgh		-600.00
EF086049	17/09/24	Precision AG Pace Pty Ltd		-1,485.23
EF086140	25/09/24	The Trust for Moore trust		-1,980.00
				-4,065.23

City of Bayswater

List of Payment - Aged

for the period 1 September 2024 to 30 September 2024

<i>Reference</i>	<i>Date</i>	<i>Creditor Name</i>	<i>Invoice details</i>	<i>Amount Paid</i>
<i>Payments</i>				<i>\$</i>
EF085755	05/09/24	Water Corporation	Water Usage Charges	1,191.49
EF086066	12/09/24	Synergy	Electricity Charges (Other Than Street Lighting)	280.73
EF086228	19/09/24	Fresh Fields Management (Mertome Village) Pty Ltd	Garden Maintenance	11,133.38
EF086229	26/09/24	Burgess Rawson (WA) Pty Ltd	Lease and Rental Payments	4,275.00
EF086230	26/09/24	Fresh Fields Management (Mertome Village) Pty Ltd	Building Maintenance and Services	624.09
				17,504.69

City of Bayswater

List of Payment - Trust

for the period 1 September 2024 to 30 September 2024

<i>Reference</i>	<i>Date</i>	<i>Creditor Name</i>	<i>Invoice details</i>	<i>Amount Paid</i>
<i>Payments</i>				\$
EF086429	26/09/24	Department of Mines, Industry Regulation and Safety	Building Services Levy	<u>26,754.09</u>
				26,754.09

City of Bayswater

Corporate Credit Card Transactions

For the period 29 August 2024 to 27 September 2024

Date	Supplier	Description	Amount
Chief Executive Officer			
29/08/24	Event and Conference Co	Conference Expenses	406.00
02/09/24	City of Perth	Parking Fees	14.13
04/09/24	West Australian Newspapers Ltd	Memberships and Subscriptions	84.00
06/09/24	City of Perth	Parking Fees	11.36
13/09/24	Shark Bay Fuel Fishin Denham	Fuel and Oil Expenses	143.50
Card total			658.99
Director Community Services			
05/09/24	Create Send	Marketing and Promotional Material	438.90
05/09/24	Twilio	Memberships and Subscriptions	135.47
11/09/24	Department of Justice	Fees and Charges	189.00
11/09/24	Trello	Marketing and Promotional Material	180.81
16/09/24	Eventbrite	Marketing and Promotional Material	15.00
Card total			959.18
Director Corporate Services			
30/08/24	Lena's Bar	Functions and Events Catering Expenses	289.00
02/09/24	CPP Convention Centre	Functions and Events Catering Expenses	25.24
02/09/24	Acre Espresso Bar	Functions and Events Catering Expenses	17.20
06/09/24	City of Perth	Parking Fees	8.91
10/09/24	Australian Local Government Women's Association	Conference Expenses	95.50
12/09/24	General Public Food Co	Functions and Events Catering Expenses	9.90
13/09/24	Meta Platforms Ireland Ltd T/A Facebook	Marketing and Promotional Material	621.40
13/09/24	Il Milanese Pizzeria	Functions and Events Catering Expenses	9.30
17/09/24	Australian Local Government Women's Association	Conference Expenses	95.50
Card total			1,171.95
Director Infrastructure & Assets			
02/09/24	The Institution Of Engineers Australia	Memberships and Subscriptions	612.00
02/09/24	Local Government Mana	Memberships and Subscriptions	560.00
04/09/24	Eventbrite	Functions and Events Entertainment Expenses	9.00
04/09/24	Eventbrite	Functions and Events Entertainment Expenses	9.00
06/09/24	Officeworks Ltd T/A Officeworks	Office Stationery and Consumables	35.85
10/09/24	Fast Field	Fees and Charges	30.39
23/09/24	Kelyn Training Services	Staff Training, Development and Support	450.00
Card total			1,706.24
Grand Total			4,496.36

City of Bayswater

List of Corporate Purchase Card Transactions

for the period: 1 September 2024 to 30 September 2024

Date	Description	Amount \$
Bunnings Group Ltd		
4470		
19/07/24	Cleaning Supplies	61.61
16/08/24	Cleaning Supplies	25.98
16/08/24	Construction and Civil Works Tools And Materials	71.16
22/08/24	Cleaning Supplies	7.48
22/08/24	Cleaning Supplies	46.41
27/08/24	Construction and Civil Works Tools And Materials	55.62
29/08/24	Construction and Civil Works Tools And Materials	37.05
	Sub Total	305.31
3292		
23/08/24	Construction and Civil Works Tools And Materials	13.49
02/09/24	Building Supplies and Hardware	55.96
	Sub Total	69.45
9176		
04/07/24	Construction and Civil Works Tools And Materials	336.01
16/07/24	Construction and Civil Works Tools And Materials	219.42
17/07/24	Construction and Civil Works Tools And Materials	24.79
18/07/24	Construction and Civil Works Tools And Materials	103.01
18/07/24	Construction and Civil Works Tools And Materials	62.95
01/08/24	Construction and Civil Works Tools And Materials	78.37
02/08/24	Construction and Civil Works Tools And Materials	76.04
02/08/24	Construction and Civil Works Tools And Materials	121.97
07/08/24	Construction and Civil Works Tools And Materials	51.93
09/08/24	Construction and Civil Works Tools And Materials	112.96
09/08/24	Construction and Civil Works Tools And Materials	178.58
13/08/24	Construction and Civil Works Tools And Materials	25.61
14/08/24	Construction and Civil Works Tools And Materials	72.06
15/08/24	Construction and Civil Works Tools And Materials	36.20
16/08/24	Construction and Civil Works Tools And Materials	74.27
16/08/24	Construction and Civil Works Tools And Materials	58.71
20/08/24	Construction and Civil Works Tools And Materials	204.96
21/08/24	Construction and Civil Works Tools And Materials	169.22
21/08/24	Construction and Civil Works Tools And Materials	85.74
21/08/24	Construction and Civil Works Tools And Materials	27.49
22/08/24	Construction and Civil Works Tools And Materials	186.71
22/08/24	Construction and Civil Works Tools And Materials	7.71
23/08/24	Construction and Civil Works Tools And Materials	40.76
23/08/24	Construction and Civil Works Tools And Materials	81.30
23/08/24	Construction and Civil Works Tools And Materials	408.00
27/08/24	Construction and Civil Works Tools And Materials	132.35
27/08/24	Construction and Civil Works Tools And Materials	46.26
27/08/24	Construction and Civil Works Tools And Materials	10.41
28/08/24	Construction and Civil Works Tools And Materials	85.16
28/08/24	Construction and Civil Works Tools And Materials	48.30
	Sub Total	3,167.25

		\$
2706		
05/08/24	Equipment Maintenance	29.98
09/08/24	Equipment Maintenance	532.61
19/08/24	Equipment Maintenance	47.82
20/08/24	Equipment Maintenance	93.21
21/08/24	Equipment Maintenance	83.50
22/08/24	Minor Equipment Purchase	346.03
28/08/24	Equipment Maintenance	96.53
	Sub Total	1,229.68
5762		
02/08/24	Staff Uniforms and Protective Equipment	20.84
08/08/24	Engineering Works Materials	175.45
14/08/24	Engineering Works Materials	104.16
14/08/24	Engineering Works Materials	251.76
16/08/24	Staff Uniforms and Protective Equipment	34.65
16/08/24	Staff Uniforms and Protective Equipment	5.21
23/08/24	Staff Uniforms and Protective Equipment	247.38
23/08/24	Staff Uniforms and Protective Equipment	24.09
26/08/24	Staff Uniforms and Protective Equipment	12.60
02/09/24	Osh Equipment	12.45
	Sub Total	888.59
5719		
15/08/24	Construction and Civil Works Tools and Materials	59.00
	Sub Total	59.00
3169		
30/08/24	Environmental Services & Supplies	46.68
	Sub Total	46.68
8394		
02/07/24	Construction and Civil Works Tools and Materials	180.81
16/07/24	Construction and Civil Works Tools and Materials	50.94
08/08/24	Minor Equipment Purchase	60.69
13/08/24	Construction and Civil Works Tools and Materials	44.80
14/08/24	Minor Equipment Purchase	37.03
23/08/24	Construction and Civil Works Tools and Materials	22.17
26/08/24	Construction and Civil Works Tools and Materials	51.35
29/08/24	Construction and Civil Works Tools and Materials	26.98
30/08/24	Construction and Civil Works Tools and Materials	37.78
	Sub Total	512.55
4766		
08/08/24	Parks & Gardens Materials	95.00
08/08/24	Parks & Gardens Materials	102.45
08/08/24	Parks & Gardens Materials	30.75
08/08/24	Minor Equipment Purchase	92.15
08/08/24	Plant and Vehicle Parts and Materials	182.30
09/08/24	Minor Equipment Purchase	54.41
09/08/24	Parks & Gardens Materials	85.40
09/08/24	Parks & Gardens Materials	41.59
09/08/24	Parks & Gardens Materials	53.18
20/08/24	Parks & Gardens Materials	59.48
20/08/24	Minor Equipment Purchase	75.83
23/08/24	Parks & Gardens Materials	27.56
28/08/24	Minor Equipment Purchase	52.23

		\$
28/08/24	Construction and Civil Works Tools and Materials	100.68
28/08/24	Parks & Gardens Materials	22.78
28/08/24	Minor Equipment Purchase	49.12
29/08/24	Parks & Gardens Materials	73.28
30/08/24	Parks & Gardens Materials	48.92
03/09/24	Parks & Gardens Materials	45.33
	Sub Total	1,292.44
0125		
12/08/24	Parks & Gardens Materials	156.32
	Sub Total	156.32
1238		
29/07/24	Engineering Works Materials	154.90
08/08/24	Engineering Works Materials	95.90
21/08/24	Engineering Works Materials	117.30
31/08/24	Engineering Works Materials	104.50
	Sub Total	472.60
6649		
08/08/24	Equipment Maintenance	258.82
26/08/24	Aquatic Maintenance and Services	36.61
02/09/24	Aquatic Maintenance and Services	68.57
02/09/24	Aquatic Maintenance and Services	13.21
	Sub Total	377.21
8073		
03/07/24	Construction and Civil Works Tools And Materials	16.76
05/07/24	Construction and Civil Works Tools And Materials	53.29
15/07/24	Minor Equipment Purchase	9.02
06/08/24	Minor Equipment Purchase	53.57
08/08/24	Construction and Civil Works Tools And Materials	91.20
08/08/24	Construction and Civil Works Tools And Materials	89.30
08/08/24	Construction and Civil Works Tools And Materials	86.54
13/08/24	Construction and Civil Works Tools And Materials	31.85
14/08/24	Construction and Civil Works Tools And Materials	220.72
26/08/24	Construction and Civil Works Tools And Materials	37.22
26/08/24	Construction and Civil Works Tools And Materials	12.28
26/08/24	Construction and Civil Works Tools And Materials	21.30
02/09/24	Building Maintenance and Services	67.54
02/09/24	Building Supplies and Hardware	46.81
03/09/24	Building Supplies and Hardware	45.55
	Sub Total	882.95
0999		
03/07/24	Construction and Civil Works Tools And Materials	44.03
04/07/24	Construction and Civil Works Tools And Materials	17.49
04/07/24	Construction and Civil Works Tools And Materials	10.10
16/07/24	Minor Equipment Purchase	29.80
16/07/24	Construction and Civil Works Tools And Materials	46.73
06/08/24	Construction and Civil Works Tools And Materials	22.64
13/08/24	Construction and Civil Works Tools And Materials	8.31
20/08/24	Construction and Civil Works Tools And Materials	56.62
02/09/24	Building Supplies and Hardware	10.07
	Sub Total	245.79
0099		
05/08/24	Environmental Services & Supplies	98.54

		\$
06/08/24	Environmental Services & Supplies	64.86
13/08/24	Environmental Services & Supplies	111.84
15/08/24	Environmental Services & Supplies	98.99
16/08/24	Environmental Services & Supplies	67.42
16/08/24	Environmental Services & Supplies	103.19
19/08/24	Environmental Services & Supplies	39.28
20/08/24	Environmental Services & Supplies	67.46
20/08/24	Environmental Health Services & Supplies	115.15
21/08/24	Environmental Services & Supplies	61.77
22/08/24	Environmental Services & Supplies	102.48
23/08/24	Environmental Services & Supplies	113.42
26/08/24	Environmental Services & Supplies	107.43
26/08/24	Environmental Services & Supplies	111.45
27/08/24	Environmental Services & Supplies	116.58
28/08/24	Environmental Services & Supplies	93.06
29/08/24	Environmental Services & Supplies	41.19
29/08/24	Environmental Services & Supplies	88.61
30/08/24	Environmental Services & Supplies	85.86
02/09/24	Environmental Services & Supplies	273.28
03/09/24	Environmental Services & Supplies	420.16
03/09/24	Environmental Services & Supplies	362.08
	Sub Total	2,744.10

Bunnings Group Ltd Total 12,449.92

BP Australia Pty Ltd

0090

09/08/24	Fuel and Oil For Council Fleet	211.37
23/08/24	Fuel and Oil For Council Fleet	196.84
		408.21

0116

06/08/24	Fuel and Oil For Council Fleet	64.59
13/08/24	Fuel and Oil For Council Fleet	58.31
20/08/24	Fuel and Oil For Council Fleet	63.84
27/08/24	Fuel and Oil For Council Fleet	75.65
		262.39

0124

08/08/24	Fuel and Oil For Council Fleet	96.74
		96.74

0157

11/08/24	Fuel and Oil For Council Fleet	57.31
		57.31

0165

03/08/24	Fuel and Oil For Council Fleet	117.94
08/08/24	Fuel and Oil For Council Fleet	94.51
14/08/24	Fuel and Oil For Council Fleet	113.87
19/08/24	Fuel and Oil For Council Fleet	100.87
22/08/24	Fuel and Oil For Council Fleet	105.84
25/08/24	Fuel and Oil For Council Fleet	108.93
30/08/24	Fuel and Oil For Council Fleet	92.41
		734.37

0199

03/08/24	Fuel and Oil For Council Fleet	50.54

			\$
25/08/24	Fuel and Oil For Council Fleet		93.95
			<u>50.54</u>
0207			
03/08/24	Fuel and Oil For Council Fleet		62.55
08/08/24	Fuel and Oil For Council Fleet		50.41
13/08/24	Fuel and Oil For Council Fleet		58.88
18/08/24	Fuel and Oil For Council Fleet		67.65
28/08/24	Fuel and Oil For Council Fleet		54.68
			<u>294.17</u>
0223			
13/08/24	Fuel and Oil For Council Fleet		65.52
		Sub Total	<u>65.52</u>
		BP Australia Pty Ltd Total	<u>2,063.20</u>
		Grand Total	<u><u>14,513.12</u></u>

Note: The above payments have been included in payments from the Municipal Account.

City of Bayswater

Electronic Fund Transfers

for the period 1 September 2024 to 30 September 2024

Date	Description	Amount
Municipal Account		\$
03/09/24	New Term Deposit	500,000.00
04/09/24	NAB Transact Fee	831.60
04/09/24	NAB Transact Fee	60.60
04/09/24	NAB Transact Fee	10.10
04/09/24	NAB Transact Fee	6.20
04/09/24	Wages	1,076,779.14
06/09/24	Wages	6,474.25
10/09/24	New Term Deposit	5,289,033.86
10/09/24	New Term Deposit	4,900,000.00
17/09/24	New Term Deposit	1,600,000.00
18/09/24	Wages	1,078,263.72
19/09/24	NAB Batch Fee	0.63
19/09/24	Account Fee	85.58
24/09/24	New Term Deposit	2,000,000.00
24/09/24	New Term Deposit	700,000.00
26/09/24	NAB Batch Fee	0.21
26/09/24	Wages	25,777.08
30/09/24	NAB Merchant Fee	7,213.98
30/09/24	NAB Merchant Fee	1,407.98
30/09/24	NAB Merchant Fee	1,064.14
30/09/24	NAB Merchant Fee	343.02
30/09/24	NAB Merchant Fee	186.46
30/09/24	NAB Merchant Fee	60.00
30/09/24	NAB Merchant Fee	40.00
30/09/24	NAB Bpay Fee	2,201.10
		<u>17,189,839.65</u>
Aged Persons Homes Account		
17/09/24	New Term Deposit	500,000.00
19/09/24	Account fee	0.05
		<u>500,000.05</u>
Total		<u><u>17,689,839.70</u></u>

10.2.3 Investment Report for the Period Ended 30 September 2024

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate Services
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required
Attachments:	1. Investment Register [10.2.3.1 - 1 page] 2. Investment Summary [10.2.3.2 - 1 page] 3. Investment Portfolio [10.2.3.3 - 1 page]

SUMMARY

This report presents the City's Investment Portfolio for the period ended 30 September 2024.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the Investment Portfolio Report for the period ended 30 September 2024 with investments totalling \$128,984,121.19.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: *Nil.*

BACKGROUND

The purpose of this report is for Council to note the Investment Portfolio detailed in **Attachments 1, 2 and 3.**

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, a monthly report on the City's Investment Portfolio is to be presented to Council.

The City's Investment Policy details the manner in which the City is to manage the investment portfolio ensuring:

- a high level of security;
- an adequate level of diversification to spread risk; and
- sufficient liquidity to meet all reasonably-anticipated cash flow requirements (ready access to funds for daily requirements).

The City's investment portfolio (**Attachments 1, 2 and 3**) is spread across several financial institutions in accordance with the risk management guidelines as contained in the policy.

- **Maximum Risk Exposure** - The City policy sets a portfolio credit framework which limits the credit exposure of the City's investment to the following Standard & Poor's (S&P) rated banking institutions.

S&P Long-Term Rating	S&P Short-Term Rating	Maximum Risk Limit % Credit Rating
AAA	A-1+	100%
AA	A-1	100%
A	A-2	80%

This report is intended to not only meet the City's regulatory and policy obligations, but also to summarise how the City's funds have been invested and with which financial institution.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

Total investments for the period ended 30 September 2024 were \$128,984,121.19.

Of the total investment portfolio, \$66,735,755.23 is internally restricted and \$3,081,786.18 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 2024/25 operating and capital expenditure requirements.

LEGISLATIVE COMPLIANCE

The City's *Investment Policy* applies. It is noted that the City currently has 13% in fossil fuel free investments.

RISK MANAGEMENT CONSIDERATION

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

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

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 September 2024 with investments totalling \$128,984,121.19.

City of Bayswater
Investment Register
Balance as at 30 September 2024

Investment Number	Bank	Lodgement Date	Maturity Date	Rate %	Principal \$	Accrued Interest \$	Maturity Interest \$	Maturity Amount \$
201050	ING Bank	30/07/24	01/10/24	4.63	4,000,000.00	31,458.63	31,966.03	4,031,966.03
201052	ING Bank	06/08/24	08/10/24	4.66	1,500,000.00	10,532.88	12,064.93	1,512,064.93
201053	ING Bank	06/08/24	15/10/24	4.66	2,000,000.00	14,043.84	17,873.97	2,017,873.97
201056	National Australia Bank	13/08/24	22/10/24	4.62	2,000,000.00	12,151.23	17,720.55	2,017,720.55
201057	National Australia Bank	13/08/24	29/10/24	4.70	2,500,000.00	15,452.05	24,787.67	2,524,787.67
201059	Bank of Queensland	20/08/24	05/11/24	4.60	1,500,000.00	7,750.68	14,556.16	1,514,556.16
201060	Bank of Queensland	20/08/24	12/11/24	4.60	2,800,000.00	14,467.95	29,641.64	2,829,641.64
201061	Bank of Queensland	20/08/24	19/11/24	4.70	1,500,000.00	7,919.18	17,576.71	1,517,576.71
201029	Suncorp Bank	26/06/24	26/11/24	5.29	2,566,579.78	35,709.91	56,912.68	2,623,492.46
201069	Westpac Bank	27/08/24	03/12/24	5.07	1,500,000.00	7,084.11	20,418.90	1,520,418.90
201070	Westpac Bank	27/08/24	10/12/24	5.07	2,500,000.00	11,806.85	36,462.33	2,536,462.33
201085	Commonwealth Bank	24/09/24	10/12/24	4.78	2,000,000.00	1,571.51	20,167.67	2,020,167.67
201054	Westpac Bank	06/08/24	17/12/24	5.14	1,600,000.00	12,392.33	29,966.90	1,629,966.90
201058	Westpac Bank	13/08/24	17/12/24	5.14	2,500,000.00	16,898.63	44,358.90	2,544,358.90
201071	Westpac Bank	27/08/24	17/12/24	5.07	1,500,000.00	7,084.11	23,335.89	1,523,335.89
201072	Westpac Bank	27/08/24	24/12/24	5.07	1,000,000.00	4,722.74	16,529.59	1,016,529.59
201073	Westpac Bank	27/08/24	07/01/25	5.06	2,500,000.00	11,783.56	46,094.52	2,546,094.52
201074	Westpac Bank	27/08/24	14/01/25	5.06	1,500,000.00	7,070.14	29,112.33	1,529,112.33
201075	Westpac Bank	27/08/24	21/01/25	5.06	2,500,000.00	11,783.56	50,946.58	2,550,946.58
201076	Westpac Bank	03/09/24	28/01/25	5.06	500,000.00	1,871.51	10,189.32	510,189.32
201086	Westpac Bank	24/09/24	28/01/25	5.06	700,000.00	582.25	12,227.18	712,227.18
201077	Westpac Bank	10/09/24	04/02/25	5.06	2,500,000.00	6,931.51	50,946.58	2,550,946.58
201078	Westpac Bank	10/09/24	18/02/25	5.03	2,400,000.00	6,614.79	53,249.10	2,453,249.10
201065	National Australia Bank	27/08/24	04/03/25	5.04	2,500,000.00	11,736.99	65,243.84	2,565,243.84
201062	Westpac Bank	20/08/24	11/03/25	5.13	3,000,000.00	17,287.40	85,593.70	3,085,593.70
201066	National Australia Bank	27/08/24	11/03/25	5.04	1,500,000.00	7,042.19	40,596.16	1,540,596.16
201067	National Australia Bank	27/08/24	18/03/25	5.04	2,500,000.00	11,736.99	70,076.71	2,570,076.71
201082	Bank of Queensland	17/09/24	25/03/25	5.05	1,600,000.00	2,877.81	41,838.90	1,641,838.90
201068	National Australia Bank	27/08/24	01/04/25	5.01	2,500,000.00	11,667.12	74,463.70	2,574,463.70
Muni General Funds Total					59,166,579.78	320,032.43	1,044,919.14	60,211,498.92
201025	Suncorp Bank	11/06/24	15/10/24	5.05	2,536,587.12	38,955.72	44,220.01	2,580,807.13
201020	Suncorp Bank	21/05/24	26/11/24	5.17	2,009,937.72	37,579.78	53,807.41	2,063,745.13
201021	Suncorp Bank	28/05/24	26/11/24	5.16	3,465,633.24	61,242.01	89,168.37	3,554,801.61
201039	National Australia Bank	01/07/24	17/12/24	5.25	4,927,239.83	64,492.84	119,772.43	5,047,012.26
201064	Westpac Bank	27/08/24	17/12/24	5.07	5,661,727.43	26,738.87	88,080.97	5,749,808.40
201038	Suncorp Bank	01/07/24	07/01/25	5.30	5,108,357.54	67,500.30	140,934.69	5,249,292.23
201046	National Australia Bank	23/07/24	07/01/25	5.30	3,079,887.70	30,857.94	75,132.38	3,155,020.08
201037	National Australia Bank	01/07/24	04/02/25	5.35	2,526,570.37	33,700.30	80,732.58	2,607,302.95
201040	Bank of Queensland	01/07/24	04/02/25	5.35	4,528,001.74	60,396.10	144,685.16	4,672,686.90
201051	National Australia Bank	30/07/24	04/02/25	5.30	3,347,417.58	30,135.93	91,865.98	3,439,283.56
201083	Bank of Queensland	18/09/24	18/03/25	5.05	5,524,385.00	9,171.99	138,344.22	5,662,729.22
201045	National Australia Bank	10/07/24	15/04/25	5.40	2,162,500.35	26,234.39	89,260.90	2,251,761.25
201079	National Australia Bank	10/09/24	27/05/25	5.02	5,289,033.86	14,548.47	188,402.63	5,477,436.49
201063	Westpac Bank	20/08/24	03/06/25	5.08	3,332,329.53	19,015.28	133,106.94	3,465,436.47
Muni Reserve Total					53,499,609.01	520,569.91	1,477,514.66	54,977,123.67
201028	Suncorp Bank	18/06/24	22/10/24	5.12	551,407.29	8,044.20	9,745.86	561,153.15
201034	Bank of Queensland	01/07/24	03/12/24	5.30	654,788.63	8,652.18	14,737.23	669,525.86
201055	Westpac Bank	06/08/24	21/01/25	5.11	745,408.16	5,739.64	17,532.00	762,940.16
201080	Westpac Bank	10/09/24	11/02/25	5.03	1,130,182.10	3,114.97	23,985.25	1,154,167.35
Trust Specific Total					3,081,786.18	25,550.99	66,000.34	3,147,786.52
201016	Bank of Queensland	07/05/24	12/11/24	5.16	627,117.09	12,943.70	16,755.88	643,872.97
201035	National Australia Bank	01/07/24	26/11/24	5.25	720,065.00	9,424.96	15,328.51	735,393.51
201036	National Australia Bank	01/07/24	26/11/24	5.25	11,340,818.51	148,440.44	241,419.62	11,582,238.13
201084	Westpac Bank	17/09/24	17/12/24	5.07	500,000.00	902.88	6,320.14	506,320.14
Aged General Funds Total					13,188,000.60	171,711.97	279,824.14	13,467,824.74
201081	National Australia Bank	10/09/24	26/11/24	4.70	48,145.62	123.99	477.37	48,622.99
Aged Mertome Gardens Total					48,145.62	123.99	477.37	48,622.99
Total					128,984,121.19	1,037,989.30	2,868,735.65	131,852,856.84

**City of Bayswater
Investment Summary
Balance as at 30 September 2024**

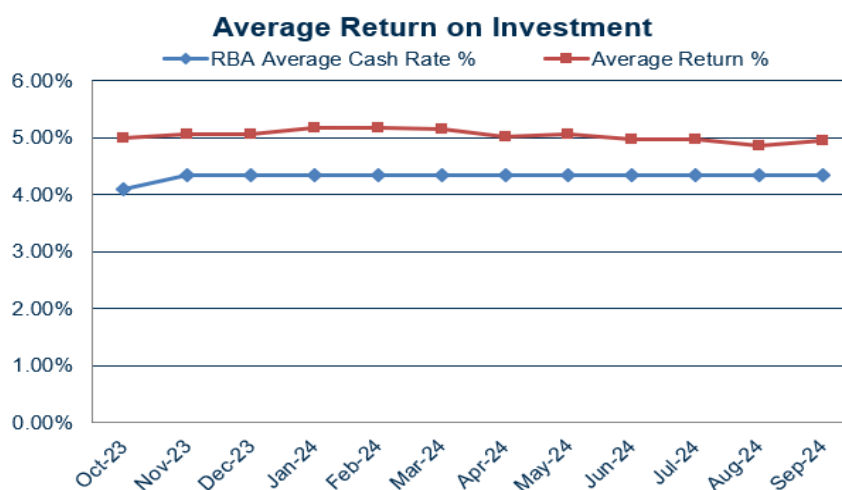
Investments By Maturity Date

Maturity Dates	Principal	Portfolio %	Number of Investments
Less than 30 days	\$15,087,994.41	12%	7
Between 30 days and 60 days	\$26,578,296.96	21%	10
Between 61 days and 90 days	\$24,343,755.89	19%	11
Between 91 days and 180 days	\$49,690,210.19	39%	20
Between 181 days and 1 year	\$13,283,863.74	10%	4
Total	\$128,984,121.19	100%	52

Allocation of Investments

S&P Rating (Short-term)	Bank	Amount Invested	Amount Invested %	Threshold %
A-1+	National Australia Bank	\$46,941,678.82	36%	45%
A-1+	Westpac	\$37,569,647.22	29%	45%
A-1+	Commonwealth Bank	\$2,000,000.00	2%	45%
A-1	Suncorp **	\$16,238,502.69	13%	35%
A-2	Bank of Queensland	\$18,734,292.46	15%	30%
A-2	ING	\$7,500,000.00	6%	30%
Total		\$128,984,121.19	100%	

** Fossil fuel free investment



**City of Bayswater
Investment Portfolio
Balance as at 30 September 2024**

Source	Description	Total \$	Internally restricted \$	Externally restricted \$
Municipal	Investment - CoB General Funds	59,166,579.78	-	-
	Investment - CoB Reserve	53,499,609.01	53,499,609.01	-
	Investment - Trust	3,081,786.18	-	3,081,786.18
Sub Total		115,747,974.97	53,499,609.01	3,081,786.18
Aged	Investment - Aged General Funds	13,236,146.22	13,236,146.22	-
Sub Total		13,236,146.22	13,236,146.22	-
Grand Total		128,984,121.19	66,735,755.23	3,081,786.18

10.3 Infrastructure and Assets Directorate Reports**10.3.1 Better Bins Plus Go FOGO Bin Size Options**

Responsible Branch:	Parks and Environment
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Desktop Review [10.3.1.1 - 14 pages] 2. Bin Fullness Audit Report [10.3.1.2 - 20 pages] 3. Compositional Waste Audit [10.3.1.3 - 61 pages]
Refer:	Item 10.3.4: OCM 22.08.2023 Item 11.1: OCM 24.05.2023 Item 10.3.6: OCM 24.11.2020

SUMMARY

At the Ordinary Council Meeting (OCM) held on 22 August 2023, Council received a report on the implications of exiting the 'Better Bins Plus: Go FOGO Kerbside Collection Program (the Better Bins Plus Program)' agreement. At the meeting, Council resolved that it did not support the downsizing of all general waste bins to the required 140L size, and Council requested *"the Chief Executive Officer to prepare a report to Council by October 2024, to include an assessment of all options that enable residents and ratepayers' choice in general waste bin size"*.

The purpose of this report is to provide Council with an understanding of the general waste bin service options, and their associated risks, financial implications and impact on the Better Bins Plus Program funding agreement.

OFFICER'S RECOMMENDATION

That Council:

1. Receives this report on the assessment of general waste bin service options and the implications of each of these in relation to the 'Better Bins Plus: Go FOGO Kerbside Collection Program' agreement.
2. Requests the Chief Executive Officer to increase community education and other initiatives to improve waste separation at source and reduce general waste volumes in residential waste bins.

COUNCIL RESOLUTION

That Council:

1. **Receives this report on the assessment of general waste bin service options and the implications of each of these in relation to the 'Better Bins Plus: Go FOGO Kerbside Collection Program' agreement.**
2. **Requests the Chief Executive Officer to increase community education and other initiatives to improve waste separation at source and reduce general waste volumes in residential waste bins.**
3. **Requests the Chief Executive Officer to include an increased waste education program within the Waste Management Service Plan to be considered during the Annual Business Planning process for the 2025/26 Budget.**

Cr Nat Latter Moved, Cr Elli Petersen-Pik - Deputy Mayor Seconded

CARRIED: 9/2

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Josh Eveson, Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

Against: Cr Steven Ostaszewskyj and Cr Michelle Sutherland.

BACKGROUND

At the OCM in November 2020, Council resolved to accept funding from the Waste Authority through the 'Better Bins Plus Program', to support the implementation of the Food Organics and Garden Organics (FOGO) kerbside service. As a condition of the agreement, the City of Bayswater (the City) made a commitment to transition from a weekly 240L general waste service to a fortnightly 140L service by 30 June 2026.

The City has since transitioned to the fortnightly collection frequency, however it is yet to downsize to the smaller 140L bin. If the City fails to comply with the requirement to transition by the deadline, the City may be required to repay all or a portion of the grant funds to the Waste Authority (\$447,240, as per November 2023 amended agreement).

In response to a Notice of Motion put forward by Cr Eveson in May 2023, a report was presented to Council at the August 2023 OCM on the implications of exiting the 'Better Bins Plus Program'. The report provided an assessment of the risks and financial implications associated with exiting the agreement. It was resolved:

"That Council:

- 1. Receives the report on the implications of exiting the 'Better Bins Plus: Go FOGO Kerbside Collection Program' agreement.*
- 2. Does not support the downsizing of all residential general waste bins from a fortnightly 240L service to a fortnightly 140L service.*
- 3. Requests the Chief Executive Officer to prepare a report to Council by October 2024, to include an assessment of all options that enable residents and ratepayers' choice in general waste bin size.*
- 4. Requests the Mayor contact the Minister for Environment; Climate Action; Racing and Gaming, to encourage further action to be taken to address consumer packaging standards in Western Australia."*

The Council resolution and the opposition to support the downsizing of all residential general waste bins has several implications for the City, as was summarised in the August 2023 report.

The City had previously discussed some exceptions to the requirement to transition to smaller 140L general waste bins with the Waste Authority in April 2022. During the preparation of the August 2023 OCM report, it was discovered that the exceptions were not currently in the City's 'Better Bins Plus Program' agreement. The exceptions were only included in later agreements signed after November 2020.

Considering the above, City officers started negotiations with the Waste Authority in July 2023, and by October 2023 the City was presented with a Fourth Deed of Variation to the funding agreement. The variation included *exceptions to the requirement to replace existing 240L general waste receptacles*. These exceptions provide the greatest opportunity for the City to retain the grant funding, in the likely event that it does not proceed with a City-wide transition. Given the benefit to the City, the variation was approved in November 2023 under delegated authority of the Chief Executive Officer. These variations will be discussed in further detail in the Officer's Comments.

In accordance with the August 2023 Council resolution, City officers have undertaken an assessment of the alternative service options available, to allow residents and ratepayers choice in general waste bin size. To support this process, several methods of data collection were undertaken, including audits, surveys and questionnaires. The purpose of this report is to provide

Council with a summary of the findings, an overview of the general waste bin service options, and the associated implications on the 'Better Bins Plus Program' agreement.

EXTERNAL CONSULTATION

To date, there has been no direct consultation with the public regarding the second phase of the 'Better Bins Plus Program' and the requirement to transition to a smaller general waste bin. However, the previous report presented to Council in August 2023 was not confidential and therefore is accessible to the public via the City's website. Residents and ratepayers will be informed of any changes to services within the relevant engagement timeframe.

Since the August 2023 OCM, City officers have maintained contact with the relevant officers at the Waste Authority, to provide updates on the City's progress and the intent to review options for general waste bin size. The position of the Waste Authority remains consistent with the conditions listed in the 'Better Bins Plus Program' agreement and the requirement to transition to a fortnightly 140L service.

The City's waste contractor Cleanaway has been consulted, to determine the options for bin purchase and delivery, and to assess the feasibility of each service option. Further consultation is required to obtain formal quotes and develop a project plan, and this would be done within the appropriate timeframe for transition.

OFFICER'S COMMENTS

Funding Agreement and the Waste Authority

The position of the Waste Authority remains consistent with the conditions listed in the 'Better Bins Plus Program' agreement and the requirement to transition to a fortnightly 140L service. However, the Waste Authority recognises that there are situations where the requirement to transition to a smaller 140L bin may not be possible. To accommodate for this, there are exceptions to the requirement to replace existing 240L general waste receptacles. In November 2023, these exceptions were added to the City's 'Better Bins Plus Program' agreement and below are the most relevant clauses for discussion:

6.4 Exceptions to the requirement to replace Existing General Waste Receptacles:

(d) The following categories of Households may use Existing General Waste Receptacles:

- i. Households with special needs resulting in the generation of higher levels of general waste, including those with medical requirements, young families with nappies, or large families;*
- ii. Households in multiple dwelling developments with shared services equivalent to a maximum of 35 litres weekly general waste collection per dwelling;*
- iii. Households that opt in to using Existing General Waste Receptacles provided that:*
 - A. each Household under this clause 6.4(d)(iii) pays an annual premium of no less than \$100 to the Recipient for each year that the Household opts to use Existing General Waste Receptacles; and*
 - B. Households under this clause 6.4(d)(iii) represent no more than 10% of all Households participating in the Project.*

g) For clause 6.4(d)(iii), if more than 10% of Households participating in the Project opt in to use Existing General Waste Receptacles, Grant Funds will only be provided to the Recipient for Households who opt in to use Existing General Waste Receptacles if prior to the Project End Date the Recipient:

- i. provides the Waste Authority with written notification that more than 10% of Households participating in the Project have opted in to use Existing General Waste Receptacles; and*

- ii. *provides the Waste Authority with evidence to the Waste Authority's reasonable satisfaction, that the Recipient has used all reasonable endeavours to achieve the overall Material Recovery rate of approximately 65%.*

h) *For Clause 6.4(g)(ii) the overall Material Recovery rate of approximately 65% means that on average, within the immediate 12-month period prior to the Project End Date, approximately 65% of total waste is recovered across the Recipient's waste collection services (which includes the Recipient's better practice three bin FOGO kerbside collection service, verge side, drop-off, and public place waste collections).*

Clause 6.4(d)(i) allows for grant funds to be paid for households with *medical requirements, young families with nappies, or large families*. The City already has a *Compassionate Policy* in place to provide additional general waste capacity for households with genuine capacity issues related to medical requirements. This is a means-assessed process, and the cost of the additional bin service is covered by the City. Currently there are 31 compassionate services registered with the City. This process could be extended to include young families with nappies or large families, however the criteria for these categories is less straight forward and may be harder to assess.

Clause 6.4(d)(iii) allows for up to 10% of households in the City to pay for additional general waste capacity for no less than an annual premium of \$100. The City already provides an option for this, which is provided as an additional 240L bin. The cost for the additional 240L general waste bin for the 2024/25 financial year (FY) is \$114.10. The City currently provides 205 additional general waste bins (paid for by the residents), which equates to less than 1% of households.

It is noted that while the compassionate services and additional general bins currently represent an insignificant amount (less than 1%), this is based on the City's current service utilising a 240L bin. If the City transitioned to 140L bins, the request for these services would increase, however at an unknown rate. If more than 10% of households opt to pay for additional general waste capacity, the City would need to demonstrate that it had used all reasonable endeavours to achieve a Material Recovery rate of greater than 65% for all waste services (kerbside, verge side, drop-off and public place waste collections), to remain eligible for the funding for these households.

The City's Material Recovery rate reported for the last three financial years was 42.4% (2021/22), 43.1% (2022/23) and 35.5% (2023/24). The decrease in 2023/24 is mostly attributed to a decrease in recovery of FOGO material. The Eastern Metropolitan Regional Council (EMRC) advised this was due to processing limitations, changes to recording procedures and removal of additional tonnages to meet the stringent standards for making an Australian certified organic product (AS4454). This indicates there is still a considerable amount of work to do to achieve the required 65% by the end of 2025/26, and it is unlikely the City will achieve this without a significant change to the waste system.

The recommendation from the Waste Authority in August 2023 was to conduct further evidence-based research to understand the implications a smaller general waste bin would have on the community. This would provide further insight, to allow the City to reconsider the option to transition to a smaller general waste bin at a later date.

Data collection

Following the August 2023 OCM Council resolution and the Waste Authority's recommendation, City officers commenced a series of data collection processes to:

1. help make an informed decision about the potential to transition to a smaller 140L general waste bin

2. provide evidence to the Waste Authority that the City has used all reasonable endeavours to achieve the overall Material Recovery rate of approximately 65%.

The data collection processes included engagement with other local governments that had successfully rolled out FOGO collections, waste audits and a community survey. Below are the key findings relevant to the assessment of general waste bin service options.

Feedback from other local governments

The City distributed a questionnaire to 18 local governments (LGs) in March 2024, requesting feedback on how each LG had implemented the FOGO rollout and the service options provided. The City received responses from eight LGs participating in the 'Better Bins Plus Program'. Of these, the number of residential properties in each LG ranged from approximately 3,600 to 18,000. In comparison, the City has almost 31,000 residential properties.

Three of the LGs were already using 120L general waste bins when they introduced FOGO collections and therefore only needed to reduce the collection frequency from weekly to fortnightly. Four LGs were utilising 240L general waste bins and opted to transition to the smaller 140L bin at the same time as reducing the collection frequency. One LG is still utilising the 240L general waste bin as they implemented FOGO in 2013 prior to the availability of the smaller bins and the existence of the 'Better Bins Plus Program'. They have since signed up to the program and have a requirement to transition to the smaller 140L general waste bins by a specified date, similar to the City.

All eight LGs indicated they provide options for additional general waste capacity, either in the form of an additional 120L/140L bin or an upgrade to a 240L bin. The cost of the additional general waste capacity varied across LGs from as little as \$37.50, to as high as \$519.25, however the average was \$196 (based on 2023/24 FY fees and charges). The City currently offers additional general waste capacity, provided as an additional 240L bin, which allows a total capacity of 480L of general waste. The City's fee for additional capacity for the same period was \$111.05. Therefore, the City is currently providing double the general waste capacity, for almost half the price of other LGs. This provides little incentive for residents to reduce their waste generation.

The percentage of properties paying for additional general waste capacity varied from 1% to 10% across the LGs, which complies with the clause 6.4(d)(iii) of the funding agreement.

The City also received feedback from two LGs who are providing FOGO collections, however, are not currently participating in the 'Better Bins Plus Program'. These LGs implemented FOGO in 2014 prior to the 'Better Bins Plus Program' being introduced and do not currently have any intention of transitioning from the 240L size to a smaller general waste bin.

Waste Audits

Talis Consultants were engaged by the City to undertake a series of waste audits to gain a better understanding of the bin capacity requirements and current waste sorting behaviours. This included a desktop review, kerbside audits and compositional audits. Below are the key findings relevant to the assessment of general waste bin service options.

(a) Desktop review

A desktop review was undertaken to assess the previous audits undertaken by the City, including results from bin tagging (2021-2023), FOGO compositional audits (2022-2023) and a general waste audit report (2019).

The general waste bin audits in 2019 (prior to the rollout of FOGO) indicated that a total of 77.5% of waste collected (by weight composition) from the general waste bin could be diverted. The largest portion of this was recyclables (33.3%), followed by recoverable food waste (23.1%), green waste (16.7%) and hazardous waste (4.5%). It should be noted that at that time the City

was operating a weekly 240L general waste bin, a fortnightly 240L recyclables bin and a fortnightly 240L green waste bin service.

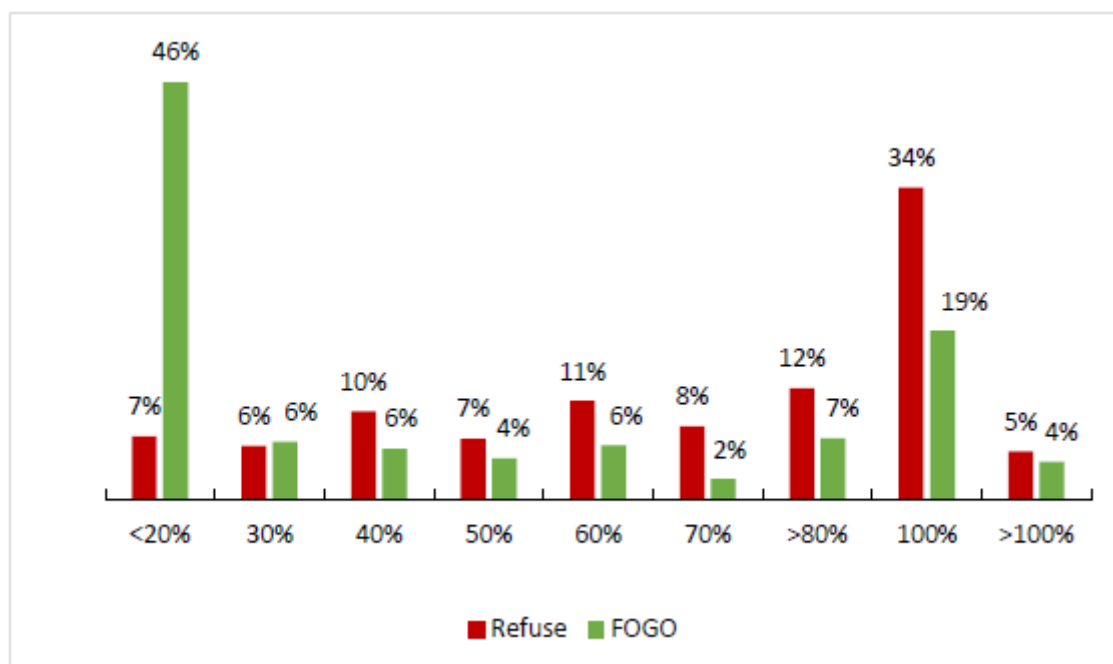
The bin tagging reports indicated that the average bin fullness and percentage of bins containing contamination has been increasing across all three kerbside bins. The average fullness of the general waste bin across 2022 and 2023 was 70% (equivalent to 168L of a 240L bin).

For an average bin fullness of 70% for a 240L general waste bin, a minimum diversion rate of 25% or more would be required to reduce the volume below 140L. However, a diversion rate of 50% or more would likely mean that the majority of households would be under the 140L total capacity.

The comprehensive Desktop Review Summary Report can be found in **Attachment 1**.

(i) Kerbside audits

Talis conducted kerbside audits of 388 households to determine the percentage fullness of general waste and FOGO bins presented to the kerb on collection day. Of the households audited, 341 presented general waste bins (88%) and 264 presented FOGO bins for collection (68%). The below figure shows the bin fullness for the general waste (refuse) and FOGO bins.



Percentage fullness of general waste (refuse) bins and FOGO bins presented in the kerbside audits.

The general waste bin fullness was observed to be the highest (34%) in the 100% category, and 39% of bins presented overall were full/overfull. In contrast, the FOGO bin fullness was the highest (46%) in the <20% category. 55% of households that presented a general waste bin 100% or >100% full, either barely used a FOGO bin (<20%) or did not present one at all.

From the sample collection, it appears that the average general waste bin fullness was 71% and 70% of properties are using more than 140L of general waste capacity per collection. However, it was observed that several properties were placing recyclable materials such as paper and cardboard, and organic waste such as FOGO in the general waste bins.

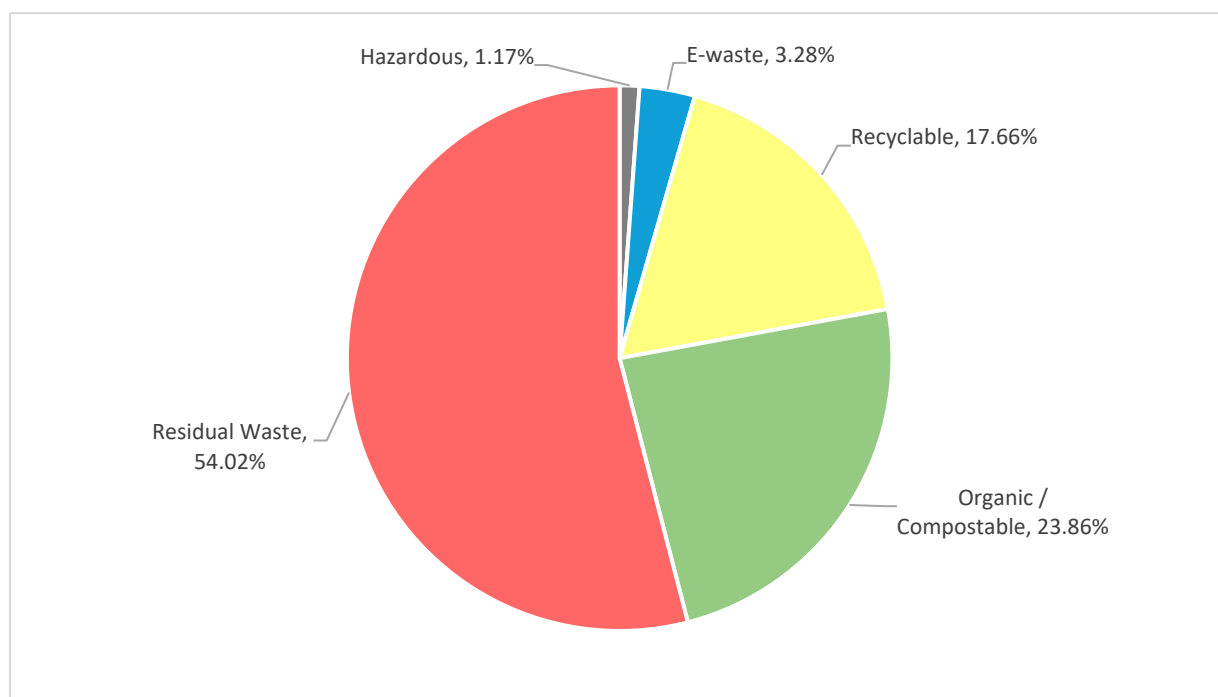
The kerbside audits were consistent with the findings from the desktop review, and both indicate that a transition to a 140L general waste bin would not be possible without significant intervention and an improvement in household sorting behaviours with a diversion rate of 25% or more.

The comprehensive Bin Fullness Audit Report can be found in **Attachment 2**.

(ii) Compositional audits

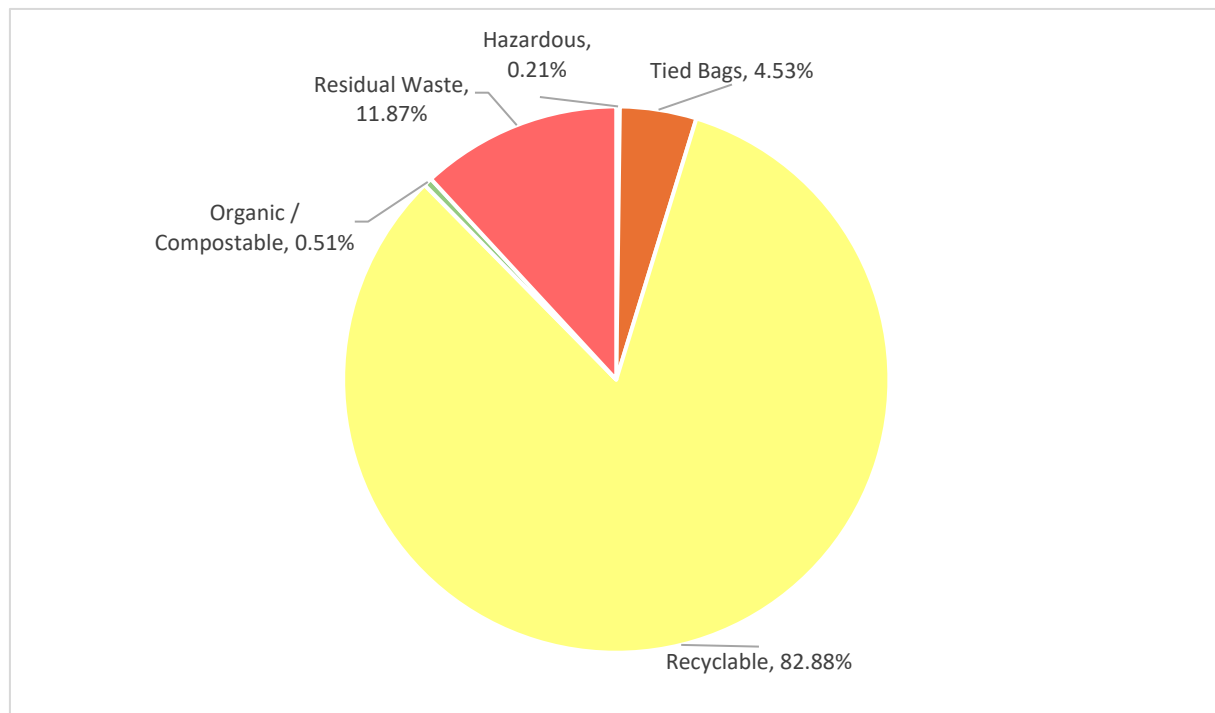
To help make an informed decision about the potential transition to a 140L general waste bin, a compositional audit of 100 general waste bins and 100 recycle bins was undertaken to determine the average capacity utilised each fortnight and the potential for waste diversion for households within the sample collection area.

The results indicated that in total, approximately 45.98% of the general waste stream could potentially be recovered through other waste streams, including FOGO (23.86%) and recycle (17.66%) bins, and specialised drop-off locations (4.45%), as represented in the figure below. This indicates that a diversion rate of 25% or more is feasible, and with correct sorting, a reduction in the size of the general waste bin to 140L could be achievable for most households.



Percentage composition of general waste stream (% weight).

The recycling stream had an overall 17.12% contamination rate, as shown in the figure below. This mainly comprised of residual waste (11.87%). Tied bags made up 4.53% of the recycling stream (28 individually tied bags), highlighting source separation as a common issue contributing to contamination. It is assumed that the contents of the tied bags in the recycle stream contained recyclable materials and therefore does not represent material that could be diverted to the general waste bin.



Percentage composition of recycling stream (% weight).

The general waste stream was found to contain 54.02% residual waste, and it should be noted that this would likely increase if the residual waste from the recycle stream (11.87%) was diverted. The FOGO bin composition audits that were carried out by the EMRC in 2022-2023 indicated that there were very low levels of contamination and that diversion of general waste from the FOGO stream would have a negligible effect on the volume of general waste.

The comprehensive Compositional Waste Audit can be found in **Attachment 3**.

(iii) Audit summary

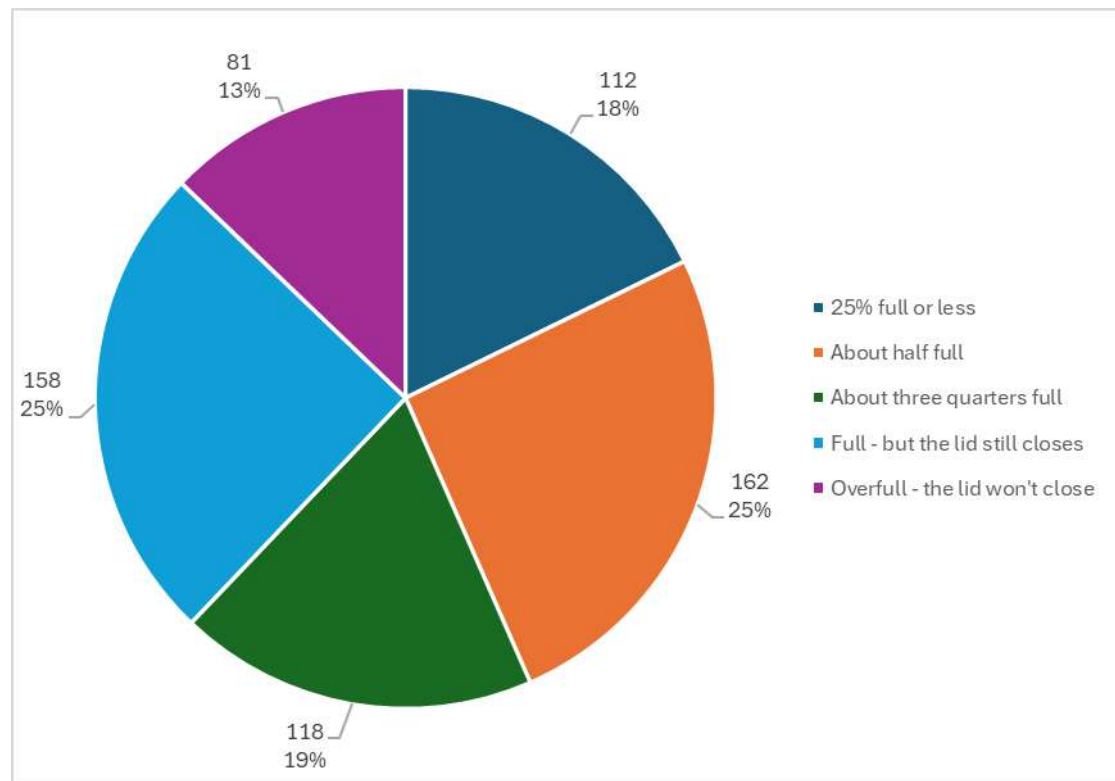
Based on the results of all three waste audits outlined above, the results indicate that a transition to a 140L general waste bin collected fortnightly would not be feasible without significant intervention. This intervention would require a diversion rate of 25% or more, which could be achieved through correct sorting into the recycling bins (17.66%), FOGO bins (23.86%) and taking hazardous waste to specialised drop-off locations (4.45%).

Waste avoidance is critical in reducing waste to landfill in the first instance, however, based on the data compiled, improving waste sorting behaviours and source separation within the household would have a more significant and immediate impact on reducing general waste capacity issues.

(b) Community perception/feedback

To allow residents the opportunity to provide direct feedback to the City in relation to the current waste services, a survey was released via the Engage Bayswater platform. The survey was made available to residents between 31 May 2024 and 5 July 2024. The analysis showed that 1600 people visited the page during the community engagement period and 647 residents participated in the survey.

From the feedback, it appears that 57% of properties (357 respondents) are reportedly using more than 140L of general waste capacity per collection, as indicated in the figure below. Whilst this is slightly less than the results noted from the kerbside audits (70%) it still indicates that a transition to a 140L general waste bin would not be possible without significant intervention.



Average reported general waste bin fullness based on resident feedback.

Further analysis shows that for properties with 1 or 2 people in the household, the general waste bin fullness was reported to be the highest in the 'About half full' category, followed by the '25% full or less' category (refer to table below). In contrast, for properties with 4 or 5+ people in the household, the general waste bin fullness was reported to be the highest in the 'Full - but the lid still closes' category followed by the 'Overfull - the lid won't close' category. This indicates that it is the larger households that are generating more waste, which is the trend that would be expected.

Average general waste bin fullness reported for the different household sizes.

# People	25% full or less	About half full	About three quarters full	Full - but the lid still closes	Overfull - the lid won't close
1	28%	45%	12%	13%	2%
2	25%	28%	22%	18%	6%
3	8%	21%	20%	33%	18%
4	9%	20%	16%	34%	21%
5+	6%	15%	19%	31%	29%

There was also a correlation between the average general waste bin fullness and the attitudes towards waste sorting. In general, respondents that had negative attitudes towards waste sorting (it takes too much time, recycling doesn't make a difference) had a higher percentage (63%) of bins reported as either full or overfull. In contrast, the respondents that had positive attitudes towards waste sorting (I work hard to sort my waste, sustainability and managing waste are important) had a lower percentage (33%) of bins reported as either full or overfull.

Similar to the findings of the waste audits, the community feedback indicates that bin fullness is notably impacted by waste sorting behaviours and not solely related to the amount of general waste produced.

To continue to encourage the community to divert food waste from the general waste stream, the City will be removing the FOGO liner allocation (two free rolls per waste year) in 2025/26 and

allow households to collect these as required. Residents will be limited to collecting a maximum of two rolls at a time and will need to provide proof of residency to collect. The FOGO liners are currently funded from the FOGO Reserve and therefore the change will not impact the annual waste charge.

General waste bin service options

In accordance with the August 2023 Council resolution, City officers have undertaken an assessment of the alternative service options available, to allow residents and ratepayers choice in general waste bin size. There were seven options reviewed and these are summarised in the table below.

Summary of the seven options for residential waste services and the potential transition to 140L general waste bins.

Options	Description
1. No change	Retain the current 240L bins.
2. Opt in – price neutral	- Retain the current 240L bins. - Allow households to opt in for a 140L bin. - The annual waste charge for households with a 140L general waste bin would be the same as households with a 240L general waste bin.
3. Opt in – price difference - actual	- Retain the current 240L bins. - Allow households to opt in for a 140L bin. - The annual waste charge would be cheaper for households with a 140L general waste bin in comparison to households with a 240L general waste bin. - The price difference would be calculated based on a review of the actual costs for collection and disposal.
4. Opt in – price difference - weighted	- Retain the current 240L bins. - Allow households to opt in for a 140L bin. - The annual waste charge would be cheaper for households with a 140L general waste bin in comparison to households with a 240L general waste bin. - The price difference would be based on a weighted percentage to incentivise households to opt in for a 140L general waste bin.
5. Opt out – price neutral	- Transition all households to smaller 140L bins. - Provide households with the option to opt out and retain the 240L bin. - The annual waste charge for households with a 140L general waste bin would be the same as households with a 240L general waste bin.
6. Opt out – price difference - actual	- Transition all households to smaller 140L bins. - Provide households with the option to opt out and retain the 240L bin. - The annual waste charge would be cheaper for households with a 140L general waste bin in comparison to households with a 240L general waste bin. - The price difference would be calculated based on a review of the actual costs for collection and disposal.
7. Opt out – price difference - weighted	- Transition all households to smaller 140L bins. - Provide households with the option to opt out and retain the 240L bin. - The annual waste charge would be cheaper for households with a 140L general waste bin in comparison to households with a 240L general waste bin. - The price difference would be based on a weighted percentage to incentivise households to transition to a 140L general waste bin.

Each of the seven options were assessed based on their impact on the funding agreement, the expected uptake, administrative requirements and potential costs involved. The details of this assessment are summarised in the table below.

Considerations for each of the seven options for residential waste services and the potential transition to 140L general waste bins.

Options	Funding Agreement	Expected Uptake	Administration	Costs
1. No change	- If the City doesn't transition to smaller 140L bins by 30 June 2026, the Waste Authority may request the City to repay all or a portion of the grant funds. - This option doesn't support the <i>Waste Strategy</i> or the City's strategic targets to reduce waste to landfill. - Unlikely to increase Material Recovery.	- Maintaining the 240L bin provides less incentive for households to sort waste correctly and increase diversion from landfill. - The City would not achieve the Material Recovery required (65%) to be eligible to retain the funding.	Low administrative burden for the City and waste contractor.	- Repayment of all or a portion of the grant funds (\$447,240). - Requires the City to purchase the existing 240L general waste, FOGO and recycle bins from Cleanaway, by 30 June 2028.
2. Opt in – price neutral	- Unlikely to see 90% or more of households opt for a smaller 140L bin when given the choice. Exception (g) of the funding agreement would apply. - This option doesn't support the <i>Waste Strategy</i> or the City's strategic targets to reduce waste to landfill. - Unlikely to increase Material Recovery.	- No incentive for households to transition to a smaller 140L bin as the cost would be the same as retaining the 240L. - Easier for residents to take no action and retain the 240L bin even if they are not experiencing capacity issues. - Would take a considerable amount of time to fully transition and the City would be unlikely to achieve the Material Recovery required (65%) to be eligible to retain the funding.	- High administrative burden for the City and the waste contractor in comparison to the expected uptake. - Managing distribution of assets would be inefficient. - Little reward/uptake in comparison to the additional resources required to cover rates, service changes, customer service, marketing and contractors.	- Repayment of all or a portion of the grant funds (\$447,240). - Requires the City to purchase the existing 240L general waste, FOGO and recycle bins from Cleanaway, by 30 June 2026, and purchase new 140L bins as required. - Costs associated with the additional administrative resources required.
3. Opt in – price difference - actual	- Unlikely to see 90% or more of households opt for a smaller 140L bin when given the choice. Exception (g) of the funding agreement would apply. - This option doesn't support the <i>Waste Strategy</i> or the City's	- Expected uptake to be slightly better than the Opt in – price neutral option. - Little incentive for households to transition to a smaller 140L bin unless there is a significant difference in price. - Easier for residents to take no action and retain the 240L bin even if they	- High administrative burden for the City and the waste contractor in comparison to the expected uptake. - Managing distribution of assets would be inefficient.	- Repayment of all or a portion of the grant funds (\$447,240). - Requires the City to purchase the existing 240L general waste, FOGO and recycle bins from Cleanaway, by 30 June

	strategic targets to reduce waste to landfill. Unlikely to increase Material Recovery.	are not experiencing capacity issues. Would take a considerable amount of time to fully transition and the City would be unlikely to achieve the Material Recovery required (65%) to be eligible to retain the funding.	Little reward/uptake in comparison to the additional resources required to cover rates, service changes, customer service, marketing and contractors.	2026, and purchase new 140L bins as required. Costs associated with the additional administrative resources required.
4. Opt in – price difference - weighted	- Unlikely to see 90% or more of households opt for a smaller 140L bin when given the choice. Exception (g) of the funding agreement would apply. - This option doesn't support the <i>Waste Strategy</i> or the City's strategic targets to reduce waste to landfill. - Unlikely to increase Material Recovery.	- Moderate incentive for households to transition to a smaller 140L bin if a significant premium is applied to the cost of a 240L bin. - Expected uptake to be greatest out of the Opt in options. - Easier for residents to take no action and retain the 240L bin even if they are not experiencing capacity issues. - Would take a considerable amount of time to fully transition and the City would be unlikely to achieve the Material Recovery required (65%) to be eligible to retain the funding.	- High administrative burden for the City and the waste contractor in comparison to the expected uptake. - Managing distribution of assets would be inefficient. - Little reward/uptake in comparison to the additional resources required to cover rates, service changes, customer service, marketing and contractors.	- Repayment of all or a portion of the grant funds (\$447,240). - Requires the City to purchase the existing 240L general waste, FOGO and recycle bins from Cleanaway, by 30 June 2026, and purchase new 140L bins as required. - Costs associated with the additional administrative resources required.
5. Opt out – price neutral	- If more than 10% of households opt out, exception (g) of the funding agreement would apply. - This option doesn't support the <i>Waste Strategy</i> or the City's strategic targets to reduce waste to landfill. - Unlikely to increase Material Recovery.	- No incentive for households to proceed with the transition and a significant percentage of households would be expected to opt out. - It is expected that a significant portion of 140L bin uptake may be the result of failure of residents to opt out. - The 240L bin would likely be the preferred option even if the resident doesn't have capacity issues. - The City would be unlikely to achieve the Material Recovery required (65%) to be eligible to retain the funding.	- High administrative burden for the City and the waste contractor in comparison to the expected uptake. - Little reward/uptake in comparison to the additional resources required to cover rates, service changes, customer service, marketing and contractors.	- Repayment of all or a portion of the grant funds (\$447,240). - Requires the City to purchase the new 140L bins and the existing 240L general waste (as required), FOGO and recycle bins from Cleanaway, by 30 June 2026. - Costs associated with the additional administrative resources required.

6. Opt out – price difference - actual	• If more than 10% of households opt out, exception (g) of the funding agreement would apply. • This option doesn't support the <i>Waste Strategy</i> or the City's strategic targets to reduce waste to landfill. • Unlikely to increase Material Recovery.	• Little incentive for households to transition to a smaller 140L bin unless there is a significant difference in price. • Expected uptake of 140L bins to be slightly better than the Opt out – price neutral option. • It is expected that a significant portion of 140L bin uptake may be the result of failure of residents to opt out. • The 240L bin would likely be the preferred option even if the resident doesn't have capacity issues. • The City would be unlikely to achieve the Material Recovery required (65%) to be eligible to retain the funding.	• High administrative burden for the City and the waste contractor in comparison to the expected uptake. • Little reward/uptake in comparison to the additional resources required to cover rates, service changes, customer service, marketing and contractors.	• Repayment of all or a portion of the grant funds (\$447,240). • Requires the City to purchase the new 140L bins and the existing 240L general waste (as required), FOGO and recycle bins from Cleanaway, by 30 June 2026. • Costs associated with the additional administrative resources required.
7. Opt out – price difference - weighted	• If more than 10% of households opt out, exception (g) of the funding agreement would apply. • This option doesn't support the <i>Waste Strategy</i> or the City's strategic targets to reduce waste to landfill. • Unlikely to increase Material Recovery.	• Moderate incentive for households to transition to a smaller 140L bin if a significant premium is applied to the cost of a 240L bin. • Expected uptake of 140L bins to be greatest out of the Opt out options. • It is expected that a significant portion of 140L bin uptake may be the result of failure of residents to opt out. • The 240L bin would likely be the preferred option even if the resident doesn't have capacity issues. • The City would be unlikely to achieve the Material Recovery required (65%) to be eligible to retain the funding.	• High administrative burden for the City and the waste contractor in comparison to the expected uptake. • Little reward/uptake in comparison to the additional resources required to cover rates, service changes, customer service, marketing and contractors.	• Repayment of all or a portion of the grant funds (\$447,240). • Requires the City to purchase the new 140L bins and the existing 240L general waste (as required), FOGO and recycle bins from Cleanaway, by 30 June 2026. • Costs associated with the additional administrative resources required.

For each of the seven options assessed, it is likely that a significant portion of the grant funding would need to be returned to the Waste Authority, regardless of the option selected. This is because the expected uptake of 140L bins under all scenarios would be unlikely to be significant enough to achieve the Material Recovery required (65%) to be eligible to retain the funding.

The results from the community perception survey and the kerbside audits indicated that between 57% and 70% of households are using more than 140L of general waste capacity per collection. Based on this information, the expected uptake of 140L bins is only likely to be between 30% to 43%, if residents are given the choice of bin size. However, the cost of the services could influence the uptake, and this estimate could vary depending on the pricing mechanism adopted for the annual waste charge (price neutral, price difference – actual, or price difference – weighted).

The price neutral option would not be expected to have any influence on a household's decision to transition to a 140L bin. In addition, there may be perceived inequality for households that do opt for a 140L bin if they have to pay the same price as those with a 240L bin. The perception may be that they are subsidising the costs for households with a larger bin who are potentially disposing of more waste. High level financial modelling indicates that the actual price difference associated with the collection and disposal costs for a 140L general waste bin versus a 240L general waste bin would only be between \$30-\$50. This price difference would provide minimal incentive for residents to transition to a 140L bin under Option 3 (Opt in – price difference – actual) and it is likely that a high percentage of residents would opt out under Option 6 (Opt out – price difference – actual).

Implementing a weighted price difference (Option 4 or Option 7) between the 140L service and the 240L service would likely see the greatest uptake of 140L bins. Other LGs who are providing additional general waste capacity at a significant premium are reporting between 1% and 10% of households utilising additional general waste capacity (240L total). The weighted price difference provides more of an incentive for residents to consider a smaller bin, sort their waste correctly and think more consciously about their purchases. If the City were to implement an option for a 140L bin with a weighted price difference, the cost for each service and the additional premium added to the 240L bin size could be considered through the Annual Business Planning process.

Providing residents with a choice of bin size does not encourage improved source separation or a reduction in waste generation, unless there is a significant financial incentive to move to a smaller bin. It is likely that the greatest proportion of households that choose to opt in will be those who are currently able to cope with a smaller bin i.e. not utilising more than 140L of general waste capacity per collection, or those that are already conscious of their waste generation and separating their waste appropriately. The adoption of a smaller 140L bin by these households would be unlikely to reduce the City's overall waste generation, which is the primary objective for introducing a smaller 140L bin in the first place.

The opt-out option may result in a greater uptake of 140L bins by comparison, as households would need to actively register to opt out. However, implementing downsizing measures would still require significant behavioural change from residents, to ensure they don't resort to placing excess general waste in the recycle or FOGO bins and increasing contamination.

The transition of some households to a smaller 140L general waste bin may also have implications on the usage of other ancillary waste services. There could be some general waste items which are a suitable size to place in a 240L bin but are too bulky to fit into a smaller 140L bin. This could result in an increased usage of bulk bins and tip passes for these households in order to dispose of these items, which would increase the costs associated with these services.

The seven service options assessed will need to be considered by Council, and the intent would be to undertake further workshops with Council as part of the Annual Business Planning process for the 2025/26 FY. This would allow Council to decide on whether any changes will be implemented and also set the budget for this project. If changes are to be implemented before the

project end date (30 June 2026), Officers would need to implement a project plan and engage with all relevant contractors and stakeholders as soon as the budget is finalised (July 2025), in order to achieve the deadline.

Alternatively, the City could look to incorporate service changes to align with the end of the waste contract on 30 June 2028, at which point the option for 140L bins could be factored into the new waste collection contract. This would allow more time for the City to adequately plan for the potential service changes. The delay would result in the City having to repay all or some of the grant funding; however, this would be inevitable even if the transition occurred prior to the project end date (30 June 2026) as it would not comply with the exceptions listed in the agreement.

The below table summarises the most optimal residential waste service option based on various criteria. Option 7 (Opt-out – price difference – weighted) would most likely promote the greatest uptake of 140L general waste bins and therefore satisfy more of the requirements for the ‘Better Bins Plus Program’ funding and the *Waste Strategy*. Alternatively, Option 1 (No change) would be the most cost-effective option, with the least amount of administrative burden for the City and residents.

Assessment of the most optimal residential waste service based on select criteria.

Criteria	Option
Most likely option for the City to retain a higher proportion of the ‘Better Bins Plus Program’ funding	Option 7 – Opt out – price difference - weighted
Most likely to increase diversion from landfill and support the <i>Waste Strategy</i>	Option 7 – Opt out – price difference - weighted
Most likely to increase the uptake of smaller 140L bins	Option 7 – Opt out – price difference - weighted
Least amount of administrative burden for the City	Option 1 – No change
Least amount of administrative burden for residents	Option 1 – No change
Most cost effective for the City	Option 1 – No change

Financial modelling was conducted to determine the estimated costs for introducing a 140L bin option, based on the varying levels of percentage uptake. The details of this are presented in the Financial Implications section of the report.

Commercial waste services

Whilst the City’s commercial waste services only represent about 3% of the total services, they require greater administrative oversight. The current review of general waste services presents an opportunity to also reassess the City’s investment in commercial waste services.

The current commercial system is an extension of the City’s residential waste service and the City does not offer a tailored approach to the requirements of different businesses. In most cases, the current 240L fortnightly general waste collection is not sufficient to meet the waste needs of businesses. Since the City is unable to provide flexibility on the collection frequency, commercial properties that opt to utilise the City’s services will often request additional general waste bins to accommodate their requirements. This has resulted in a significant number of bins in the industrial and commercial areas of the City, which impacts on the visual appeal of our town centres.

When the City of Vincent transitioned to the FOGO service and a smaller general waste bin, their Council resolved to remove the option for commercial waste services altogether, advising that the service did not meet the objectives of Vincent’s Waste Strategy or its vision of achieving zero waste to landfill. Recent audits of the City’s industrial area also indicated there are a considerable amount of general waste bins in circulation that are not being paid for by the businesses and therefore the costs for collection and disposal of these bins are being subsidised by all other ratepayers.

The calculation of the City's Material Recovery rate includes the waste collected through the City's commercial waste services. The composition of waste generated from commercial properties differs to residential services, and businesses are more likely to have a higher waste generation, heavier waste and higher contamination levels, in comparison to residential properties. Businesses are also more likely to request additional general waste services, and there is less incentive for appropriate source separation. The City's overall Material Recovery rate could be biasing low, due to the nature of some of these businesses and there could be potential to increase the recovery rate by removing these services. Officers have presented a separate report to Council (October 2024) to provide recommendations for the future of commercial waste services provided by the City.

LEGISLATIVE COMPLIANCE

- 'Better Bins Plus: Go FOGO Kerbside Collection Program' funding agreement
- *Waste Avoidance and Resource Recovery Strategy 2030*

Council's decision to accept the funding for the 'Better Bins Plus Program' in November 2020 requires the City to transition to 140L general waste bins. This transition is in line with the State's *Waste Strategy*. Any decision to defer from the terms of the agreement need to be discussed with the Waste Authority and written notification is required before the project end date (30 June 2026).

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Medium
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Medium
Environment	Low	Medium
Governance and Compliance	Low	Medium
Strategic Risk	SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets. SR03 - Council plans, decision making process and/or activities fail to invest in the management, protection and improvement of its natural environment. SR04 - Inability to work collaboratively to engage and partner with the stakeholders to promote and advocate opportunities to live and invest. SR05 - Inability to manage stakeholder expectation through early and ongoing engagement.	

FINANCIAL IMPLICATIONS

The grant funding of \$447,240 was fully expended in the first year of the program on infrastructure (kitchen caddies and compostable liners). If Council decides not to proceed with the transition to smaller bins by 30 June 2026, the City will need to return all or a portion of the funding to the Waste Authority as per Condition 6.2(c) of the agreement.

If the City introduces an option for a smaller 140L general waste bin, Cleanaway has advised they wish to transition the ownership of the general waste, FOGO and recycle bins to the City at the

same time. The contract clause 4.25 – *Option to Purchase Bins*, allows the City exclusive option of purchasing the bins for the depreciated price, as submitted by the Contractor in the *Tender Schedule – Item - 5.11*, which is \$16.53 per 240L bin, for the period ending 30 June 2028. The City would need to pay for the purchase of the new 140L general waste bins, and the existing 240L FOGO and 240L recycle bins.

Regardless of whether the City introduces an option for a smaller 140L bin, the City would need to purchase the bin stock from Cleanaway prior to the collection contract end date (30 June 2028), if the City wishes to pursue alternative collection contractors. A significant contribution would be required regardless of the scenario, or the bin types purchased.

The timing of the bin purchase would also differ depending on the scenario, and the City would have an additional two years to purchase the bins if it did not proceed with an option for residents to have a smaller general waste bin. The cost for introducing 140L bins is currently estimated at \$60 per bin (excl GST) and includes delivery to each household and removal of the existing 240L bin. This price is an estimate based on preliminary discussions and is subject to change. The 140L bin purchase would need to be re-quoted at the applicable time. The cost for the purchase of the existing 240L bins is written into the existing contract with Cleanaway and is not subject to change.

Cleanaway has advised there are several factors that would need to be considered prior to providing new collection rates for the 140L versus the 240L general waste bins. The collection rates would be determined based on the service option selected by the City and the percentage uptake of 140L bins in comparison to 240L bins, as they need to factor in ordering, stock and storage of multiple bin sizes. It is assumed that the higher the uptake of 140L bins, the cheaper the collection rate, however this could have the opposite effect on the collection rate of the 240L bins. The current indication from Cleanaway is that the collection costs for 140L bins will be similar to the current 240L collection costs, and therefore the transition to smaller bins provides no additional cost benefit for the City.

The table below provides an overview of the estimated costs for implementing a waste service with varying degrees of uptake of 140L general waste bins. The estimated costs include the purchase of bins (existing 240L bins and new 140L bins), repayment to the Waste Authority and administrative costs associated with implementing service changes (customer service, system updates, rates, marketing and contractors).

The figures presented in the table are high level estimates with several assumptions associated. Firstly, the modelling assumes that the administrative costs would be the same across all scenarios, regardless of the percentage uptake of 140L bins. This is because the City would still be required to tender for services, arrange contractors for assembly/delivery of bins, update administrative databases and provide marketing and information about the changes to all households, regardless of the uptake. The modelling also assumes that the City would be required to repay funding to the Waste Authority, based on the percentage of households that do not transition to 140L bins under each scenario.

The modelling indicates that the cheapest option for the City would be to maintain the 240L bins for all households (\$1,885,350) and not introduce an option for 140L bins. This would still require the purchase of the existing 240L bin stock from Cleanaway and the return of funding to the Waste Authority.

The estimated costs associated with the varying levels of residential uptake of 140L general waste bins.

Scenario	Cost (excl GST)
240L bins only (no change)	\$1,885,350
10% uptake of 140L bins	\$2,212,173
20% uptake of 140L bins	\$2,294,736
30% uptake of 140L bins	\$2,377,299

40% uptake of 140L bins	\$2,459,862
50% uptake of 140L bins	\$2,542,425
60% uptake of 140L bins	\$2,624,988
70% uptake of 140L bins	\$2,707,551
80% uptake of 140L bins	\$2,790,114
90% uptake of 140L bins	\$2,872,677
100% uptake of 140L bins	\$2,998,740

As Cleanaway currently owns the bin stock, the City is not charged for bin repairs or replacements. Once the City owns the bin stock, the cost for these services will need to be factored into the annual waste charge, which is consistent with the processes conducted by other LGs. The more flexibility households are given to change the bin sizes, the higher these costs are likely to be for the City. A cost for these services will be negotiated with Cleanaway at the time of the bin purchase.

There is currently \$2.6M in the FOGO Reserve and \$5.7M in the General Waste Management Reserve (GWMR). The costs associated with Table 5 could be covered by the relevant reserve accounts, and there would be no direct impact on the annual waste charge to residents under all scenarios. There are potentially other waste related projects that may need to access the reserve. Consideration regarding the use of the reserve and any changes to the waste charge would be referred to the annual Council-led Business Planning process for consideration.

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.

Theme: Leadership and Governance

Goal L1: Engage the community in a meaningful way.
Provide opportunities for the community to have their say and consider their views when making decisions.

Goal L3: Provide good customer service. Respond to the needs of our community in a respectful and timely way.

CONCLUSION

City officers have undertaken an assessment of the alternative service options available, to allow residents and ratepayers choice in general waste bin size. The cheapest option for the City would be to retain the 240L general waste bin and not offer a smaller alternative, however Option 7 (Opt-out – price difference – weighted) would be the most likely scenario to promote the uptake of 140L general waste bins and therefore satisfy more of the requirements for the 'Better Bins Plus Program' funding and the *Waste Strategy*.

For each of the seven options assessed, it is likely that a significant portion of the grant funding would still need to be returned to the Waste Authority. This is because the expected uptake of 140L bins would be unlikely to be significant enough to achieve the Material Recovery required (65%) to be eligible to retain the funding.

Waste avoidance is critical in reducing waste to landfill in the first instance, however, based on the data compiled, improving waste sorting behaviours and source separation within the household would have a more significant and immediate impact on reducing general waste capacity issues.



Desktop Review Summary Report



Prepared for City of Bayswater

16 May 2024

Project Number: TW24035

Assets | Engineering | Environment | Noise | Spatial | Waste

Desktop Review Summary Report
City of Bayswater



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1 Introduction

In November 2020, the City of Bayswater (the City) agreed to accept a funding agreement from the Waste Authority for the 'Better Bins Plus: Go FOGO Kerbside Collection Program' (Better Bins Plus Program) to help enable the rollout of the Food Organics and Garden Organics (FOGO) collection service.

As part of the funding agreement, participating councils are required to provide kerbside bin services consistent with the Better Bins Plus: Go FOGO – Funding guidelines¹ which specify that general waste bins should be transitioned to a maximum weekly collection volume of 70L. To meet the requirements of the funding agreement, the City must transition from a 240L general waste bin to a 140L general waste bin collected fortnightly by 30 June 2026. Failure to meet this requirement may result in the Waste Authority recovering some or all of the funding provided.

In August 2023, the City of Bayswater Council resolved that it:

- Receives the report on the implications of exiting the 'Better Bins Plus: Go FOGO Kerbside Collection Program' agreement;
- Does not support the downsizing of all residential general waste bins from a fortnightly 240L service to a fortnightly 140L service;
- Requests the Chief Executive Officer to prepare a report to Council by October 2024, to include an assessment of all options that enable residents and ratepayers choice in general waste bin size; and
- Requests the Mayor contact the Minister for Environment; Climate Action; Racing and Gaming, to encourage further action to be taken to address consumer packaging standards in Western Australia.

1.1 Scope

Talis Consultants (Talis) have been engaged by the City to conduct a desktop review and summary report assessing the results from provided bin tagging (2021-2023), FOGO audit reports (2022-2023) and a General Waste audit report (2019) to assist in establishing a better understanding of the bin capacity requirements of the City's services.

In addition to this work and to complement existing data, Talis will be conducting a bin fullness audit of the City's FOGO and general waste bins and a compositional audit of the recycling and general waste bins current kerbside services.

The City currently offers a three-bin FOGO system with weekly FOGO and fortnightly (alternating) general waste and recycling collections. The three-bin FOGO system was introduced in March 2021. The previous kerbside service was a three-bin Garden Organics (GO) system with weekly general waste collections and fortnightly (alternating) recycling and GO collections.

¹ Waste Authority. 2019. Better Bins Plus: Go FOGO.
<https://www.wasteauthority.wa.gov.au/programs/view/better-bins>

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The current service is summarised in Table 1-1 below. Residents also have the option to pay for additional 240L bins if required.

Table 1-1: Summary of kerbside services from March 2021 onwards

Service	Standard Bin Size	Bin Lid Colour	Collection Frequency
General Waste	240L	Red	Fortnightly
Recycling	240L	Yellow	Fortnightly (alternate)
FOGO	240L	Lime green	Weekly

1.2 Demographics

The City of Bayswater is located seven kilometres north-east of Perth, covering an area of 34.62 km² including over 380 hectares of green open space and four thriving town centres with a plethora of cafes, restaurants and bars².

The City is home to a population of 69,298³ and is considered culturally diverse with 42.1% of the population born outside of Australia and 31.8% speaking a main language other than English at home.

² City of Bayswater. 2024. City Profile. <https://www.bayswater.wa.gov.au/city-and-council/profile-and-maps/city-profile>

³ Australian Bureau of Statistics. 2021. Bayswater 2021 Census All Persons QuickStats. <https://abs.gov.au/census/find-census-data/quickstats/2021/LGA50420>

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2 Desktop Review

As detailed in Section 1.1, Talis has been engaged to undertake a desktop review of the existing data to determine if the change to a 140L general waste bin can be accommodated.

The data for this section has been sourced from the following reports:

- Three years of bin tagging reports conducted in the Bayswater area by the Eastern Metropolitan Regional Council (EMRC) from 2021 to 2023;
- Two years of FOGO bin composition audit reports conducted by the Resource Recovery Group (RRG) in conjunction with the EMRC from 2022 to 2023 ; and
- One summary presentation based on the general waste bin composition audits conducted by the Southern Metropolitan Regional Council (SMRC) on behalf of the EMRC in 2019.

2.1 Bin Tagging Reports

Each bin tagging program takes place over the course of six to eight weeks, sampling from an area of approximately 2,000 households each year. During this time, the contents of each participating household's FOGO, recycling and general waste bin are visually inspected, and details of the fullness and contaminants are recorded.

This review will examine the average bin fullness of each year's report and the percentage of bins which have been presented containing contamination.

2.1.1 Average Bin Fullness

Average bin fullness is derived from a visual inspection that estimates the percentage of fullness.

The results from the bin tagging report shows increased average bin fullness across all three kerbside bins, as per Table 2-2-1 below. The greatest increase in average bin fullness is in the FOGO bins, showing an increase of 12.7%, followed by recycling 8.1% and general waste 3.1%.

Table 2-2-1: Average bin fullness and increase across tagging programs

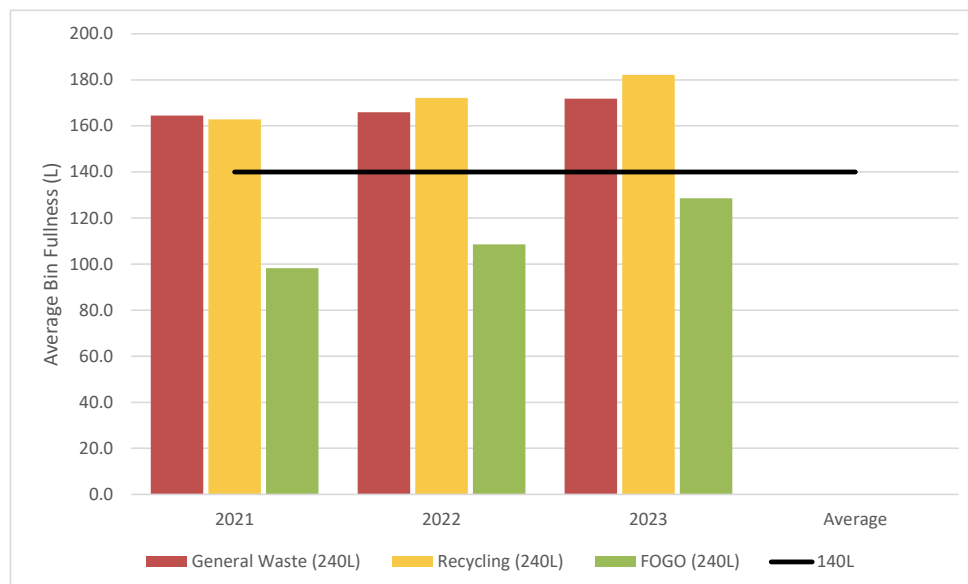
Service		2021	2022	2023	Average	Increase from 2021 to 2023
General Waste	Litres	164.50	165.90	171.80	167.40	7.30
	%	68.5%	69.1%	71.6%	69.8%	3.1%
Recycling	Litres	162.80	172.20	182.20	172.40	19.40
	%	67.8%	71.8%	75.9%	71.8%	8.1%
FOGO	Litres	98.20	108.60	128.60	111.80	30.40
	%	40.9%	45.3%	53.6%	46.6%	12.7%

The General Waste bins have an average fullness of 167.4L (69.8%) across all three bin tagging programs. As shown in Figure 2-1 below, the average fullness of the current 240L General Waste bin significantly exceeds the capacity of a smaller 140L bin.

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Figure 2-1: Average bin fullness compared to 140L capacity



An average reduction of 27.4L general waste per household per fortnight (739.8L per year) would be required to meet the capacity requirements of a 140L bin. The approximate weight this would equate to is currently unknown.

2.1.2 Percentage of Contaminated Bins

The percentage of tagged bins which were found contaminated has increased each year the bin tagging has taken place as shown in Table 2-2 below.

Table 2-2: Average percentage of bins containing contamination

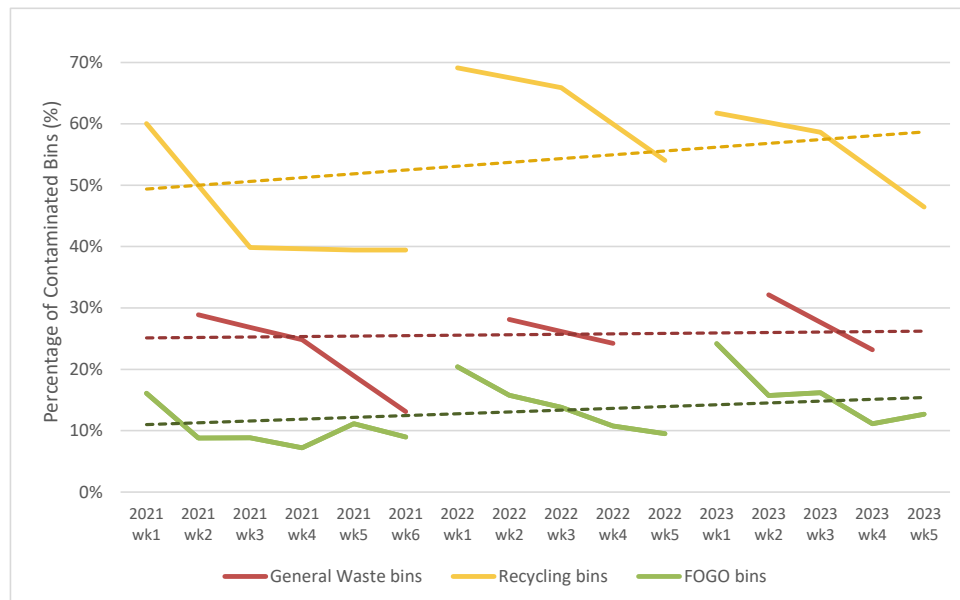
Service	2021	2022	2023	Average	Increase from 2021 to 2023
General Waste	23.0%	26.2%	27.7%	25.6%	4.7%
Recycling	46.7%	62.7%	56.2%	55.2%	9.5%
FOGO	10.6%	13.9%	16.1%	13.5%	5.5%

While the contamination rate has been shown to decrease between the first week of the tagging program and the last week, the average across all year's programs has been steadily increasing. This is due to the percentage of contaminated bins being presented generally starting higher than the previous year in each consecutive year of the program as seen in Figure 2-2 below, apart from the recycling bins which saw a decrease in the percentage of contaminated bins presented between the first week of 2022 and 2023.

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Figure 2-2: Average bin contamination rate across bin tagging programs



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2.2 Audit Reports

This review currently looks at the summary slides of a 2019 general waste bin composition audit and two compositional audit reports of the contents of the FOGO bin in 2022 and 2023.

The 2019 general waste bin audit occurred while the City was still on a three-bin GO system, however, the audit examined potential FOGO materials found in the general waste bin.

These audits calculate the quantity of contaminants present by weight and count. Volume for the different waste streams and contaminants is unrecorded.

2.2.1 General Waste Bin Composition

A total of 600 general waste bins, 100 from each EMRC Member Council, were collected and audited in 2019 to determine the amount and type of contaminants present, and to help determine how much potential FOGO waste could be captured for recovery from the general waste bins. Only the contents of the 100 bins collected from Bayswater have been summarised below in Table 2-3.

The individual components of the Organics Total % (Green waste, Food waste and Non-processable) were calculated based on the percentage of organic components from all six councils due to insufficient information in the provided summary slides.

By the weight composition, a total of 77.5% of the waste collected in 2019 could be diverted from the general waste bin. The largest proportion of this is Recyclables (33.3%) followed by recoverable Food waste (23.1%), Green waste (16.7%) and Hazardous waste (4.5%).

Due to the large percentage weight of contaminants (divertible waste) in the general waste bin it is likely that improved waste sorting would have a significant impact on the available capacity in general waste bins. However, due to the lack of more recent compositional audits of the general waste bin it is difficult to determine if the weight of divertible waste will remain similar since changing the service to a 3-bin FOGO system.

Table 2-3: General waste bin composition %, based on 100 Bayswater bins

Service	Can be diverted	Composition (%)
General Waste	No	10.8%
Recyclables	Yes	33.3%
Organics Total	Partial	51.4%
Green waste	Yes	16.7%
Food waste	Yes	23.1%
Organics – Non-processable*	No	11.7%
Hazardous	Yes	4.5%
TOTAL Divertible		77.5%

* Organics – Non-processable includes: Packaged food waste, Wood and Other putrescibles

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2.2.2 FOGO Bin Composition

A total of 200 FOGO bins from Bayswater (100) and Bassendean (100) were collected and audited for each year's report. The contents of the bin were separated into organic, recyclable and non-recyclable components to determine the amount and type of contaminants present. Only the contents of the 100 bins collected from Bayswater have been summarised below in Table 2-4.

To allow for better comparison 1.77% of Packaged Food Waste from the 2022 audit report has been included in the General Waste category instead of the Organics category to match up with how waste was categorised in the 2023 audit report.

By weight an average of 8.7% of waste collected in the FOGO bin can be diverted to the other kerbside bins at a rate of 6.3% for General Waste and 2.4% for Recycling. As these contamination percentages are quite low it is unlikely it would have any significant impact on the volume of waste recorded in the general waste bin if it were to be diverted from the FOGO bin.

Table 2-4: FOGO bin composition %, based on 100 Bayswater bins

Service	Can be diverted	2022	2023	Average
General Waste	Yes	8.7%	4.0%	6.3%
Recyclables	Yes	2.1%	2.6%	2.4%
FOGO / Organics	No	89.1%	93.4%	91.3%
Green waste	No	68.1%	74.6%	71.4%
Food waste	No	18.0%	15.8%	16.9%
Organics – other*	No	3.0%	3.0%	3.0%
TOTAL Divertible %		10.8%	6.6%	8.7%

* Organics – Other includes: Compostable bags, Non-recyclable paper, Non-recyclable cardboard and Other putrescibles

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2.3 Analysis

Using the average fullness from the bin tagging reports and the percentage of each waste stream in the compositional reports it becomes possible to analyse how much spare volume could be obtained in a general waste bin if recycling, FOGO and other contaminants are diverted or sorted into the correct bins.

All figures in this section will be updated and reported on following the Stage 2 and Stage 3 fullness and composition audits to allow for a better understanding of what capacity can be made available.

2.3.1 Assumptions

The following assumptions have been made to allow this analysis:

- All waste streams have the same density;
- Diversion rates are applied evenly across all streams of contaminants; and
- The composition of the general waste and FOGO bins are treated as being from the same time period.

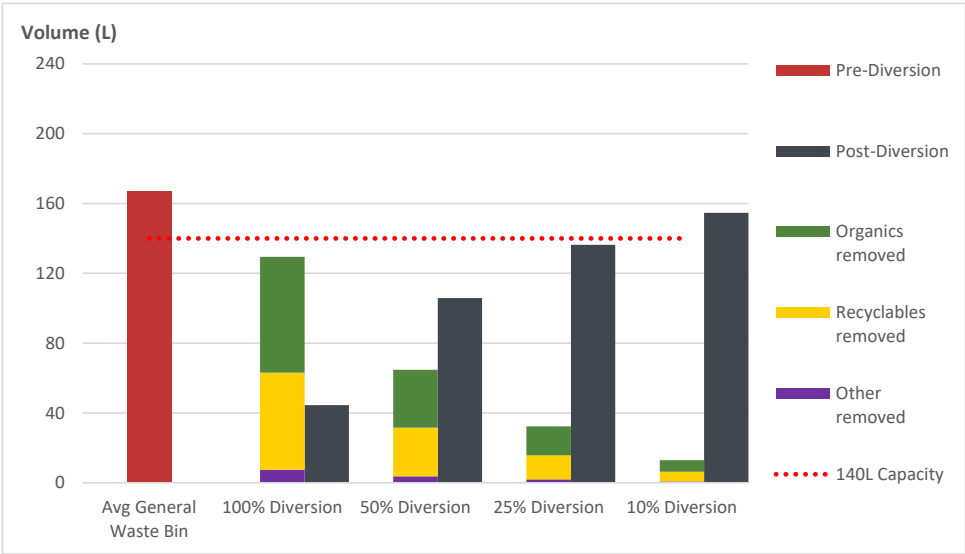
2.3.2 General Waste Bin Volume Changes by Diversion Rates

For the purpose of this analysis only the capacity changes of the general waste bin are examined.

Figure 2-3 below displays how the fullness of the general waste bin compares to a 140L capacity when contaminants are diverted. The volume of removed waste streams was calculated using the divertible composition percentages from Section 2.2 and is summarised in Table 2-5 below.

For an average bin fullness of 70% a minimum contaminant diversion rate of 25% or more would be required to reduce the volume below 140L. However, a diversion rate of 50% or more would likely mean that the majority of the service users would be under the 140L total capacity.

Figure 2-3: Capacity of general waste bin adjusted by diversion rate of contaminants



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Table 2-5: Volume of potential divertible contaminants

Bin Type	Average Fullness (%)	Pre-Diversion Fullness (L)	Organics Removed (L)	Recyclables Removed (L)	Gen. Waste Removed (L)	Other Removed (L)	Diversion Added to Bin (L)	Post-Diversion Fullness (L) @ Avg. Fullness
FOGO	46.2%	110.9	0.0	2.7	7.0	0.0	122.8	224.0
Recycling*	71.8%	172.4	0.0*	0.0*	0.0*	0.0*	105.5	277.9
General Waste	69.6%	167.0						
100% Diversion			66.4	55.6	0.0	7.5	7.0	44.5
50% Diversion			33.2	27.8	0.0	3.7	3.5	105.8
25% Diversion			16.6	13.9	0.0	1.9	1.7	136.4
10% Diversion			6.6	5.6	0.0	0.7	0.7	154.8

* No audit report is available for the Recycling bin so the portion of contaminants is unknown. They are treated as 0 for the purpose of this analysis.

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3 Summary

3.1 Key Findings

Based on the previous sections of this report, the key findings are as follows:

- The bin tagging reports indicate that the average bin fullness and percentage of bins containing contamination has been increasing across all three kerbside bins;
- An average reduction of 27.4L general waste per household per fortnight (739.8L per year) would be required to meet the capacity requirements of a smaller 140L bin if no contaminants are diverted;
- The compositional audit of the general waste bin suggests that a significant portion (77.5%) of the weight could be diverted into other bins:
 - Recyclables (33.3%), Food waste (23.1%) and Green waste (16.7%) would have a large to moderate impact on the available space in the general waste bin if diverted;
- The compositional audit of the FOGO bin indicates the amount of general waste contamination (5.4% average) would have a negligible impact on the available capacity of the general waste bin if diverted;
- Reducing the general waste bin size to 140L could be narrowly achieved with a diversion rate of 25% or more of all contaminants in the general waste bin if average fullness remains at 70%. This approximates an average waste generation of 136.4L per household per fortnight (3,682.8L per year):
 - The reduction could be comfortably achieved at a diversion rate of 50% or more of all contaminants, approximating an average general waste generation of 105.8L per household per fortnight (2,856.6L per year);

3.2 Recommendations

Talis recommends the following:

- Continuing with Stage 2 (Fullness audit) and Stage 3 (Composition audit) of this review so that the findings above can be verified against data which is up to date;
- Based on this desktop assessment it is feasible to reduce the capacity of the general waste bin to 140L provided that diversion rates can be increased and correct sorting behaviour is improved by at least 50% of the services;
- More regular audits which include the recycling and general waste compositions and volumes will improve the understanding of how much volume is being displaced in each bin by potential contaminants; and
- Continue to promote education surrounding the correct sorting of waste to help ensure potential contaminants are diverted into the correct bin. Consider a campaign that focuses on how much space could be gained from correctly sorting waste:
 - Due to 31.8% of households speaking a first language other than English at home it will be important to include materials in a range of different languages.



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City of Bayswater Audit

Task 2 – Bin Fullness Audit



Prepared for City of Bayswater

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Figure 4-1: Breakdown of bin fullness percentage between both bins

Appendices

APPENDIX A Audit Photos

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1 Introduction

In November 2020, the City of Bayswater (the City) entered into a funding agreement with the Waste Authority for the 'Better Bins Plus: Go FOGO Kerbside Collection Program' (Better Bins Plus Program) to help fund the rollout of the Food Organics and Garden Organics (FOGO) collection service.

As part of the funding agreement, participating councils are required to provide kerbside bin services consistent with the Better Bins Plus: Go FOGO – Funding guidelines ¹ which specify that general waste bins should be transitioned to a maximum weekly collection volume of 70L. To meet the requirements of the funding agreement, the City must transition from a 240L general waste bin to a 140L general waste bin collected fortnightly by 30 June 2026. Failure to meet this requirement may result in the Waste Authority recovering some or all of the funding provided.

In August 2023, the City of Bayswater Council resolved that it:

- Receives the report on the implications of exiting the 'Better Bins Plus: Go FOGO Kerbside Collection Program' agreement;
- Does not support the downsizing of all residential general waste bins from a fortnightly 240L service to a fortnightly 140L service;
- Requests the Chief Executive Officer to prepare a report to Council by October 2024, to include an assessment of all options that enable residents and ratepayers choice in general waste bin size; and
- Requests the Mayor contact the Minister for Environment; Climate Action; Racing and Gaming, to encourage further action to be taken to address consumer packaging standards in Western Australia.

Talis Consultants (Talis) have been engaged by the City to conduct a bin fullness audit of the City's FOGO and general waste bins. The purpose of this audit is to inform the City's decision-making process by providing critical data on the current usage patterns of the FOGO and general waste bins.

The City of Bayswater, situated in the northeast suburbs of Western Australia, includes a population exceeding 69,000 residents residing in over 32,000 dwellings with an average of 2.3 people per household (ABS, 2021).

The City's current waste collection service comprises of the below, refer to Table 1-1. Residents also have the option to pay for additional 240L bins of any type if required.

Table 1-1: Summary of kerbside services from March 2021 onwards

Service	Standard Bin Size	Bin Lid Colour	Collection Frequency
General Waste	240L	Red	Fortnightly
Recycling	240L	Yellow	Fortnightly (alternate)

¹ Waste Authority. 2019. Better Bins Plus: Go FOGO.
<https://www.wasteauthority.wa.gov.au/programs/view/better-bins>

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FOGO	240L	Lime green	Weekly

The current collection cycle for the red lidded general waste bin results in a weekly volume of 120L of general waste being collected. This is 50L more than the Better Bins Go FOGO guidelines maximum weekly general waste collection of 70L.

The purpose of this report is to help the Council make informed decisions and recommendations regarding the transition to a smaller general waste bin, similar to other councils using 3-bin systems. This report addresses the following:

- Kerbside presentation rate for general and FOGO waste stream; and
- The volume of waste in presented bins within each waste stream.

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2 Methodology

This section outlines the process that was undertaken to complete the audit.

2.1 Audit Timing and Weather Conditions

The audit took place over two days from Thursday 6th to Friday 7th June 2024. To ensure that the gathered data was representative of typical circumstances, the audit was conducted in early June to avoid public holidays and severe weather events.

The audit was conducted at the beginning of winter as temperatures were beginning to decrease. Across the two audit days, temperatures ranged from a minimum of 11.0°C to 17.0°C and reached a maximum temperature of 24.0°C. Cloudy conditions with light rainfall were experienced across the two audit days.

2.2 Safety

To ensure the safety of all staff involved while conducting the bin fullness audit, a project specific Safety Management Plan (SMP) was prepared. The objective of the SMP was to identify the potential safety hazards and risks associated with the audit and provide management with measures to ensure that these were controlled to an acceptable level.

To ensure the audit was undertaken in accordance with the SMP, the Talis audit officer inducted the auditing team at the start of each day.

For each day of auditing, all staff were provided with the required personal protection equipment which included hi vis vest, disposable gloves and face masks. Water resistant gear and a first aid kit were also available on hand.

2.3 Sample Collection and Size

The audit methodology and representative area selected was based on discussions with the City and consideration was given to the Kerbside Waste and Recycling Audit Manual (2008). A sample size of 388 matched pair households were targeted for the audit, which comprised of single unit dwellings and multi-unit dwellings, refer Diagram 1 and Diagram 2.

The Talis audit team recorded the fullness and presentation rates of the general waste and FOGO bins. To ensure the accuracy and representativeness of the data, two Talis audit officers completed the works. This measure was taken to identify and document any irregularities and to exclude commercial premises, schools, religious centres, community halls and similar establishments from the audit sample, aligning with the audit's objectives.

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Diagram 1: Households audited (06/06/24)



Diagram 2: Households audited (07/06/24)



2.4 Audit Technique

At each matched pair household, the audit team recorded the bin presentation rate of the FOGO and general waste streams and measured the fullness of these bins with a measuring device.

The measuring device had markings into 10 equal sections over a length of 1.06 meters, corresponding to the typical height of a 240L bin. Each section represented 10% of the bin's capacity. The device was lowered into the bin until it rested on the bin contents, and the number of sections protruding from the bin was recorded, representing the remaining capacity. For instance, if three sections were protruding, the bin was 70% full.

Photos of the audit and measuring device are included in Appendix A.

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2.5 Data Analysis

All data collected during the audit were recorded digitally and saved into Microsoft Excel spreadsheets. Data in Excel was independently checked to ensure the accuracy of the data entry process.

2.6 Limitations

All audits carry an element of error associated with using a small sample to represent a total community. Audit data was collected and analysed using the best methodology available within the limits of budget and time.

The following limitations of the audit are:

- The audit data was captured over two sample collection days providing a bin fullness snapshot of general and FOGO waste streams. The data was then used to be representative of the entire City;
- The bin presentation rates are based on sample collection and may not reflect the actual presentation or participation rates of the entire City; and
- The quantity of general waste and food organic bins vary seasonally and will be impacted by extreme weather events and public holidays.

For more reliable monitoring, the ongoing repetition of audits is recommended.

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3 Audit Results

The audit results have been consolidated according to the waste stream (general waste and FOGO) and presented as a percentage. In total, 801 bins were recorded, representing 388 households. This comprised 408 of individual general waste bins and 393 individual FOGO bins.

It should be noted that sample numbers are based on households included in the selected area provided by the City and are not representative of the actual bins recorded. This is because some single dwelling (SD) households may present more than one bin per stream. Multi-unit dwelling (MUD) household bins are shared and do not equate to the number of households per MUD property but rather the allocation of bins per household per stream.

Results have been graphically represented in charts and tables to highlight the various characteristics of each waste stream. Where percentages have been rounded to the nearest whole number some charts or tables may not present a total of 100%.

3.1 General Waste

3.1.1 Presentation Rates

Presentation rates indicate the proportion of households that have placed their general waste bin on the kerbside for collection. Sample collection showed that 88% of households presented a general waste bin, which are in line with previous bin tagging data from EMRC, refer Table 3-2.

Table 3-1: General Waste bin presentation rate

Auditor	Year	Number of households	Number of households presenting a bin	Presentation Rate	Number of households presenting additional bin/s
Talis	2024	388	341	88%	17*
EMRC	2023	4,122	3,295	80%	-
EMRC	2022	3,552	2,945	83%	-
EMRC	2021	3,519	2,674	77%	-

** Note, of the seventeen households presenting additional bins, fifteen of these presented one extra bin each, while two households presented two extra bins, making a total of nineteen additional bins which is reflected in the below sections.*

3.1.2 Bin Fullness

Figure 3-1 shows the breakdown of general waste bin fullness, including seventeen households that presented an additional general waste bin/s.

Sample collection showed that 124 properties (34%) of presented general waste bins were 100% full, with 5% of bins presented being overfull (>100%).

Eleven out of the seventeen properties that presented an additional general waste bin/s were 100% full, which indicated the majority of the properties (65%) with an additional bin/s utilised their general waste bins to their full capacity.

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45 households (13%) of the sample collection presented bins which were 30% full or less.

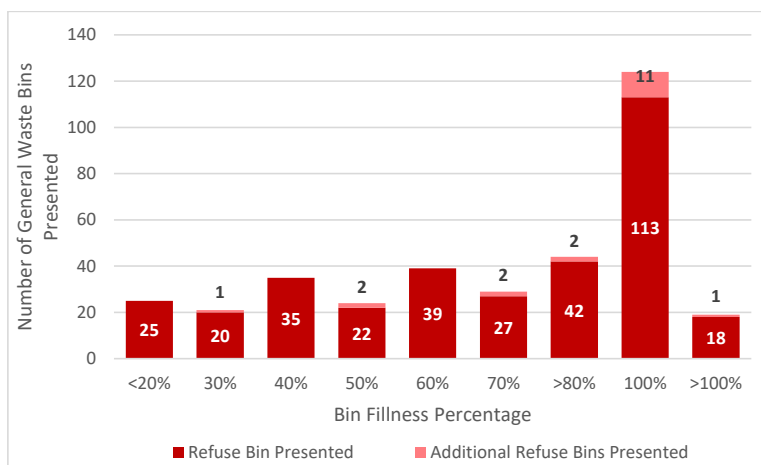


Figure 3-1: General Waste Stream Bin Fullness

Figure 3-2 provides a detailed breakdown of the nine categories of bin fullness, illustrating the overall percentage of bins that fall within each category.

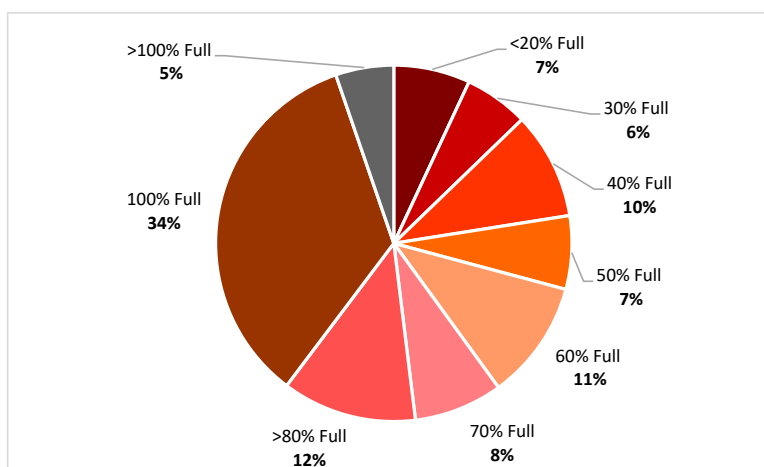


Figure 3-2: General Waste Bin Fullness Percentage Breakdown

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3.2 FOGO

3.2.1 Presentation Rates

Presentation rates indicate the proportion of households that have placed their FOGO bin on the kerbside for collection. Sample collection showed that 68% of households presented a FOGO bin, which are in line with previous bin tagging data from EMRC, refer Table 3-2.

Table 3-2: FOGO bin presentation Rate

Auditor	Year	Number of households	Number of households presenting a bin	Presentation Rate	Number of households presenting additional bin/s
Talis	2024	388	264	68%	5
EMRC	2023	9,921	6,101	62%	-
EMRC	2022	8,547	5,422	63%	-
EMRC	2021	8,779	5,368	61%	-

3.2.2 Bin Fullness

Figure 3-3 shows the breakdown of FOGO bin fullness, including five households that presented an additional FOGO bin/s.

Sample collection showed that 123 properties (46%) of presented FOGO bins were less than 20% full. 48 properties (19%) from the sample collection presented FOGO bins that were 100% full, with two out of the five that presented an additional FOGO bin/s also being 100% full.

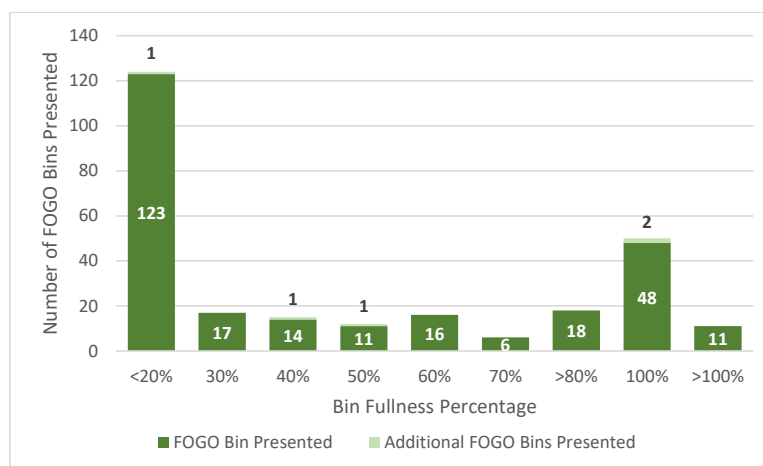


Figure 3-3: FOGO Waste Stream Bin Fullness

Figure 3-4 provides a detailed breakdown of the nine categories of bin fullness, illustrating the overall percentage of bins that fall within each category.

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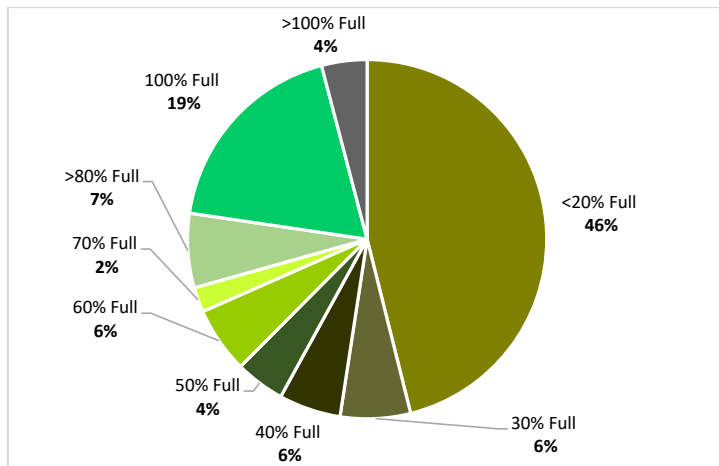


Figure 3-4: Total Bin Fullness Percentage Breakdown

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4 Summary and Analysis

4.1 Key Findings

Figure 4-1 shows the bin fullness comparison between general waste and FOGO.

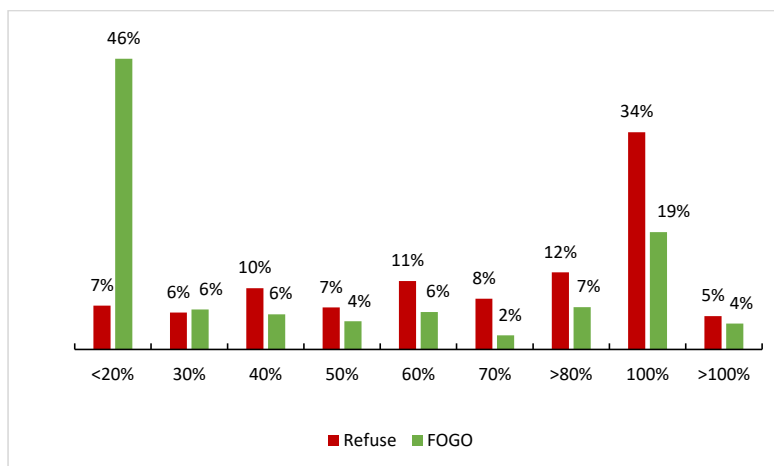


Figure 4-1: Breakdown of bin fullness percentage between both bins

Whilst the sample collection for both general waste and FOGO bins were in line with previous bin tagging data from EMRC, the results showed that general waste had a significantly higher presentation rate (88% presented) than FOGO (68% presented).

The results also showed that a 34% of properties presented general waste bins that were 100% full, with an additional 5% of bins presented being overfull (>100%). In comparison, 46% of properties presented FOGO bins that were less than 20% full. This indicates that FOGO bins may not have been utilised to their full capacity as demonstrated by 46% of FOGO bin being less than 20% full. Contrasting with this is that 30% used to their FOGO bin to a capacity of 80% or above. It appears that FOGO bins within the City are either relatively empty or very full depending on their use. The audit in Stage 3 of these works will assist in determining if the FOGO bin is being used to its full potential.

From the sample collection, it appears that 70% of properties are using more than 140L of general waste capacity per collection. This would indicate that a transition to a 140L for general waste is not possible without significant intervention. The compositional audit in the next stage of these works will highlight if the change to a smaller general waste bin is possible by moving any potential FOGO material from the general waste bin to the FOGO bin.

It was observed that several properties from the sample collection were placing recyclable materials such as paper and cardboard, and organic waste such as food organics and garden organics in the general waste bins.

65% of properties that presented an additional general waste bin/s were 100% full, which indicated most of the properties with an additional bin/s utilised their general waste bins to their full capacity. This highlights the community need for the general waste collection service.

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Additionally, the contamination levels observed in the general waste and FOGO bins suggests different levels of knowledge or a lack of knowledge by residents on about what can be put into each bin, particularly around materials such as paper and cardboard organics, tied bags and plastic bags/film.

4.2 Recommendations

Based on the preliminary findings of this Bin Fullness Audit and prior Desktop Review, Talis recommends the following:

- Based on the works completed to date, it is feasible to reduce the capacity of the general waste bin to 140L provided that diversion rates can be increased and correct sorting behaviour is improved by at least 60% of the services. Continuing with Stage 3 (Composition audit) of this review is important so that the findings above can be further verified against data which is up to date;
- Continue to promote education surrounding the correct sorting of waste to help ensure potential contaminants are diverted into the correct bin. Consider a campaign that focuses on how much space could be gained from correctly sorting waste. This educational messaging can be informed by the Audit in Stage 3;
- Ensure that education materials are provided in a range of difference languages as 31.8% of the City's household speak a first language other than English at home; and
- More regular audits which include the compositions and volumes of all waste types will improve the understanding and identify areas in which the City can target improvements. Regular audits also provide feedback on which educational messages have been successful and guide future educational messaging.

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APPENDIX A

Audit Photos

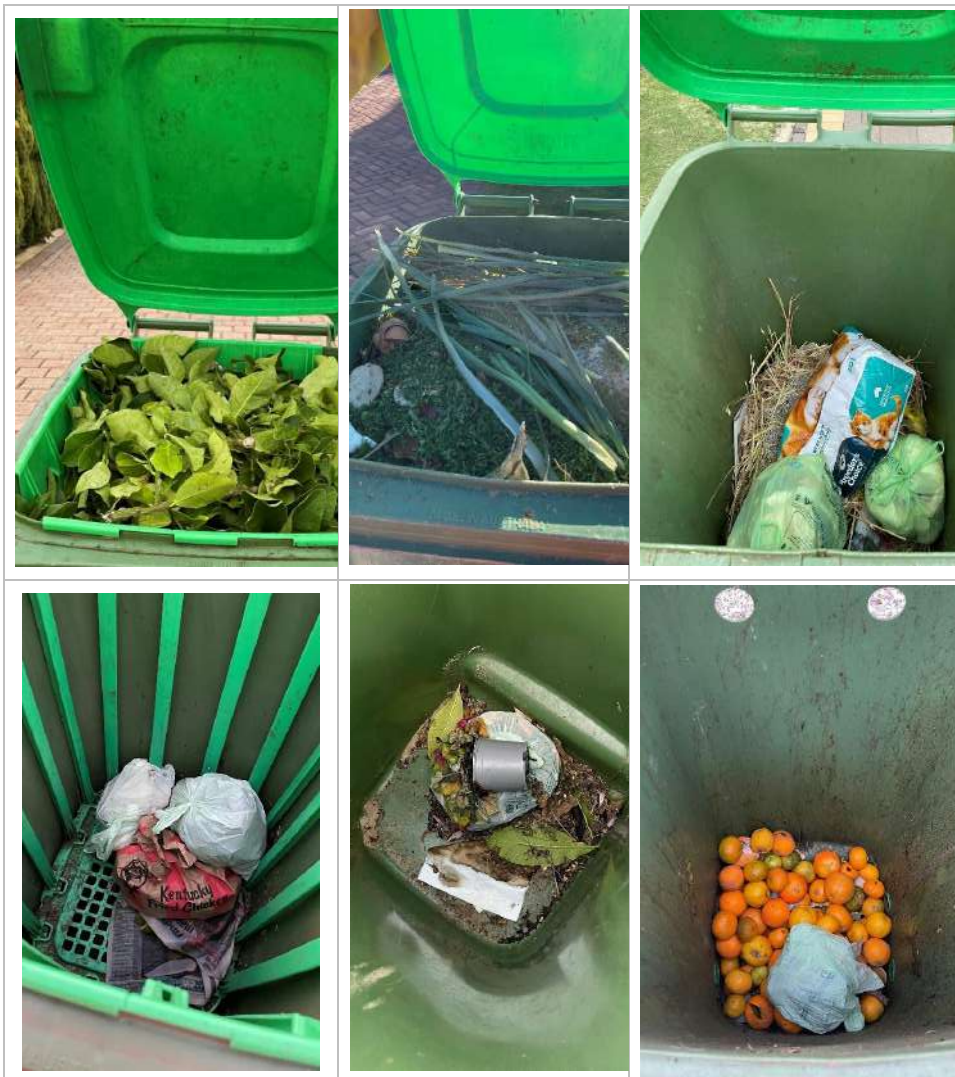
A.1 Contents of General Waste Bins



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A.2 Contents of FOGO Bins



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A.3 Overfilled Bins (>100%)



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A.4 Audit Technique



A.5 Household with presentation of additional bins





Assets | Engineering | Environment | Noise | Spatial | Waste

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Task 3 – Kerbside Compositional Waste Audit – July 2024



Prepared for City of Bayswater

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Task 3 – Kerbside Compositional
Waste Audit – July 2024
City of Bayswater



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Executive Summary

The City of Bayswater (the City) engaged Talis Consultants to conduct a kerbside compositional waste audit on the general waste and recycling waste streams. This audit was conducted in response to the funding agreement from the Waste Authority for the 'Better Bins Plus: GO FOGO Kerbside Collection Program' and the viability of downsizing all residential general waste bins from a fortnightly 240L service to a fortnightly 140L service.

The result of this audit will help inform the City's decision-making process by providing critical data on the current usage patterns of the general waste and recycling bins. This combined with the desktop review (Task 1) and bin fullness report (Task 2) allow for the better understanding of bin capacity and waste composition, and provide the data needed to determine the effectiveness of maintaining its standard 240L bins for all waste streams.

This audit can also be used in the future to identify gaps for improving recovery targets and waste education programs.

The waste audit was undertaken to determine the following objectives:

- The material composition of each waste stream;
- Household generation rates;
- The number of eligible beverage containers under the Container Deposit Scheme (CDS) within each waste stream;
- Level of recyclables and organics in the general waste stream; and
- Contamination rate of the recycling stream and recovery rates;

The waste audit was undertaken over four days, Monday 15th to Tuesday 16th and Monday 22nd to Tuesday 23rd July 2024.

Audit results indicate that on average, each household generates 11.27kg of general waste fortnightly. For recycling, on average each household generates 7.90kg of recyclables fortnightly.

The consolidated composition by material group (%/weight) is shown in the table below.

Consolidated Composition (%/weight) by Key Material Group

Material Stream	CDS Eligible	Recyclable	Organic / Compostable	Residual Waste	Hazardous	E-Waste	Tied Bags
General Waste	1.17%	16.54%	23.86%	53.96%	1.17%	3.28%	N/A
Recycling	8.19%	74.72%	0.51%	11.84%	0.21%	0%	4.53%

Residual waste materials accounted for over half (53.96%) of the general waste stream. The second largest component of the general waste stream was organic and compostables (23.86%). Recyclable material made up 16.54% of the general waste stream and when the eligible CDS containers are included, this percentage increases to 17.71%. Low levels of e-waste and hazardous waste were captured in the general waste stream (3.28% and 1.17% respectively).

In the recycling stream, over 74% of materials were recyclable with an additional 8.19% eligible CDS containers. The second largest component of the recycling waste stream was residual waste material at 11.84%. Organics and compostable materials made up a small portion of the stream at 0.51%. Tied bags of waste material represented 4.53% of the recycling stream and included 28 individually tied

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bags. Although small quantities of hazardous waste (0.21%) were found, no e-waste was present in the recycling stream.

The consolidated CDS eligible beverage containers, by count and value within the general waste and recycling streams have been detailed in the table below.

CDS Eligible Containers by Number and Value

Container Type	General Waste		Recycling	
	Count	Value (\$/number)	Count	Value (\$/number)
Liquid Paper Board	13	\$1.30	11	\$1.10
Aseptic (Silver Lined)	25	\$2.50	14	\$1.40
Glass	29	\$2.90	102	\$10.20
PET	117	\$11.70	199	\$19.90
HDPE	38	\$3.80	9	\$0.90
Aluminium / Steel	82	\$8.20	201	\$20.10
Total	304	\$30.40	536	\$53.60

CDS containers made up 1.17% of the general waste stream, by weight, equating to a potential value of \$7.90 per household per year. For the recycling stream, CDS containers made up 8.19%, by weight, equating to a potential value of \$13.94 per household per year.

The contamination observed in the recycling stream suggests different levels or a lack of knowledge by residents on about what can be put in the recycling bin, particularly around materials such as recyclables in tied bags, non-recyclable paper/cardboard, contaminated soiled paper and other miscellaneous household items.

The low levels of e-waste and hazardous waste that was also captured in the general waste stream including kitchen appliances such as a microwave, blender and sandwich toaster indicates that the City could consider initiatives and focused education particularly around bulk, hazardous and flammable items to prevent these materials from being disposed into the kerbside bins.

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Appendices

APPENDIX A Waste Sorting Categories

APPENDIX B Sample Photos

APPENDIX C Raw Data Sheets

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1 Introduction

In November 2020, the City of Bayswater (the City) agreed to accept a funding agreement from the Waste Authority for the 'Better Bins Plus: Go FOGO Kerbside Collection Program' (Better Bins Plus Program) to help enable the rollout of the Food Organics and Garden Organics (FOGO) collection service.

As part of the funding agreement, participating councils are required to provide kerbside bin services consistent with the Better Bins Plus: Go FOGO – Funding guidelines¹ which specify that general waste bins should be transitioned to a maximum weekly collection volume of 70L. To meet the requirements of the funding agreement, the City must transition from a 240L general waste bin to a 140L general waste bin collected fortnightly by 30 June 2026. Failure to meet this requirement may result in the Waste Authority recovering some or all of the funding provided.

In August 2023, the City of Bayswater Council resolved that it:

- Receives the report on the implications of exiting the 'Better Bins Plus: Go FOGO Kerbside Collection Program' agreement;
- Does not support the downsizing of all residential general waste bins from a fortnightly 240L service to a fortnightly 140L service;
- Requests the Chief Executive Officer to prepare a report to Council by October 2024, to include an assessment of all options that enable residents and ratepayers choice in general waste bin size; and
- Requests the Mayor contact the Minister for Environment; Climate Action; Racing and Gaming, to encourage further action to be taken to address consumer packaging standards in Western Australia.

The City engaged Talis Consultants to conduct a kerbside compositional waste audit on the general waste and recycling streams from its residential kerbside bin collection. Data from this audit will assist the City to better understand the composition of the waste streams generated, the suitability of its current three bin system service offering and identify any materials that could potentially be diverted into the FOGO bin. Consequently, it was not necessary to sample the FOGO bin itself. In addition, the City conducted FOGO audits in 2022/23.

The City, situated in the northeast suburbs of Western Australia, includes a population of approximately 69,000 residents residing in 32,000 dwellings, with an average of 2.3 people per household (ABS, 2021).

The City's waste collection service comprises of a three-bin system, refer Table 1-1. Residents also have the option to pay for additional 240L bins of any type if required.

¹ Waste Authority. 2019. Better Bins Plus: Go FOGO.
<https://www.wasteauthority.wa.gov.au/programs/view/better-bins>

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Table 1-1: Summary of kerbside services from March 2021 onwards

Service	Standard Bin Size	Bin Lid Colour	Collection Frequency
General Waste	240L	Red	Fortnightly (alternate with recycling)
Recycling	240L	Yellow	Fortnightly (alternate with general waste)
FOGO	240L	Lime green	Weekly

The purpose of the waste audit was to determine:

- The material composition of the general waste and recycling stream;
- Household generation rates;
- The number of eligible beverage containers under the Container Deposit Scheme (CDS) within each waste stream;
- Level of recyclables and organics in the general waste stream; and
- Contamination rate of the recycling stream and recovery rates.

The compositional audit was the third and final stage of work undertaken by Talis on behalf of the City in response to the funding agreement from the Waste Authority, as detailed below:

- Task 1 - Desktop Review and summary report assessing the results from provided bin tagging (2021-2023), FOGO audit reports (2022-2023) and a General Waste audit report (2019).
- Task 2 - General Waste and Food Organics and Garden Organics (FOGO) bin fullness audit.

The result of this audit, in conjunction with the Task 1 and 2 outlined above, will help inform the City's decision-making process by providing critical data on the current usage patterns of the general waste and commingled recycling bins. This combined with Task 1 and 2 outlined above, will assist the City in understanding the available bin capacity and waste composition desktop review (Task 1) and bin fullness report (Task 2). The City will have a clearer understanding of the available bin capacity and waste composition, and provide the data needed to determine the viability of maintaining its standard 240L bins for all its kerbside collection.

This audit can also be used in the future to identify gaps for improving recovery targets and waste education programs.

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2 Methodology

This Section outlines the process that was undertaken to complete the audit.

2.1 Audit Timing and Weather Conditions

The audit took place over four days, Monday 15th, Tuesday 16th, Monday 22nd and Tuesday 23rd July 2024. To ensure that the gathered data was representative of normal circumstances, the audit was conducted in mid-July to avoid public holidays and severe weather events and to allow for comparisons with the bin fullness data captured in June 2024.

The audit was conducted in the middle of winter where temperatures were low. Across the four audit days, temperatures ranged from a minimum of 6.0°C and reached a maximum of 21.0°C. Cloudy conditions with rainfall were experienced across the four audit days.

2.2 Guidelines

The audit was based on the WA Department of Environment and Conservation *Kerbside Waste and Recycling Audit Manual* (2008) (the Guidelines) and discussions with the City.

2.3 Waste Classification System

Classification of material groups was used when auditing waste materials in the general waste and recycling bins to ensure consistency in the audit sorting process and data analysis.

The material classification system is predominately based on the Australian Waste Database Codes (Cooperative Research Centre for Waste Management and Pollution Control, 1993), and has been adjusted to include some additional entries to provide greater detail for use in the compositional analysis particularly in relation to organic material.

In addition, beverage containers eligible for a 10c refund under the CDS were included and were categorised in accordance with the Western Australia Return Recycle Renew Ltd eligible container criteria.

The material group classifications are included in Appendix A.

2.4 Sample Identification

A sample of 100 residential households were targeted for the compositional waste audit, refer Diagram 1 and Diagram 2.



The map displays a section of Vancouver, British Columbia, centered on the area labeled 'BAYWATER 2005'. The map shows a grid of streets, including Campbell Street, Bayview Street, and various residential streets. A red outline highlights a specific area in the center, labeled 'BAYWATER 2005'. The map includes street names, lot numbers, and a scale bar.

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2.5 Audit Technique

Bins from the residential households were collected in the morning of the day of auditing. Multi-unit dwellings were not included within the above sample as they represented less than 5% of the total residences. Street selections were conducted using a randomised method of selection.

The Guidelines recommend that samples of 10-20 households should be sampled from each selected street, and that every second to fifth household should be selected for sampling, to reduce cross contamination of the samples between neighbours' bins. Based on this and Talis's experience, the sample collection included every second household and no more than 10 bins per street.

2.6 Sample Collection and Size

The general waste and recycling stream were collected by the City's waste collection contractor's side loader vehicles and delivered to the designated audit site.

Sample collection trucks operated by the City's waste collection contractor were accompanied by a Talis audit officer to ensure that only representative households were collected, in accordance with the Guidelines. This was to make certain that any irregularities are recorded and that no commercial premises, schools, religious centres, community halls, or the like were included in the audit sample to align with the objectives of the audit.

General waste and recycling bins are collected on alternate fortnights, resulting in households being collected over a two-week period. A total sample size of 200 bins (100 general waste and 100 recycling) were collected over the four audit days.

2.7 Safety

To ensure the safety of all staff involved while conducting the waste audit, a project specific Job Safety Analysis (JSA) was prepared. The objective of the JSA was to identify the potential safety hazards and risks associated with the audit and provide management with measures to ensure that these were controlled to an acceptable level.

To ensure the audit was undertaken in accordance with the JSA, the Lead Auditor inducted the auditing team at the start of each day.

For each day of auditing, all staff were provided with the required personal protection equipment which included heavy duty puncture resistant gloves, safety goggles and dust masks. A sharps container, first aid kit and fire extinguisher were also provided for the audit.

2.8 Waste Audit Layout, Equipment and Audit Technique

Auditing was undertaken at a designated area within the City's transfer station, which included an enclosed, but ventilated, shed.

The audit sorting area inside the shed was divided into a storage area for equipment, a sorting area and a weighing area. Tarps were laid on the floor and folding tables were set up and covered with tarps to form one large central sorting table in the middle of the sorting area with a combination of containers (flexi tubs/buckets/bins) used for collection of the separated sorted waste materials. All containers were labelled according to the designated waste material to be collected in that container.

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The waste was delivered by the City's waste collection contractor and tipped in the shed.

The sorting team manually moved waste in bags to the sorting table. Flexi tubs and tongs were used to move the waste to the sorting table.

Sample material was weighed using a calibrated digital platform weight scale with 0.05 kg precision up to 150 kg +/- 5% of true weight, with built-in spirit level to ensure the weighing bed is flat when recording weights. The weight scale was calibrated prior to the audit.

The waste audit team consisted of one-two Talis staff working in the roles of Lead Auditor and Audit Supervisor and four to five of Talis' experienced casual auditors.

2.9 Sorting

Sorting was undertaken on one waste stream at a time (general waste in week 1 and recycling in week 2).

Talis waste auditors manually separated the waste stream into the waste material categories in Appendix A.

Tongs and litter pickers were used to sort and move waste into the designated container. Each material category was sorted into a separate container. As a container filled to capacity it was weighed and the data recorded. Once all material had been separated into the designated categories all fines (residual material <20mm) was collected and weighed.

All sorting containers were tared and zeroed on the scale to calculate the net sample weight for each category. The tare weights of the bins were verified prior to the audit each day and regularly throughout the audit process to maintain accuracy.

CDS eligible beverage containers were separately weighed and counted, and the data recorded.

Recycling material in tied household shopping or garbage bags were counted separately to determine the proportion of recyclable material contained in plastic bags which are considered a contaminant within the recycling stream, and of which the contents are potentially not recovered at a Material Recovery Facility (MRF).

Absorbent hygiene waste and bagged dog excrement were not opened or separated from plastic bags for health and safety reasons.

The sorted materials were disposed of separately, the general waste material stream was deposited in skips for disposal by the City while the recycling material stream were deposited in 1,100L and disposed by Cleanaway. Once the sorting was complete the audit area, table and containers were cleaned before the next day's sorting commenced.

Talis staff captured photos of the audit and sorted material. Photos of the audit site and key materials are included in Appendix B.

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2.10 Data Analysis

All quantitative and compositional data collected during the audit was entered onto data collection sheets during auditing. The recorded data was then entered into Microsoft Excel spreadsheets. Once entered, the weight of the empty container was then deducted from the gross weight taken during the sorting process to obtain the net weight of the filled container. Data in Excel was independently checked to ensure the accuracy of the data entry process.

2.11 Limitations

All audits carry an element of error associated with using a small sample to represent a total community. Audit data was collected and analysed using the best methodology available within the limits of budget and time. The following limitations of the audit are:

- The audit data was captured over four sample collection days providing a snapshot of the composition of waste. The data was then used to be representative of the entire City;
- Plastic bags are typically considered contaminants in the recycling stream. The contents of tied plastic or garbage bags typically cannot be separated at MRFs therefore recyclables in plastic bags within the recycling stream were counted and weighed. Note this did not include any items wrapped in cling wrap, bread bags or smaller bags;
- Data was recorded by weight, in accordance with the Guidelines as this is the most accurate way to collect data on different types of materials. The low density of some materials may cause certain materials to appear to be present in quite small proportions, however they can represent large volumes within the bin such as plastic bags/film and polystyrene;
- The bin presentation rates are based on sample collection and may not reflect the actual presentation or participation rates of the entire City; and
- The quantity and composition of general waste and recycling bins vary seasonally and will be impacted by extreme weather events and public holidays.

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3 Audit Results

The audit results have been consolidated according to the waste stream (general waste and recycling) and presented as a percentage by weight.

Unless stated otherwise, the compositional breakdown of material groups presented in the following sections is by weight. Comprehensive audit results have been provided in Appendix C.

Results have been graphically represented in charts and tables to highlight the various characteristics of each waste stream. Where percentages have been rounded to the nearest whole number, some charts or tables may not present a total of 100%.

3.1 General Waste

3.1.1 Presentation Rates and Volumes

Presentation rates indicate the proportion of households that have placed their bin on the kerbside for collection. Sample collection showed that 85.47% of households presented a general waste bin, refer Table 3-1.

Table 3-1: General Waste Presentation Rates

Waste Stream	Number of households passed	Number of households presenting a bin	Presentation Rate
General Waste	117	100	85.47%

3.1.2 Quantitative – Total Weights

Table 3-2 summarises the weight of the key material groups in the general waste stream from all households audited.

Residual waste material represented the highest overall weight in the general waste at 608.26kg followed by organics and compostable materials at 268.97kg. CDS eligible containers were the lowest at 13.20kg.

Table 3-2: Composition by Key Material Groups – General Waste

Material Group	Overall Weight (kg)
CDS Eligible	13.20
Recyclable	186.47
Organic / Compostable	268.97
Residual Waste	608.26
Hazardous	13.24
E-Waste	37.01
TOTAL	1,127.15

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3.1.3 Quantitative – Average Weights per Household

Table 3-3 summarises the number of general waste bins sampled, along with the average weight of waste presented per household (hhld). This is based on the total weight of materials in the general waste bins collected over the two-day audit. This resulted in an overall average weight of 11.27kg per household.

Table 3-3: Average Weight of General Waste per Household

General Waste	Overall
Households audited	100
Total kgs	1127.15
Kgs/hhld	11.27

Figure 3-1 shows the aggregated composition of all households broken down into the key material groups.

Residual waste materials were the highest generated material category for households at 6.05kg per household followed by organic and compostable materials at 2.73kg per household.

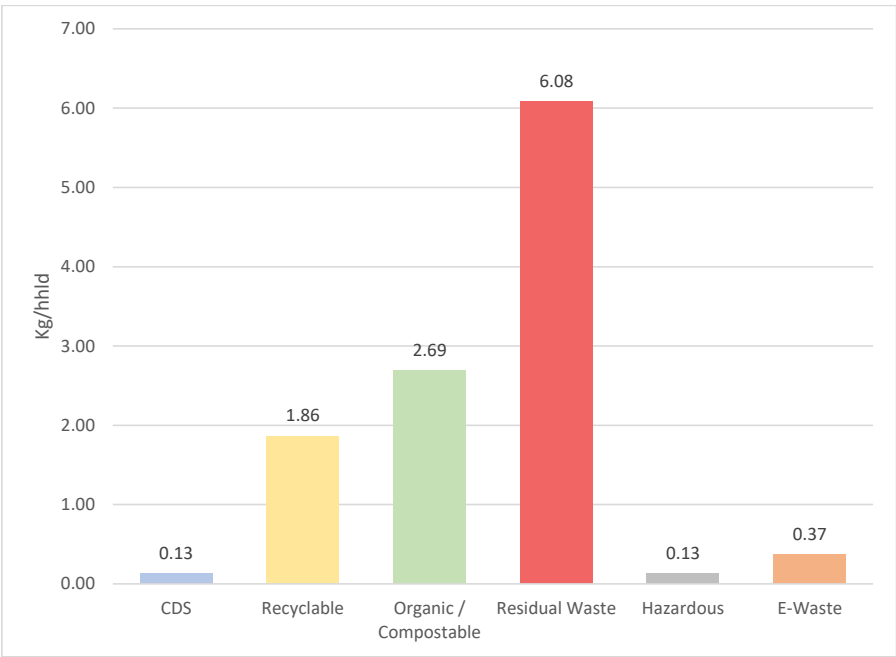


Figure 3-1: Aggregated Composition (kg/hhld) – General Waste

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3.1.4 Compositional

Figure 3-2 shows the percentage composition of the general waste stream, consolidated into key material groups.

Residual waste represented 54.02% of all waste in the general waste bins, followed by organic and compostable materials at 23.86%, recyclables at 17.66% (including CDS eligible containers), e-waste at 3.28%, and hazardous waste at 1.17%.

Please note, the CDS eligible containers in Figure 3-1 have been incorporated into their respective material groups, refer Figure 3-2. Eligible glass, liquid paper board (LPB), plastic and aluminium/steel containers classified as their correct recyclable category. Aseptic containers are classified as non-recyclable and are categorised as other paper/cardboard.

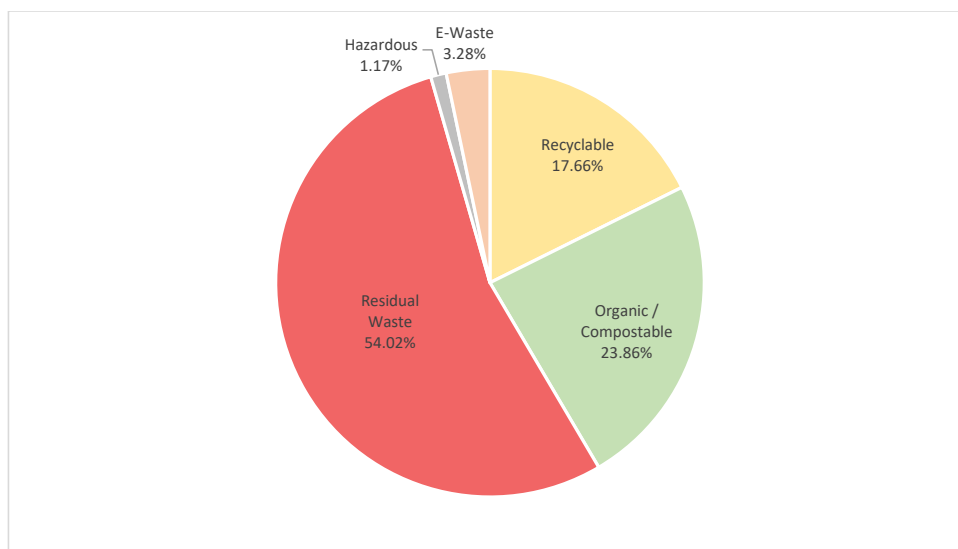


Figure 3-2: Percentage Composition of General Waste Stream (% weight)

A detailed breakdown of the composition of the general waste is shown in Figure 3-3 to Figure 3-6. Each figure shows the breakdown of materials in the key material groups identified in Figure 3-2.

Residual waste material made up the largest component of the general waste stream, refer Figure 3-3. Containerised food and liquid made up 13.10% of the total weight of the general waste sample, followed by plastic films at 9.38%. Absorbent hygiene waste made up 7.42% and was predominantly comprised of children/adult nappies and feminine products. Non compostable other (textiles/rags) attributed to 6.25% of the residual waste material which included items such as carpet (wool) and clothing items including shoes.

Non-recyclable paper/cardboard made up 5.29% of the stream which can be attributed to the presence of wet wipes, soiled pizza boxes, greaseproof paper and paper with waxy coatings.

Miscellaneous (other household) contributed to 4.26% of the residual waste material. Despite its lower percentage in the residual waste stream, the bulky and heavy nature of the material contributes significantly to the overall waste volume.

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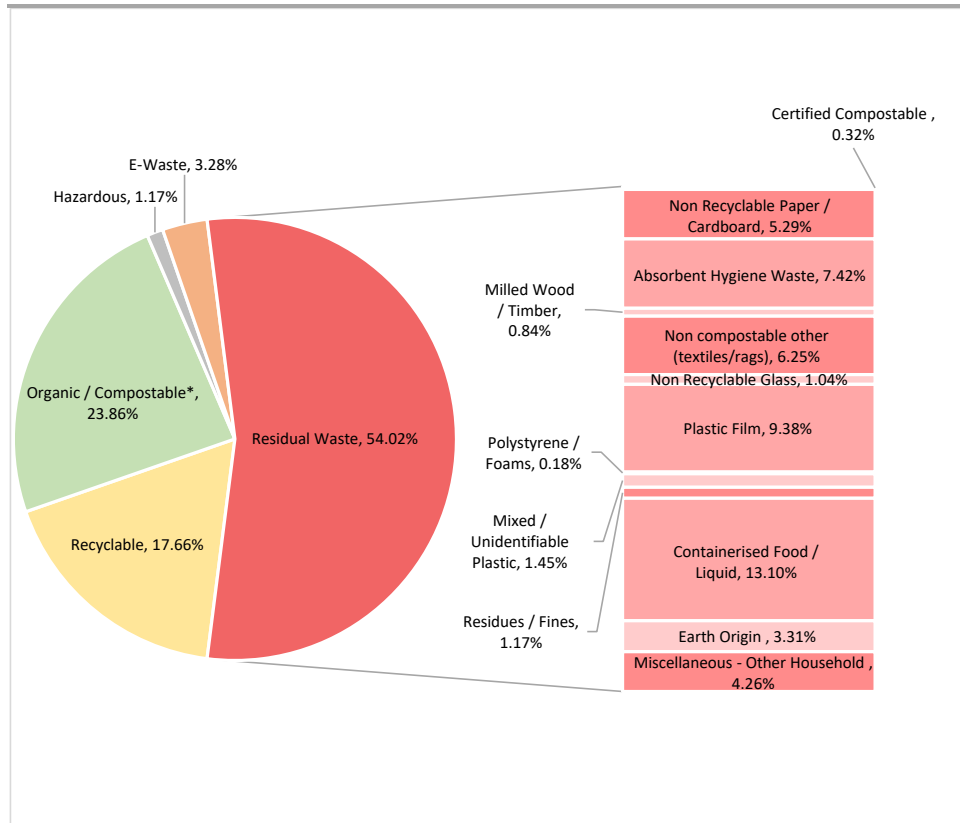


Figure 3-3: Detailed Composition of Residual Waste Material in General Waste Stream (% weight)

Organics/compostable materials made up the second largest component of the general waste stream at 23.86%. Figure 3-4 illustrates that food and kitchen waste represented 14.91% of this material group which included produce, kitchen scraps and coffee grounds. The remaining material included contaminated soiled paper and small amounts of animal excrement and small mixed garden waste.

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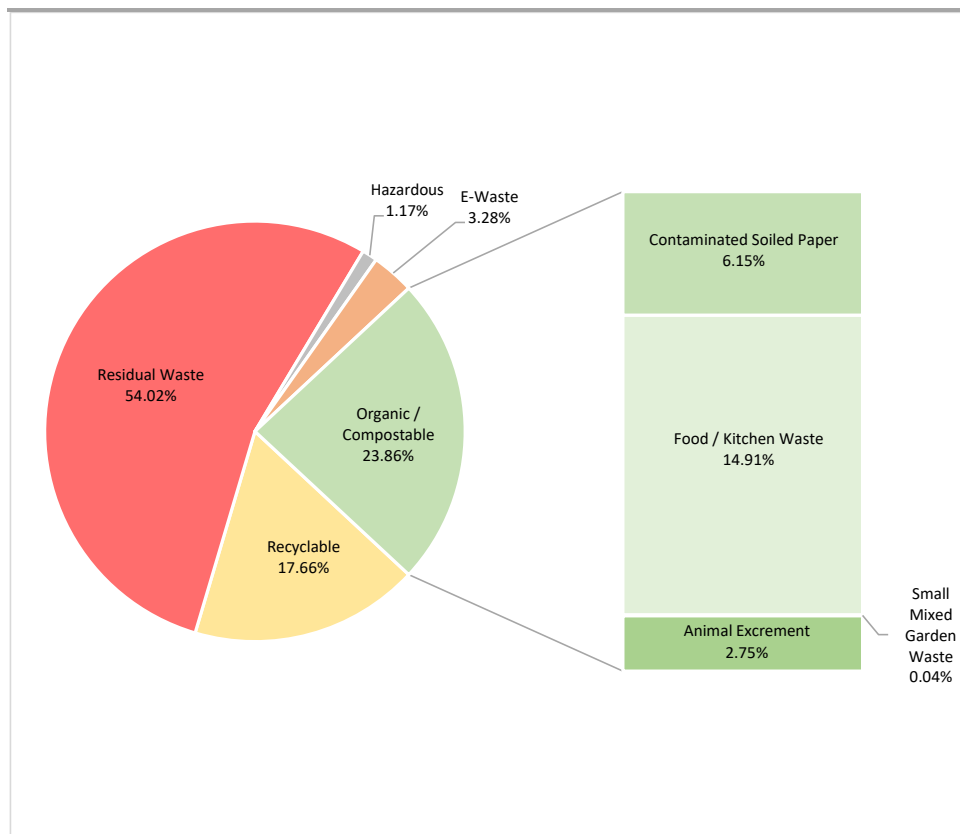


Figure 3-4: Detailed Composition of Organic/Compostable Material in General Waste Stream (% weight)

Overall recyclable materials made up 17.66% of the general waste stream.

These recyclables were made of 6.43% clean recyclable paper/cardboard and 2.11% of recyclable glass which included materials such as eligible CDS containers, wine bottles, food and sauce jars. Recyclable polyethylene terephthalate (PET) which included eligible CDS containers made up 3.40% of the recyclables.

The rest of the recyclables were a mix of recyclable other plastics including Polyvinyl Chloride (PVC), Low-Density Polyethylene (LDPE) and Polypropylene (PP) (2.28%), recyclable high-density polyethylene HDPE (1.09%) and ferrous and non-ferrous metals (0.88% and 1.46% respectively).

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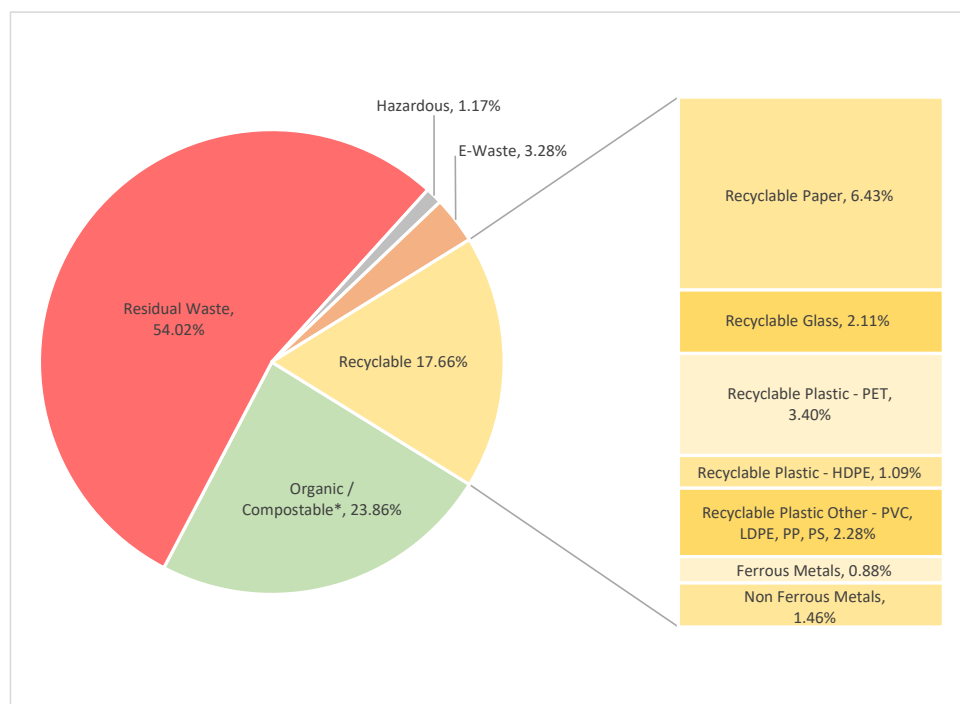


Figure 3-5: Detailed Composition of Recyclable Material in General Waste Stream (% weight)

E-wastes and hazardous wastes were observed in smaller quantities in the general waste stream (3.28% and 1.17% respectively). A total of 30 aerosols cans were observed in the recycling stream. E-wastes included kitchen appliances, cords, computer parts and battery powered toys.

Hazardous wastes from the general waste sample are shown in Figure 3-6 and included:

- Medical wastes (including medication dispensers/syringes and used face masks);
- Fluorescent globes/bulbs;
- Batteries;
- Aerosols;
- Half full tins of paint; and
- Containers of chemicals/pesticides/oils.

There were no electric cigarettes/vapes observed in the general waste stream. This could be an outlier as factors such as the socio economic, age range and sample location might not be representative of the City as a whole.

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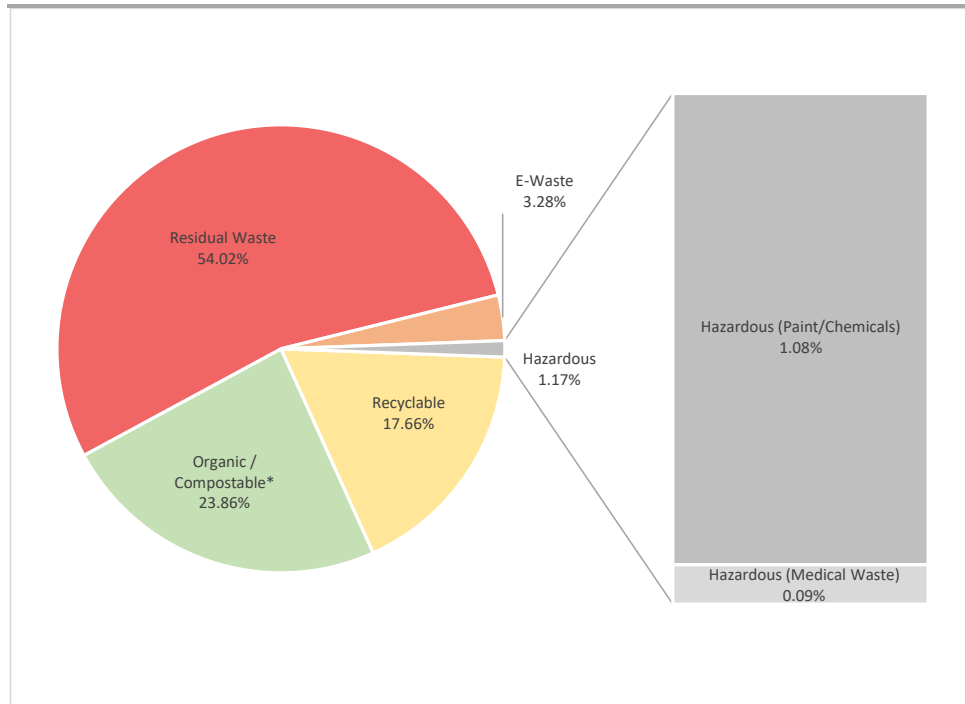


Figure 3-6: Detailed Composition of Hazardous Material in General Waste Stream (% weight)

3.1.5 CDS Results

Table 3-4 provides CDS eligible container types by count in the general waste stream. Results indicate that an average household would potentially generate approximately \$0.30 of CDS eligible containers in the general waste bin each fortnight. This equates to an average of \$7.90 per household of lost revenue each year.

Table 3-4: CDS Containers in the General Waste Stream by Number and Potential Value

Material	Number	Value (\$/number)	Value (\$/hhld) – per fortnight collection	Value (\$/hhld) – per year
Liquid Paper Board	13	\$1.30	\$0.01	\$0.34
Aseptic	25	\$2.50	\$0.03	\$0.65
Glass	29	\$2.90	\$0.03	\$0.75
PET	117	\$11.70	\$0.12	\$3.04
HDPE	38	\$3.80	\$0.04	\$0.99
Aluminium / Steel	82	\$8.20	\$0.08	\$2.13
TOTAL	304	\$30.40	\$0.30	\$7.90

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Figure 3-7 shows the percentage breakdown by weight of the sub-sorted CDS containers. PET were the most prominent (38%) followed by aluminium/steel containers (27%), HDPE container (13%) and glass (10%). Aseptic containers and liquid paper board were observed in smaller quantities of 8% and 4% respectively.

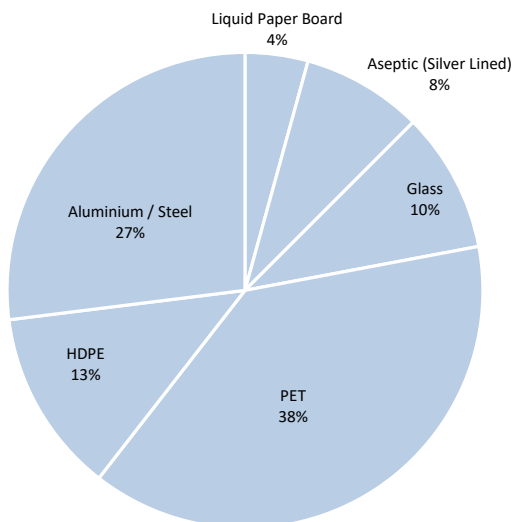


Figure 3-7: Percentage Breakdown of Sub-Sorted Eligible CDS Containers – General Waste Stream

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3.2 Recycling

3.2.1 Presentation Rates and Volumes

Presentation rates indicate the proportion of households that have placed their bin on the kerbside for collection. Sample collection showed that 94.34% of households presented a recycling bin, refer Table 3-5.

Table 3-5: Recycling Presentation Rates

Waste Stream	Number of households passed	Number of bins presenting a bin	Presentation Rate
Recycling	106	100	94.34

3.2.2 Quantitative – Total Weights

Table 3-6 summarises the weight of the key material groups in the recycling stream from all households audited.

Overall, recyclable materials represented the highest overall weight in the recycling stream at 590.34kg, followed by residual waste at 93.54kg and CDS eligible containers at 64.67kg. Tied bags accounted for 35.82kg of the total recycling stream with organic and compostable material representing 4.05kg and hazardous waste representing 1.63kg of the total sample.

Table 3-6: Recycling Composition by Key Material Groups

Material Group	Overall Weight (kg)
CDS	64.67
Recyclable	590.34
Organic / Compostable	4.05
Residual Waste	93.54
Hazardous	1.63
E-Waste	0.00
Tied Bagged Waste / Recyclables	35.82
TOTAL	790.05

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3.2.3 Quantitative – Average Weights per Household

Table 3-7 summarises the number of recycling bins sampled, along with the average weight of waste presented per household. This is based on the total weight of materials in the recycling bins collected over the two-day audit. This resulted in an overall average weight of 7.90kg per household.

Table 3-7: Average Weight of Recycling per Household

Recyclables	Overall
Households audited	100
Total kgs	790.05
Kgs/hhld	7.90

Figure 3-8 shows the aggregated composition of all households, broken down into the key material groups.

Recyclable materials were the highest generated material for households in the recycling stream at 5.90kg per household, followed by residual waste at 0.94kg per household, CDS eligible containers at 0.65kg per household and tied bags at 0.36kg per household. Organics and compostable material and hazardous waste made up less than 0.1kg per household combined.

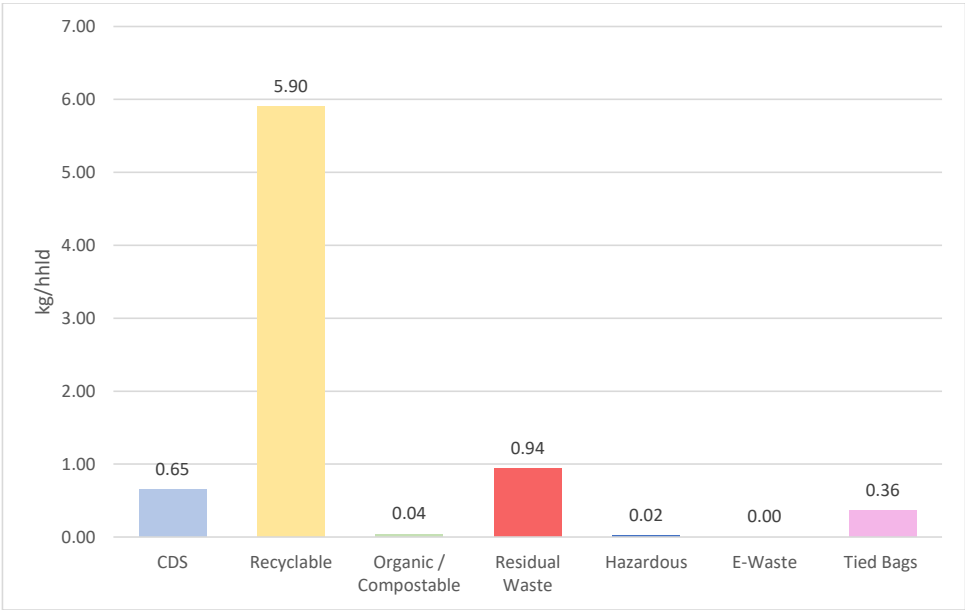


Figure 3-8: Aggregated Composition (kg/hhld) – Recycling

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3.2.4 Compositional

Figure 3-9 shows the percentage composition of the recycling stream, consolidated into key material groups.

Clean recyclable material represented 82.88% of the recycling sample (including CDS eligible containers), followed by residual waste at 11.87% and tied bags at 4.53%. Organic and compostable materials accounted for 0.51% with hazardous waste at 0.21%. No e-waste was captured in the recycling stream.

The CDS eligible beverage containers shown in Figure 3-9 have been incorporated into their respective material groups for the breakdown. Eligible glass, LPB, plastic and aluminium/steel containers are classified in the correct recyclable category. Aseptic containers are classified as non-recyclable and are categorised as other paper/cardboard.

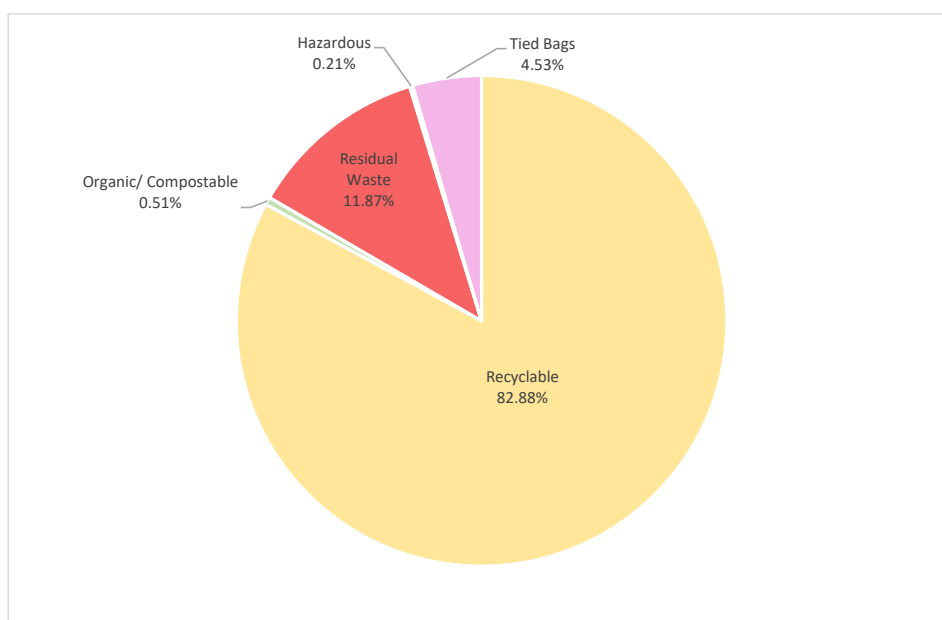


Figure 3-9: Percentage Composition of Recycling Stream (% weight)

A detailed breakdown of the composition of the recycling stream is shown in Figure 3-10 to Figure 3-13. Each figure shows the breakdown of materials in the key material groups identified in Figure 3-9.

Figure 3-10 illustrates that of the total recycling sample, recyclable glass represented 36.71%. This was followed by clean recyclable paper/cardboard which represented 34.41% which included cardboard boxes, newspapers, brochures and LPB. The remaining materials included smaller amounts of HDPE (3.64%), PET (3.32%), ferrous metals (2.29%), plastic other (1.68%) and non-ferrous metals (0.83%).

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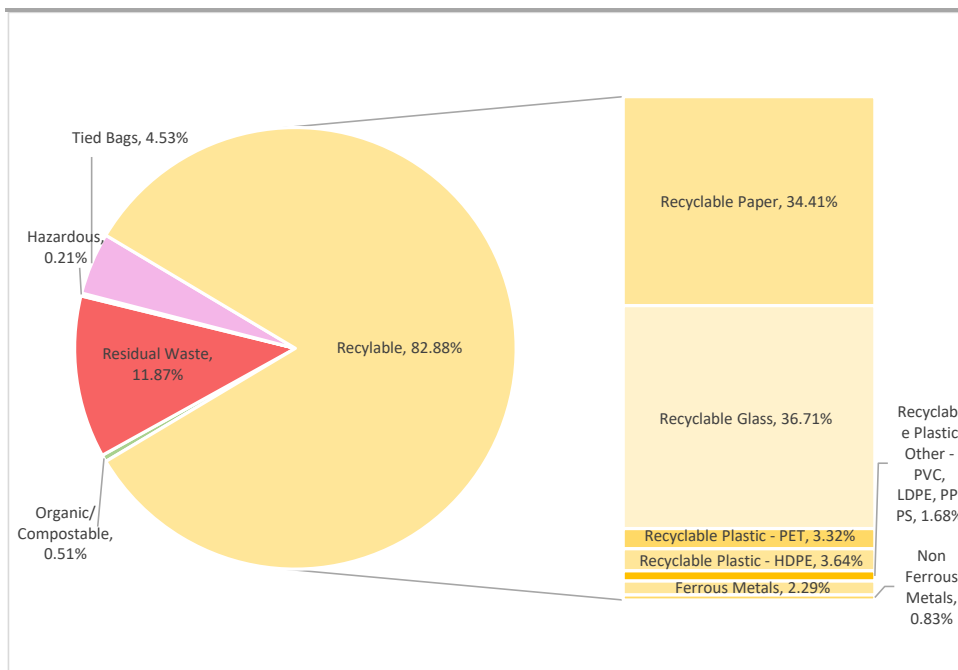


Figure 3-10: Detailed Composition of Recyclable Material in Recycling Stream (% weight)

The second largest component of the recycling sample was residual waste material (11.87%), refer Figure 3-11.

Non-Recyclable Glass such as plate glass (window and windscreens), Pyrex, Corning Ware, lab or medical glass and white opaque glass such as Malibu alcohol bottles made up the largest portion of residual waste at 3.70%

Non-Recyclable paper and cardboard such as disposable and soiled paper plates/picnicware, aseptic/long life cartons, paper wrappers, greaseproof paper and single use plastic lined coffee cups made up the second largest portion of residual waste at 1.90%.

Residues and fines represented 1.77% of the materials captured in the recycling stream, which can be attributed to commonly found items such as shredded paper, lids and caps, soil, sand and broken glass that are less than 20mm.

Containerised food and liquids and plastic films accounted for 1.51% and 0.96% of the residual waste captured in the recycling stream, respectively.

Mixed unidentifiable plastic (0.71%) including toys, plant pots and coat hangers as well as milled wood and timber (0.25%) and certified compostable materials such as BioPak coffee cups and certified compostable takeaway containers, cutlery and straws (0.22%) make up a small portion of the residual waste. With absorbent hygiene waste (0.09%), polystyrene foams (0.04%) and miscellaneous other household items (0.11%) such as cosmetics, pillows and rugs making up the smallest portion of the general waste.

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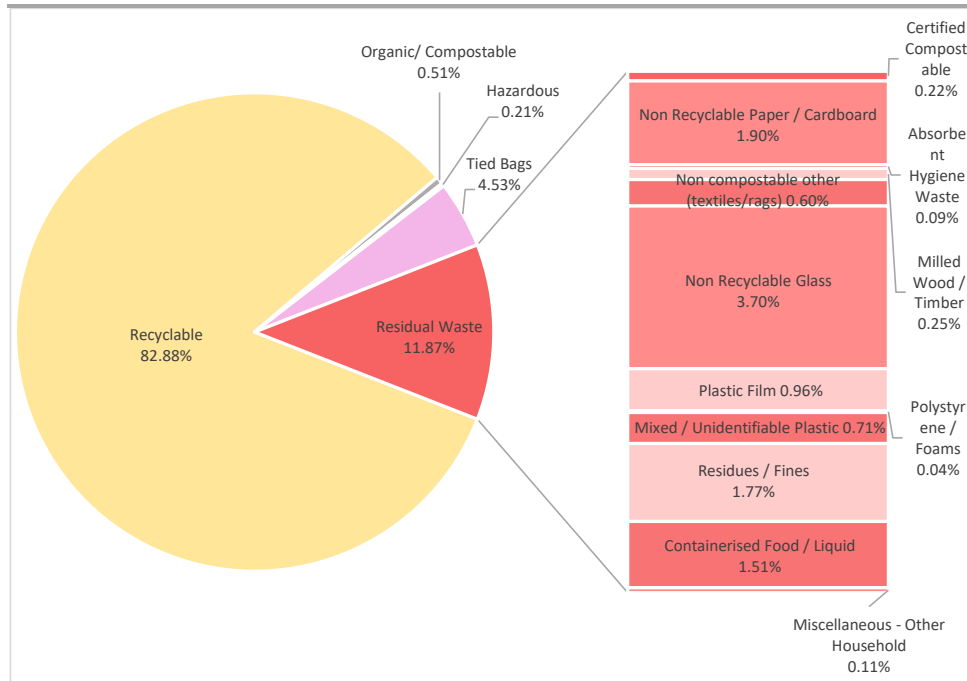


Figure 3-11: Detailed Composition of Residual Waste in Recycling Stream (% weight)

Organics/compostable materials made up a small portion of the recycling stream overall at 0.51%.

As shown in Figure 3-12, contaminated soil paper made up 0.27% of the recycling stream, followed by food and kitchen waste at 0.25%.

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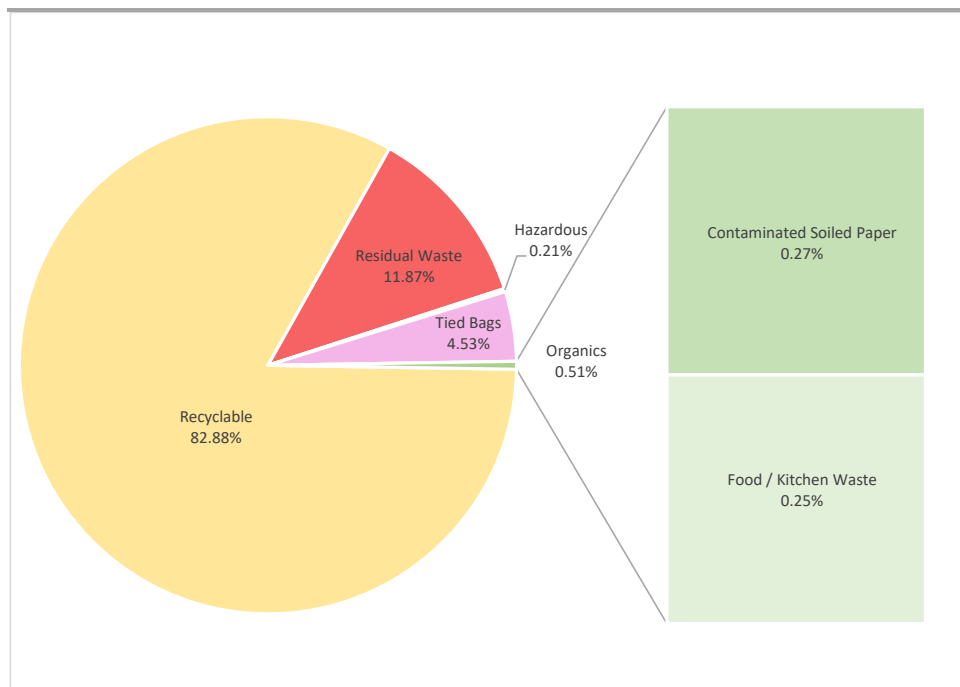


Figure 3-12: Detailed Composition of Organic/Compostable Materials in Recycling Stream (% weight)

Tied bags represented 4.53% of the recycling stream and included 28 individually tied bags. Plastic film/bags and recyclable materials in tied plastic bags are typically classified as contamination by Material Recycling Facilities.

Hazardous wastes from the recycling sample were observed in small quantities (0.21%) and are shown in Figure 3-13 which only had aerosols present within the stream. A total of 15 aerosols cans were observed in the recycling stream. Improper disposal of aerosols can be hazardous due to their highly flammable nature. It is recommended to dispose of empty aerosols at the City's transfer station or to an alternative drop off point, including Household Hazardous Waste (HHW) facilities.

Both medical waste and e-waste were not observed within the recycling stream.

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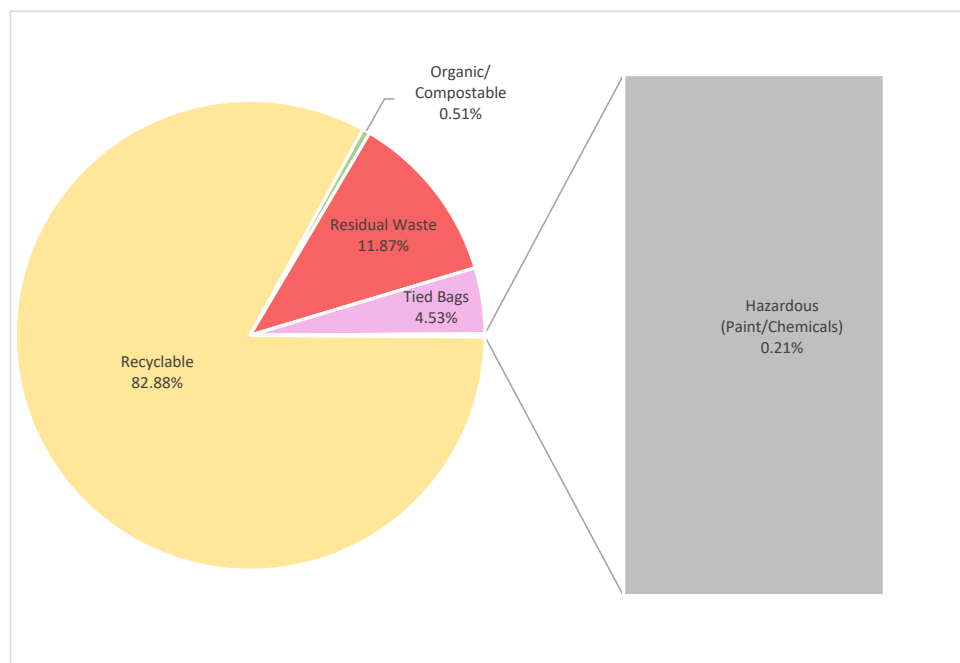


Figure 3-13: Detailed Composition of Hazardous Materials in Recycling Stream (% weight)

3.2.5 Contamination Rate

The below sections detail the composition of non-recyclable materials captured in the recycling stream.

The recycling contamination rate is determined by the amount of non-recyclable materials found in the recycling as a proportion of the total sample weight. This is based on materials accepted by the City.

The results indicate that recycling contamination was 17.12%, refer Figure 3-14.

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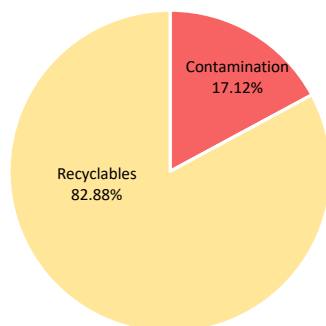


Figure 3-14: Recycling Stream Contamination

Table 3-8 gives a detailed breakdown of the materials that were contaminants in the recycling stream. The key contaminants observed included tied bags (4.53%), non-recyclables glass (3.70%), non-recyclable paper and cardboard (1.90%), residues and fines (1.77%) and containerised food and liquid (1.51%).

Table 3-8: Contaminants in the recycling stream

Material	Overall (kg)	Overall (%)
Contaminated Soiled Paper	2.10	0.27%
Certified Compostable	1.73	0.22%
Food / Kitchen Waste	1.95	0.25%
Non-Recyclable Paper/Cardboard	15.05	1.90%
Absorbent Hygiene Waste	0.69	0.09%
Milled Wood / Timber	2.00	0.25%
Non compostable other (textiles/rags)	4.76	0.60%
Non-Recyclable Glass	29.26	3.70%
Plastic Film	7.60	0.96%
Polystyrene / Foams	0.29	0.04%
Mixed / Unidentifiable Plastic	5.57	0.71%
Residues / Fines	14.02	1.77%
Containerised Food / Liquid	11.92	1.51%
Miscellaneous - Other Household	0.90	0.11%
Hazardous (Paint/Chemicals)	1.63	0.21%
Tied Bags	35.82	4.53%
TOTAL	135.29	100%

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3.2.6 CDS Results

Table 3-9 provides CDS eligible container types by count in the recycling stream. Results indicate that an average household would potentially generate approximately \$0.54 of CDS eligible containers in the recycling bin fortnightly.

This equates to an average of \$13.94 per household of lost revenue each year.

Table 3-9: CDS containers in the recycling stream by number and potential value

Material	Number	Value (\$/number)	Value (\$/hhld) – per fortnight collection	Value (\$/hhld) – per year
Liquid Paper Board	11	\$1.10	\$0.01	\$0.29
Aseptic	14	\$1.40	\$0.01	\$0.36
Glass	102	\$10.20	\$0.10	\$2.65
PET	199	\$19.90	\$0.20	\$5.17
HDPE	9	\$0.90	\$0.01	\$0.23
Aluminium / Steel	201	\$20.10	\$0.20	\$5.23
TOTAL	536	\$53.60	\$0.54	\$13.94

Figure 3-15 shows the percentage breakdown by weight of the sub-sorted CDS containers.

PET eligible containers and aluminium and steel containers were the most prominent at 37% each followed by glass at 19%. Aseptic, HDPE and LPB eligible containers were observed in the smaller quantities at 3%, 2% and 2% respectively.

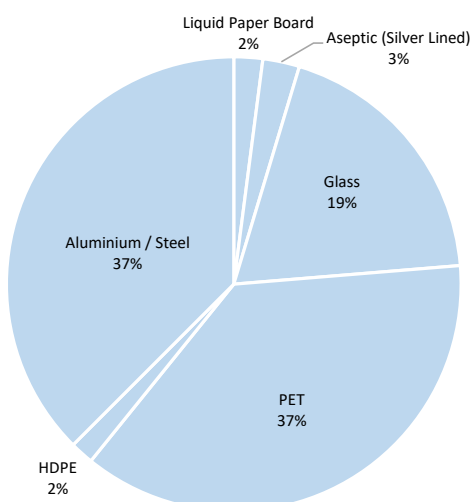


Figure 3-15: Percentage Breakdown of Sub-Sorted Eligible CDS Containers – Recycling Stream

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3.3 Recovery Rate

Recycling recovery rates for key recyclable materials are shown in Figure 3-16.

Recovery rates show how much of a particular material is recycled as a proportion of the total amount of material generated. The overall recovery of recyclables is 76.69%. Note, the CDS eligible beverage containers have been incorporated into their respective material groups to determine recovery rates.

Recovery rates are valuable when looking at particular recyclable materials that should be a focus of education initiatives. If the rates are between 60-90%, this demonstrates opportunity for improvement. These materials could be the focus of more community education.

Recyclable glass had the highest recovery rate, at 92.41%, followed by recyclable paper at 78.95%. All other materials are less than 80%, with non-ferrous metals the lowest at 28.44%.

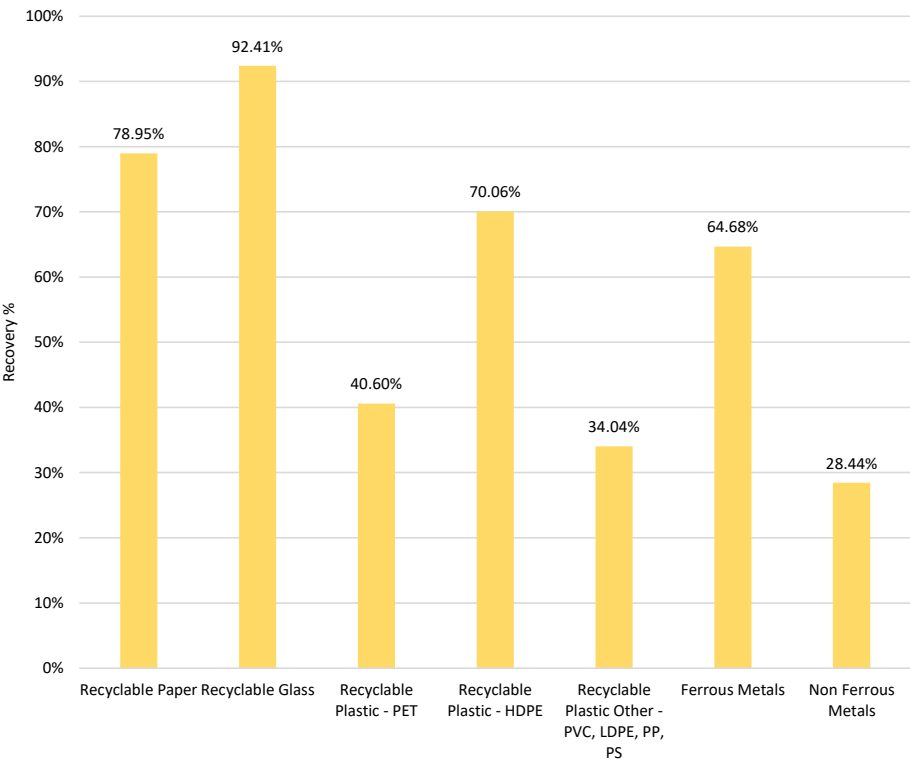


Figure 3-16: Recyclables Recovery Rates

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4 Summary and Analysis

The compositional audit was the third and final stage of work undertaken by Talis on behalf of the City in response to the funding agreement from the Waste Authority, as detailed below:

- Task 1 - Desktop Review and summary report assessing the results from provided bin tagging (2021-2023), FOGO audit reports (2022-2023) and a General Waste audit report (2019).
- Task 2 - General Waste and Food Organics and Garden Organics (FOGO) bin fullness audit.

Based on the result of this compositional audit and in conjunction with the Task 1 and 2 outlined above, the results indicate that a transition to a 140L for general waste bin collected fortnightly would not be possible without significant intervention. This intervention would see approximately 41.52% of the general waste stream recovered through the recycling bins (17.66%) and FOGO bins (23.86%).

In addition to the above, the bin tagging program undertaken by the City from 2021-2023 indicated that the general waste bins had an average fullness of 167.4L (69.8%) across all three programs which exceeds the capacity of a smaller 140L bin. The FOGO bin composition audits that were carried out by the City in 2022-2023 also indicated that there were very low levels of contamination and that this diversion would not have any significant impact on the volume of waste recorded in the general waste bin if it were to be diverted from the FOGO bin. During this compositional audit, there were very low levels of organic waste captured in the general waste and recycling stream, indicating the correct use of the FOGO bins.

Based on the above, consideration should be given to conducting kerbside waste audits on an annual basis to monitor changes in household waste characteristics and evaluate effectiveness of initiatives. It should be noted that seasonal auditing will identify new opportunities to establish objectives for reduction of contamination and increased recovery rates.

The City could investigate further educational measures to reduce the organics content in the general waste bins. For example, the general waste stream could be reduced by more than 20% if organics were diverted for recovery and separated into the correct FOGO bins.

The City could also consider initiatives to increase recovery rates by recovering more recyclables, particularly key recyclable materials being lost to landfill through the general waste stream.

Although e-waste and hazardous waste levels were relatively low in the general waste stream, the presence of these materials demonstrates the potential need for City initiatives and targeted education to deter improper disposal of hazardous waste in kerbside bins. Exploring options such as expanding collection points for aerosols and batteries, and collaborating with local businesses, could reduce contamination, enhance truck driver safety, and increase resource recovery rates.

The contamination observed in the recycling stream suggests different levels of knowledge or a lack of knowledge by residents on what can be put in the recycling bin, particularly around materials such as recyclables in tied bags and plastic bags/film. Education should focus on the key contaminants to reduce contamination rates.

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A breakdown of the analysis for each waste stream is shown below.

4.1 General Waste

- Households presented 85.47% of general waste bins. The high presentation rate typically indicates the community's need for the collection service.
- On average, each household generates 11.27kg of general waste fortnightly.
- Residual waste accounted for half (54.02%) of the general waste stream. It should be noted that containerised food liquid (13.10%) that was included in this category could potentially contribute to the organic and compostable waste stream, if residents removed the food waste from the containers. It would see this category decrease to 40.92%.
- In total, approximately 41.52% of the general waste stream could potentially be recovered, through the recycling bins (17.66% recycling including CDS) and an organics collection system (23.86% organic and compostable material).
- CDS containers made up 1.17% of the general waste stream, by weight. This equates to a potential value of \$7.90 per household per year.
- Hazardous wastes represented 1.17% and included items such as knives, sharp tools, batteries and aerosols (30 individual cans).
- E-wastes including cords, kitchen appliances and battery powered toys made up 3.28% of the general waste's composition. No electronic cigarettes or vapes were identified in the general waste stream, however it is an emerging waste stream that can carry risk of sparking and ignition.

4.2 Recycling

- Households presented 94.34% of recycling bins. The high presentation rate typically indicates the community need for the collection service.
- On average, each household generates 7.90kg of recycling fortnightly.
- The recycling had an overall 17.12% contamination rate. This mainly comprised of residual waste (11.87%) with non-recyclable glass (3.70%) as the largest category followed by non-recyclable paper and cardboard (1.90%), residues and fines (1.77%) and containerised food and liquid (1.51%).
- Tied bags made up 4.53% of the recycling stream (28 individually tied bags), highlighting source separation as a common issue contributing to contamination of the recycling stream.
- CDS containers made up 8.19% of the recycling stream, by weight. This equates to a potential value of \$13.94 per household per year.
- The overall recycling resource recovery rate was 82.88%. The recovery rate was highest for recyclable glass (92.41%) and recyclable paper (78.95%). The lowest level of recovery was non-ferrous metals (28.44%) and recyclable plastic other including PVC, LDPE, PP and PS (34.04%).
- Hazardous wastes represented 0.21% of the recycling stream which only contained aerosols. Improper disposal of aerosols can be hazardous due to their highly flammable nature. It is recommended to dispose of them at the City's transfer station, libraries or drop off points.
- No E-wastes were found within the recycling stream.

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APPENDIX A

Waste Sorting Categories

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#	Material Type	Material Detail
1	CDS Eligible	Liquid paper board beverage containers
2	CDS Eligible	Aseptic beverage containers (silver lined)
3	CDS Eligible	Glass beverage containers
4	CDS Eligible	PET beverage containers
5	CDS Eligible	HDPE beverage containers
6	CDS Eligible	Aluminium (and steel) beverage containers
7	Recyclable Paper	Newspaper / Magazines/ brochures / Cardboard / LPB / Paper (clean pizza boxes)
8	Non-Recyclable Other Paper/Cardboard	Disposable (paper plates/picnic ware), Aseptic/long life cartons (non-CDS), Coloured tissue, paper-composite, paper wrappers, greaseproof paper, waxy coatings, wet wipes, single use plastic lined coffee cups, soiled pizza boxes
9	Absorbent Hygiene Waste	Children & adult nappies, feminine products
10	Organic / Compostable	Contaminated soiled paper, hand towels, tissues
11	Organic / Potentially Compostable	Certified compostable coffee cups/cutlery (BioPak / Compostable Symbol)
12	Organic / Compostable	Food/Kitchen Waste - Bread, fruit & vegetables, meat and fish, pet food, tea bags, dairy, meat scraps, leftovers, etc.
13	Organic / Compostable	Small mixed garden waste (<20cm) - Grass, soil, leaves, branches, lawn clippings shrubs & sticks
14	Organic / Compostable	Large mixed garden waste (>20cm) e.g. logs
15	Organic / Compostable	Other putrescible - animal excrement
16	Non compostable other	Milled wood / timber, children's wooden toys, wooden skewers/wooden cutlery/picnicware,
17	Non compostable other	Textiles / Rags/ Carpet - Wool, cotton and natural fibre materials, Rubber bands, rubber toys, Shoes/belts, latex gloves, Leather clothing, craft leather
18	Recyclable Glass	Glass packaging/containers (non CDS), wine bottles, food and sauce jars
19	Other Glass	Miscellaneous / Other e.g. Plate glass (window & windscreen) Pyrex, corning ware, lab/ medical glass white opaque (Malibu alcohol bottles).
20	Recyclable Plastic - PET	PET (non CDS)
21	Recyclable Plastic - HDPE	HDPE (non CDS)
22	Recyclable Plastic Other - LDPE, PP, PS	Ice cream containers/lids, cream container lids, squeeze bottles, Yoghurt, sour cream containers, takeaway containers
23	Potentially Recyclable Plastic - film	Plastic shopping bags, cling film, crisp packets, rubbish bags, biscuit packets
24	Other Plastic - polystyrene / foams	Expanded polystyrene & foams - foam hot drink cups, take away containers, meat trays, packaging foam (LDPE)
25	Other Plastic - mixed / unidentifiable	PVC, Tupperware, plastic cutlery, toys, composite plastic materials, synthetic textiles, drinking straws, plant pots, plastic garden settings, coat hangers, office accessories, video/CD boxes, cigarette butts, pringles packets, plant derived (e.g. bioplastics)
26	Ferrous Metals	Steel - Empty food cans, pet food cans, empty dry paint tins and other ferrous items
27	Non Ferrous Metals	Aluminium and other nonferrous metals - clean foil, Copper / brass / bronze items, other metals, nails, cat food tins, tuna tins
28	Hazardous	Paint and Chemicals, Fluorescent Globes & Bulbs, Batteries, Aerosol cans, Vapes
29	Hazardous	Medical Waste
30	Hazardous	Asbestos
31	E-Waste	Electrical items – Phones, toaster, Radio, speakers, TVs, DVD players, power tools, wiring and cables, printers, toner cartridges,
32	Residues / Other	Fine Residues (<20mm) - Sand, rocks, glass fines, lids/caps, soil
33	Miscellaneous - Containerised food/liquid	Containerised food & liquid, cooking oils, coffee pods
34	Miscellaneous - Earth origin	Ceramics, Dust, Ash - Cups, bowls, pottery items, Vacuum bag contents, building materials
35	Miscellaneous - Other Household	Garden hose, cooking utensils (pots/pans), pillows/cushions, inorganic carpet/rugs, candles, candle wax, cosmetics, other heavy/oversize/stringy
36	Tied Bagged Waste/Recyclables	Tied Bags (recycling bin only)

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APPENDIX B

Sample Photos

SITE/LAYOUT		
General Waste Sample Tipping		
Recycling Sample Tipping		

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General Waste Audit Sample	 A photograph showing a large pile of general waste, including plastic bags, cardboard boxes, and other debris, on a blue tarp.
Recycling Audit Sample	 A photograph showing a large pile of recycling materials, including cardboard boxes, plastic bottles, and other recyclable items, on a blue tarp.
Audit Team Sorting	 A photograph showing three people wearing high-visibility vests sorting through waste in a large industrial setting. They are standing around several large green bins filled with waste.

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General Waste Sample		
CDS Eligible		
CDS Eligible Liquid paper board beverage containers		
CDS Eligible Aseptic beverage containers (silver lined)		
CDS Eligible Glass beverage containers		
CDS Eligible PET beverage containers		

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CDS Eligible HDPE beverage containers			
CDS Eligible Aluminium (and steel) beverage containers			
Recyclable			
Recyclable Paper Newspaper / Magazines/ brochures / Cardboard / LPB / Paper (clean pizza boxes)			
Recyclable Glass Glass packaging/containers (non-eligible for CDS), wine bottles, food and sauce jars			

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Recyclable Plastic PET (non-eligible for CDS)			
Recyclable Plastic HDPE (non-eligible for CDS)			
Recyclable Plastic Other PVC, LDPE, PP, PS			
Ferrous Metals Steel - Empty food cans, pet food cans, empty dry paint tins and other ferrous items			

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Non Ferrous Metals Aluminium and other nonferrous metals - clean foil, Copper / brass / bronze items, other metals, nails, aerosols, cat food tins, tuna tins	
Residual Waste	
Non-Recyclable Other Paper/Cardboard Disposable (paper plates/picnic ware), Aseptic/long life cartons (non-CDS), Coloured tissue, paper-composite, paper wrappers, greaseproof paper, waxy coatings, wet wipes, single use plastic lined coffee cups, soiled pizza boxes	
Absorbent Hygiene Waste Children & adult nappies, feminine products	

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Non compostable other Milled wood / timber, children's wooden toys, wooden skewers/wooden cutlery/picnicware			
Non compostable other Textiles / Rags/ Carpet - Wool, cotton and natural fibre materials, Rubber bands, rubber toys, Shoes/belts, latex gloves, Leather clothing, craft leather			
Potentially Recyclable Plastic – film Plastic shopping bags, cling film, crisp packets, rubbish bags, biscuit packets			
Other Plastic – polystyrene / foams Expanded polystyrene & foams - foam hot drink cups, take away containers, meat trays, packaging foam (LDPE)			

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Other Plastic – mixed / unidentifiable PVC, Tupperware, plastic cutlery, toys, composite plastic materials, synthetic textiles, drinking straws, plant pots, plastic garden settings, coat hangers, office accessories, video/CD boxes, cigarette butts, pringles packets, plant derived (e.g. bioplastics)	
Residues / Other Fine Residues (<20mm) - Sand, rocks, glass fines, lids/caps, soil	
Miscellaneous – Containerised food/liquid Containerised food & liquid, cooking oils, coffee pods	
Miscellaneous – Earth origin Ceramics, Dust, Ash - Cups, bowls, pottery items, Vacuum bag contents, building materials	

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Miscellaneous – Other Household Garden hose, cooking utensils (pots/pans), pillows/cushions, inorganic carpet/rugs, candles, candle wax, cosmetics, other heavy/oversize/stringy		
Organic/Compostable		
Organic / Compostable Contaminated soiled paper, hand towels, tissues		
Organic / Potentially Compostable Certified compostable coffee cups/cutlery (BioPak / Compostable Symbol)		
Organic / Compostable Food/Kitchen Waste - Bread, fruit & vegetables, meat and fish, pet food, tea bags, dairy, meat scraps, leftovers, etc.		

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Organic / Compostable Small mixed garden waste (<20cm) - Grass, soil, leaves, branches, lawn clippings shrubs & sticks	
Organic / Compostable Other putrescible - animal excrement	
Hazardous	
Hazardous Paint and Chemicals, Fluorescent Globes & Bulbs, Batteries	
Hazardous Medical Waste	
E-Waste	

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E-Waste Electrical items – Phones, toaster, Radio, speakers, TVs, DVD players, power tools, wiring and cables, printers, toner cartridges	

Recycling Sample	
CDS Eligible	
CDS Eligible Liquid paper board beverage containers	
CDS Eligible Aseptic beverage containers (silver lined)	

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CDS Eligible Glass beverage containers			
CDS Eligible PET beverage containers			
CDS Eligible HDPE beverage containers			
CDS Eligible Aluminium (and steel) beverage containers			

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Recyclable		
Recyclable Paper Newspaper / Magazines/ brochures / Cardboard / LPB / Paper (clean pizza boxes)		
Recyclable Glass Glass packaging/containers (non-eligible for CDS), wine bottles, food and sauce jars		
Recyclable Plastic PET (non-eligible for CDS)		
Recyclable Plastic HDPE (non-eligible for CDS)		

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Recyclable Plastic Other PVC, LDPE, PP, PS	
Ferrous Metals Steel - Empty food cans, pet food cans, empty dry paint tins and other ferrous items	
Non Ferrous Metals Aluminium and other nonferrous metals - clean foil, Copper / brass / bronze items, other metals, nails, aerosols, cat food tins, tuna tins	
Residual Waste	
Non-Recyclable Other Paper/Cardboard Disposable (paper plates/picnic ware), Aseptic/long life cartons (non-CDS), Coloured tissue, paper-composite, paper wrappers, greaseproof paper, waxy coatings, wet wipes, single use plastic lined coffee cups, soiled pizza boxes	

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Absorbent Hygiene Waste Children & adult nappies, feminine products			
Non compostable other Milled wood / timber, children's wooden toys, wooden skewers/wooden cutlery/picnicware			
Non compostable other Textiles / Rags/ Carpet - Wool, cotton and natural fibre materials, Rubber bands, rubber toys, Shoes/belts, latex gloves, Leather clothing, craft leather			
Potentially Recyclable Plastic – film Plastic shopping bags, cling film, crisp packets, rubbish bags, biscuit packets			

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Other Plastic – polystyrene / foams Expanded polystyrene & foams - foam hot drink cups, take away containers, meat trays, packaging foam (LDPE)	
Other Plastic – mixed / unidentifiable PVC, Tupperware, plastic cutlery, toys, composite plastic materials, synthetic textiles, drinking straws, plant pots, plastic garden settings, coat hangers, office accessories, video/CD boxes, cigarette butts, pringles packets, plant derived (e.g. bioplastics)	
Residues / Other Fine Residues (<20mm) - Sand, rocks, glass fines, lids/caps, soil	
Miscellaneous – Containerised food/liquid Containerised food & liquid, cooking oils, coffee pods	

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Miscellaneous – Earth origin Ceramics, Dust, Ash - Cups, bowls, pottery items, Vacuum bag contents, building materials	n/a
Miscellaneous – Other Household Garden hose, cooking utensils (pots/pans), pillows/cushions, inorganic carpet/rugs, candles, candle wax, cosmetics, other heavy/oversize/stringy	
Organics/Compostable	
Organic / Compostable Contaminated soiled paper, hand towels, tissues	
Organic / Potentially Compostable Certified compostable coffee cups/cutlery (BioPak / Compostable Symbol)	

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Organic / Compostable Food/Kitchen Waste - Bread, fruit & vegetables, meat and fish, pet food, tea bags, dairy, meat scraps, leftovers, etc.	
Organic / Compostable Small mixed garden waste (<20cm) - Grass, soil, leaves, branches, lawn clippings shrubs & sticks	N/A
Hazardous	
Hazardous Paint and Chemicals, Fluorescent Globes & Bulbs, Batteries	
Hazardous Medical Waste	N/A
E-Waste	

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E-Waste Electrical items – Phones, toaster, Radio, speakers, TVs, DVD players, power tools, wiring and cables, printers, toner cartridges	N/A
Tied Bags	
Tied Bagged Waste/Recyclables Tied Bags (recycling bin only)	 A photograph of a large, full black plastic bag that has been tied at the top. The bag is sitting on a light-colored, textured concrete surface. The bag appears to be made of a standard plastic material and is slightly crumpled.

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APPENDIX C

Raw Data Sheets

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General Waste

Material Type				
Aggregated	Detailed	kg	%	kg/hhld
CDS Eligible	Liquid paper board beverage containers	0.32	0.03%	0.003
CDS Eligible	Aseptic beverage containers (silver lined)	0.61	0.05%	0.006
CDS Eligible	Glass beverage containers	6.18	0.55%	0.062
CDS Eligible	PET beverage containers	4.28	0.38%	0.043
CDS Eligible	HDPE beverage containers	0.64	0.06%	0.006
CDS Eligible	Aluminium (and steel) beverage containers	1.17	0.10%	0.012
Recyclable Paper	Newspaper / Magazines/ brochures / Cardboard / LPB / Paper (clean pizza boxes)	72.15	6.40%	0.722
Non-Recyclable Other Paper/Cardboard	Disposable (paper plates/picnic ware), Aseptic/long life cartons (non-CDS), Coloured tissue, paper-composite, paper wrappers, greaseproof paper, waxy coatings, wet wipes, single use plastic lined coffee cups, soiled pizza boxes	59.07	5.24%	0.591
Absorbent Hygiene Waste	Children & adult nappies, feminine products	83.61	7.42%	0.836
Organic / Compostable	Contaminated soiled paper, hand towels, tissues	69.37	6.15%	0.694
Organic / Potentially Compostable	Certified compostable coffee cups/cutlery (BioPak / Compostable Symbol)	3.63	0.32%	0.036
Organic / Compostable	Food/Kitchen Waste - Bread, fruit & vegetables, meat and fish, pet food, tea bags, dairy, meat scraps, leftovers, etc.	168.1	14.91%	1.681
Organic / Compostable	Small mixed garden waste (<20cm) - Grass, soil, leaves, branches, lawn clippings shrubs & sticks	0.5	0.04%	0.005
Organic / Compostable	Large mixed garden waste (>20cm) e.g. logs	0	0.00%	0.000
Organic / Compostable	Other putrescible - animal excrement	31	2.75%	0.310
Non compostable other	Milled wood / timber, children's wooden toys, wooden skewers/wooden cutlery/picnicware,	9.51	0.84%	0.095
Non compostable other	Textiles / Rags/ Carpet - Wool, cotton and natural fibre materials, Rubber bands, rubber toys, Shoes/belts, latex gloves, Leather clothing, craft leather	70.43	6.25%	0.704
Recyclable Glass	Glass packaging/containers (non CDS), wine bottles, food and sauce jars	17.64	1.57%	0.176
Other Glass	Miscellaneous / Other e.g. Plate glass (window & windscreen) Pyrex, corning ware, lab/ medical glass white opaque (Malibu alcohol bottles).	11.77	1.04%	0.118
Recyclable Plastic - PET	PET (non CDS)	34.08	3.02%	0.341
Recyclable Plastic - HDPE	HDPE (non CDS)	11.65	1.03%	0.117
Recyclable Plastic Other - PVC, LDPE, PP, PS	Ice cream containers/lids, cream container lids, squeeze bottles, Yoghurt, sour cream containers, takeaway containers	25.71	2.28%	0.257
Potentially Recyclable Plastic - film	Plastic shopping bags, cling film, crisp packets, rubbish bags, biscuit packets	105.71	9.38%	1.057
Other Plastic - polystyrene / foams	Expanded polystyrene & foams - foam hot drink cups, take away containers, meat trays, packaging foam (LDPE)	2.08	0.18%	0.021

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Other Plastic - mixed / unidentifiable	PVC, Tupperware, plastic cutlery, toys, composite plastic materials, synthetic textiles, drinking straws, plant pots, plastic garden settings, coat hangers, office accessories, video/CD boxes, cigarette butts, pringles packets, plant derived (e.g. bioplastics)	16.29	1.45%	0.163
Ferrous Metals	Steel - Empty food cans, pet food cans, empty dry paint tins and other ferrous items	9.9	0.88%	0.099
Non Ferrous Metals	Aluminium and other nonferrous metals - clean foil, Copper / brass / bronze items, other metals, nails, aerosols, cat food tins, tuna tins	15.34	1.36%	0.153
Hazardous	Paint and Chemicals, Fluorescent Globes & Bulbs, Batteries	12.22	1.08%	0.122
Hazardous	Medical Waste	1.02	0.09%	0.010
Hazardous	Asbestos	0	0.00%	0.000
E-Waste	Electrical items – Phones, toaster, Radio, speakers, TVs, DVD players, power tools, wiring and cables, printers, toner cartridges	37.01	3.28%	0.370
Residues / Other	Fine Residues (<20mm) - Sand, rocks, glass fines, lids/caps, soil	13.24	1.17%	0.132
Miscellaneous - Containerised food/liquid	Containerised food & liquid, cooking oils, coffee pods	147.63	13.10%	1.476
Miscellaneous - Earth origin	Ceramics, Dust, Ash - Cups, bowls, pottery items, Vacuum bag contents, building materials	37.32	3.31%	0.373
Miscellaneous - Other Household	Garden hose, cooking utensils (pots/pans), pillows/cushions, inorganic carpet/rugs, candles, candle wax, cosmetics, other heavy/oversize/stringy	47.97	4.26%	0.480
Tied Bagged Waste/Recyclables	Tied Bags (recycling bin only)	0	0.00%	0.000
TOTAL		1127.15	100.00%	11.27

Material	Container Types	Count
CDS Eligible	Liquid paper board beverage containers	13
CDS Eligible	Aseptic beverage containers (silver lined)	25
CDS Eligible	Glass beverage containers	29
CDS Eligible	PET beverage containers	117
CDS Eligible	HDPE beverage containers	38
CDS Eligible	Aluminium (and steel) beverage containers	82
TOTAL		304

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Recycling

Material Type Aggregated	Detailed	kg	%	kg/hhld
CDS Eligible	Liquid paper board beverage containers	0.24	0.03%	0.002
CDS Eligible	Aseptic beverage containers (silver lined)	0.25	0.03%	0.003
CDS Eligible	Glass beverage containers	51.18	6.48%	0.512
CDS Eligible	PET beverage containers	9.37	1.19%	0.094
CDS Eligible	HDPE beverage containers	0.44	0.06%	0.004
CDS Eligible	Aluminium (and steel) beverage containers	3.19	0.40%	0.032
Recyclable Paper	Newspaper / Magazines/ brochures / Cardboard / LPB / Paper (clean pizza boxes)	271.59	34.38%	2.716
Non-Recyclable Other Paper/Cardboard	Disposable (paper plates/picnic ware), Aseptic/long life cartons (non-CDS), Coloured tissue, paper-composite, paper wrappers, greaseproof paper, waxy coatings, wet wipes, single use plastic lined coffee cups, soiled pizza boxes	14.8	1.87%	0.148
Absorbent Hygiene Waste	Children & adult nappies, feminine products	0.69	0.09%	0.007
Organic / Compostable	Contaminated soiled paper, hand towels, tissues	2.1	0.27%	0.021
Organic / Potentially Compostable	Certified compostable coffee cups/cutlery (BioPak / Compostable Symbol)	1.73	0.22%	0.017
Organic / Compostable	Food/Kitchen Waste - Bread, fruit & vegetables, meat and fish, pet food, tea bags, dairy, meat scraps, leftovers, etc.	1.95	0.25%	0.020
Organic / Compostable	Small mixed garden waste (<20cm) - Grass, soil, leaves, branches, lawn clippings shrubs & sticks	0	0.00%	0.000
Organic / Compostable	Large mixed garden waste (>20cm) e.g. logs	0	0.00%	0.000
Organic / Compostable	Other putrescible - animal excrement	0	0.00%	0.000
Non compostable other	Milled wood / timber, children's wooden toys, wooden skewers/wooden cutlery/picnicware,	2	0.25%	0.020
Non compostable other	Textiles / Rags/ Carpet - Wool, cotton and natural fibre materials, Rubber bands, rubber toys, Shoes/belts, latex gloves, Leather clothing, craft leather	4.76	0.60%	0.048
Recyclable Glass	Glass packaging/containers (non CDS), wine bottles, food and sauce jars	238.81	30.23%	2.388
Other Glass	Miscellaneous / Other e.g. Plate glass (window & windscreen) Pyrex, corning ware, lab/ medical glass white opaque (Malibu alcohol bottles).	29.26	3.70%	0.293
Recyclable Plastic - PET	PET (non CDS)	16.85	2.13%	0.169
Recyclable Plastic - HDPE	HDPE (non CDS)	28.32	3.58%	0.283
Recyclable Plastic Other - PVC, LDPE, PP, PS	Ice cream containers/lids, cream container lids, squeeze bottles, Yoghurt, sour cream containers, takeaway containers	13.27	1.68%	0.133
Potentially Recyclable Plastic - film	Plastic shopping bags, cling film, crisp packets, rubbish bags, biscuit packets	7.6	0.96%	0.076
Other Plastic - polystyrene / foams	Expanded polystyrene & foams - foam hot drink cups, take away containers, meat trays, packaging foam (LDPE)	0.29	0.04%	0.003

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Other Plastic - mixed / unidentifiable	Non-recyclable PVC/LDPE, Tupperware, plastic cutlery, toys, composite plastic materials, synthetic textiles, drinking straws, plant pots, plastic garden settings, coat hangers, office accessories, video/CD boxes, cigarette butts, pringles packets, plant derived (e.g. bioplastics)	5.57	0.71%	0.056
Ferrous Metals	Steel - Empty food cans, pet food cans, empty dry paint tins and other ferrous items	18.13	2.29%	0.181
Non Ferrous Metals	Aluminium and other nonferrous metals - clean foil, Copper / brass / bronze items, other metals, nails, aerosols, cat food tins, tuna tins	3.37	0.43%	0.034
Hazardous	Paint and Chemicals, Fluorescent Globes & Bulbs, Batteries	1.63	0.21%	0.016
Hazardous	Medical Waste	0	0.00%	0.000
Hazardous	Asbestos	0	0.00%	0.000
E-Waste	Electrical items – Phones, toaster, Radio, speakers, TVs, DVD players, power tools, wiring and cables, printers, toner cartridges	0	0.00%	0.000
Residues / Other	Fine Residues (<20mm) - Sand, rocks, glass fines, lids/caps, soil	14.02	1.77%	0.140
Miscellaneous - Containerised food/liquid	Containerised food & liquid, cooking oils, coffee pods	11.92	1.51%	0.119
Miscellaneous - Earth origin	Ceramics, Dust, Ash - Cups, bowls, pottery items, Vacuum bag contents, building materials	0	0.00%	0.000
Miscellaneous - Other Household	Garden hose, cooking utensils (pots/pans), pillows/cushions, inorganic carpet/rugs, candles, candle wax, cosmetics, other heavy/oversize/stringy	0.9	0.11%	0.009
Tied Bagged Waste/Recyclables	Tied Bags (recycling bin only)	35.82	4.53%	0.358
TOTAL		790.05	100.00%	7.90

Material	Container Types	Count
CDS Eligible	Liquid paper board beverage containers	11
CDS Eligible	Aseptic beverage containers (silver lined)	14
CDS Eligible	Glass beverage containers	102
CDS Eligible	PET beverage containers	199
CDS Eligible	HDPE beverage containers	9
CDS Eligible	Aluminium (and steel) beverage containers	201
TOTAL		536



Assets | Engineering | Environment | Noise | Spatial | Waste

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10.3.2 Commercial Waste Services

Responsible Branch:	Parks and Environment
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	Nil

CR NAT LATTER DECLARED AN INDIRECT FINANCIAL INTEREST

In accordance with section 5.61 of the Local Government Act 1995, Cr Nat Latter declared an indirect financial interest in this item as they own a business whose landlord pays for this service for the property their business occupies.

At 7:01pm on 28 October 2024, Cr Nat Latter withdrew from the Council Chambers and did not participate in consideration or voting on this item.

SUMMARY

The purpose of this report is to inform Council of the current state of the City's commercial waste services and to provide options to improve resource recovery and reduce contamination.

OFFICER'S RECOMMENDATION

That Council:

1. Acknowledges the challenges associated with the provision of commercial waste services as outlined in this report; and
2. Authorises the Chief Executive Officer to cease the supply of new and additional commercial waste services and to phase out all existing commercial waste services by 30 June 2028, as detailed in Option 5 in this report.

MOTION

That Council:

1. Acknowledges the challenges associated with the provision of commercial waste services as outlined in this report; and
2. Authorises the Chief Executive Officer to implement changes to the commercial waste services, including:
 - a) applying a limit of one commercial waste service for each business (240L general waste bin, 240L recycle bin and optional 240L FOGO bin), with the option for businesses to request one additional bin only (with a choice of waste stream type);
 - b) the changes to apply to new and additional requests, following Council endorsement;
 - c) the transition of all existing commercial waste services to the new arrangement by 30 June 2028.

Cr Georgia Johnson Moved, Cr Dan Bull Seconded

Cr Josh Eveson foreshadowed the officer's recommendation.

Cr Elli Petersen-Pik proposed the following amendment:

AMENDMENT

That limb 2(d) be added to the motion as follows:

"d) improvements to address all of the issues mentioned in the report."

As the amendment was accepted by the mover and seconder, it became part of the substantive motion.

MOTION

That Council:

1. Acknowledges the challenges associated with the provision of commercial waste services as outlined in this report; and
2. Authorises the Chief Executive Officer to implement changes to the commercial waste services, including:
 - a) applying a limit of one commercial waste service for each business (240L general waste bin, 240L recycle bin and optional 240L FOGO bin), with the option for businesses to request one additional bin only (with a choice of waste stream type);
 - b) the changes to apply to new and additional requests, following Council endorsement;
 - c) the transition of all existing commercial waste services to the new arrangement by 30 June 2028;
 - d) improvements to address all of the issues mentioned in the report.

Cr Georgia Johnson Moved, Cr Dan Bull Seconded

LOST: 4/5

For: Cr Sally Palmer, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull and Cr Georgia Johnson.

Against: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

As the motion was lost, debate turned to the foreshadowed Officer's Recommendation.

MOTION

(OFFICER'S RECOMMENDATION)

That Council:

1. Acknowledges the challenges associated with the provision of commercial waste services as outlined in this report; and
2. Authorises the Chief Executive Officer to cease the supply of new and additional commercial waste services and to phase out all existing commercial waste services by 30 June 2028, as detailed in Option 5 in this report.

Cr Josh Eveson Moved, Cr Steven Ostaszewskyj Seconded

Cr Steven Ostaszewskyj proposed the following amendment:

AMENDMENT

That limb 3 be added to the motion as follows:

"3. Requests the Chief Executive Officer to investigate possible alternate options for a commercial waste service to City of Bayswater businesses, that does not include the current option provided by the City."

As the amendment was accepted by the mover, it became part of the substantive motion.

COUNCIL RESOLUTION

That Council:

1. Acknowledges the challenges associated with the provision of commercial waste services as outlined in this report; and
2. Authorises the Chief Executive Officer to cease the supply of new and additional commercial waste services and to phase out all existing commercial waste services by 30 June 2028, as detailed in Option 5 in this report.
3. Requests the Chief Executive Officer to investigate possible alternate options for a commercial waste service to City of Bayswater businesses, that does not include the current option provided by the City.

Cr Josh Eveson Moved, Cr Steven Ostaszewskyj Seconded

CARRIED: 6/3

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Giorgia Johnson.

Against: Cr Sally Palmer, Cr Elli Petersen-Pik - Deputy Mayor and Cr Dan Bull.

REASON FOR CHANGE

To provide support as much as practicable to businesses within the City of Bayswater through the waste service transition.

At 7:22pm on 28 October 2024, Cr Nat Latter rejoined the meeting.

BACKGROUND

The City of Bayswater currently offers waste collection and disposal services for both residential and commercial properties. Records indicate that the City has been providing commercial waste services since the initiation of the contract with Cleanaway in 1986. Businesses currently utilising the City's commercial waste services include, but are not limited to the following:

- Food service (restaurants, cafes, lunch bars, pubs).
- Personal care (hair salons, beauty, medical, doctors, dental).
- Animal services (vets, pet groomers, animal day cares).
- Educational facilities (day cares, learning centres).
- Spiritual institutions (churches, places of worship).
- Recreational facilities (gymnasiums, studios).
- Retail businesses (stores, florists, galleries).
- Automotive services (car dealerships, smash repairs, mechanics, vehicle rentals).
- Industrial operations (manufacturing, construction, fabrication, heavy equipment).

The City's commercial waste service consists of one 240L general waste bin collected fortnightly, one 240L recycle bin collected on the alternate fortnight, and one (optional) 240L FOGO bin collected weekly. For a fee, additional bins can be requested; general waste bins are the most common type of bin requested.

The current commercial system is an extension of the City's residential waste service, and the City does not offer a tailored approach to the requirements of different businesses. In most cases, the current 240L fortnightly general waste collection is not sufficient to meet the waste needs of businesses. Since the City is unable to provide flexibility on the collection frequency, commercial properties that opt to utilise the City's services will often request additional general waste bins to accommodate their requirements. This has resulted in a significant number of bins in commercial areas, impacting the vibrancy of our City and town centres.



Commercial waste - Maylands Town Centre

The change from a weekly to a fortnightly general waste collection associated with the implementation of FOGO, has exacerbated some of the issues experienced with commercial properties utilising the City's services. The City receives ongoing reports and complaints regarding the incorrect use and contamination of bins at commercial properties, from neighbouring businesses, residents, and the City's waste collection contractor. Additionally, the volume and tonnages of waste collected from commercial and industrial properties significantly exceeds residential waste levels. The City's waste collection contractor has reported that that general waste trucks fill twice as fast when servicing these areas, reducing collection efficiencies. It is important to note that commercial properties have the option to utilise private waste services to suit their individual needs and are not required to utilise the City's waste collection service.



Example an industrial unit utilising the City's waste service

In response to the concerns raised, officers conducted a series of audits of the Bayswater industrial area. The audits indicated that there were a considerable number of general waste bins in circulation that were not being paid for. As such, costs associated with collection and disposal of these bins are currently being absorbed by the City and it is effectively subsidised by other ratepayers.

There has not been a significant review of the commercial waste services since the implementation of the program over 20 years ago. The ongoing issues observed, and the outcomes of the recent audits, has prompted officers to review the current situation to understand the viability of these services. The review has been completed and the findings and recommendations are presented in this report for Council consideration.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or businesses on this matter. Once a decision has been made regarding the future of commercial waste services, an appropriate engagement plan will be prepared and undertaken within a suitable timeframe.

OFFICER'S COMMENTS

Current commercial waste services

Commercial waste services currently represent approximately 3% of the total waste services undertaken by the City's waste contractor. As of July 2024, there were 787 commercial properties paying for waste services. This includes 1,083 commercial waste services, 213 additional general waste services, 78 additional recycle services and 19 additional FOGO services.

The services offered to commercial properties are consistent with the City's residential waste services, in regard to the bin size and collection frequency. The FOGO bin is optional for commercial properties and is only provided if it is suitable based on the business type. Commercial properties are serviced using side loader trucks, and all bins are required to be presented to the kerbside for collection. Commercial properties are not eligible for the City's bulk waste services, including tip passes, bulk bins, and mattress/white goods collections.

Charges associated with the commercial waste services for the past 13 financial years (FY) are provided in the table below. It is noted that the commercial waste service in the 2012/13 FY (\$417.50) was higher than the residential waste service for the same FY (\$314.50) and was also higher than the current 2024/25 FY (\$411.00). In 2013/14 the commercial waste service charge was aligned with the residential waste service charge (\$284.70), and both were significantly reduced. The reasons for this are currently unknown, however this suggests that the current charges for commercial waste collections underestimate the true cost of the service.

Charges associated with the commercial waste services for the past 13 financial years.

Financial Year	Commercial Waste Service	Additional General Waste	Additional Recycling	Additional GO / FOGO	
2012/13	\$417.50	\$220.80	\$96.70	\$134.55	G O
2013/14	\$284.70	\$127.80	\$74.70	\$36.25	
2014/15	\$307.30	\$150.40	\$76.60	\$37.20	
2015/16	\$318.39	\$154.60	\$76.89	\$38.19	
2016/17	\$331.13	\$159.24	\$79.20	\$39.34	
2017/18	\$341.05	\$164.00	\$81.60	\$40.50	
2018/19	\$347.85	\$167.50	\$83.50	\$41.50	
2019/20	\$358.30	\$172.55	\$86.00	\$42.75	F O G O
2020/21	\$358.30	\$172.55	\$86.00	\$42.75	
2021/22	\$368.30	\$102.20	\$96.00	\$113.10	
2022/23	\$384.60	\$106.75	\$100.25	\$118.11	
2023/24	\$400.00	\$111.05	\$104.30	\$122.05	
2024/25	\$411.00	\$114.10	\$107.15	\$126.25	

The calculation of the annual waste charge takes all waste related activities into account, including collection, disposal, processing, administration, education and operation of the Baywaste Transfer Station. The costs are then averaged across the anticipated number of waste services. As commercial properties only account for 3% of the total services, they are effectively leveraging cheaper rates based on the residential services and the benefits offered through economies of scale. Although current invoicing procedures make it difficult to separate commercial tonnages from residential, Cleanaway have observed greater volumes and higher densities of waste collected from commercial properties within the City. Currently, the fees collected for this service are unlikely to cover the full cost of delivering them, with the shortfall subsidised by other residential rate payers.

Current service issues

The City's commercial waste service is perceived to be a cheaper option for businesses, in comparison to a private waste service. This is attractive for small businesses or those that generate small amounts of waste; however, creates resistance for businesses to transition to a private waste service even when the City's service doesn't meet their waste generation needs.

The current process for implementing a commercial waste service requires the owner or property manager to complete and sign the relevant request forms. There is currently no assessment criteria or process for limiting the number of bins provided to a particular business or ensuring that there is adequate storage space or sufficient space on the verge for collection. The above factors have resulted in a series of compounding issues, that have accumulated since commercial waste services were first implemented, including the following:

- Large numbers of bins on the verge for collection.
- Accumulation of bins at properties that are not being paid for (often purchased or relocated from other councils).

- Insufficient storage space on the property.
- Non-compliant waste types due to the varied nature of businesses serviced (hazardous waste, car parts, e-waste).
- Contamination of recycle and FOGO bins due to insufficient general waste capacity.
- Incorrect bins placed out for collection.
- Bins left on the verge for prolonged periods due to business opening hours.
- Overflowing bins due to poor waste management.
- Greater volume and weight of waste collected (in comparison to residential services) which is not always recovered through the commercial waste charge.

The below images show examples of the poor condition of bins, the miscellaneous use of bins and the large number of bins presented to the verge in the industrial area.



Bayswater industrial audits

Between February and May 2024, City officers conducted strategic audits of the Bayswater industrial area. The audits spanned over 17 weeks and covered the industrial area bounded by Guildford Road, Beechboro Road South, Wotton Street and Tonkin Highway. The location was established in response to concerns raised by the City's waste contractor, relating to the significant number of bins presented, the types of materials collected, and the overall weight of the bins. The area was split into four distinct zones so that the audits could be completed in a routine and efficient manner.



Four zones within the Bayswater industrial area that were audited.

The project involved a range of tasks including kerbside bin audits, engagement with owners/tenants, bin stickering, administration of services and follow up audits. Once each of the properties was audited, officers issued letters to owners/tenants outlining the observations from the field audits and instructions on how to request services for unpaid bins (if applicable). Bins that were being paid for were provided with a City of Bayswater Commercial Waste Service sticker. Following the engagement period with businesses, Cleanaway were instructed only to collect bins with the certified commercial bin stickers after the specified deadline, and all unauthorised bins were scheduled for removal from the properties. The objectives of the audit were to:

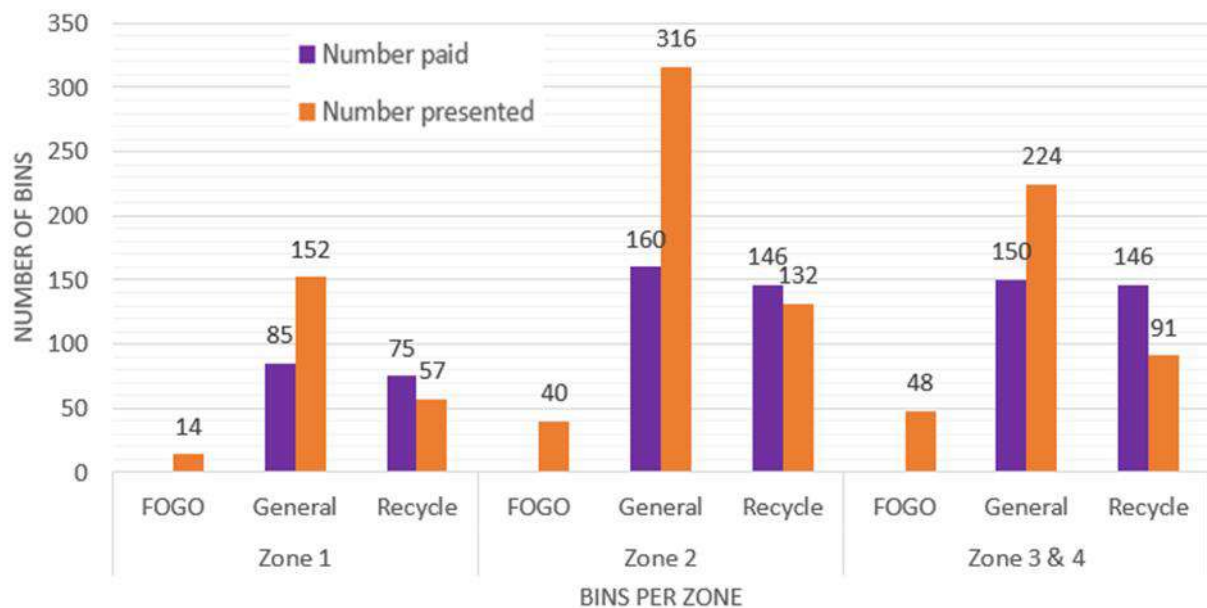
- Understand and improve the current waste management practices within the area
- Enhance the visual amenity of the area
- Identify properties presenting additional unpaid bins and to recover the costs associated with these unpaid services
- Establish new standards for commercial waste services and improve the management of services
- Educate businesses about alternative waste service options through private contractors.

During the audits, officers recorded the number and type of bins presented and stored at each property within the area. These figures were then compared to the number of paid services for each of the corresponding properties to determine the percentage of bins that were not being paid for. Overall, 29% of bins presented were not being paid for by the commercial properties, which equates to a loss of \$62,092.25 (See table below). This was calculated based on the 2023/24 FY fees and charges. During engagement with businesses, some noted that they had been using bins for 20+ years and had never paid for them. Extrapolating this figure over 20 years would equate to a loss of between \$1.2 and \$1.3 million, which would have been subsidised by other rate payers (accounting for adjustments in the waste charges each year).

The number of bins audited for each zone and the corresponding percentage of unpaid services

Zone	Properties in zone	Bins audited	% bins unpaid	Unpaid services (annual)
Zone 1	100	223	28%	\$9,830.35
Zone 2	256	488	37%	\$29,354.75
Zone 3 & 4	263	363	18%	\$22,907.15
Total	619	1,074	29%	\$62,092.25

The figure below shows that the greatest contribution to the unpaid services were the general waste bins, which indicates that the City's fortnightly general waste collection may not be suitable for most commercial businesses.



The number of bins presented versus the number of bins paid in each of the zones separated based on the waste stream.

FOGO bins are optional for commercial businesses; however, they are still required to pay for the full commercial waste service (\$411 for the 2024/25 FY), regardless of whether they utilise the bin or not. The contents of the FOGO bins were assessed during the audits, and it was found that over 74% of FOGO bins presented were contaminated well above normal expectations (102 presented, 75 contaminated). The type of contamination in the FOGO bins varied from general waste to hazardous waste, such as aerosol cans and paint, which don't belong in any of the kerbside bins. In these cases, the FOGO bins were arranged to be removed from the offending properties. FOGO bins were mostly being used for general waste, potentially due to the weekly collection service, which again highlights the unsuitable nature of the City's fortnightly general waste collection and the lack of incentive for businesses to pay for a suitable waste service that meets their requirements. The below photos are examples of the contamination identified in each of the different waste streams.



Of the 619 properties engaged during the audits, 45 businesses contacted the City to start new/additional services for bins that were already being utilised onsite. The total number of additional services paid for equates to \$15,655.45 based on the 2023/24 FY service costs

The services requested following the engagement with commercial properties.

Service requested	Number requests	Service cost	Total
New commercial service	24	\$400.00	\$9,600.00
Additional general waste service	44	\$111.05	\$4,886.20
Additional recycling service	10	\$104.30	\$1,043.00
Additional FOGO service	1	\$126.25	\$126.25
Total	79	-	\$15,655.45

Whilst the industrial audits were successful in recovering some costs, it required a significant investment in officer time. The issues identified in this area are likely similar across other commercial precincts in the City representing a significant cost. Since the completion of the audits, officers have experienced difficulties with some businesses who continue to attempt to evade paying for bins. Some of the issues encountered include:

- Reproduction of commercial waste stickers and plagiarism of City designs
- Photocopies of commercial waste stickers placed on excess unpaid bins
- Mail to property managers containing information and commercial waste stickers reported as "lost"
- Theft of commercial waste stickers from neighbouring businesses
- Contamination of recycling and FOGO bins
- Placing commercial recycle bin stickers on general waste bins to allow for additional general waste capacity
- Businesses not following directions from City staff
- Abusive behavior towards staff.

The project helped to support increased recovery, reduced waste to landfill and responsible waste management, but it is likely that the City will continue to encounter problems with the commercial waste services due to the above issues. It is noted that the waste services provided by the City are not suitable for most industrial businesses and are best suited for residential purposes. There are private businesses that provide a range of waste solutions that can be tailored for industry. It is therefore recommended that the commercial waste services be phased out by the City, so that it can focus on improving services for residents.

Town centres

Town centres are vibrant areas within the City, with a focus on encouraging community and economic growth. Bayswater, Maylands and Morley town centres have significant foot and vehicle traffic throughout the week, particularly on weekends and holidays. The City's commercial waste service only allows for the provision of 240L kerbside bins and therefore most businesses present bins on high-traffic footpaths and high activity areas along the roads that form these town centres.

As of September 2024, there were 80 businesses paying for a commercial waste service within the three town centres; however similarly to the industrial area, it is likely that there are additional bins being utilised that are not being paid for.

Summary of the commercial waste services in the City of Bayswater town centres.

Location	Commercial businesses with a service	Number commercial waste services	Number additional general waste services	Number additional recycling services
Bayswater Town Centre	20	29	11	1
Maylands Town Centre	43	59	9	3
Morley Town Centre	17	29	3	0
Total	80	117	23	4

The City receives regular reports of bins left out for extended periods of time, large numbers of bins on the kerb blocking footpaths, and overflowing bins with litter blowing around the streets. The City has also been made aware of various businesses dumping commercial waste into public bins, causing them to overfill well before their scheduled collection date. The current approach to these issues is somewhat reactive, however once complaints are received, officers work to engage with businesses in these areas to find suitable resolutions to the individual issues wherever possible.

Options for commercial waste services

The ongoing issues observed and the outcomes of the recent audits, prompted City officers to review the current situation, and consider alternative options for the future of commercial waste services. These options are presented below.

Summary of the alternative options for commercial waste services

Option 1: Operate business as usual (no change to commercial waste services)	
<u>Advantages</u> - No change for commercial customers. - No additional administrative requirement for the City.	<u>Disadvantages</u> - Service continues to be limited and not fit for purpose. It does not incentivise correct waste behaviours, so will not achieve waste diversion/recovery rates as per the <i>Waste Avoidance and Resource Recovery Strategy 2030</i>. - Collection and disposal costs likely exceed what is covered by commercial waste services and will continue to be absorbed by other rate payers. - Ongoing issues with number of bins presented over and above what is being paid for and complaints from neighbouring properties. - Little oversight over wastes being disposed of. - Unable to separate commercial and residential waste collection data for the City's Waste Data reporting to the Department of Water and Environmental Regulation (DWER). - Impacts negatively on waste recovery efforts, due to high misuse of FOGO and recycling bins. - If commercial waste services were to continue, the City would need to implement more stringent application criteria, including limiting the total amount of bins for commercial properties.

Option 2: Operate business as usual (no change to commercial waste services) and increase annual commercial waste charges by a weighted percentage	
<u>Advantages</u> - No change for commercial customers. - No additional administrative requirement for the City. <u>The annual waste charge could be increased by a weighted percentage to make a private waste service more appealing.</u>	<u>Disadvantages</u> Existing issues may remain unresolved, as some commercial customers may not cancel services, leading to an indefinite continuation of services. Businesses may hesitate to engage with a private waste contractor, potentially resulting in bin overflow, misuse of bins, stolen bins, contamination, environmental concerns, and/or illegal dumping of materials.
Option 3: Cease the supply of new and additional commercial waste services but continue all existing commercial waste services	
<u>Advantages</u> - No engagement with businesses to avoid businesses applying for unnecessary additional services. - Reduced operational burden. - Gradual transition away from City-provided waste services for commercial businesses, without a strict deadline. - New businesses in the City can be engaged during the Development Application (DA) phase, integrating waste communications into existing workflow.	<u>Disadvantages</u> Existing issues may remain unresolved, as some commercial customers may not cancel services, leading to an indefinite continuation of services. Businesses may hesitate to engage with a private waste contractor, potentially resulting in bin overflow, misuse of bins, stolen bins, contamination, environmental concerns, and/or illegal dumping of materials.
Option 4: Cease all existing commercial waste services by 30 June 2028 with an appropriate project plan	
<u>Advantages</u> - No initial operational costs. - No initial impact to businesses, giving them time to engage a private waste contractor within the given timeframe. - Able to provide accurate data for residential services for the DWER Waste Data report once all commercial waste services have ceased. - Operational savings (collection and disposal). - Staff resources to be focused on providing quality services to residents. 30 June 2028 aligns with the end of the current waste collection contract.	<u>Disadvantages</u> - No incentive for commercial businesses to transition away from City waste services until 2028, existing issues may remain unresolved. - Lower tangible progress made in resolution of current waste management issues. - Commercial customers may pay more for a private waste service, which may impact greater impact on micro-businesses.
Option 5: Cease the supply of new and additional commercial waste services and phase out all existing commercial waste services by 30 June 2028	
<u>Advantages</u> - Businesses won't be able to request new or additional services and therefore if their waste generation needs change, they will be required to cancel services with the City and transition to a private waste contractor. - No engagement with businesses to avoid businesses applying for unnecessary additional services.	<u>Disadvantages</u> Commercial customers may pay more for a private waste service, which may have greater impacts on micro-businesses.

• Businesses would be able to receive tailored waste services through private contractors which increases landfill diversion. • Faster reduction in the number of commercial waste services as businesses leave/changeover or their waste generation changes. • Able to provide accurate data for residential services for the DWER Waste Data report once all commercial waste services have ceased. • Operational savings (collection and disposal). • Staff resources to be focused on providing quality services to residents. • 30 June 2028 aligns with the end of the current waste collection contract.	
Option 6: Cease supply of new and additional commercial waste services and phase out existing commercial waste services by 30 June 2028, maintaining only services for appropriate micro-businesses	
<u>Advantages</u> • As per advantages in Option 4, in addition to: • No impact on micro-businesses who may produce wastes volumes and types more similar to residential properties. Strict criteria would be implemented.	<u>Disadvantages</u> • Commercial customers may pay more for a private waste service, which may impact greater impact on micro-businesses. • Increased administrative burden to assess and conduct audits to determine whether the business fits the criteria of a micro-business.

To assist the City with improving resource recovery and reducing contamination, City officers are recommending that requests for new and additional commercial waste services are ceased and all commercial waste services are phased out by 30 June 2028 (Option 5). This option allows the City to prevent further issues with commercial services by ceasing new requests in the short term and allows for a sufficient period of engagement with businesses before removing services altogether. 30 June 2028 aligns with the end of the current waste collection contract, at which point all commercial bins can be returned to the waste contractor, to avoid the City paying for these assets.

If commercial waste services were to continue (Option 1), the City would need to implement more stringent application criteria, including limiting the total amount of bins for a commercial property to a maximum of four and ensuring that the type of waste to be disposed is suitable, and there is adequate storage and verge space.

Considerations for removing existing commercial waste services

(a) Administration

For commercial properties, the owner/property manager is responsible for requesting waste services on behalf of the tenant, as the charges are added to the rates notice. This means that in most cases there are four stakeholders involved with the management of the City's commercial waste services (owner/property manager, the tenant, the City and the waste contractor). The City is responsible for managing all stakeholders, and this is not an efficient way of operating, particularly when trying to resolve issues in a timely manner.

The City's Spatial Waste Management application currently offers limited ability to differentiate waste services between commercial units under the same property ID and/or land parcel. This presents administrative challenges surrounding effective record keeping for individual units and sustaining the correct details for waste management services, which has likely contributed to the

accumulation of bins and unpaid services. The removal of commercial waste services would lessen the administrative burden and follow-up required by officers.

Officers anticipate there would be a short-term increase in the administrative load involved with the cancellation of services and engagement with the relevant commercial properties, however a sufficient timeframe has been allowed to ensure a smooth transition. Following the removal, the Waste Management team would have additional time and resources available to strengthen services to residents, focus on reducing contamination and improved business processes to meet the targets outlined in the *Waste Avoidance and Resource Recovery Strategy 2030* (the *Waste Strategy 2030*).

(b) Material recovery and contamination

The calculation of the City's Material Recovery rate includes the waste collected through the City's commercial waste services. The composition of waste generated from commercial properties differs to residential services, and businesses are more likely to have a higher waste generation, heavier waste and higher contamination levels, in comparison to residential properties. Businesses are also more likely to request additional general waste services, and there is less incentive for appropriate source separation. The City's overall Material Recovery rate could be biasing low, due to the nature of some of these businesses and there could be potential to increase the recovery rate by removing these services. Furthermore, a significant portion of the waste collected from commercial properties is not suitable for kerbside bins. In some instances, businesses use these bins indiscriminately for all types of waste regardless of the type of bin. This practice considerably diminishes the City's efforts to improve the Material Recovery rate.

The City is committed to working towards the targets in the *Waste Strategy 2030*. Under the 'Recover' and 'Protect' objectives of the strategy, the City aims to improve resource recovery and reduce waste sent to landfill. Reducing or discontinuing commercial waste services would assist in meeting the City's obligations under this strategy.

(c) Collection efficiency

Commercial properties adhere to the same collection schedule and fall within the same collection areas as residential properties. If commercial waste services were to cease, the City's waste contractor would have additional time to prioritise the servicing of residential properties within the appropriate collection hours.

Recently, Cleanaway has had to conduct a higher proportion of return services in the industrial area due to non-compliance with audit conditions. These return services detract from the time available to efficiently service residential properties.

(d) Private waste services

For commercial properties not operated by the owner, the property manager is typically responsible for the management of City rates/waste charges. This makes it challenging as there is typically less incentive for property managers to engage with tenants about waste management as they are not the ones utilising the services directly. As tenants move in and out of commercial properties, they may be unaware of whether the number and types of bins onsite is accurately reflected on the rates notice. This over time has likely contributed to confusion and increased numbers of bins not being paid for (bins reported as missing or stolen, and additional bins delivered).

Removal of the City as the intermediate between all stakeholders and requesting tenants to engage with a private waste contractor directly would have increased benefits for all parties and reduce the risk for tenants. Benefits of a private waste service include:

- Onsite collection services, eliminating the need to place bins on the verge, which improves the streetscape
- Waste receptacles with greater capacity than 240L

- Collections more frequent than fortnightly for general waste and recycling
- Tailored services that meet specific business needs, including collections for alternative waste streams (e-waste, cardboard, scrap metal, hazardous waste)
- Direct contact with the contractor, bypassing the City as the intermediary and resolving issues in a timelier manner
- Flexibility to adjust services as waste generation and disposal requirements change (seasonally or over time)
- Competitive pricing with on demand collections.

Waste management is a standard part of any business, and it is the responsibility of the individual business to ensure waste is managed appropriately. This includes ensuring there are sufficient means for disposal so that it doesn't cause a nuisance to the community and costs associated with managing waste appropriately being factored into the operating budget of the business.

In the event that businesses are subject to higher costs through the transition to a private waste service, it may provide incentive for businesses to manage their waste more efficiently and investigate options for improving recovery through alternative waste streams that are cheaper than landfilling.

(e) Contractual obligations

The City has a statutory obligation to collect household waste. The City's commercial waste service is a discretionary service which businesses are not compelled to use. Under the City's 'Waste collection and associated services' contract (2018-01) with Cleanaway, there is no obligation for Cleanaway to be the sole collector of commercial and industrial wastes. Section 4.2.1.6 notes "*The Contractor does not have the sole or exclusive right to the collection or removal of commercial refuse within the City of Bayswater*". Therefore, there is no requirement for the City to service commercial properties under its contract with Cleanaway. In the scenario whereby the City did not provide a commercial waste service, it could prioritise the provision of a high-quality service to residents and minimise costs where possible.

(f) Impact to small and micro businesses

Removal of commercial waste services are most likely to impact small and micro-businesses operating within the City. According to the Australian Government, to be considered a micro-business, it must not have more than four employees. Typically, these businesses generate less revenue than a small business that employs up to 19 workers. Although micro-businesses have the same access to private waste contractors as other businesses, they may face challenges with higher service costs. If micro-businesses have lower waste generation, it typically incentivises the use of the City's commercial waste service.

Referring to the 2023 data from the Australian Bureau of Statistics, the City had 1,517 micro-businesses. Of these, 19% were in the construction industry and 6.4% in manufacturing. For many micro-businesses, even though the number of employees is small, the types of waste produced and disposed of do not suit the City's commercial waste service. For example, construction and demolition waste (bricks, tiles, concrete), electrical waste, hazardous materials and car parts are not accepted in any kerbside bin. If services were to continue to be provided to micro-businesses, a set criterion would need to be created to ensure that the waste disposed of is suitable for kerbside collection.

(g) Other local government experiences

In the past three years, the City of Vincent, City of Bunbury and City of Fremantle have each approached their respective Councils to request the removal of commercial waste services. Each local government differed slightly in their approach; however, each was successful in gaining support for removal.

When the City of Vincent transitioned to the FOGO service and a smaller general waste bin, their Council resolved to remove the option for commercial waste services altogether, advising that the service did not meet the objectives of Vincent's Waste Strategy or its vision of achieving zero waste to landfill.

The City of Bunbury managed their residential and commercial waste services using an internal private fleet. They undertook an analysis of costs and resources assigned to the service and identified that cost efficiency and better use of resources could be gained through the removal of the commercial waste services.

The City of Fremantle investigated their commercial waste services and determined that the cost of delivering the service was not covered by the fees and charges, with the shortfall subsidised by other general rates.

In each case, there was a minimum one-year engagement period with business owners to ensure a smooth transition.

Some Councils that have already transitioned to FOGO collections, have opted to provide weekly general waste collections for commercial businesses. The Town of Bassendean, Shire of Mundaring, and City of Belmont have all transitioned to FOGO, and all currently continue to offer weekly general waste collections using either a 240L bin or a 140L bin, with the option to upgrade to 240L.

The City of Swan is currently rolling out FOGO collections in a staged approach and have opted to transition businesses to a standard residential service (140L general waste collected fortnightly). If the new service is no longer suitable, businesses have the option to transition to a private waste contractor.

The City of Stirling offers a large variety of commercial waste service options, including flexibility with collection schedules and a variety of bin sizes. They have better control over the services provided, as they are able to manage this directly through their own in-house fleet.

The commercial waste services for all Councils mentioned and the circumstances regarding their service options are dependent on a variety of factors including the capabilities of their collection contractor or in-house fleet, terms and conditions of the collection contract, internal operating systems, the number of properties to service and the size of each Council. Councils that offer weekly general waste collections may be better suited to continue to offer commercial waste services, as less bins may be required to accommodate the businesses' waste generation needs.

The City has the option of negotiating a weekly collection in commercial areas with its contractor. Although an increase in collection frequency would assist in reducing bin numbers, it still does not resolve the other waste issues as outlined in this report.

(h) Reputational risks

Commercial and industrial customers may oppose the removal of commercial waste services, potentially leading to negative publicity. Mitigation strategies include tailored communication strategies and a proactive public relations approach. This involves explaining the rationale behind the changes and emphasising the overall benefits to the community. Drawing on success stories from similar transitions, such as those in the City of Vincent, will help build confidence and support. A communication plan will be developed to engage effectively with businesses and aid in the transition in whichever capacity is needed.

The City would still maintain an important advisory role in ensuring that businesses comply with the requirements under the relevant *City of Bayswater Waste Local Law 2020*, once the businesses transition to a private waste contractor.

LEGISLATIVE COMPLIANCE

- *City of Bayswater Waste Local Law (amended 2020)*

The legislative requirement for the City to provide waste collection and disposal services to residential properties is outlined in the above local law, however this does not extend to commercial properties.

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	High
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Medium
Environment	Low	Medium
Governance and Compliance	Low	Low
Strategic Risk	SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets. SR05 - Inability to manage stakeholder expectation through early and ongoing engagement.	

FINANCIAL IMPLICATIONS

Commercial properties have benefited from the cheaper waste services leveraged through the City's residential collection contract. Due to the economies of scale, the City is able to offer a cheaper service which is why businesses are now hesitant to move to a private waste contractor directly and prefer to increase the number of bins onsite. Currently, the fees collected for this service are unlikely to cover the full cost of delivering them, with the shortfall subsidised by other rate payers. This is due to the additional costs associated with additional unpaid bins, contamination, administration and follow up.

Although, current collection procedures make it difficult to separate commercial tonnages from residential, Cleanaway have observed in commercial areas that waste trucks are filling up twice as fast, indicating a higher volume and density of waste being collected from businesses within the City. Commercial businesses may only account for approximately 3% of the total services, however their contribution to the overall tonnes disposed is likely closer to 6-10% due to each commercial property on average utilising two general waste bins (in comparison to residential properties). This is also only taking into account the services being paid for, however evidenced by the industrial audits, there are many more bins in circulation.

By removing the commercial waste services, the City would be able to reduce collection and disposal costs, particularly the costs associated with bins that have not been paid for. This would ensure that the costs associated with additional unpaid bins are not being subsidised by all other ratepayers.

The other factor to consider is that if the City wishes to pursue alternative waste collection contractors, the City will need to purchase the bin stock from Cleanaway prior to the collection contract end date (30 June 2028). As Cleanaway currently own the bin stock, the City is not charged for bin repairs or replacements. Once the City owns the bin stock, the cost for these services will need to be factored into the annual waste charge. As the commercial properties have

a higher percentage of bins in circulation in comparison to residential properties, the cost of replacement/repairs would be subsidised by residential rate payers.

Removing commercial waste services would reduce the collection, disposal and administrative costs for the City and provide better oversight of the costs associated with the residential waste services.

STRATEGIC IMPLICATIONS

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

Theme: Community

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

Theme: Environment and Liveability

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

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.

Theme: Vibrancy

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

CONCLUSION

The current commercial waste services provided by the City represent a significant financial and strategic challenge for the City. To improve collection efficiencies, resource recovery and reduce contamination, officers are recommending that requests for new and additional commercial waste services are ceased and all commercial waste services are phased out by 30 June 2028.

10.3.3 Tender No. 14-2024 - Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. CONFIDENTIAL - Illuminated Sigange Revenue Comparison [10.3.3.1 - 1 page] 2. CONFIDENTIAL - Tender Evaluation Matrix [10.3.3.2 - 1 page]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

- (e) *a matter that if disclosed, would reveal —*
- a trade secret; or*
 - information that has a commercial value to a person; or*
 - information about the business, professional, commercial or financial affairs of a person,*

SUMMARY

For Council to award Tender No. 14-2024 for the Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights from 3 October 2024 to 30 June 2029 with options to extend for a further two, five-year periods until 30 June 2039.

This report is presented to Council for awarding due to the lengthy contract period.

OFFICER'S RECOMMENDATION

That Council awards Tender No. 14-2024 – Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights including power supply to Claude Outdoor Pty Ltd for the period 3 October 2024 to 30 June 2029 with options to extend for a further two five-year periods until 30 June 2039.

MOTION

That Council awards Tender No. 14-2024 – Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights including power supply to Claude Outdoor Pty Ltd for the period 3 October 2024 to 30 June 2029 with options to extend for a further two five-year periods until 30 June 2039, subject to no advertising being displayed on the signs relating to any products and organisations directly associated with:

1. Fossil fuel; and
2. Alcohol.

Cr Nat Latter Moved, Cr Giorgia Johnson Seconded

PROCEDURAL MOTION

That, in accordance with clause 11.6 of the *City of Bayswater Standing Orders Law 2021*, consideration of this item be referred to a Council workshop to enable more information to be provided to the Council about the matter.

Cr Dan Bull Moved, Cr Elli Petersen-Pik - Deputy Mayor Seconded

LOST: 5/5

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

Against: *Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.*

In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member, Mayor Filomena Piffaretti, used her casting vote to vote against the motion, and the motion was lost.

Cr Josh Eveson foreshadowed the officer's recommendation.

MOTION

That Council awards Tender No. 14-2024 – Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights including power supply to Claude Outdoor Pty Ltd for the period 3 October 2024 to 30 June 2029 with options to extend for a further two five-year periods until 30 June 2039, subject to no advertising being displayed on the signs relating to any products and organisations directly associated with:

1. Fossil fuel; and
2. Alcohol.

Cr Nat Latter Moved, Cr Giorgia Johnson Seconded

LOST: 2/8

For: *Cr Nat Latter and Cr Giorgia Johnson.*

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

As the motion was lost, debate turned to the officer's recommendation.

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

That Council awards Tender No. 14-2024 – Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights including power supply to Claude Outdoor Pty Ltd for the period 3 October 2024 to 30 June 2029 with options to extend for a further two five-year periods until 30 June 2039.

Cr Josh Eveson Moved, Cr Steven Ostaszewskyj Seconded

CARRIED: 6/4

For: *Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Giorgia Johnson.*

Against: *Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor and Cr Dan Bull.*

BACKGROUND

Illuminated street signs were first installed within the City of Bayswater from 1999. A total of 50 specific locations were identified for the possible placement of these signs with advertising rights within the City. The contractor would make application to the City and receive an approval to install and maintain the illuminated street signs. Currently there are 11 illuminated street signs installed within the City, earning a total of \$17,490.11 exclusive of GST.

Accordingly, the City receives revenue per sign annually. The City's tender with the current contractor has expired and the tender was advertised on 27 July 2024 in *The West Australian* and closed on 23 August 2024. At the close of tenders, a submission was received from the following companies:

- Global Smart Cities Pty Ltd T/A yStop.
- Claude Outdoor Pty Ltd.

The Tender Evaluation Panel consisting of the Transport and Infrastructure Manager, Contracts and Procurement Manager and Senior Technical Engineering Officer, evaluated the submissions against the following criterion:

ITEM	DESCRIPTION	WEIGHTING
1.	Demonstrated Experience	15%
2.	Organisational Capacity	10%
3.	Design Elements	10%
4.	Benefits for Local Economy	5%
5.	Income Proposal	60%

City officers involved in the assessment of the tender submissions and preparations of the associated report have indicated that they do not have any conflicts of interest with any of the tenderers.

Both tenderers have indicated that they do not have any conflicts of interest in the performance of their obligations under the contract.

EXTERNAL CONSULTATION

Reference checks were undertaken with other agencies as provided by the tenderers.

OFFICER'S COMMENTS

The tender is based on a five-year contract with a proposed further two five-year extensions, for a possible total contract term of 15 years at the contractor's discretion.

The tenderers are offering the City the following:

- Global Smart Cities Pty Ltd T/A yStop:
 - A real-time reporting system;
 - Community Engagement Strategy;
 - Local public and private school campaign support; and
 - City-supplied event promotions.
- Claude Outdoor Pty Ltd.
 - The replacement of all existing illuminated street signs with Claude Outdoor's product at no cost to the City;
 - Installation of 19 additional signs from the approved locations at no cost to the City;
 - The inclusion of Claude's digital illuminated sign, opening further advertising and growth opportunities for small businesses;

- Guaranteed media space, at no cost, for the City to advertise its own information and events;
- Guaranteed financial return to the City through a guaranteed fee for each location deployed; and
- Media space for the City on every single illuminated sign deployed for every month of the contract and, if required, produce the artwork for the City and schedule the advertising at no cost.

Proposed income proposal forms are provided in **Confidential Attachment 1**.

Both tenders meet the specification in terms of scope of works and were deemed to be conforming tenders. The following scores were attributed to each tender:

TENDERER	EXPERIENCE (15)	CAPACITY (10)	DESIGN (10)	LOCAL ECONOMY (5)	INCOME (40)	TOTAL SCORE (100)
Global Smart Cities	11	8	8	4	36	67
Claude Outdoor	12	7	8	4	54	85

A copy of the evaluation forms **Confidential Attachment 2**.

It is recommended to award the contract to Claude Outdoor as they have provided the best value for money with revenue generated commencing year 1 of the contract.

The current assets are owned by Claude Outdoor, and as part of the new contract, they will be upgraded to digital signs over the initial term of the contract. The current income per sign is \$1,590 exclusive of GST.

LEGISLATIVE COMPLIANCE

The tender process has met the requirements of section 3.57 of the *Local Government Act 1995* and regulations 14-16 of the *Local Government (Functions and General) Regulations 1996*.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

This Contract will generate revenue for the City as per Confidential Attachment 1.

STRATEGIC IMPLICATIONS

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

- Theme: Vibrancy
Goal V1: Plan for increased business opportunities around transport nodes.
Goal V3: Activate the City's town and neighbourhood centres.
Goal V4: Support businesses across the City to grow and thrive.

CONCLUSION

The tender submission from Claude Outdoor has been evaluated as the highest ranked tender in accordance with the selection criterion and weightings as detailed in the tender specification.

Accordingly, it is recommended that Council accepts the submission from Claude Outdoor for the Supply, Installation and Maintenance of Illuminated Street Signs with Advertising Rights for period 3 October 2024 to 30 June 2029 with options for two further five-year extensions at Claude Outdoor's discretion.

10.3.4 Tender No. 15-2024 - Riverside Gardens Urban Forest Construction and Landscaping

Responsible Branch:	Project Services
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Urban Forest Final Concept Design [10.3.4.1 - 1 page] 2. CONFIDENTIAL - Detailed Tender Assessment Review [10.3.4.2 - 6 pages]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

(e) *a matter that if disclosed, would reveal —*

- (i) *a trade secret; or*
- (ii) *information that has a commercial value to a person; or*
- (iii) *information about the business, professional, commercial or financial affairs of a person,*

SUMMARY

For Council to assess and award Tender No.15-2024 for Stage 1 of the Riverside Gardens Urban Forest construction and associated landscaping in accordance with the tender specification.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

That Council awards Tender No. 15-2024 for the Riverside Gardens Urban Forest Construction and Landscaping to Sanpoint Pty Ltd As Trustee for the Fiore Family Trust Trading as LD Total in accordance with their tender submission dated 10 September 2024 and submitted price of \$1,464,120 (excluding GST).

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: *Nil.*

BACKGROUND

The City has successfully secured \$1.8 million external funding to support the staged development of an Urban Forest at Riverside Gardens East in Bayswater. The Urban Forest (Stage 1) will be located between Eric Singleton Bird Sanctuary and Memorial Drive, extending north to King William / Slade Street and south to the fenced dog exercise area. The total construction cost estimate for Stage 1 is \$2.4 million.

Stage 2 which is the area to the West of King William Street (as shown below) is excluded from this tender and will be delivered subject to future funding. The total construction cost estimate for Stage 2 is \$500,000.



Tender No. 15-2024 was advertised through Tenderlink and in *The West Australian* newspaper on Saturday, 10 August 2024. The tender submission period closed on Tuesday 10 September 2024.

EXTERNAL CONSULTATION

The City partnered with Greening Australia to develop concept designs following stakeholder and community engagement conducted through late 2023 and early 2024. A number of pop-up sessions were held on site together with online and hard copy surveys to determine key requirements and features for the site.

A second round of engagement was delivered to review and consider feedback on the draft concept in order to inform a final design for construction. The final concept is provided in **Attachment 1**.

OFFICER'S COMMENTS

This tender includes landscaping, irrigation, and all other associated works to be delivered in a staged construction method as per the specification document. Stage 1 is split into two parts:

- Stage 1a as a specified component.
- Stage 1b as a separable portion subject to available funding.

Stage 1a includes all site preparation, leveling, irrigation, lighting and associated electricals together with the construction of pathways, retaining walls, community and picnic nodes, excluding the provision of picnic shelters. Approximately 30% of vegetation planting is included in Stage 1a.

Additional soft landscaping and tree tube stock is provided as a separable item within this tender as Stage 1b and is subject to either sufficient project funding being available or new additional funding sources being confirmed. A range of additional tree planting and soft landscaping within

the Stage 1 area is to follow should additional funding become available. The cost to deliver Stage 1b is estimated at \$600,000.

At the close of tender, a conforming submission was received from the following three organisations:

- Ligna Construction.
- Sanpoint Pty Ltd As Trustee for the Fiore Family Trust trading as LD Total.
- Menchetti Consolidated Pty Ltd trading as MG Group WA.

A non-conforming tender was received by Damon Beros trading as Evenflow Irrigation. This submission was for the irrigation only component of the requested scope. As the submission did not include all requirements of the scope it was deemed non-compliant and was not progressed.

The evaluation panel comprised of:

- Manager Project Services.
- Senior Project Manager Support.
- Principal Landscape Architect (Emerge Associates Project Manager).

Tenders were assessed using the following criteria:

Qualitative Criteria

The qualitative criteria for this tender are shown in the table below:

Description of Qualitative Criteria	Weighting
Company Profile, Resources and Capacity	10%
Experience in Similar Work	10%
Delivery Program	10%
Key Personnel	5%
Work Health and Safety Methodology	15%
Benefit to Local Economy	5%

Quantitative Criteria

Price Weighting
45%

Scores and comments were recorded on an evaluation matrix where the total quantitative and qualitative net weighed scores ranked all submissions out of 100%.

Tenderer	Resources and Capacity 10%	Experience 10%	Program 10%	Personnel 5%	WHS 15%	Local Economy 5%	Total Qualitative 55%	Price 45%	Total 100%
Ligna	8	8	5.3	5	13	0	39.3	35	74.3
LD Total	8.3	10	10	5	11.7	0	45	45	90
MG Group	5.3	10	2.7	2.3	10.4	0	30.7	27	57.7

A detailed assessment is included at **Confidential Attachment 2**.

The submission from LD Total provides for all of Stage 1a to be delivered for a sum of \$1,464,120. Stage 1a can be delivered within the available project budget.

There is insufficient project funding available to progress Stage 1b as part of this tender.

Subject to acceptance of this tender, Stage 1a is due to commence around November 2024 with completion anticipated mid 2025.

The City continues to advocate for further funding to deliver the remaining planting and features within Stage 1b and Stage 2.

LEGISLATIVE COMPLIANCE

The tender process has met the requirements of section 3.57 the *Local Government Act 1995* and regulations 14 – 16 of the *Local Government (Functions and General) Regulations 1996*.

All tenderers have indicated that they do not have any conflicts of interest in the performance of their obligations under the contract.

All panel members involved in the assessment of the tender confirmed they do not have any conflict of interest with any of the tenderers.

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Medium
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets.	

FINANCIAL IMPLICATIONS

The Urban Forest project has received both State and Federal funding as follows:

- The Department of Local Government, Sport and Cultural Industries has provided a funding commitment of \$1,000,000.
- The Federal Government via Patrick Gorman MP, Assistant Minister to the Prime Minister has provided \$200,000 grant funding to the project through the Department of Climate Change, Energy, the Environment and Water.
- The City has also secured a grant of \$600,000 from the Department of Water and Environmental Regulation and Water Corporation via the Gngangara Waterwise Councils Grants Program. (\$30,000 of which is committed to developing a Citywide water efficiency study).

The total project funding amount is \$1,770,000.

Greening Australia has developed concept designs for the space through a series of stakeholder and community engagement sessions, and Emerge Associates has assisted the City in developing detailed designs and tender documentation for construction.

A portion of the project funding has been expended on the design and specification development and consultation. Therefore, the total budget remaining for staged construction is \$1,534,925.

The project to date is externally funded. The City continues to advocate for funding toward the project and recently applied for \$1.38 million funding through the Thriving Suburbs Grant. The City has been advised that the application was not successful.

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

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

The tender submission from Sanpoint Pty Ltd As Trustee for the Fiore Family Trust trading as LD Total has been evaluated as the highest ranked tender in accordance with the selection criteria and weightings, as detailed in the tender specification. It is therefore recommended, that Council approves the submission from LD Total for the Riverside Gardens Urban Forest Construction and Landscaping to deliver Stage 1a.



RIVERSIDE GARDENS URBAN FOREST
CONCEPT MASTERPLAN

DWG GA01-08
REV F
DATE 28.02.2024
SCALE 1:750 @ A1
THIS DRAWING CAN NOT BE PUBLISHED OR DISPLAYED WITHOUT THE WRITTEN PERMISSION OF THE CLIENT AND AUTHOR AND IS ISSUED FOR INFORMATION PURPOSES ONLY AND MAY ALTER WITHOUT NOTIFICATION.



10.3.5 EMRC Special Council Meeting Minutes - 29 August 2024

Responsible Branch	Parks and Environment
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required
Attachments:	Nil

SUMMARY

For Council to receive the Unconfirmed Minutes from the Eastern Metropolitan Regional Council (EMRC) Special Council Meeting held on 29 August 2024.

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

That Council receives the Unconfirmed Minutes from the Eastern Metropolitan Regional Council (EMRC) Special Council Meeting held on 29 August 2024.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: *Nil.*

BACKGROUND

The EMRC Special Council Meeting held on 29 August 2024 was attended by Cr Michelle Sutherland, and Cr Giorgia Johnson, deputising for Mayor Filomena Piffaretti.

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 Special Council Meeting of 29 August 2024.

The Unconfirmed Minutes can be viewed on the EMRC website:

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

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

Unconfirmed Minutes

- CEO recruitment (D2024/23376)

LEGISLATIVE COMPLIANCE

Not applicable.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

As detailed in the EMRC 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 the Unconfirmed Minutes from the Eastern Metropolitan Regional Council Special Council Meeting held on 29 August 2024.

10.4 Community Services Directorate Reports**10.4.1 Deschamp Reserve Footpath - Designated On-Lead Area**

Responsible Branch:	Rangers and Security
Responsible Directorate:	Community Services
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	Nil
Refer:	Item 11.1: OCM 25.06.24 Item 10.4.5: OCM 29.01.24

CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, Cr Sally Palmer declared an impartial interest in this item as she is a board member of the Noranda Primary School which adjoins the pathway mentioned in the item.

Cr Sally Palmer remained in the Council Chambers and voted on this item.

SUMMARY

At the Ordinary Council Meeting held on 25 June 2024 a Notice of Motion was raised by Councillor Palmer for Council to consider removing the footpath on the eastern boundary of Deschamp Reserve, Noranda from being a dog exercise area, as part of the current review of the *City of Bayswater Dogs Local Law 2016* (the local law).

The *Dog Act 1976* s.31(3C) (the Act) outlines that any proposed changes to dog exercise areas require public notice of no less than 28 days to enable community comment and feedback.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

1. Authorises the City to commence the 28-day notice of intention period to remove the dog exercise area along the eastern and northern boundary footpaths of Deschamp Reserve.
2. Notes that in accordance with section 31(3C) of the *Dog Act 1976*, the City will provide a report to Council following the 28-day notice of intention period seeking approval to introduce the specified changes.

Cr Sally Palmer Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 10/0

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

Against: Nil.

BACKGROUND

At the Ordinary Council Meeting held on 25 June 2024, Council resolved to consider removing the footpath along the eastern boundary of Deschamp Reserve as a dog exercise area to enable pedestrians, including primary school students, to navigate the reserve without risk of coming into conflict with unleashed dogs.

Since amendments were made to the Act the local law authority for amending dog exercise areas has been replaced by section 31(3A) of the Act which allows Council to amend dog exercise areas by way of an absolute majority decision. Accordingly, this matter must be considered independently of the local law review.

The recommended outcome of the Notice of Motion is to revoke the eastern footpath of Deschamp Reserve from being a dog exercise area, meaning all dogs on the footpath will be required to be held on a lead of less than two metres in length and must be controlled by a person capable of controlling the dog. To provide consistency and to enhance pedestrian safety it is also proposed to rescind the dog exercise area on the northern footpath, which runs between Deschamp Reserve and the Noranda Primary School oval.

This will make all paths surrounding Deschamp Reserve on lead areas and will assist in providing clearly identifiable boundaries to the dog exercise areas.

This delineation of areas will enable people in control of dogs to self-regulate their compliance to the law and will provide City officers with greater ability to identify breaches and provide education, awareness and enforcement action.

The image below depicts the proposed footpaths, as highlighted in the yellow boxes -



As this recommended action is a minor change only, that does reduce the size of the dog exercise area or restrict the ability for dogs to exercise off lead, it is considered the 28-day notice of intention is sufficient community consultation.

If the recommended actions are approved by Council, the City will ensure appropriate and clear signage is installed, footpath markings are installed and City officers will provide a physical presence to educate community members in relation to the changes.

EXTERNAL CONSULTATION

No external consultation has been carried out to date. If Council approves the recommendation, Local Public Notice will be provided for a period of 28 days as per section 1.7 of the *Local Government Act 1995* and 31(3C) of the Act.

OFFICER'S COMMENTS

The matters raised in the Notice of Motion are a minor change and are not expected to generate any impact to current or future users.

The Act sets out the requirements to dog exercise areas and the proposed change provides no impact or restriction on current users from utilising the reserve in its current designation as a dog exercise area.

Current access will be maintained and there will be a clear set of instructions to ensure users of the reserve can safely make use of the area and limit the opportunity for negative interactions or incidents with dogs and children walking to school.

LEGISLATIVE COMPLIANCE

Section 31(3A) *Dog Act 1976*:

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

Section 31(3C) *Dog Act 1976*:

At least 28 days before specifying a place to be —

- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
- (b) a dog exercise area under subsection (3A); or
- (c) a rural leashing area under subsection (3B),

a local government must give local public notice as defined in the *Local Government Act 1995* section 1.7 of its intention to so specify.

Section 1.7 *Local Government Act 1995*:

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

The total cost of undertaking the Local Public Notice (as per section 1.7 of the *Local Government Act 1995*) of the intention to remove the footpath from the dog exercise area as per section 31(3C) of the *Dog Act 1976* would be approximately \$500.

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.

By providing clarity and better physical descriptions of the boundary for on and off-leash dog exercise areas at Deschamp Reserve, the City will help to reduce conflict between persons exercising their dogs and footpath users, including school children walking to and from school.

CONCLUSION

Undertaking this process will address concerns raised in the initial Notice of Motion, by excluding footpaths around this reserve from being dog exercise areas. As a result, dogs on the footpath will be required to be tethered by a lead not exceeding two metres and are required to be held by a person capable of controlling them. It is expected this outcome will improve safety of path users and animals at minimal cost to the City.

10.5 Sub Committee Reports

10.5.1 Active Transport Advisory Committee - 16 September 2024

10.5.1.1 Gilbert Street Pathway

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	- Option 1 - Pathway without Road Alteration [9.1.1 - 1 page] - Option 2 - One Way Road with Cul- De- Sac [9.1.2 - 1 page] - Option 3 - Two Way Slow Point [9.1.3 - 1 page] - Option 4 - Single Lane Pinch Point [9.1.4 - 1 page]

SUMMARY

The provision of a pedestrian pathway along Gilbert Street in Maylands faces challenges due to the narrow verge and the close proximity of trees. The City has developed several options to create the path without removing the trees and is seeking feedback from the Committee on these options before finalising the designs and proceeding with community consultation.

OFFICER'S RECOMMENDATION

That Council, in relation to the proposed pedestrian pathway on Gilbert Street, Maylands:

1. Supports the progression of Option 4 as outlined in this report; and
2. Requests that community consultation be undertaken prior to the commencement of works.

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)

That Council, in relation to the proposed pedestrian pathway on Gilbert Street, Maylands:

1. Supports the progression of Options 2 and 4 as outlined in this Report; and
2. Requests that community consultation be undertaken to determine the preferred option prior to the commencement of works.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

Through the Safe Routes to School survey undertaken for Maylands Peninsula Primary School, the school community requested a pathway along Gilbert Street in Maylands. This footpath was the second most popular request under this category, with five requests made for a pathway between Garratt Road and Rosher Place. The most popular path request was for Mephan Street, which was implemented under the 2023/24 financial year.

The Gilbert Street path provision is listed in the 2024/25 financial year budget.

EXTERNAL CONSULTATION

No consultation has occurred with the surrounding local community on this matter. Local community engagement is recommended prior to any construction commencing.

OFFICER'S COMMENTS

Gilbert Street provides access to Gibbney Reserve, with Maylands Peninsula Primary School situated on the opposite side of the reserve. The City undertook traffic counts for a period of two weeks in March 2022, which showed an operational speed of 46km/hr and an average traffic volume of 447 vehicles per day. This indicates good compliance to the speed limit (50km/hr) and amount of traffic permitted on the road, which is a maximum of 3,000 vehicles per day as per Main Roads road hierarchy.

A footpath is already in place on the northern side of Gilbert Street between Garratt Road and Traylen Street, with connections to the Traylen Street pathway. However, the section between Traylen Street and Rosher Place lacks a pathway on either side of the road.



The width of Gilbert Street between Traylen Street and Rosher Place is approximately six metres, within a total road reserve of 12 metres. Several mature trees are located within the verge on both sides of the carriageway, which presents significant challenges for constructing a pathway without altering the existing road geometry. The current road width is already at the minimum required to accommodate two-way traffic, leaving little room for additional infrastructure without making modifications.



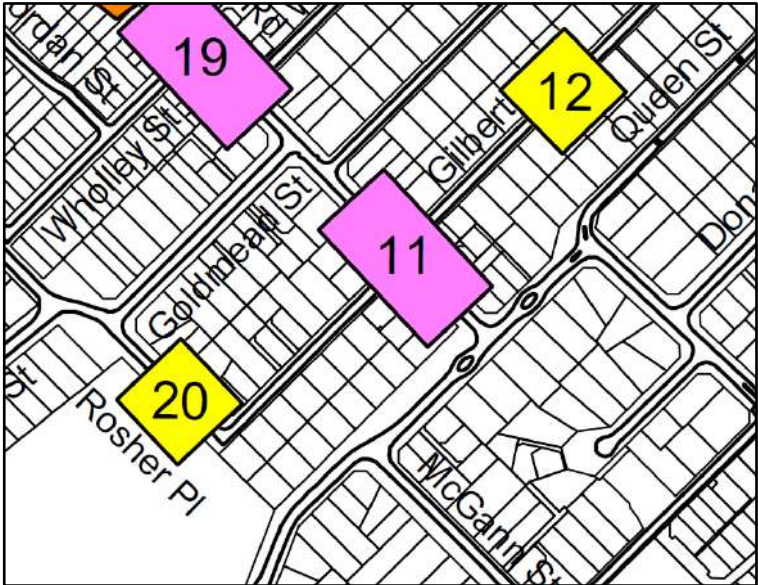
Four options were assessed for the proposed pathway, as follows:

- **Option 1:** This option involves installing a narrow path on the northern side of the carriageway, with a pinch point around the trees. It has no impact on the road geometry or parking; however, it doesn't allow for a 2-metre clearance from the trees due to the narrow verge widths, which could lead to issues with the tree roots or jeopardise the structural integrity of the trees. The construction of this option carries a risk of damage to the trees in the verge. (**Attachment 1**)
- **Option 2:** This option proposes converting Gilbert Street into a one-way road (outbound only) with a cul-de-sac at the Rosher Place end. This would allow for a 1.8-metre-wide path to be constructed along the northern verge, with the road narrowing at the pinch point near the trees. However, this option would restrict local traffic from entering Gilbert Street, requiring access via Goldmead Street instead. Parking would also be prohibited at the pinch point to ensure the carriageway remains unobstructed. (**Attachment 2**)
- **Option 3:** This option proposes converting Gilbert Street into a two-way slow point and realigning the path to avoid trees on the northern verge. The downside of this option is that it would require parking restrictions along the entire length of Gilbert Street. This option would also lead to delays for vehicles as they wait to give way to oncoming traffic, owing to the extended length of the slow point treatment. This could potentially result in increased congestion and driver frustration, particularly for those travelling during busy periods. This option is also likely to exceed the current allocated budget for this path. (**Attachment 3**)
- **Option 4:** This option maintains two-way traffic along the street, except at the pinch point near trees, where the road would be converted to single lane, with eastbound traffic giving way to oncoming vehicles. Parking would be restricted only along the one-way section. (**Attachment 4**)

Through initial discussions with Main Roads WA, they have indicated a preference for Option 4 due to its minimal impact on road geometry, signage, and pavement markings.

Note that **Attachments 1-4** to this report are concept designs only and further detailed designs are required.

It should be noted that whilst this path is within the Low-Cost Urban Road Safety precinct for Maylands Peninsula, it is not impacted by the treatments endorsed by Council at the 26 March 2024 Ordinary Council Meeting. The proposed raised platform on Traylen Road (treatment 11) can still be included as it does not affect the configuration of Gilbert Street. Shall Option 2 be adopted for the path configuration, then the proposed short, raised platform on Rosher Place (treatment 20) can be removed.



LEGISLATIVE COMPLIANCE

- *Road Traffic Code 2000.*

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

A budget of \$67,813 has been allocated for the construction of the pathway in the 2024/25 FY. Options 2 and 3 will be most expensive and will likely exceed the allocated budget.

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.

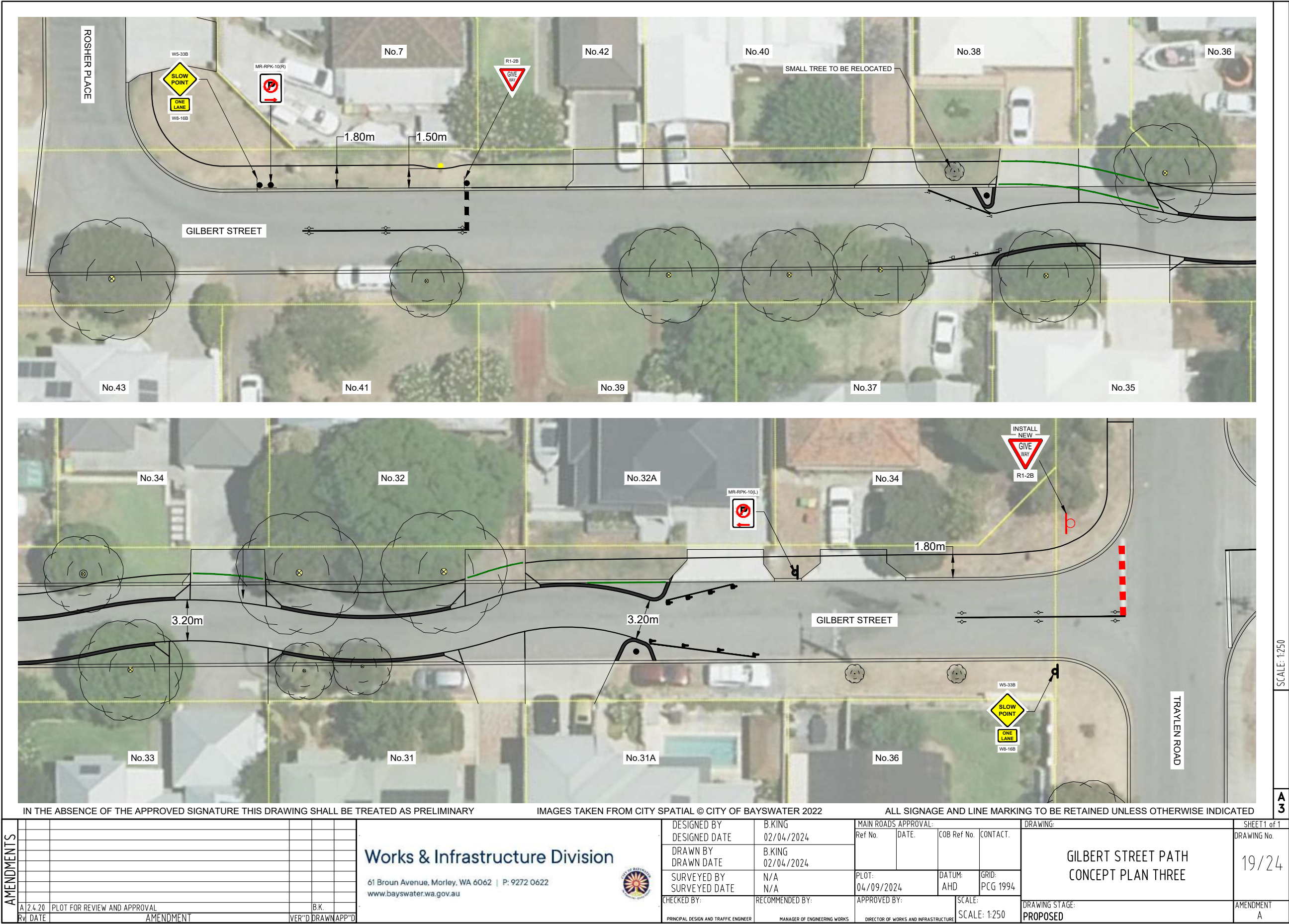
- Goal E5: Protect and enhance the City's natural environment and biodiversity and encourage the community to participate in its protection.
- Theme: Leadership and Governance
- Goal L1: Engage the community in a meaningful way.
Provide opportunities for the community to have their say and consider their views when making decisions.
- Goal L3: Provide good customer service.
Respond to the needs of our community in a respectful and timely way.

CONCLUSION

A path along Gilbert Street has been requested as part of the Safe Routes to School survey for Maylands Peninsula Primary School. The City assessed four concepts which have an impact on either the trees or the road geometry. The City is proposing to proceed with Option 4 (**Attachment 4**) for further detailed design and community consultation.









SCALE: 1:300

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1

ALL SIGNAGE AND LINE MARKING TO BE RETAINED UNLESS OTHERWISE INDICATED

SHEET 3 of 24
DRAWING NUMBER
19/24
AMENDMENT
A

10.5.1.2 Provision of Mid-block Signalised Crossing on Guildford Road, Maylands

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Guildford Road - Charles Street - Ferguson Street - Mid-block Pedestrian Crossing [9.2.1 - 1 page]

SUMMARY

The City has received numerous community requests for a safe crossing on Guildford Road in Maylands. In response, the City conducted an assessment and presented it to Main Roads WA (MRWA) for consideration and approval. MRWA requested that an overall connectivity strategy for Guildford Road be developed to justify the proposed crossing location, in alignment with the pedestrian strategy. The City has suggested a proposed crossing location and development of an overall connectivity strategy for Guildford Road for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:

1. Notes the progress undertaken to date in developing a signalised pedestrian crossing.
2. Supports the proposed location between Ferguson Street and Charles Street, shown in Attachment 1, as the preferred location for the signalised pedestrian crossing on Guildford Road, Maylands; and forwards this location and the Pedestrian Connectivity Strategy to Main Roads WA for consideration.
3. Notes that funding has not been allocated in the City's five-year capital works program for the pedestrian crossing in limb 2 above; and the City will explore opportunities to secure funding from the State Government or other funding bodies.

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

That Council:

1. Notes the progress undertaken to date in developing a signalised pedestrian crossing on Guildford Road.
2. Requests the City to:
 - (a) Further consider, in consultation with the Maylands Peninsula Primary School, the reasons and benefits behind the proposed location; and
 - (b) Investigate the potential for an alternative crossing closer to the Traylen Road intersection and present a report back to the Active Transport Advisory Committee.
3. Notes that funding has not been allocated in the City's Forward Capital Works Program for the pedestrian crossing in limb 2 above; and the City will explore opportunities to secure funding from the State Government or other funding bodies.
4. Requests the City to contact the Department of Transport with a request to review the LTCN for Maylands and Bayswater as a result of the closure of the Caledonian Avenue level crossing, and changes to the road network as a result of the new Bayswater Train Station and the removal of the footpath on Hotham Bridge.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: *Nil.*

BACKGROUND

The Maylands community has expressed a strong need for a signalised pedestrian crossing at Guildford Road. Through the Maylands Peninsula Primary School Safe Routes to School survey, there were 16 requests for a crossing, in addition to others received through the City's customer contact centre.

To evaluate the feasibility of the crossing, a traffic survey was conducted and a preliminary design was initiated. Following this, the City conducted a thorough assessment to address MRWA requirements. The proposed location of the crossing is between Ferguson Street and Charles Street, providing connectivity to various amenities such as a commercial precinct, a Buddhist temple, bus stops, Maylands Peninsula Primary School, and Gibbney Reserve. Pedestrian footpaths currently exist in the surrounding road network that provide connectivity to the crossing and adjacent amenities. A concept plan of the crossing is provided in **Attachment 1**.

A formal submission and review of the proposal was submitted to MRWA in August 2023. In late January 2024, MRWA notified the City that the proposed location did not meet the criteria outlined in the new MRWA Guidelines. The main issue was the pedestrian count, which fell short of the criterion specified by MRWA. Despite advice from the City about the lack of safe facilities for pedestrians on a four-lane undivided road, which affects the current low demand, MRWA's assessment remained unchanged.

Another significant criterion is the available gap in traffic for safe crossing. While there are enough gaps for a staged crossing to be undertaken, there are insufficient gaps for a non-controlled full crossing. Therefore, from a vehicular perspective, the crossing is warranted.

Furthermore, MRWA recommended the development of a comprehensive pedestrian connectivity strategy to strategically evaluate the placement of future crossings, and their relationship with pedestrian and vulnerable road user movement. The City will initiate this assessment along Guildford Road and furnish the findings to MRWA for further review and consideration, following discussions with the City's Active Transport Advisory Committee. This strategy aims to ensure safer and more accessible pathways for pedestrians and other road users, enhancing overall mobility and safety within the area.

EXTERNAL CONSULTATION

Consultation with MRWA was undertaken within the 2023/24 financial year and they have requested that an overall pedestrian strategy be considered and presented to support this proposal.

No community consultation with affected residents has been undertaken to date.

OFFICER'S COMMENTS

The proposed location was selected based on community requests and proximity to residential, recreational and mixed-use facilities. The location of the crossing is further restricted by the frequency of crossovers and the distance to side roads, where sufficient reaction time is required to accommodate turning traffic. It is also located relatively mid-block between the Garratt Road signals and the Falkirk Avenue signals.

Under the Perth and Peel Long Term Cycle Network (LTCN) endorsed by the Department of Transport, there are four routes which cross Guildford Road, west of Garratt Road intersection. These are shown on the figure below and are located as follows:

- Traylen Road – Local route
- Caledonian Avenue – Local route
- Eighth Avenue – Secondary route
- Third Avenue – Secondary route



The LTCN does not include details on what form of crossing types are to be provided, if any.

For the local LTCN route on Leake Street, no priority crossing has been provided across Guildford Road, due to the proximity of the King William Street intersection, as well as the mid-block signalised crossing near Roberts Street.

For the Traylen Road route, there is limited distance to accommodate a signalised crossing, while meeting the reaction time requirements and frequency of the crossovers.

For the Caledonian Avenue and the Eighth Avenue routes, both are located at or in the vicinity of existing traffic signals, hence would negate the need of installing new facilities.

For the Third Avenue route, a priority crossing may be challenging to accommodate due the frequency of crossovers along Guildford Road.

As such, even though the proposed crossing does not address any of the LTCN routes, its location is considered appropriate to address community needs.

The pedestrian connectivity study is an analysis aimed at understanding and improving the ease with which pedestrians can move within a specific area. It involves evaluating the current infrastructure, such as sidewalks, crossings, and pathways, to identify gaps or barriers that may hinder safe and efficient pedestrian movement. The study also considers factors like traffic patterns, safety concerns, and accessibility for all users, including those with disabilities. The study should tie in with existing and planned active transport infrastructure to enhance the overall walkability of the area, ensuring that pedestrians have safe, direct, and convenient routes to reach their destinations.

To accelerate the approval process for this crossing provision, the City can present MRWA with the above justification for the connectivity strategy for Guildford Road only, highlighting any additional crossings required, whether signalised or not. This approach should be applied to all major arterials where the City plans to request other signalised crossings. The City's overall strategy can map out the locations and types of all desired crossings, with implementation phased over the coming years.

LEGISLATIVE COMPLIANCE

Nil.

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods. SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets. SR04 - Inability to work collaboratively to engage and partner with the stakeholders to promote and advocate opportunities to live and invest.	

FINANCIAL IMPLICATIONS

The estimated cost for implementing a signalised crossing facility is generally in the vicinity of \$500,000, subject to site constraints, existing services, and a detailed design assessment.

However, these costs are not currently allocated in the City's budget, and there are no available grant programs to cover this facility. Therefore, the crossing cannot be accommodated in the immediate term. It may however be added to the advocacy plan to seek government funding for implementation.

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.

Theme: Leadership and Governance

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

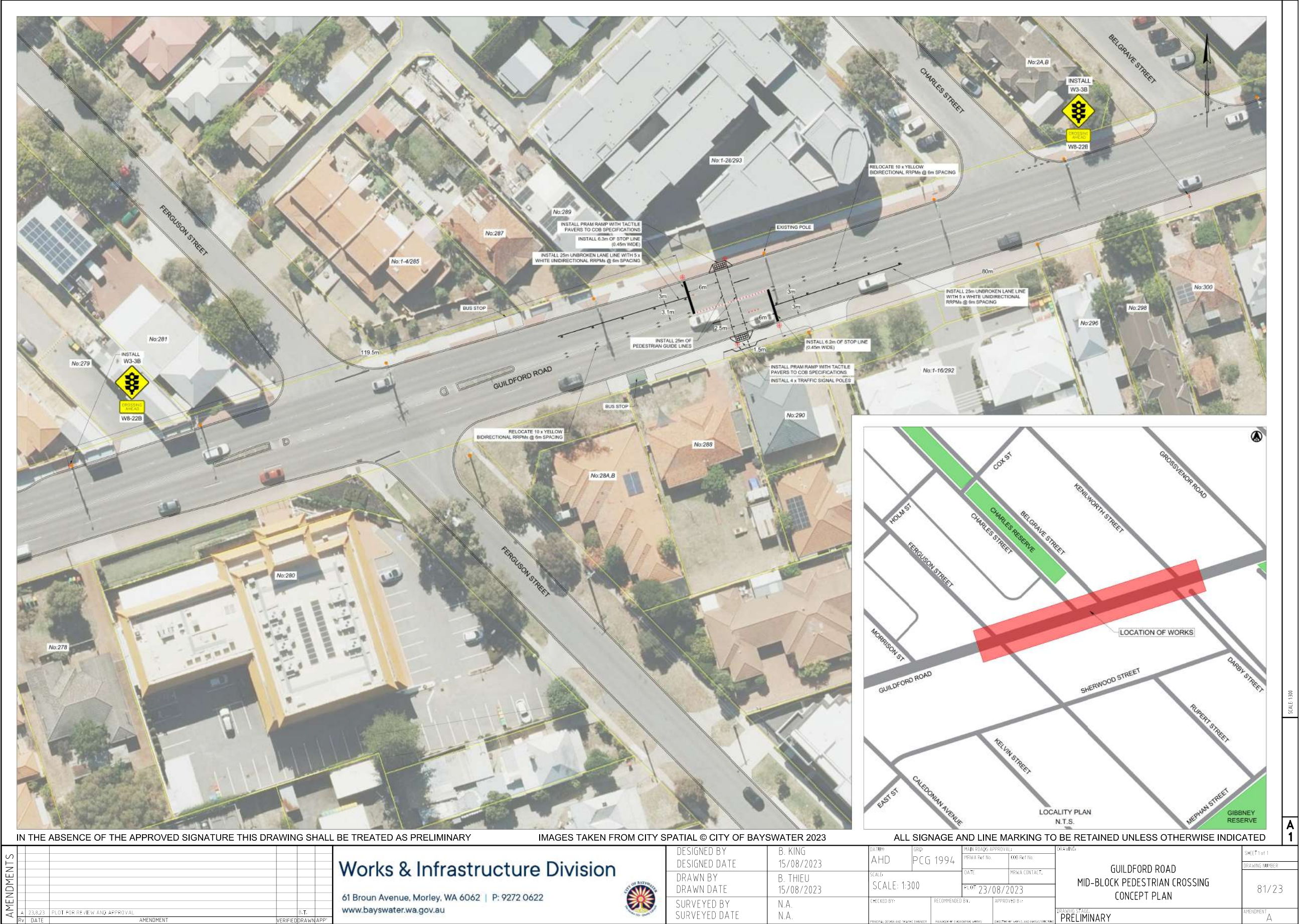
Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

Goal L3: Provide good customer service.

Respond to the needs of our community in a respectful and timely way.

CONCLUSION

The City has undertaken an assessment for the provision of a midblock signalised pedestrian crossing on Guildford Road, Maylands, which has been submitted to MRWA for consideration and approval. MRWA has requested the consideration of the overall Pedestrian Connectivity Strategy before approving the crossing and its location.



T:\CadJobs\2023\01 - 2023 - CURRENT\GUILDFORD RD (CHARLES ST & FERGUSON ST) - MIDBLOCK PED CROSSING 81-23\GUILDFORD RD (CHARLES ST & FERGUSON ST) - MIDBLOCK PED CROSSING 81-23.dwg, 23/08/2023 12:36:54 PM

10.5.1.3 Provision of Mobile Bicycle Racks for Events

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	Nil
Refer:	Item 10.1.3: OCM 30.04.2024

SUMMARY

At the City of Bayswater Annual General Meeting (AGM) held on 20 March 2024, a motion was raised requesting the City to explore the use of mobile bicycle racks at events, therefore encouraging attendees to use bicycles and other micro-mobility devices. At its Ordinary Meeting on 30 April 2024, Council referred this motion to the Active Transport Advisory Committee (ATAC) for further consideration and recommendations.

OFFICER'S RECOMMENDATION

That Council:

1. Notes the intent to purchase temporary bicycle racks that the City can install at City-organised events, when feasible.
2. Does not support an amendment of the City's Event Guidelines to mandate event organisers to provide bicycle racks at externally managed events.
3. Encourages event organisers to consider providing bicycle racks at externally managed events, where feasible.

COUNCIL RESOLUTION**(COMMITTEE RECOMMENDATION)**

That Council:

1. **Notes the intent to purchase temporary bicycle racks that the City can install at City-organised events, when feasible.**
2. **Requests the City to amend the Event Guidelines to encourage event organisers to consider providing bicycle racks at externally managed events, where feasible.**
3. **Requests the City to consider installing more permanent bike racks in parks or reserves that have frequent events such as Riverside Gardens, Bert Wright Park, The RISE, and Pat O'Hara Reserve.**

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: *Nil.*

BACKGROUND

As part of the 2024 AGM held on Wednesday 20 March 2024, motion 10 requested:

“That Council:

- 1. Purchase mobile bicycle racks suitable for securing a wide range of bicycle types and other micro-mobility devices (for example but not limited to, electric bikes, adult tricycles, children's bikes, cargo bikes, electric scooters).*
- 2. Commit to using said bicycle racks at City of Bayswater events where bicycle parking is likely to be needed and insufficient permanent bicycle parking is available.*
- 3. Offer said bicycle racks for hire at nominal rates to community groups organising events supported by or taking place in the City of Bayswater.*
- 4. Amend the City's Event Guidelines document to include explicit reference to providing bicycle parking.”*

The subsequent Officer's recommendation for this motion stated as follows:

“That Council:

- 1. Refers the provision of mobile bicycle racks for events to the City's Active Transport Advisory Committee (ATAC) for consideration and recommendation to Council; and*
- 2. Requests the Chief Executive Officer to consider embedding the provision of mobile bicycle racks into the City's events planning and assessment processes.”*

The Officer's recommendation was carried by Council at the Ordinary Meeting on 30 April 2024:

“That Council:

- 1. Notes the minutes of the Annual General Meeting of Electors (AGM) held on Wednesday, 20 March 2024 (Attachment 1).*
- 2. In accordance with section 5.33 of the Local Government Act 1995, having considered the motions of the Annual General Meeting of Electors held on Wednesday, 20 March 2024, adopts the Officers' Recommendations as contained in Attachment 2, excepting motions 5 and 6, 12 and 16.”*

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

To date, the City has provided bicycle racks at two out of four of its 2023/2024 community events. The first was installed at the Avon Descent Finish Line event on 13 August 2023; and at the City's Community Concert on 3 February 2024, where fencing was adapted to fulfill this requirement.

Most recently, at the Avon Descent on 11 August 2024, the City hired two bicycle racks from an external provider at a cost of \$615. The racks were well-received by the community at these events, with strong utilisation and positive feedback.



The City is seeking quotes from various suppliers to identify the most cost-effective and efficient bicycle racks that can be easily installed and relocated for future events. In evaluating these options, the City is considering several key factors, including the durability and portability of the racks, ease of installation, and the potential for quick setup and removal to accommodate various event sizes and locations.

In addition to using these mobile bicycle racks for City-hosted events, the City is considering the option of offering them for hire to external event organisers within the community, rather than requiring them to arrange their own. By offering this service, the City can extend the advantages of active transport beyond its own events, encouraging greater use of bicycles and micro-mobility devices throughout the City, while also keeping costs and requirements low when evaluating and approving external events.

The matter has been considered by the City's events team. It is recommended that the City does not amend its Events Guidelines document to mandate that external event organisers must hire or provide bicycle racks. Such a requirement may not be feasible for all events, particularly in cases where the associated costs could present a barrier. Imposing this obligation could place undue financial and logistical burdens on smaller events or those with limited budgets, potentially discouraging community participation. Instead, the City could offer optional support, such as providing access to rental bicycle racks at a reasonable cost, to encourage the use of active transport without making it a strict requirement.

LEGISLATIVE COMPLIANCE

Nil.

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low

Governance and Compliance	Low	Low
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods.	

FINANCIAL IMPLICATIONS

There are several types of types of mobile bicycle racks on the market available for purchase, ranging from \$60 to \$1,300 depending on the type, supplier, and the number of bicycles that can be accommodated. These can be funded through the operational budget for 2024/25 financial year to accommodate events within the year.

The financial implications will also include staff time to install and relocate the proposed racks.

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 C2: Celebrate multiculturalism, arts and culture by supporting local events and initiatives.
- Theme: Environment and Liveability
- Goal E3: Improve the City's walking and cycling network and create safer streets.
- 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.

CONCLUSION

Following a motion raised at the City of Bayswater Annual General Meeting on 20 March 2024, the City is considering the provision of mobile bicycle racks to promote the use of active modes of transport amongst event attendees. To move forward with this initiative, feedback is sought from the Committee on the City's plans to provide these racks at City events.

10.5.2 Policy Review and Development Committee - 30 September 2024**10.5.2.1 2024 Policy Review Schedule - Progress Report**

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

SUMMARY

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

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)

That Council:

1. Notes the progress of Policy Reviews against the 2024 Policy Review Schedule; and
2. Requests the *Grants Program Policy* be reviewed and submitted to the 25 November 2024 Policy Review and Development Committee for consideration.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

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

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

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

Policy Committee Meeting Date	Policy Name	Review Status	Comment
18 March 2024	Character Protection Areas	In Progress	The Council adopted this Policy for Public Advertising at its meeting of 23 July 2024. A

Policy Committee Meeting Date	Policy Name	Review Status	Comment
			further report on this policy will be brought to the PRDC at its meeting of 25 November 2024.
	Dinghy Management	Complete	This Policy was reviewed by the PRDC on 18 March 2024 and adopted by the Council at its 30 April 2024 meeting.
	Honorary Freeman of the City	Complete	This Policy was reviewed by the PRDC on 18 March 2024 and adopted by the Council at its 30 April 2024 meeting.
	Asset Management	Complete	This Policy was reviewed by the PRDC on 8 July 2024 and adopted by the Council at its 23 July 2024 Ordinary Meeting.
	Payments	Complete	This Policy was reviewed by the PRDC on 18 March 2024 and repealed by the Council at its 30 April 2024 meeting.
	Retaining Walls	In Progress	This Policy was reviewed by the PRDC on 18 March 2024 and adopted for advertising by the Council at its meeting of 30 April 2024. The final draft is presented in the agenda for this meeting.
	Private Trees	Complete	This policy was reviewed by the PRDC on 8 July 2024. The revised policy was adopted by the Council on 23 July 2024.
	Privacy	Rescheduled	Review of this Policy is to be delayed to align with the new Privacy and Responsible Information Sharing legislation, which is progressing through Parliament (the Second Reading speech was presented in the Legislative Council on 20 June 2024). The Department of the Premier and Cabinet has advised that the Bill will progress through Parliament by the end of the year with templates and model documents prepared for use in early 2025.
	Elected Members Allowances	Complete	The PRDC reviewed this Policy at its meeting of 18 March 2024. On 30 April 2024, the Council adopted the Committee's recommendation

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

Policy Committee Meeting Date	Policy Name	Review Status	Comment
30 September 2024	Official Photograph of Council	In Progress	This Policy is presented for review in the agenda for this meeting.
	Edible Pocket Gardens	In Progress	This Policy is presented for review in the agenda for this meeting.
	Civic Allowance Policy – Chief Executive Officer and Directors	In Progress	This Policy is presented for review in the agenda for this meeting.
	Home-Based Business Licensing	In Progress	This Policy is presented for review in the agenda for this meeting.
	Landscaping	In Progress	This Policy is presented for review in the agenda for this meeting.
	Graffiti Vandalism	In Progress	This Policy is presented for review in the agenda for this meeting.
	Purchase and Placement of Memorial Seats	Completed	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Telecommunications Infrastructure	In Progress	This Policy is presented for review in the agenda for this meeting.
	Significant Tree Register for Private Land (Policy and Guidelines)	In Progress	To be reviewed in conjunction with WALGA Model Local Planning Policy for Tree Retention
25 November 2024	Non- Residential Uses in Residential Zones	Not Started	
	Temporary and Minor Development	Not Started	
	Land Acquisition and Disposal	Not Started	
	Policy Governance	Completed	Review of this policy was brought forward to the July meeting of the PRDC, to incorporate the clauses from the Administrative Maintenance of Policies Policy. The revised policy was adopted by Council at its 23 July 2024 meeting.
	Construction Materials	Not Started	
	Attendance at Events	Not Started	
	Height Restriction - Neville Street, Bayswater	Not Started	

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

1. *Caretaker Election Period Policy*

Review of this policy is being brought forward to align with statewide local government caretaker period provisions, which came into effect on 1 July 2024.

2. *Cash Backed Reserves Policy*

At its Ordinary Meeting of 23 July 2024, the Council requested that the CEO include "*Principle 4 – 1% allocation of rates revenue being transferred to the Major Capital Works Reserve*" from the Strategic Budget Policy into the *Cash Back Reserve Policy* at its next review. The review of the Cash Back Reserve Policy is brought forward to ensure compliance with above resolution.

LEGISLATIVE COMPLIANCE

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

RISK MANAGEMENT CONSIDERATION

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

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

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

CONCLUSION

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

10.5.2.2 2025 Policy Review Schedule

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Policy Register [10.5.2.2.1 - 4 pages]
Refer:	Item 10.5.1.2 OCM: 12.12.2023

SUMMARY

This report presents a Policy Review Schedule for the 2025 calendar year for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the policy review schedule presented in Table 1 in this report for the 2025 calendar year.
2. Notes that the City will continue to provide quarterly progress updates on the progress of reviews against the Policy Review Schedule to the Policy Review and Development Committee.

COUNCIL RESOLUTION**(COMMITTEE RECOMMENDATION)**

That Council:

1. Adopts the policy review schedule presented in Table 1 in this report for the 2025 calendar year, subject to the deferral of the Payments to Independent Members of Advisory Committees Policy to the 2026 calendar year;
2. Notes that the City will continue to provide quarterly progress updates on the progress of reviews against the Policy Review Schedule to the Policy Review and Development Committee.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

At its Ordinary Council meeting of 12 December 2023, the Council adopted its Policy Review Schedule for 2024. The schedule set an ambitious target of 32 policies to be reviewed over 2024.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

The Policy Review and Development Committee (PRDC) and Council is on track to complete all policy reviews scheduled in 2024, excepting reviews of the Privacy Policy (for which review has

been delayed in anticipation of the enactment of Privacy and Responsible Information Sharing Legislation) and the Council Fleet Vehicle Policy (which has been delayed to align with the City's adopted Asset Management Plan and provide adequate time for the City's new Sustainability Officer to align the policy's provisions to the requirements of the City's Emissions Reduction and Renewable Energy Plan). The review of these two policies has been carried forward into the draft 2025 Policy Review Schedule, in Table 1, below.

At the close of the 2024 calendar year the majority the organisation's policies will be up to date with the schedule of review, as shown in the Policy register in **Attachment 1**. As the City is now on track with its policy reviews, it is recommended that policies be reviewed as they become due, meaning there will be a smaller number of policies for the PRDC and Council to review at each meeting.

The following Policy Review Schedule is suggested for the 2025 Calendar Year:

Table 1

PRDC Meeting	Policies to be Reviewed
Meeting 1 (Quarter 3, 2024/25)	1. Contract Management 2. Procurement 3. Maylands Residential Estate Design Guidelines 4. Breach of Lease 5. Council Vehicle Fleet Policy (carried over from 2024 Policy Review Schedule) 6. Privacy (carried over from the 2024 Policy Review Schedule)
Meeting 2 (Quarter 4, 2024/25)	1. Corporate Credit Card 2. Payment to Employees in Addition to a Contract or Award Provision 3. Corner Kirkham Hill Terrace and East Street 4. Payments to Independent Members of Advisory Committees 5. Footpath
Meeting 3 (Quarter 1, 2025/26)	1. Cyber Security 2. Complaint Management 3. Heritage Places 4. Community Facilities Lease and Licence User Agreement 5. Waivers, Concessions and Definitions for Fees and Charges
Meeting 4 (Quarter 2, 2025/26)	1. Financial Hardship 2. Elected Members Entitlements 3. Elected Members Request for Information 4. Community Engagement (review delayed to align with the Community Engagement Strategy) 5. Percentage for Public Art (review delayed to align with finalisation of the Public Art Strategy)

Please note:

1. No dates have been determined for the PRDC Meetings in 2025. A draft meeting schedule will be submitted for Council's consideration at the Ordinary Council Meeting of 19 November 2024.
2. The 2025 Policy Review Schedule includes all policies that are due for review. Policies that are not on the schedule may be brought forward for review or development during the year, based on unforeseen operational or strategic requirements.
3. The City will report on the progress of policy reviews at each quarterly meeting of the PRDC.

LEGISLATIVE COMPLIANCE

Section 2.7 of the *Local Government Act 1995* provides that it is the role of the Council to determine a local government's policies.

Policy Governance Policy.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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 presents a draft 2025 Policy Review Schedule for Council's consideration.

Policy Name	Purpose	Responsible branch	Date Adopted/ Reviewed	Risk/Criticality	Review Regularity (years)	Due for Review	Scheduled for Review	Comment
Character Protection Areas	Objective: To ensure that new development in Character Protection Areas is sympathetic with the character, rhythm, scale and visual amenity of existing residential streetscapes in the three Character Protection Areas.	Property and Economic Development	Sep-15	Low	4 yearly	Sep-19	Nov-24	Council approved for public advertising on 23 July 2024. Following this period, it will need to come back to a future Policy Committee and then to Council.
Percentage for Public Art	Relates to the provision of public art for development proposals and provides guidance on how and where the City of Bayswater will apply the policy to enhance and promote the public realm and streetscape. Applies to development \$1million or greater.	Property and Economic Development	Nov-17	Low	4 yearly	Nov-21	Q2, 2025/26	Waiting for Public Art Strategy to be finalised
Retaining Walls	To provide direction and clarity to developers and the community on the application of State Planning Policy 3.1 - Residential Design Codes (R-Codes) with regard to the design principles of elements 5.3.8 and 6.3.7 relating to retaining walls.	Property and Economic Development	Jul-18	Low	4 yearly	Jul-22	Sep-24	At 30 April 2024 Council Meeting, Council adopted the Policy for Public Advertising. Will need to come back to the Policy Committee and Council for final adoption.
Privacy	To ensure that any third party personal information held by the City of Bayswater (the City) is handled appropriately and that best practice privacy principles are maintained.	Governance and Strategy	Nov-18	Low	4 yearly	Nov-22	Q3, 2024/25	Review has been delayed to align with PRIS legislation.
Council Vehicle Fleet	The purpose of this policy is to ensure that the City maintains a suitable fleet of vehicles that contributes positively and effectively to the work performance of the City of Bayswater (the City).	Transport and Buildings	Mar-19	Low	4 yearly	Mar-23	Q3, 2024/25	Review delayed to align with adoption of Asset Management Plans and to provide adequate time for the City's new Sustainability Officer to align the policy's provisions to the requirements of the City's Emissions Reduction and Renewable Energy Plan
Official Photograph of Council	To provide information and a photographic record of the Elected Members and Senior Management staff who have served at the Council.	Governance and Strategy	May-19	Low	4 yearly	May-23	Sep-24	
Edible Pocket Gardens	To support residents using a portion of their local park as an 'edible pocket garden' to promote greening and sustainability initiatives throughout the City.	Parks and Environment	May-19	Low	4 yearly	May-23	Sep-24	
Civic Allowance Policy – Chief Executive Officer and Directors	The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by the Chief Executive Officer (CEO) and Directors in carrying out their rules.	People, Culture & Safety	May-19	Low	4 yearly	May-23	Sep-24	
Home-Based Business Licencing	This policy sets out the registration and annual licensing procedure that applies to home-based businesses.	Property and Economic Development	May-19	Low	4 yearly	May-23	Sep-24	
Landscaping (and Landscaping Guidelines)	To provide guidance on the minimum standards and expectations for landscaping associated with development applications.	Property and Economic Development	Jul-19	Low	4 yearly	Jul-23	Sep-24	
Graffiti Vandalism	To provide a service to clean, remove or cover incidents of graffiti vandalism in Bayswater. To provide guidelines for a multi-pronged campaign against this very visible form of vandalism.	Transport and Buildings	Jul-19	Low	4 yearly	Jul-23	Sep-24	
Telecommunications Infrastructure	To outline the requirements for providing telecommunications infrastructure in the City of Bayswater.	Property and Economic Development	Oct-19	Low	4 yearly	Oct-23	Sep-24	
Non-Residential Uses in Residential Zones	To guide the development of those non-residential uses that may be considered in the City of Bayswater's residential zones	Property and Economic Development	Feb-20	Low	4 yearly	Feb-24	Nov-24	
Temporary and Minor Development	Defines temporary and minor developments that are exempt from requiring development approval by the City of Bayswater.	Property and Economic Development	Feb-20	Low	4 yearly	Feb-24	Nov-24	
Land Acquisition and Disposal	To provide a framework to achieve the efficient and accountable retention, development, acquisition and disposal of City of Bayswater land and property for community benefit.	Property and Economic Development	Jun-20	Low	4 yearly	Jun-24	Nov-24	
Community Engagement	This Community Engagement Policy outlines the City of Bayswater's commitment to engaging with the community through the use of appropriate, effective and inclusive practices. The policy will guide the delivery of community and stakeholder engagement across the organisation to support decision-making, build relationships and strengthen the community's acceptance of outcomes.	Community Engagement	Aug-21	Moderate	3 yearly	Aug-24	Q2, 2025/26	To be reviewed in conjunction with the Community Engagement Strategy in 2025
Construction Materials	To provide guidance on the use of building materials other than brick, stone or concrete.	Property and Economic Development	Sep-20	Low	4 yearly	Sep-24	Nov-24	
Attendance at Events	The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions. This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the Local Government Act 1995 (WA) which requires all Local Governments to prepare and adopt an Attendance at Events Policy.	Governance and Strategy	Dec-21	Moderate	3 yearly	Dec-24	Nov-24	
Height Restriction - Neville Street, Bayswater	To ensure that development on a portion of the identified lots adjacent to the Regional Reserve are limited to a single storey, so that the scale of development creates a transition from the residential 6area to the north to the adjacent Parks and Recreation Reserve to the south.	Property and Economic Development	Dec-20	Low	4 yearly	Dec-24	Nov-24	
Contract Management	To support the City's Procurement Policy.	Financial Services	Jan-23	High	2 yearly	Jan-25	Q3, 2024/25	
Procurement	This policy demonstrates the City of Bayswater's commitment to the principles of transparency, probity and good governance in procurement practices and also provides guidance in ensuring full compliance with applicable legislation. The policy also provides for preference to be given wherever possible to sourcing of environmentally-sustainable products.	Financial Services	Jan-23	High	2 yearly	Jan-25	Q3, 2024/25	
Maylands Residential Estate Design Guidelines	To guide development on the identified lots to achieve consistent, site responsive built form in order to maintain local character and amenity.	Property and Economic Development	Feb-21	Low	4 yearly	Feb-25	Q3, 2024/25	
Breach of Lease	To provide a structured and consistent approach when dealing with breaches of Council's Community Lease and License/User Agreement terms.	Building Works	Mar-22	Moderate	3 yearly	Mar-25	Q3, 2024/25	
Corporate Credit Card	To set out the business practices for effective use of Corporate Credit Cards.	Financial Services	Mar-23	High	2 yearly	Mar-25	Q4, 2024/25	
Payment to Employees in Addition to a Contract or Award Provision	This policy sets out the circumstances in which the City of Bayswater (the City) will pay an employee who is ceasing employment at the City, an amount in addition to any amount to which the employees is entitled to under a contract of employment, industrial instrument, or as ordered by a Court or Tribunal and the matter of assessment of the additional amount. This Policy is to ensure compliance with Section 5.50 of the Local Government Act 1995, which requires all Local Governments to adopt a Policy relating to payment in addition to contact or award to employees who are leaving the Local Government.	People, Culture & Safety	Mar-23	High	2 yearly	Mar-25	Q4, 2024/25	
Footpath	To provide a consistent and transparent process for dealing with the construction of Footpaths and Cycleways within the road reserve under the care, control and management of the City of Bayswater.	Transport and Buildings	May-21	Low	4 yearly	May-25	Q4, 2024/25	

Policy Name	Purpose	Responsible branch	Date Adopted/Reviewed	Risk/Criticality	Review Regularity (years)	Due for Review	Scheduled for Review	Comment
Corner Kirkham Hill Terrace and East Street	To guide development on the identified lots to achieve consistent, site responsive built form in order to maintain local character and amenity.	Property and Economic Development	May-21	Low	4 yearly	May-25	Q4, 2024/25	
Payments to Independent Members of Committees and Advisory Groups Policy	This Policy prescribes the type and amount of payments for independent members of committees and advisory groups of the City of Bayswater.	Governance and Strategy	Jan-24	High	2 yearly	May-25	Q4, 2024/25	
Community Facilities Lease and Licence, User Agreement	To provide a structured and consistent approach to the management of Council's lease and licence/user agreements with not-for-profit organisations and sporting and recreational groups for the use of community facilities.	Transport and Buildings	Jun-22	Moderate	3 yearly	Jun-25	Q1, 2025/26	
Cyber Security	To protect the City of Bayswater's (the City) ICT assets and ensure cyber security best practice standards.	Digital Solutions and Services	Jul-23	High	2 yearly	Jul-25	Q1, 2025/26	
Complaint Management	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.	Community Development	Jul-23	High	2 yearly	Jul-25	Q1, 2025/26	
Heritage Places	To outline information, requirements and guidance in relation to entering, modifying or removing a place from the City of Bayswater Heritage List and/or Local Heritage Survey.	Property and Economic Development	Jul-21	Low	4 yearly	Jul-25	Q1, 2025/26	
Caretaker Election Period	To ensure compliance with the caretaker election period provisions in the Code of Conduct – Council Members and Committee Members 2018.	Governance and Strategy	Aug-21	Low	4 yearly	Aug-25	30-Sep-24	
Waivers, Concessions and Definitions for Fees and Charges	The City of Bayswater (the City) may waiver fees or grant concessions to support not-for-profit community groups and schools and to promote the City in a fair and equitable manner.	Financial Services	Sep-22	Moderate	3 yearly	Sep-25	Q1, 2025/26	
Elected Members Entitlements	To provide clarity around the entitlements available to Elected Members and determine the method and timing of payment to Elected Members in accordance with the <i>Local Government Act 1995</i> .	Governance and Strategy	30-Apr-24	Moderate	2 yearly following elections	Nov-25	Q2, 2025/26	*This policy replaced the Elected Members Allowances Policy, Elected Members Issue of Stationery and Equipment Policy, Elected Members Access to Civic Centre Policy, and Elected Members Attendance at Conferences, Seminars and Professional Development Policy.
Financial Hardship	This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.	Financial Services	Dec-21	Low	4 yearly	Dec-25	Q2, 2025/26	
Elected Members Request for Information	The City will respond to requests made by the Elected Members in a timely and professional manner in accordance with the details stipulated in this Policy.	Governance and Strategy	Dec-20	High	2 yearly	Dec-25	Q2, 2025/26	
Execution of Documents and Use of Common Seal	To establish procedures for affixing the City's common seal; and determining whether a document is executed by way of common seal or signed by an authorised employee.	Governance and Strategy	Jan-23	Moderate	3 yearly	Jan-26		
Code of Conduct Complaint Management Policy	To establish, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021 and the City of Bayswater Code of Conduct for Council Members, the procedure for dealing with Complaints about alleged Breaches of the behaviour requirements included in Division 3 of the City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates. To give effect to the City of Bayswater's commitment to an effective, transparent, fair and accessible Complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.	Governance and Strategy	Jan-24	High	Yearly	Feb-26		
Sponsorship of City Assets, Services and Activities	To document an effective organisational approach to seeking, considering and accepting offers for sponsorship of the City of Bayswater (City) assets, services or activities and to provide consistency across the organisation when seeking such sponsorship.	Project Services	Mar-22	Low	4 yearly	Mar-26		
Crossovers	To provide appropriate standard for the construction of crossovers in the City of Bayswater and to ensure the correct allocation of crossover subsidies as per schedule 9.1 (7) of the Local Government Act 1995.	Transport and Buildings	Mar-22	Low	4 yearly	Mar-26		
Risk Management	The City of Bayswater Risk Management Policy is an outline of the City's commitment to managing risks that may impact the City's strategies, goals or objectives.	Governance and Strategy	Mar-23	Moderate	3 yearly	Mar-26		
Electronic Attendance	This Policy establishes parameters for requests for electronic attendance at meetings and the expectations.	Governance and Strategy	Mar-23	Moderate	3 yearly	Mar-26		
Sustainability in Design	The purpose of the Sustainable In Design Policy is to provide guidance on sustainable design for new development to make the City of Bayswater a more climate change resilient and liveable City. The existing policy provides provisions relating to cool roofs and biophilic design.	Property and Economic Development	May-22	Low	4 yearly	May-26		
Senior and Executive Staff Attendance at Conferences, Seminars and Training	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.	Governance and Strategy	Jul-23	Moderate	3 yearly	Jul-26		
CCTV Management	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.	Rangers & Security	Jul-23	Moderate	3 yearly	Jul-26		
Integrated Planning and Reporting	This Policy establishes the City's commitment and approach to integrated planning and reporting (IPR).	Governance and Strategy	Jul-24	Moderate	3 yearly	Jul-27		
Significant Tree Register for Private Land (and Significant Tree Register for Private Land guidelines)	To provide guidance on including or removing a tree from the City of Bayswater Significant Tree Register on private land; and removing, destructing, interfering and/or maintaining a tree on the City of Bayswater Significant Tree Register for Private Land.	Property and Economic Development	Aug-22	Low	4 yearly	Aug-26	30-Sep-24	The following was resolved by the Council at its meeting on 30 April 2024: The Chief Executive Officer to present possible amendments, options and recommendations for changes to the Significant Tree Register Private Land
Sports Turf Maintenance	States the Council's position on consistent and equitable ways of providing specialist turf surfaces and more appropriately apportioning the costs of this to the recipient clubs.	Project Services	Sep-22	Low	4 yearly	Sep-26		
Loan Borrowing	To provide guidance for the prudent borrowing of funds to ensure: transparent and accountable decision-making by the City; and the City's financial resources are appropriately managed.	Financial Services	Oct-23	Moderate	3 yearly	Oct-26		
CEO Performance Review Policy	To provide guidance on the process to be followed in relation to the Chief Executive Officer's (CEO) performance review, to ensure that it is based on the principles of fairness, integrity and impartiality.	Governance and Strategy	Oct-22	Low	4 Yearly	Oct-26		
Fraud, Corruption and Integrity	This policy establishes the City of Bayswater's (the City) commitment to effective fraud and corruption risk management and the promotion of a culture of integrity.	Governance and Strategy	Oct-23	Moderate	3 yearly	Oct-26		*This policy replaced the Fraud and Corruption Policy and the Public Interest Disclosure Policy
Signage	To provide guidance on the display and erection of signs, to ensure that any signage relates to the uses, services and products on the site whilst maintaining the local amenity and public safety.	Property and Economic Development	Nov-22	Low	4 yearly	Nov-26		

Policy Name	Purpose	Responsible branch	Date Adopted/ Reviewed	Risk/Criticality	Review Regularity (years)	Due for Review	Scheduled for Review	Comment
Trees on Private Land and Street Verges	Outline the requirements for providing, maintaining, protecting and removing trees on private land and within the street verge.	Property and Economic Development	Nov-22	Low	4 yearly	Nov-26		
Media and Communications Policy	This policy details legislative obligations and establishes protocols for the City of Bayswater's official communications, and personal statements made by Elected Members and staff in the media.	Communications, Engagement and Customer Relations	Feb-24	Low	4 yearly	Nov-26		
Social Media Policy	The purpose of this policy is to establish guidelines around the use of social media, and the City's role in the management of City-owned social media channels.	Communications, Engagement and Customer Relations	Feb-24	Low	4 yearly	Nov-26		
Investment	The Investment Policy sets out the requirements for the management of the City's cash and investment portfolio.	Financial Services	Dec-23	Low	4 yearly	Nov-26		
Temporary Employment or Appointment of a CEO	To provide for the employment of a CEO for periods of less than one year, and to also provide for the appointment of one of the City's Directors as Acting CEO during any limited absences of the CEO.	Governance & Organisational Planning & Development	Jan-23	Low	4 yearly	Jan-27		
Sundry Debt Collection and Recovery	This policy states the Councils position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.	Financial Services	Mar-23	Low	4 yearly	Mar-27		
Anniversary Recognitions	To provide a guideline for when anniversary and birthdays of residents of the City of Bayswater are recognised.	Governance and Strategy	Mar-23	Low	4 yearly	Mar-27		
Extended Street Verge	This policy provides guidance on how residents can improve verge areas adjacent to land owned and / or managed by utility providers and State agencies.	Governance and Strategy	Mar-23	Low	4 yearly	Mar-27		
Heritage Fee Refund and Development	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.	Property and Economic Development	Jul-23	Low	4 yearly	Jun-27		
Grants Program	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.	Community Development	Jul-23	Low	4 yearly	Jul-27		
Volunteer	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	Community Development	Jul-23	Low	4 yearly	Jul-27		
Rates and Charges Collection	This policy outlines the City of Bayswater's position for efficient and effective collection of rates and charges and reimbursements.	Financial Services	Jul-23	Low	4 yearly	Jul-27		
Rates Exemption	To ensure a consistent and objective approach to rate exemptions under the Local Government Act 1995.	Financial Services	Jul-23	Low	4 yearly	Jul-27		
Elected Members Contact with Developers	To provide the highest standards of transparency and openness in town planning and development decision-making and to avoid perceptions of bias or undue influence.	Governance and Strategy	Jul-23	Low	4 yearly	Jul-27		
ICT Business Continuity	To ensure continuity of business in the event of failure or loss of primary ICT infrastructure.	Digital Solutions and Services	Jul-23	Low	4 yearly	Jul-27		
Use of City Information Resources	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.	Digital Solutions and Services	Jul-23	High	2 yearly	Jul-27		
Public Reserves - Management of Vegetation Adjacent to Private Property	To establish guidelines where Council may approve the pruning, removal and replacing of trees and other vegetation in public reserves.	Parks and Environment	Jul-23	Low	4 yearly	Jul-27		
Car Parking Dispensation	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.	Property and Economic Development	Jul-23	Low	4 yearly	Jul-27		
Naming of Buildings and Infrastructure	To provide a consistent approach for the naming of buildings, infrastructure and facilities	Property and Economic Development	Jul-23	Low	4 yearly	Jul-27		
Payment in Lieu of Carparking	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.	Property and Economic Development	Jul-23	Low	4 yearly	Jul-27		
Bedford North Design Guidelines	To guide development in the identified areas to achieve consistent, site responsive built form in order to maintain local character and amenity	Property and Economic Development	Jul-23	Low	4 yearly	Jul-27		
Cash-backed Reserves	To provide a strategic framework for the establishment and utilisation of Financial (Cash-Backed) Reserves.	Financial Services	Oct-23	Low	4 yearly	Oct-27		
People, Culture and Safety	This policy sets out the human resources principles and expectations as it relates to the management of employees.	People, Culture & Safety	Oct-23	Low	4 yearly	Oct-27		*This policy replaced the Equal Opportunity, OSH and Drugs and Alcohol Policies
Urban Tree Planting and Maintenance	To provide guidelines for the management of trees within parks and road reserves in the City of Bayswater.	Parks and Environment	Apr-24	Moderate	3 yearly	Apr-28		
Dinghy Management	This policy states Council's position on private dinghy storage on river foreshore reserves, under its care and control.	Parks and Environment	Apr-24	Low	4 yearly	Apr-28		Adopted by Council at its meeting of 30 April 2024.
Honorary Freeman of the City	To provide appropriate recognition to residents and other individuals who have served the Bayswater community with distinction.	Governance and Strategy	Apr-24	Low	4 yearly	Apr-28		Adopted by Council at its meeting of 30 April 2024.
Neighbouring Trees Complaint (formerly Private Trees Policy)	To provide guidance with regards to complaints regarding trees within neighbouring private property that may be or have a high likelihood of causing damage to adjoining private property and actions that can be taken by the City in accordance with Schedule 3.1 - Section 3.25, 3.26, and Schedule 3.2, Section 3.27 (7) of the Local Government Act 1995.	Parks and Environment	Jul-24	Low	4 yearly	Jul-28	Jun-24	
Funding and the Provision of in kind Support for Minor works for Public and Private Schools within the City of Bayswater	To provide guidelines for the provision of funding and/or in kind support for minor works for public and private schools within the City of Bayswater which are publically accessible outside of school hours or where covered by a separate agreement.	Project Services	Jul-24	Low	4 yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.
Street Verges	To outline the requirements for providing, maintaining, protecting and removing trees on private land and the street verge during the development of land or residential subdivision in the City of Bayswater.	Parks and Environment	Jul-24	Low	4 yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.
Requirement to Hold Working with Children Check	To document the requirement for hirers of Council facilities and organisations/individuals who participate in City functions, events or services involving child related activities to demonstrate that they have complied with the Working with Children (Criminal Record Checking) Act 2004.	Recreation Services	Jul-24	Low	4 yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.
Directional Signs	To outline the City of Bayswater's position in regard to directional signage provided by the City of Bayswater at the applicant's cost for businesses and facilities within the City of Bayswater, with the view to provide direction whilst restricting the spread of signs and reducing the likelihood of traffic hazard along the City of Bayswater's verges or median strips.	Transport and Buildings	Jul-24	Low	4 yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.
Contribution to Common Fences	To clearly state the City of Bayswater's financial contribution towards the costs associated with the provisions of a new and or repairs to an existing fence that abuts a reserve or land owned or controlled by the City.	Parks and Environment	Jul-24	Low	4 yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.

Policy Name	Purpose	Responsible branch	Date Adopted/ Reviewed	Risk/Criticality	Review Regularity (years)	Due for Review	Scheduled for Review	Comment
Asset Management	The key objective of this Asset Management (AM) policy is to ensure that services delivered by the City continue to be sustainably delivered by ensuring that the assets are managed in a systematic approach that optimises their performance and expenditures over their life cycle for the purpose of achieving the City's Strategic Community Plan. It will also provide clear direction as to how the City, as custodians of community assets, will manage those assets within an Asset Management Framework.	Assets	Jul-24	Moderate	3 Yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.
Purchase and Placement of Memorial Seats	This policy states the Council's position on additional public seating throughout the City and the placement of memorials to deceased loved ones on this seating.	Parks and Environment	Jul-24	Low	4 yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.
Policy Governance	This policy sets out principles and expectations for the development and management of Council's policies.	Governance and Strategy	Jul-24	Low	3 yearly	Jul-28		Council adopted the revised Policy at its meeting of 23 July 2024.
Child Safe Awareness	This Child Safe Awareness policy is one of the ways the City of Bayswater demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse. This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The City of Bayswater is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.	Recreation Services	Jul-24	Low	4 yearly	Jul-28		Council adopted this Policy at its meeting of 23 July 2024.

10.5.2.3 Policy Review: Cash Backed Reserves

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Current Policy [10.5.2.3.1 - 3 pages] 2. Current Policy with Tracked Changes [10.5.2.3.2 - 3 pages] 3. Draft Cash Back Reserves Policy [10.5.2.3.3 - 2 pages]
Refer:	Item 10.5.1.16 OCM 23.7.2024

SUMMARY

This item is requested for review, following Council resolution from 23 July Ordinary Council Meeting that the 'CEO to consider "Principle 4 – 1% allocation of rates revenue being transferred to the Major Capital Works Reserve" within the *Strategic Budget Policy* being included into the *Cash Back Reserve Policy*.'

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

That Council adopts the revised *Cash Backed Reserves Policy*, as contained in Attachment 3 to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

The *Cash Backed Reserves Policy* (the policy) was designed to provide a strategic framework for the establishment and utilisation of financial (cash-backed) reserves as well as providing the community with additional transparency and confidence in how City funds are managed.

The policy requires the establishment of reserves for known or predicted liabilities, or where it is prudent to set aside funds for specific purpose expenditure in future years. Reserves will help meet future needs and mitigate financial pressures during challenging economic times, as well as facilitate planning for major works.

The recent reserve review conducted as part of the 2024/25 Annual Budget has consolidated several reserves consistent with the requirements of the current policy and has considered compliance, asset management and future known liabilities (expenditure).

The current policy is still very relevant having been recently reviewed, with the only change recommended being the addition of the 'one percent of expected rates revenue expected to be levied to be set aside and transferred to the Major Capital Works Reserve as part of the annual budget process.' This requirement has been transferred from the former '*Strategic Budget Policy*'.

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 *Cash Backed Reserves Policy*:

Revision	Rationale
The addition of the 'one percent of expected rates revenue expected to be levied to be set aside and transferred to the Major Capital Works Reserve as part of the annual budget process.	This item was previously listed in the <i>Strategic Budget Policy</i> , with the other key items of that policy transferred to the <i>Integrated Planning and Reporting Policy</i> (IPRP). The <i>Cash Backed Reserves Policy</i> is a more logical policy to include this item.

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

A copy of the revised policy, with amendments included, is provided in **Attachment 2**.

The updated policy is provided in **Attachment 3**.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995*:
Section 6.2(4) (e) – Reserve particulars to be disclosed in the Annual Budget.
Section 6.11 – Establishment and changes in purpose or use of a reserve.
Section 6.38 – Service charges to be placed in reserve.
- *Local Government (Financial Management) Regulations 1996*:
Regulation 17 – Reserve title and reserve purpose.
Regulation 18 – Public notice to change use of reserve not required.
Regulation 27(g) – Disclosure within the notes to the Annual Budget disclosures.
Regulation 38 – Disclosure within the notes to the Annual Financial Report.

The use of reserve funds is firmly controlled through the *Local Government Act 1995* and associated Regulations.

RISK ASSESSMENT

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

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

FINANCIAL IMPLICATIONS

The financial implications associated with this policy are about establishing and utilising reserve funds properly and in accordance with the policy to ensure they provide support to relevant projects as part of the annual budget process.

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 endorses the revised *Cash Backed Reserves Policy*.

Cash-Backed Reserves Policy



Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	All Branches
Document Ref	3673346

Purpose

To provide a strategic framework for the establishment and utilisation of Financial (Cash-Backed) Reserves.

Policy Statement

Reserves will be established for known or predicted liabilities, or where it is prudent to set aside funds for specific purpose expenditure in future years.

Council will support the establishment of reserves in the following categories:

1. To comply with the requirements of legislation or other contractual requirements;
2. Minimising in any one year the financial impact of major asset purchases or other significant non-recurrent expenditure;
3. Risk mitigation and strategic opportunities that minimise the impact on the City's operations in any one year from unanticipated financial risks, and provide funds to take advantage of opportunities that arise that are aligned to strategic directions;
4. Provide for a known liability listed in the Long-Term Financial Plan (LTFP) or is predicted to be incurred beyond the period of the LTFP and is of a magnitude warranting accumulation over the extended period;
5. Fund a future debt repayment liability.

Reserves will be managed as follows:

1. Interest earned on deposits in reserves shall be aggregated into the specific Reserve, to maximise the growth in the balance.
2. When the purpose for a specific reserve is complete, any residual funds will be considered to be applied towards another purpose in the Annual Budget or in accordance with the requirements of Section 6.11(2) of the *Local Government Act 1995*.
3. All transfers to and from reserves shall be reflected in the Annual Budget and Long-Term Financial Plan.

Scope

This Policy applies to all cash-backed reserves. Reserves are funds retained to help meet future needs and mitigate financial pressures during challenging economic times, as well as facilitate planning for major works in the future. Reserves are an important funding strategy to help balance the current needs with the future needs of the community.

Reserves are typically created as long-term savings plans for future major expenditure which cannot be managed in a single budgetary year. The use of reserves is restricted by the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, and each reserve is required to be established with a clearly defined purpose.

Definitions

- Act means the *Local Government Act 1995*
- Regulations means the *Local Government (Financial Management) Regulations 1996*

Related Legislation

- *Local Government Act 1995*
 - Section 6.2(4) (e) – Reserve particulars to be disclosed in the Annual Budget
 - Section 6.11 – Establishment and changes in purpose or use of a reserve
 - Section 6.38 – Service charges to be placed in reserve
- *Local Government (Financial Management) Regulations 1996*
 - Regulation 17 – Reserve title and reserve purpose
 - Regulation 18 – Public notice to change use of reserve not required
 - Regulation 27(g) – Disclosure within the notes to the Annual Budget disclosures
 - Regulation 38 – Disclosure within the notes to the Annual Financial Report

Evaluation and Review Provisions

The effect of the adopted policy will be re-evaluated annually as part of the Annual Budget process. The need for new reserves and the acquittal of existing will be documented and put for adoption to Council. The effectiveness of this policy will be measured by the adequate provision of cash-backed reserves to provide funding for the future capital needs of the City. If there are any significant changes to the Act, regulations or issued guidelines that warrant an earlier examination, the policy will be reviewed and referred to Council for further consideration.

Related Documentation

Strategic Budget Policy

Relevant Delegations

Risk Evaluation	Low
Council Adoption	26 May 2020
Review/Modified	Insert Date
Review/Modified	Insert Date
Review/Modified	Insert Date

Cash-Backed Reserves Policy



Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	All Branches
Document Ref	3673346

Purpose

To provide a strategic framework for the establishment and utilisation of Financial (Cash-Backed) Reserves.

Policy Statement

Reserves will be established for known or predicted liabilities, or where it is prudent to set aside funds for specific purpose expenditure in future years.

Council will support the establishment of reserves in the following categories:

1. To comply with the requirements of legislation or other contractual requirements;
2. Minimising in any one year the financial impact of major asset purchases or other significant non-recurrent expenditure;
3. Risk mitigation and strategic opportunities that minimise the impact on the City's operations in any one year from unanticipated financial risks, and provide funds to take advantage of opportunities that arise that are aligned to strategic directions;
4. Provide for a known liability listed in the Long-Term Financial Plan (LTFP) or is predicted to be incurred beyond the period of the LTFP and is of a magnitude warranting accumulation over the extended period;
5. Fund a future debt repayment liability.

Reserves will be managed as follows:

1. Interest earned on deposits in reserves shall be aggregated into the specific Reserve, to maximise the growth in the balance.
2. When the purpose for a specific reserve is complete, any residual funds will be considered to be applied towards another purpose in the Annual Budget or in accordance with the requirements of Section 6.11(2) of the *Local Government Act 1995*.
3. All transfers to and from reserves shall be reflected in the Annual Budget and Long-Term Financial Plan.
- 3.4. One percent of the rates revenue expected to be levied to be set aside and transferred to the Major Capital Works Reserve as part of the annual budget process.

Scope

This Policy applies to all cash-backed reserves. Reserves are funds retained to help meet future needs and mitigate financial pressures during challenging economic times, as well as facilitate planning for major works in the future. Reserves are an important funding strategy to help balance the current needs with the future needs of the community.

Reserves are typically created as long-term savings plans for future major expenditure which cannot be managed in a single budgetary year. The use of reserves is restricted by the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996, and each reserve is required to be established with a clearly defined purpose.

Definitions

- Act means the *Local Government Act 1995*
- Regulations means the *Local Government (Financial Management) Regulations 1996*

Related Legislation

- *Local Government Act 1995*
 - Section 6.2(4) (e) – Reserve particulars to be disclosed in the Annual Budget
 - Section 6.11 – Establishment and changes in purpose or use of a reserve
 - Section 6.38 – Service charges to be placed in reserve
- *Local Government (Financial Management) Regulations 1996*
 - Regulation 17 – Reserve title and reserve purpose
 - Regulation 18 – Public notice to change use of reserve not required
 - Regulation 27(g) – Disclosure within the notes to the Annual Budget disclosures
 - Regulation 38 – Disclosure within the notes to the Annual Financial Report

Evaluation and Review Provisions

The effect of the adopted policy will be re-evaluated annually as part of the Annual Budget process. The need for new reserves and the acquittal of existing will be documented and put for adoption to Council. The effectiveness of this policy will be measured by the adequate provision of cash-backed reserves to provide funding for the future capital needs of the City. If there are any significant changes to the Act, regulations or issued guidelines that warrant an earlier examination, the policy will be reviewed and referred to Council for further consideration.

Related Documentation

[Strategic Budget Integrated Planning and Reporting Policy](#)

Relevant Delegations

Risk Evaluation	Low
Council Adoption	26 May 2020
Review/Modified	31 October 2023

tracked changes



Cash-Backed Reserves Policy

Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	All Branches
Document Ref	3673346

Purpose

To provide a strategic framework for the establishment and utilisation of Financial (Cash-Backed) Reserves.

Policy Statement

Reserves will be established for known or predicted liabilities, or where it is prudent to set aside funds for specific purpose expenditure in future years.

Council will support the establishment of reserves in the following categories:

1. To comply with the requirements of legislation or other contractual requirements;
2. Minimising in any one year the financial impact of major asset purchases or other significant non-recurrent expenditure;
3. Risk mitigation and strategic opportunities that minimise the impact on the City's operations in any one year from unanticipated financial risks, and provide funds to take advantage of opportunities that arise that are aligned to strategic directions;
4. Provide for a known liability listed in the Long-Term Financial Plan (LTFP) or is predicted to be incurred beyond the period of the LTFP and is of a magnitude warranting accumulation over the extended period;
5. Fund a future debt repayment liability.

Reserves will be managed as follows:

1. Interest earned on deposits in reserves shall be aggregated into the specific Reserve, to maximise the growth in the balance.
2. When the purpose for a specific reserve is complete, any residual funds will be considered to be applied towards another purpose in the Annual Budget or in accordance with the requirements of Section 6.11(2) of the *Local Government Act 1995*.
3. All transfers to and from reserves shall be reflected in the Annual Budget and Long-Term Financial Plan.
4. One percent of the rates revenue expected to be levied to be set aside and transferred to the Major Capital Works Reserve as part of the annual budget process.

Scope

This Policy applies to all cash-backed reserves. Reserves are funds retained to help meet future needs and mitigate financial pressures during challenging economic times, as well as facilitate planning for major works in the future. Reserves are an important funding strategy to help balance the current needs with the future needs of the community.

Reserves are typically created as long-term savings plans for future major expenditure which cannot be managed in a single budgetary year. The use of reserves is restricted by the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, and each reserve is required to be established with a clearly defined purpose.

Definitions

- Act means the *Local Government Act 1995*
- Regulations means the *Local Government (Financial Management) Regulations 1996*

Related Legislation

- *Local Government Act 1995*
Section 6.2(4) (e) – Reserve particulars to be disclosed in the Annual Budget
Section 6.11 – Establishment and changes in purpose or use of a reserve
Section 6.38 – Service charges to be placed in reserve
- *Local Government (Financial Management) Regulations 1996*
Regulation 17 – Reserve title and reserve purpose
Regulation 18 – Public notice to change use of reserve not required
Regulation 27(g) – Disclosure within the notes to the Annual Budget disclosures
Regulation 38 – Disclosure within the notes to the Annual Financial Report

Evaluation and Review Provisions

The effect of the adopted policy will be re-evaluated annually as part of the Annual Budget process. The need for new reserves and the acquittal of existing will be documented and put for adoption to Council. The effectiveness of this policy will be measured by the adequate provision of cash-backed reserves to provide funding for the future capital needs of the City. If there are any significant changes to the Act, regulations or issued guidelines that warrant an earlier examination, the policy will be reviewed and referred to Council for further consideration.

Related Documentation

Integrated Planning and Reporting Policy

Relevant Delegations

Risk Evaluation	Low
Council Adoption	26 May 2020
Review/Modified	30 September 2024 TBA

10.5.2.4 Policy Review: Graffiti Vandalism

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Graffiti Vandalism Policy - Current [9.4.1 - 3 pages] 2. Graffiti Vandalism Policy - Current with Tracked Changes [9.4.2 - 2 pages] 3. Graffiti Vandalism Policy - Revised Policy [9.4.3 - 2 pages]

SUMMARY

For Council to consider amending the *Graffiti Vandalism Policy* to reflect organisational realignment changes.

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

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

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

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

Against: Nil.

BACKGROUND

The *Graffiti Vandalism Policy* (the policy) (Attachment 1) was adopted by Council in 2003 to take a more proactive approach to the removal of graffiti around the City. The City has an annual budget of \$249,446 and tackles between 3,500 to 3,800 incidents of graffiti per annum, with most graffiti removed within 48 hours.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

The policy provides clear guidelines on where graffiti can be removed and where the City is willing to remove graffiti (for instance, along boundary fences abutting roads) that may be viewed as the responsibility of the private owner. The policy also provides demarcation from requests to go inside vacant lots and premises that are derelict, for example.

It should be noted that City employees only remove graffiti that can be safely reached whilst working at ground level.

The following revisions are proposed to the *Graffiti Vandalism Policy*:

Revision	Rationale
Business Unit / Division Responsibility	To reflect organisational alignment changes effective 1 July 2023.

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

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

LEGISLATIVE COMPLIANCE

Local Government Act 1995.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

The 2024-25 Budget has an allocation of \$249,446 for graffiti removal.

STRATEGIC IMPLICATIONS

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

Theme: Community

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

Theme: Leadership and Governance

Goal L3: Provide good customer service.

Respond to the needs of our community in a respectful and timely way.

CONCLUSION

The policy provides clear guidelines for the removal of graffiti and without the policy, the boundaries could become unclear, therefore exposing the City to potential additional costs and insurance liability issues. Therefore, it is recommended that Council endorses the revised *Graffiti Vandalism Policy*.

Graffiti Vandalism Policy



Responsible Division	Works and Infrastructure
Responsible Business Unit/s	Engineering Works
Responsible Officer	Manager Engineering Works
Affected Business Unit/s	Engineering Works
Document Ref	3369461

Purpose

To provide a service to clean, remove or cover incidents of graffiti vandalism in Bayswater. To provide guidelines for a multi-pronged campaign against this very visible form of vandalism.

Policy Statement

The City will provide a graffiti response service to the ratepayers of Bayswater subject to the following:

1. The City will clean, remove or cover all graffiti on buildings, fences and structures that:
 - are within or constitute boundaries of all reserves under the care and control of the City of Bayswater including but not exclusively parks, reserves, public access ways and road reserves.
 - form an external perimeter to a property which does not necessarily align with the property boundary common to a reserve.
 - are on private property where the owners demonstrate difficulty achieving removal of graffiti.
 - are incidents of graffiti vandalism which the Chief Executive Officer requires removing.
 - can be readily removed by City staff working at ground level.
2. Where the graffitied property does not comply with the above, the owner will be requested to remove the graffiti as soon as practically possible.
3. Where the structure is a fence, wall or building on a shared boundary with a private property or reserve or is within the private property or reserve under the care and control of another authority, the adjacent landowner must provide permission for the graffiti response to be carried out prior to the cleaning, removing or covering activity.
4. Where the structure is a fence, wall or building on a shared boundary with private property or reserve or is within the private property or reserve under the care and control of another authority the adjacent landowner will indemnify the City against all actions, claims, damages, costs and expenses whatsoever resulting from the graffiti response activity. Note: this does not include workers compensation cover of City officers or Councillors.

5. The administration will keep photographic records of all graffiti incidents. These will be forwarded to the Police Service where necessary.
6. The graffiti response team will endeavour to respond to all reported incidents of graffiti vandalism within 24 hours of notification and written permission to respond.
7. Where information leads to a successful prosecution of a graffiti vandal the informant is eligible for a \$500 reward.
8. The Council will work with and support relevant State Government, and community based agencies and groups, to address the issue of graffiti vandalism. Examples may include educational programs aimed at schools and the general community or media campaigns to:
 - Reduce the incidents of graffiti;
 - Report incidents to the City and/or Police; and
 - Encourage quick removal to ensure the surrounds remain aesthetically pleasing and the community is viewed as safe.

Definitions

Nil

Related Legislation

Nil

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption	23 July 2003
Review/Modified	28 February 2006
Review/Modified	15 March 2016
Review/Modified	9 April 2019

Graffiti Vandalism Policy



Responsible Division	~~Works and~~ Infrastructure <u>and Assets</u>
Responsible Business Unit/s	~~Engineering Works~~ <u>Transport and Buildings</u>
Responsible Officer	Manager ~~Engineering Works~~ <u>Transport and Buildings</u>
Affected Business Unit/s	~~Engineering Works~~ <u>Transport and Buildings</u>
Document Ref	3369461

Purpose

To provide a service to clean, remove or cover incidents of graffiti vandalism in Bayswater. To provide guidelines for a multi-pronged campaign against this very visible form of vandalism.

Policy Statement

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1. The City will clean, remove or cover all graffiti on buildings, fences and structures that:
 - are within or constitute boundaries of all reserves under the care and control of the City of Bayswater including but not exclusively parks, reserves, public access ways and road reserves.
 - form an external perimeter to a property which does not necessarily align with the property boundary common to a reserve.
 - are on private property where the owners demonstrate difficulty achieving removal of graffiti.
 - are incidents of graffiti vandalism which the Chief Executive Officer requires removing.
 - can be readily removed by City staff working at ground level.
2. Where the graffitied property does not comply with the above, the owner will be requested to remove the graffiti as soon as practically possible.
3. Where the structure is a fence, wall or building on a shared boundary with a private property or reserve or is within the private property or reserve under the care and control of another authority, the adjacent landowner must provide permission for the graffiti response to be carried out prior to the cleaning, removing or covering activity.
4. Where the structure is a fence, wall or building on a shared boundary with private property or reserve or is within the private property or reserve under the care and control of another authority the adjacent landowner will indemnify the City against all actions, claims, damages, costs and expenses whatsoever resulting from the graffiti response activity. Note: this does not include workers compensation cover of City officers or Councillors.
5. The administration will keep photographic records of all graffiti incidents. These will be forwarded to the Police Service where necessary.

6. The graffiti response team will endeavour to respond to all reported incidents of graffiti vandalism within 24 hours of notification and written permission to respond.
7. Where information leads to a successful prosecution of a graffiti vandal the informant is eligible for a \$500 reward.
8. The Council will work with and support relevant State Government, and community based agencies and groups, to address the issue of graffiti vandalism. Examples may include educational programs aimed at schools and the general community or media campaigns to:
 - Reduce the incidents of graffiti;
 - Report incidents to the City and/or Police; and
 - Encourage quick removal to ensure the surrounds remain aesthetically pleasing and the community is viewed as safe.

Definitions

Nil

Related Legislation

Nil

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption	23 July 2003

Review/Modified	28 February 2006

Review/Modified	15 March 2016

Review/Modified	9 April 2019



Graffiti Vandalism Policy

Responsible Division	Infrastructure and Assets
Responsible Business Unit/s	Transport and Buildings
Responsible Officer	Manager Transport and Buildings
Affected Business Unit/s	Transport and Buildings
Document Ref	

Purpose

To provide a service to clean, remove or cover incidents of graffiti vandalism in Bayswater. To provide guidelines for a multi-pronged campaign against this very visible form of vandalism.

Policy Statement

The City will provide a graffiti response service to the ratepayers of Bayswater subject to the following:

1. The City will clean, remove or cover all graffiti on buildings, fences and structures that:
 - are within or constitute boundaries of all reserves under the care and control of the City of Bayswater including but not exclusively parks, reserves, public access ways and road reserves.
 - form an external perimeter to a property which does not necessarily align with the property boundary common to a reserve.
 - are on private property where the owners demonstrate difficulty achieving removal of graffiti.
 - are incidents of graffiti vandalism which the Chief Executive Officer requires removing.
 - can be readily removed by City staff working at ground level.
2. Where the graffitied property does not comply with the above, the owner will be requested to remove the graffiti as soon as practically possible.
3. Where the structure is a fence, wall or building on a shared boundary with a private property or reserve or is within the private property or reserve under the care and control of another authority, the adjacent landowner must provide permission for the graffiti response to be carried out prior to the cleaning, removing or covering activity.
4. Where the structure is a fence, wall or building on a shared boundary with private property or reserve or is within the private property or reserve under the care and control of another authority the adjacent landowner will indemnify the City against all actions, claims, damages, costs and expenses whatsoever resulting from the graffiti response activity. Note: this does not include workers compensation cover of City officers or Councillors.



Graffiti Vandalism Policy

5. The administration will keep photographic records of all graffiti incidents. These will be forwarded to the Police Service where necessary.
6. The graffiti response team will endeavour to respond to all reported incidents of graffiti vandalism within 24 hours of notification and written permission to respond.
7. Where information leads to a successful prosecution of a graffiti vandal the informant is eligible for a \$500 reward.
8. The Council will work with and support relevant State Government, and community based agencies and groups, to address the issue of graffiti vandalism. Examples may include educational programs aimed at schools and the general community or media campaigns to:
 - Reduce the incidents of graffiti;
 - Report incidents to the City and/or Police; and
 - Encourage quick removal to ensure the surrounds remain aesthetically pleasing and the community is viewed as safe.

Definitions

Nil

Related Legislation

Nil

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption	23 July 2003
Review/Modified	28 February 2006
Review/Modified	15 March 2016
Review/Modified	9 April 2019

10.5.2.5 Policy Review: Edible Pocket Gardens

Responsible Branch:	Parks and Environment
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Current Edible Pocket Gardens Policy [9.5.1 - 2 pages]

SUMMARY

For Council to consider repealing the City of Bayswater *Edible Pocket Gardens Policy*.

OFFICER'S RECOMMENDATION

That Council repeals the *Edible Gardens Policy* as contained in Attachment 1 to this Report.

COUNCIL RESOLUTION**(COMMITTEE RECOMMENDATION)**

That Council:

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

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

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

Currently, the policy allows residents to apply (via an application form) to use a small section of their local park or reserve to grow edible pocket gardens.

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

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

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

Upon reviewing policies from surrounding metropolitan councils, it was found that most have a Community Garden Policy rather than a Pocket Garden Policy.

The City's current policy is based on a resident request system, which can be for individuals or groups. It does not include the installation of dedicated infrastructure such as fencing, raised garden beds, or irrigation modifications, and must fit within the confines of the park and be managed by the applicant.

A proposed Community Gardens Policy can be dedicated to local incorporated not-for-profit community-based groups, with the primary function of producing food for the gardeners, members, and the community. Community gardens are community-led spaces on a piece of land, which can either be based on a shared model where planting and harvesting are carried out communally, or on an allotment model where individuals are allocated a space within the garden to cultivate produce for their own use or for sharing and swapping with other gardeners.

The community garden will be a community-managed, multifunctional garden space that can provide a wide range of environmental, social, and economic benefits.

The City will be required to approve a suitable location, create a site management agreement with the community group, and assess and approve all plans and proposals for the site, such as raised garden beds, fencing, and dedicated irrigation connections (scheme water with separate meter), as well as the management of the site.

Community gardens are designed, built, and managed by the community, with approvals and a structured approach managed through agreements directly with community groups. Funding from the City could be considered in this policy; however, community groups can also apply for grants and have a member-based model approach. There is currently a grant available from the State Government for Community gardens of up to \$10,000 per garden.

LEGISLATIVE COMPLIANCE

Nil.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this Report.

STRATEGIC IMPLICATIONS

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

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

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

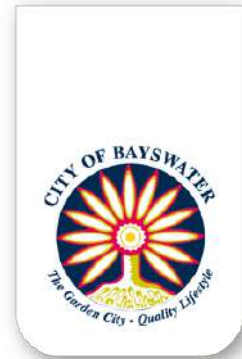
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

It is recommended that the *Edible Gardens Policy* be repealed and a new *Community Gardens Policy* be prepared by the City to be presented to the Policy Review and Development Committee of 25 November 2024.

EDIBLE POCKET GARDENS POLICY

Responsible Division	Technical Services
Responsible Business Unit/s	Sustainable Environment
Responsible Officer	Manager Sustainability and Environment
Affected Business Unit/s	Parks and Gardens; Sustainable Environment



PURPOSE:

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

POLICY STATEMENT:

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

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

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

DEFINITIONS:

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

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

RELATED LEGISLATION:

Nil

RELATED DOCUMENTATION:

Edible Pocket Garden Guidelines

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	



10.5.2.6 Policy Review: Civic Allowance Policy - Chief Executive Officer and Directors

Responsible Branch:	People, Culture & Safety
Responsible Directorate:	Corporate Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Civic Allowance Policy [9.6.1 - 2 pages]

SUMMARY

For Council to adopt the *Civic Allowance Policy – Chief Executive Officer and Directors* as unchanged.

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

That Council adopts the *Civic Allowance Policy – Chief Executive Officer and Directors* with no changes, as contained in Attachment 1 to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

The *Civic Allowance Policy – Chief Executive Officer and Directors* (the policy) was originally adopted by Council in April 1996 and last modified on 9 April 2019.

Consideration was given to withdraw this policy as it is built into the annual budget process and the expenditure is monitored via the regular financial reporting, however, it is recommended that the policy be retained as an additional requirement to manage expenditure.

EXTERNAL CONSULTATION

A review of other local governments indicates most do not have a Civic Allowance Policy, as there is no requirement under the legislation to do so.

The management of reimbursements of expenses by the CEO and Directors are monitored through regular monthly financial reporting presented to Council.

OFFICER'S COMMENTS

There are no proposed changes to the policy.

LEGISLATIVE COMPLIANCE

Nil.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

There are no additional financial implications by approving this policy.

STRATEGIC IMPLICATIONS

Nil.

CONCLUSION

It is recommended the *Civic Allowance Policy – Chief Executive Officer and Directors* be retained by Council unchanged.



Civic Allowance Policy

Responsible Division	Corporate Services
Responsible Business Unit	People, Culture & Safety
Responsible Officer	Manager People, Culture & Safety
Affected Business Units	Office of the CEO and Directors
ECM Document Set ID	3406371

Purpose

The purpose of this policy is to ensure there is accountability and transparency in the reimbursement of expenses incurred by the Chief Executive Officer (CEO) and Directors in carrying out their roles.

Scope

This policy applies to the CEO and Directors.

Definitions

Nil.

Policy Statement

1. A civic allowance of an amount, to be determined annually by Council, will be provided for the Chief Executive Officer and Directors. Officers who are granted a civic allowance may use that allowance to pay work related expenses, for example:
 - a) Cost of entertaining business associates and officers.
 - b) Subscriptions for the professional body or bodies directly related to the officer's position.
 - c) Acquisition of information and work-related items for professional purposes.

Related Legislation

Nil.

Related Documentation

Nil.



[Policy Name] Policy

Document details

Relevant delegations	Nil.		
Risk evaluation	Low		
Strategic link	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	23 April 1996	Resolution	
Reviewed/modified	21 August 2024	Resolution	TBA
Next review due	21 August 2027		

10.5.2.7 Planning Policy Review: Significant Tree Register for Private Land Policy and Guidelines

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Significant Tree Register on Private Land Policy with Tracked Changes [9.7.1 – 2 pages] 2. Significant Tree Register on Private Land Guidelines with Tracked Changes [9.7.2 – 8 pages] 3. Draft Significant Tree Register on Private Land Policy [9.7.3 – 2 pages] 4. Draft Significant Tree Register on Private Land Guidelines [9.7.4 – 8 pages] 5. Review of Local Government Significant Tree Requireme [9.7.5 – 2 pages] 6. Summary of Incentives for Trees on Private Land [9.7.6 – 3 pages] 7. Significant Tree Register on Private Land Policy with [9.7.7 – 3 pages] 8. Significant Tree Register on Private Land Guideli (3) [9.7.8 – 9 pages]
Refer:	Item 10.6.2.4 OCM 23.08.2022 Item 9.16 OCM 22.10.2024

SUMMARY

The City's *Significant Tree Register for Private Land Policy* and associated Guidelines provides guidance and outlines requirements in relation to the inclusion or removal of a tree from the City of Bayswater Significant Tree Register. At the Ordinary Council Meeting held 30 April 2024 Council requested a review of this policy.

In 2022 the City commissioned a study to investigate options to incentivise tree retention on private land within the City of Bayswater. This study included a review of tree retention incentives in other jurisdictions.

Council's consideration is sought in relation to the outcomes identified within the tree incentives study and amendments to the City's *Significant Tree Register for Private Land Policy* and associated Guidelines.

OFFICER'S RECOMMENDATION

That Council adopts the draft *Significant Tree Register for Private Land Policy* and associated Guidelines as contained in Attachments 3 and 4 to this Report, for the purposes of public advertising and comment.

MOTION

(COMMITTEE RECOMMENDATION)

That Council:

1. **Adopts the amended Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachments 7 and 8 to this Report, for the purposes of public advertising and comment.**

2. Supports the City further investigating and implementing the outcomes identified within the Summary of Incentives for Trees on Private Land table as contained in Attachment 6 to this Report, and any changes to the City's Employee Establishment is to be considered as part of the 2025/26 business planning process.
3. Requests the City to prepare an information sheet that summarises the benefits for landowners and developers from registering significant trees, the main planning requirements regarding trees for new developments, and how keeping mature trees on their land could benefit their development.

Cr Elli Petersen-Pik – Deputy Mayor Moved, Cr Nat Latter Seconded

PROCEDURAL MOTION

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

Cr Josh Eveson Moved, Cr Steven Ostaszewskyj Seconded

LOST: 5/6

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

Against: Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

COUNCIL RESOLUTION

That, in accordance with clause 8.9 of the *City of Bayswater Standing Orders Local Law 2021*, Council consents for Cr Elli Petersen-Pik - Deputy Mayor to extend his right of reply speech for up to 5 additional minutes.

Cr Lorna Clarke Moved, Cr Sally Palmer Seconded

CARRIED: 6/5

For: Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

Against: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

Cr Dan Bull withdrew from the meeting at 8:39pm on 22 October 2024 and returned at 8:40pm on 22 October 2024.

Cr Giorgia Johnson withdrew from the meeting at 8:46pm on 22 October 2024 and returned at 8:48pm on 22 October 2024.

COUNCIL RESOLUTION

(COMMITTEE RECOMMENDATION)

That Council:

1. Adopts the amended Significant Tree Register for Private Land Policy and associated Guidelines as contained in Attachments 7 and 8 to this Report, for the purposes of public advertising and comment.
2. Supports the City further investigating and implementing the outcomes identified within the Summary of Incentives for Trees on Private Land table as contained in Attachment 6 to this Report, and any changes to the City's Employee Establishment is to be considered as part of the 2025/26 business planning process.

3. **Requests the City to prepare an information sheet that summarises the benefits for landowners and developers from registering significant trees, the main planning requirements regarding trees for new developments, and how keeping mature trees on their land could benefit their development.**

Cr Elli Petersen-Pik - Deputy Mayor Moved, Cr Nat Latter Seconded

CARRIED: 6/5

For: Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

Against: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

BACKGROUND

Significant Trees Register

Council at its Ordinary Council Meeting held on 22 February 2022 considered the proposed *Significant Tree for Private Property Register Policy* and associated guidelines.

The *Significant Tree Register for Private Land Guidelines* provides specific guidance in regard to:

- including or removing a tree from the Significant Tree Register for Private Land
- information required to be provided
- criteria which an application will be assessed against
- the process for assessing an application
- what will and will not require written approval from the City
- implications for landowners and neighbouring properties
- incentives for landowners.

As outlined within the *Significant Tree Register Guidelines*, the following incentives are offered to landowners where a significant tree exists on private land:

1. Written planning advice relating to the significant tree(s) fees waived.
2. Development application fees waived.
3. Open space variations up to 10%.
4. Plot ratio variations up to 10%.
5. Building height variations up to three metres.

Landowner(s) are being made aware of the incentives for retaining trees on private land at the subdivision application stage. The City also recommends an advice note be placed on the subdivision determination where trees are identified as being higher than seven metres on private property.

The following tree maintenance grants for Significant Trees are available:

1. Funding up to \$2,000 per property but not exceeding 50% of the total cost.
2. Each property is entitled to one grant per five year period.

Currently, the City has no trees registered on private property and no pending applications.

At the Ordinary Council Meeting held on 30 April 2024, Council considered a review of the *Private Trees Policy*. Council resolved, in part, as follows:

"That Council requests:

...

2. *The Chief Executive Officer to present possible amendments, options and recommendations for changes to the Significant Tree Register Private Land Policy and Guidelines, to improve them, encourage nominations and increase the chances for approved registrations on the Register; the report will be presented at the Policy Review and Development Committee of 30 September 2024 for consideration."*

Elected Member Workshop

At an Elected Member Workshop held on 2 July 2024, Elected Member feedback was sought on the types of modifications to the *Significant Tree Register Policy* and Associated Guidelines. Council considered the existing policy too restrictive and complex for people to nominate trees to be on the Significant Tree Register. Elected Members requested that the City considers the following points when reviewing the policy:

- Provide an overview of the scheme amendment which was gazetted in March 2024 and how that impacts any modifications to the policy.
- Look into the types of incentives which can be provided to encourage people to nominate significant trees.
- Review other local governments' significant tree processes and how we can improve ours based on theirs, including confirming how many criteria a tree is required to meet to be considered significant.
- Review the process for nomination to make it easier for people to nominate.

Amendment No. 86

At the Ordinary Council Meeting held on 20 September 2022 Council recommended that the Western Australian Planning Commission and Minister for Planning approve *Amendment No. 86* to the *City of Bayswater Town Planning Scheme No. 24*, without modification. Following this resolution, the Minister granted final approval to *Amendment No. 86* on 28 February 2024 and published in the *Government Gazette* on Friday 15 March 2024.

The original amendment proposed to insert a new clause requiring development approval prior to the removal, destruction, and/or interference with any tree included on the local governments significant tree register. The Minister's modifications have required a new schedule rather than the inserting of a new clause to the City's *Town Planning Scheme No. 24*. This schedule includes the original amendment wording and supplemental provisions to the deemed provisions setting out *Significant Tree Register* (Register) procedural provisions. These relate to including the description of each tree, location and reason for entry on the Register, the Register to be made available for inspection, significant tree nomination requirements, and assessment requirements.

At the Ordinary Council Meeting held on 22 March 2022, Council considered and supported the following notice of motion:

"That Council considers as part of the 2022/23 Budget process an allocation of \$20,000 for the City to undertake further detailed investigations and prepare a report on other methods used around Australia to create incentives for tree retention on private property and the options for their application in the City of Bayswater, including but not limited to:

1. *Development incentives such as additional building height and plot ratio to enable building up rather than out, creating greater outdoor space and areas for more significant trees.*

2. *Grant funding support provided to landowners for tree maintenance and assessment to ensure good tree health (similar to the assistance provided to heritage lists places).*
3. *A reduction in Development Application fees for every tree retained during development."*

Tree Incentives Study

The City sought tenders for consultants to prepare a report in November 2022 however the City were advised that there was no capacity at this time. The City went back out for tender in February 2023 and GHD were awarded the contract. GHD concluded the report for the City in August 2023.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. In the event Council adopt the draft policy it would be advertised in accordance with the requirements of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) for at least 21 days by way of:

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

OFFICER'S COMMENTS

Review of Other Local Governments

Local Government approaches to tree retention and Significant Trees were investigated across Western Australia. Currently, for trees to be considered worthy of inclusion on the City's Significant Tree Register, trees must satisfy at least one criterion from at least two different 'optional' categories. It was found that six other local governments require at least one category to be satisfied for trees to be considered for inclusion on the Significant Tree register. Further to this, affected neighbour consent was not required to be provided upon application. A copy of the review table has been included in **Attachment 5**.

Significant Tree Register for Private Land Policy and Associated Guidelines

The City has reviewed the *Significant Tree Register for Private Land Policy* and associated Guidelines to compare with other local government's similar policies and include feedback from Council.

Proposed Modifications

In light of the above, the City recommends the following amendments to the policy and guidelines as summarised below:

- Included reference to 'incentives' within the Guidelines introduction.
- Removed the requirement for affected neighbours to provide consent for a Significant Tree nomination.
- Modifications to the nomination assessment criteria.
- Improved readability and softened language used within the guidelines.
- Amended the 3m building height incentive to 2m, consistent with the City's Delegated Authority Register.
- Format aligned for consistency with the City's current policy format.

Incentives

As detailed above, the City has undertaken a study on different incentives for tree retention on private land. A copy of this review is included in **Attachment 6**. The existing *Significant Tree Register for Private Land Policy* and *Guideline* incentives have been reviewed against these findings and it is determined the City's policy and guidelines adequately articulate the policy objectives and highlight the incentives available to applicants / developers when developing private land with a significant tree. Anyone is able to make a nomination provided landowners consent has been provided.

Further to this, the existing policy and guidelines provide for fee reductions for development applications where a significant tree is being retained on site.

Impacted Adjoining Landowners

Based on the review of other local governments it is considered appropriate to remove the requirement for obtaining adjoining landowner consent.

This requirement was included based on concerns about the potential impacts on the development potential on adjoining landowners. However, discussion with other local governments has found that they have not had any issues with this to date.

Nomination Assessment Criteria

The purpose of a Significant Tree Register is to provide protection to those trees that hold special aesthetic, social and cultural value to the community. It is important that the City preserves the integrity of the list and maintain the requirements for successful entry onto the Significant Tree Register for private property. Based on the review of other local governments it is considered appropriate to reduce the number of optional criteria to be met from two to one.

It is noted that there is a significant cost attached to each application as the City bares the cost of the qualified arborist significant tree assessment, and these costs will need to be budgeted for.

Incentives for Tree Retention on Private Property Study

The study recommended to first focus on incentive mechanisms that appeal to the sector of the community that is engaged and willing, with four focus areas: establish programs, amend existing programs, become standard practice, and lobbying and advocacy. These are summarised in the table in **Attachment 6**.

Considering the findings with the study, the following outcomes are recommended for the City to further investigate and implement:

- Create a new position in the 2025/2026 budget for a new expert officer with Parks and Tree Services Team to provide tailored expert advice / technical assistance to the community for tree retention and encouraging significant tree nomination within the City.
- Investigate and implement recognition, promotion and information opportunities for the nomination of Significant Trees within the City.
- Investigate and implement tree giveaway programs targeted to areas within the City with low tree canopy coverage, such as Morley.

LEGISLATIVE COMPLIANCE

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

RISK MANAGEMENT CONSIDERATION

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

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Advertise the proposed modified draft policy

Asset Category: N/A

Source of Funds: Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) 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, 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 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.

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

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

The draft *Significant Tree Register for Private Land Policy* and Associated Guidelines provides a useful readable policy and guidelines encouraging the registering of significant trees on private land, contributing to maintaining existing tree canopy throughout the City of Bayswater.

CONCLUSION

It is recommended that the draft *Significant Tree Register for Private Land Policy* and associated *Guidelines* are adopted by Council for public advertising, and that Council supports the City in further investigating and implementing the outcomes identified within the tree incentives study.



Significant Tree Register for Private Land Policy

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

Purpose

The purpose of this policy is to outline information, requirements and guidance in relation to:

- Including or removing a tree from the City of Bayswater Significant Tree Register on private land; and
- Removing, destructing, interfering and/or maintaining a tree on the City of Bayswater Significant Tree Register for Private Land.

Objectives

The objectives of this policy are:

1. To identify and recognise the importance of significant trees in the City of Bayswater to ensure an increased level of protection and care.
2. To ensure that the processing and assessment of significant trees is fair, accountable, consistent and comparable.
3. To assist with meeting the City's tree canopy target.

Scope

This policy applies to existing or potential trees on private land that could be included on the City of Bayswater Significant Tree Register.

Introduction

The City of Bayswater has a number of trees that hold special aesthetic, social and cultural value to the community. Inclusion of these trees on the City of Bayswater Significant Tree Register acknowledges their

value and can also provide them with ~~a level of~~ statutory protection in accordance with the City of Bayswater Town Planning Scheme No. 24 Schedule A - Supplemental Provisions to the Deemed Provisions to better ensure their ongoing conservation and care.

Requirements

1. Applications to include or remove a tree from the City of Bayswater Significant Tree Register are to be made in accordance with the City's Significant Tree Register Guidelines for Private Land.
2. ~~Development approval is required prior to the removal, destruction, and/or interference with any tree included on the significant tree register.~~ The proposed removal, destruction, interference and/or maintenance of a Significant Tree is to be undertaken in accordance with the City's Significant Tree Register Guidelines for Private Land.

Related Legislation

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

~~City of Bayswater Town Planning Scheme No. 24 Schedule A - Supplemental Provisions to the Deemed Provisions provides Significant Trees protection under Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.~~

Related Documentation

- ~~City of Bayswater Town Planning Scheme.~~
- Urban Forest Strategy.
- Significant Tree Register for Private Land Guidelines.
- City of Bayswater Significant Tree Register for Private Land.

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	Environment and Liveability Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.		
Council adoption	23 August 2022	Resolution	10.6.2.4
Reviewed/modified	September 2024	Resolution	[item no.]
Next review due	[date]		



Significant Tree Register for Private Land Guidelines

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

Introduction

These guidelines provide guidance **including incentives** for people wanting to include or remove a tree from the City of Bayswater Significant Tree Register on private land in accordance with the Significant Trees Register for Private Land Policy.

In addition, these guidelines provide information about the removal, destruction, interference and/or maintenance of a tree, which is registered on the City of Bayswater Significant Tree Register.

Applicants

1. The significant tree register application form is required to be filled out and signed.
2. Any person can apply for a Significant Tree(s) on private land for inclusion on the Significant Tree Register, **subject provided they meet to** the following:
 - (a) All landowner(s) **are required to** consent to the application;
 - (b) Any applicable strata body or similar **is required to** consents to the application.; **and**
 - (c) **Any affected neighbouring landowner(s) which have branches, canopy or roots of a significant tree(s) encroaching into their property, are required to provide consent to the application.**

If the above has not been met, the City will not progress with the nomination.
3. **Any person can apply for a Significant Tree(s) on private land for inclusion on the Significant Tree Register. Landowners are advised to familiarise themselves with the implications of having a tree on their property registered on the Significant Tree Register before applying for or consenting to a tree for inclusion on the register.**
4. Any person who nominates a tree and landowner(s) who consent will bear no cost for an application to the City to consider registering the tree.

Definitions

Tree Protection Zone (TPZ) – A protection zone that protects all parts of a tree from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

Structural Root Zone (SRZ) – A protection zone that protects tree roots from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

Suitably Qualified Arborist – An arborist that has a current and valid minimum qualification of an Australian Qualification Framework - Level 5 (Diploma) in Arboriculture.

Significant Tree Assessment

1. All Significant Tree assessments ~~for inclusion on the Significant Tree Register~~ undertaken by the City will ~~not~~ commence ~~once until the City has obtained~~ consent from the landowner(s), ~~and the affected or any likely to be affected neighbouring landowner(s) has been provided if required, to the tree being assessed for inclusion on the Significant Tree Register.~~
2. The City will engage a suitably qualified arborist to prepare the Significant Tree Assessment. Costs associated with the Significant Tree Assessment are to be borne by the City.

Alternatively the applicant can provide the City a copy of a Significant Tree Assessment undertaken by a suitably qualified arborist and be reimbursed for the cost, up to a maximum of \$1,000.
3. The Significant Tree Assessment is to provide justification that the tree satisfies the Significant Tree Assessment Criteria.

Significant Tree Assessment Criteria

To be considered worthy of inclusion on the Significant Tree Register, trees must:

- Satisfy all the ~~requirements and~~ criteria from the General Category, to the satisfaction of the City; and
- Satisfy at least one criterion from ~~the at least two different~~ optional categories (Categories 1 to 5), to the satisfaction of the City.

Policy Statement

General Category

The Significant Tree Assessment is to include:

1. Address of the site containing the tree(s).
2. Botanical name of the tree(s).
3. Measurements of the tree(s), including: height, diameter at breast height (1.4m) and width of canopy.
4. A Tree Risk Assessment using either the Quantified Tree Risk Assessment (QTRA) or Tree Risk Assessment Qualification (TRAQ) system, including distance to targets identified in the risk assessment such as buildings, sheds, etc. on both the subject site and neighbouring properties.

5. Age classification of the tree(s).
6. Observations of the tree(s) health and condition.
7. Supporting photographs of the tree(s).
8. An aerial photograph showing the location of the tree(s).

Optional Category 1 – Growth/Size Significance

1. A tree(s) that is outstanding for its height or trunk circumference - 500mm diameter at breast height and/or over 7m high.

Optional Category 2 – Outstanding Visual/Aesthetic Significance

1. A tree(s) that occurs in a prominent location or context;
2. A tree(s) that contributes significantly to the landscape in which it grows in comparison to other trees within a 100m radius - including streetscapes, parks, gardens or natural landscapes;
3. A tree(s) that exhibits an unusual growth form or physical feature; and/or
4. A tree(s) that is of a significant age - 100 years or older.

Optional Category 3 – Botanic/Scientific Significance

1. A tree(s) that is of an important genetic value that could provide important and valuable propagating stock. This could include specimens that are particularly resistant to disease or climatic extremes or have a particular growth form; and/or
2. A tree(s) that demonstrates a likelihood for producing information that will help the wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality or benchmark site.

Optional Category 4 – Significant Ecological Value

1. A priority, rare, threatened or locally uncommon species or ecological community;
2. An indigenous/endemic remnant tree(s) that predates the urban development in its immediate proximity;
3. A tree(s) that makes a significant contribution to the integrity of an ecological community, including its role as a seed source or specialised habitat;
4. A remnant endemic specimen(s) now reduced in range or abundance, which indicates the former extent of the species, particularly range limits;
5. A tree(s) that is part of a significant habitat element for rare, threatened, priority or locally uncommon or common native species; and/or
6. A tree(s) proximity to recognised ecological linkages or biodiversity corridors.

Optional Category 5 – Historical, Commemorative, Cultural or Social Significance

1. A tree(s) that is associated with public significance or important historical event for the City; and/or
2. A tree(s) that is highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or other social associations, including trees associated with Aboriginal heritage and culture.

Tree Nomination Assessment and Decision Making Process

Stage 1

1. ~~The application~~ Applications will be checked to ensure that all the information has been provided including the landowner's consent, ~~and the affected neighbouring landowner's consent as required.~~
2. The City will undertake a Significant Tree Assessment using a qualified arborist, or the applicant may provide a copy Significant Tree Assessment undertaken by a qualified arborist.
3. Further advice may be drawn upon from internal or external personnel as the need arises to ensure a thorough assessment is undertaken.

Stage 2

1. The ~~panel~~ City will make a ~~decision determination~~ on ~~a the~~ tree's worthiness for inclusion on the Significant Tree Register based on the assessment criteria and qualified arborist assessment.
2. The nominee, landowner(s) ~~and any affected neighbouring landowner(s)~~ will be informed of the decision in writing.
3. If the nominee is dissatisfied by the decision, they can request for it to be referred to Council to make a decision.

Stage 3

1. Trees approved will be formally listed on the Significant Tree Register, which will include details about the tree, a photograph and a statement detailing its significance. The location of the other information will be included on the City's Geographic Information System.

What requires the City's Written Approval

1. ~~Formal written~~ Development approval from the City of Bayswater is required prior to the removal, destruction and/or interference with any tree included on the City's Significant Tree Register, this includes:
 - (a) The severing of branches, limbs, stems, trunk or roots of a tree that are greater than 50mm in diameter;
 - (b) Any excavation resulting in removal of roots greater than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ);

- (c) Any excavation within the trees Structural Root Zone (SRZ) that requires the removal of any root;
 - (d) Pruning for aesthetic appearance; and/or
 - (e) Any other act that has the potential to cause damage to a tree, as determined by the City.
2. If a landowner(s) or neighbouring landowner(s) is in any doubt about what requires written approval, they are advised to liaise with the City prior to undertaking any pruning or other works.
 3. Landowner(s) or neighbouring landowner(s) are advised to discuss with City officers what information is to be submitted with an application for written approval. Applications are to be accompanied by an assessment of the tree undertaken by a qualified arborist, with all associated costs being borne by the landowner(s) or relevant neighbouring landowner(s).
 4. Approved works must be undertaken by a qualified arborist, to the satisfaction of the City.

What does not require the City's Written Approval

Pruning

Pruning of a significant tree is permitted to be undertaken by a qualified arborist (with all associated costs being borne by the landowner), without the need for written approval from the City, in the following circumstances:

1. The removal of dead wood or the treatment of disease where it is in the general interests of improving or maintaining the health of the tree;
2. Any excavation resulting in removal of roots less than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ); and/or
3. Works required to maintain the legislated clearance requirements for utility services providers, such as Western Power or the Water Corporation.

It is noted that the severing of any branches, limbs, stems or roots of a tree that are less than 50mm in diameter do not require written approval or for the works to be undertaken by a qualified arborist.

Emergency Works

1. The following exemption for obtaining Development Approval prior to the removal of a regulated tree apply:
 - (a) The removal is deemed as works that are urgently necessary for the safety of people and property, public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18.
2. Landowner(s) or neighbouring landowner(s) are required to notify the City in writing within five working days following the emergency work having been undertaken. Notification must include a report by the qualified arborist who carried out the work.

Incentives

The following incentives ~~are applicable~~ can be considered where a significant tree exists on private land:

1. Landowner(s) ~~will bear no cost for formal~~ written planning advice and approval ~~which~~ relatinges to the significant tree(s) ~~fees waved~~.

2. Landowner(s) ~~will be able to obtain a waiver of~~ development application fees ~~waved~~ for development on the property.
3. ~~Landowner(s) can apply~~ Consideration can be given for a variation to the ~~site cover and~~ open space provisions applicable to development on the site, as follows:
 - (a) Where one significant tree exists on the property a variation of 5% can be considered;
 - (b) Where two or more significant trees exists on the property a variation of 10% can be considered.
4. ~~Landowner(s) can apply~~ Consideration can be given for a variation to the plot ratio provisions applicable to development on the site, as follows:
 - (a) Where one significant tree exists on the property a variation of 5% can be considered;
 - (b) Where two or more significant trees exists on the property a variation of 10% can be considered.
5. ~~Landowner(s) can apply~~ Consideration can be given for a variation to building height of up to ~~3~~ 2m.

Landowner(s) will be made aware of the incentives for retaining trees on private land at the subdivision application ~~and development application~~ stage. The City will recommend an advice note be place on the subdivision determination where trees over 7m in height are located on the property.

Tree Maintenance Grants

Landowner(s) and /or affected neighbouring landowner(s) with a tree(s) registered on the significant tree register may be eligible to apply for a tree maintenance grant subject to the following.

1. Funding up to \$2,000 per property but not exceeding 50% of the total cost of the approved maintenance is available from the City, and is exclusive of any applicable GST.
2. Each property is entitled to one grant per five year period.
3. The application is for one or more of the following works:
 - Remedial pruning;
 - Crown thinning;
 - Pest control or the like;
 - To seek the advice of a qualified arborist; or
 - For other works specified by a qualified arborist.
4. Payment will be in the form of reimbursement to the previously agreed amount upon presentation of proof of payment and certification by the arborist of approved works. The City may inspect and photograph trees before and after the approved works.

Implications and Responsibilities

Implications and Responsibilities for Landowners

Landowners are advised to think carefully before ~~deciding to nominate~~ or consenting to a tree for inclusion on the Significant Tree Register. A significant tree has the following implications for landowners:

1. Landowners are responsible for the ongoing health and maintenance of a significant tree within their property boundary. All associated costs are to be borne by the landowner.
2. All maintenance and other works are required to be undertaken by a qualified arborist. All associated costs are to be borne by the landowner.
3. Landowners who have significant trees on their property are required to arrange for a qualified arborist to inspect the tree once every 2 years, or as required in accordance with an arborist's report. Landowners are required to pay for any remedial maintenance as advised by the arborist.
4. While some works can be undertaken to a significant tree without written approval, landowners will need to apply for and obtain written approval to undertake certain works associated with a significant tree. All associated costs are to be borne by the landowner.
5. A significant tree has the potential to constrain the future development potential of the property.
6. A significant tree may only be removed from the Significant Tree Register under certain circumstances.
7. A significant tree will remain on the Significant Tree Register if/when land ownership changes.
8. A significant tree may impact insurance policies. Landowners are advised to check with their insurance provider in this regard.
9. All future landowner(s) will be made aware of any significant tree which impacts their property. The City will advise future landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.

Implications and Responsibilities for Neighbouring Properties

The inclusion of a tree on the Significant Tree Register may have the following implications for neighbouring properties:

1. Neighbouring landowners are responsible for the ongoing health and maintenance of any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
2. Where part of a significant tree overhangs a neighbouring property, all maintenance and other works up to the property boundary is required to be undertaken by a qualified arborist. All associated costs are to be borne by the impacted landowner.
3. While some pruning and other works can be undertaken to a significant tree without written approval, neighbouring landowners will need to apply for and obtain written approval to undertake certain works associated with any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
4. Where part of a significant tree overhangs a neighbouring property, it may constrain the development potential of the property.
5. A significant tree may impact insurance policies. Neighbouring landowners are advised to check with their insurance provider in this regard.
6. All future affected neighbouring landowner(s), which have or are likely to have branches, canopy or roots of a significant tree(s) encroaching into their property, will be made aware of any significant tree

which impacts their property. The City will advise future affected neighbouring landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.

Removal from Register

Subject to obtaining written approval from the City, a tree may be removed from the Significant Tree Register if:

1. The tree is dead;
2. The tree poses an unacceptable level of risk within its structure and remedial techniques cannot rectify it;
3. The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it; and/or
4. The tree is causing significant damage to infrastructure and/or the property, and suitable documented evidence is provided by a qualified arborist, at the expense of the applicant.

The following reasons will not be considered sufficient for removal:

1. Withdrawal of the support from the landowner (or new landowner).
2. To facilitate the placement of a permanent vehicle access crossing; unless it is to facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.

To remove a tree from the Significant Tree Register, landowners are required to provide an assessment from a qualified arborist detailing evidence and reasons why the tree should be removed from the Register. All associated costs are to be borne by the landowner.



Significant Tree Register for Private Land Policy

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

Purpose

The purpose of this policy is to outline information, requirements and guidance in relation to:

- Including or removing a tree from the City of Bayswater Significant Tree Register on private land; and
- Removing, destructing, interfering and/or maintaining a tree on the City of Bayswater Significant Tree Register for Private Land.

Objectives

The objectives of this policy are:

1. To identify and recognise the importance of significant trees in the City of Bayswater to ensure an increased level of protection and care.
2. To ensure that the processing and assessment of significant trees is fair, accountable, consistent and comparable.
3. To assist with meeting the City's tree canopy target.

Scope

This policy applies to existing or potential trees on private land that could be included on the City of Bayswater Significant Tree Register.

Introduction

The City of Bayswater has a number of trees that hold special aesthetic, social and cultural value to the community. Inclusion of these trees on the City of Bayswater Significant Tree Register acknowledges their

value and can also provide them with statutory protection in accordance with the City of Bayswater *Town Planning Scheme No. 24* Schedule A - Supplemental Provisions to the Deemed Provisions to better ensure their ongoing conservation and care.

Requirements

1. Applications to include or remove a tree from the City of Bayswater Significant Tree Register are to be made in accordance with the City's Significant Tree Register Guidelines for Private Land.
2. Development approval is required prior to the removal, destruction, and/or interference with any tree included on the significant tree register. The proposed removal, destruction, interference and/or maintenance of a Significant Tree is to be undertaken in accordance with the City's Significant Tree Register Guidelines for Private Land.

Related Legislation

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

City of Bayswater Town Planning Scheme No. 24 Schedule A - Supplemental Provisions to the Deemed Provisions provides Significant Trees protection under Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Related Documentation

- City of Bayswater *Town Planning Scheme*.
- Urban Forest Strategy.
- Significant Tree Register for Private Land Guidelines.
- City of Bayswater Significant Tree Register for Private Land.

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	Environment and Liveability Protect and enhance the City’s natural environment and biodiversity, and encourage the community to participate in its protection.		
Council adoption	23 August 2022	Resolution	10.6.2.4
Reviewed/modified	September 2024	Resolution	[item no.]
Next review due	[date]		



Significant Tree Register for Private Land Guidelines

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

Introduction

These guidelines provide guidance including incentives for people wanting to include or remove a tree from the City of Bayswater Significant Tree Register on private land in accordance with the Significant Trees Register for Private Land Policy.

In addition, these guidelines provide information about the removal, destruction, interference and/or maintenance of a tree, which is registered on the City of Bayswater Significant Tree Register.

Applicants

1. The significant tree register application form is required to be filled out and signed.
2. Any person can apply for a Significant Tree(s) on private land for inclusion on the Significant Tree Register and provided they meet the following:
 - (a) All landowner(s) consent to the application;
 - (b) Any applicable strata body or similar is consents to the application.If the above has not been met, the City will not progress with the nomination.
3. Any person who nominates a tree and landowner(s) who consent will bear no cost for an application to the City to consider registering the tree.

Definitions

Tree Protection Zone (TPZ) – A protection zone that protects all parts of a tree from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

Structural Root Zone (SRZ) – A protection zone that protects tree roots from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

Suitably Qualified Arborist – An arborist that has a current and valid minimum qualification of an Australian Qualification Framework - Level 5 (Diploma) in Arboriculture.

Significant Tree Assessment

1. All Significant Tree assessments for inclusion on the Significant Tree Register undertaken by the City will commence once consent from the landowner(s) has been provided.
2. The City will engage a suitably qualified arborist to prepare the Significant Tree Assessment. Costs associated with the Significant Tree Assessment are to be borne by the City.

Alternatively the applicant can provide the City a copy of a Significant Tree Assessment undertaken by a suitably qualified arborist and be reimbursed for the cost, up to a maximum of \$1,000.

3. The Significant Tree Assessment is to provide justification that the tree satisfies the Significant Tree Assessment Criteria.

Significant Tree Assessment Criteria

To be considered worthy of inclusion on the Significant Tree Register, trees must:

- Satisfy all the criteria from the General Category, to the satisfaction of the City; and
- Satisfy at least one criterion from the optional categories (Categories 1 to 5), to the satisfaction of the City.

Policy Statement

General Category

The Significant Tree Assessment is to include:

1. Address of the site containing the tree(s).
2. Botanical name of the tree(s).
3. Measurements of the tree(s), including: height, diameter at breast height (1.4m) and width of canopy.
4. A Tree Risk Assessment using either the Quantified Tree Risk Assessment (QTRA) or Tree Risk Assessment Qualification (TRAQ) system, including distance to targets identified in the risk assessment such as buildings, sheds, etc. on both the subject site and neighbouring properties.
5. Age classification of the tree(s).
6. Observations of the tree(s) health and condition.
7. Supporting photographs of the tree(s).
8. An aerial photograph showing the location of the tree(s).

Optional Category 1 – Growth/Size Significance

1. A tree(s) that is outstanding for its height or trunk circumference - 500mm diameter at breast height and/or over 7m high.

Optional Category 2 – Outstanding Visual/Aesthetic Significance

1. A tree(s) that occurs in a prominent location or context;
2. A tree(s) that contributes significantly to the landscape in which it grows in comparison to other trees within a 100m radius - including streetscapes, parks, gardens or natural landscapes;
3. A tree(s) that exhibits an unusual growth form or physical feature; and/or
4. A tree(s) that is of a significant age - 100 years or older.

Optional Category 3 – Botanic/Scientific Significance

1. A tree(s) that is of an important genetic value that could provide important and valuable propagating stock. This could include specimens that are particularly resistant to disease or climatic extremes or have a particular growth form; and/or
2. A tree(s) that demonstrates a likelihood for producing information that will help the wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality or benchmark site.

Optional Category 4 – Significant Ecological Value

1. A priority, rare, threatened or locally uncommon species or ecological community;
2. An indigenous/endemic remnant tree(s) that predates the urban development in its immediate proximity;
3. A tree(s) that makes a significant contribution to the integrity of an ecological community, including its role as a seed source or specialised habitat;
4. A remnant endemic specimen(s) now reduced in range or abundance, which indicates the former extent of the species, particularly range limits;
5. A tree(s) that is part of a significant habitat element for rare, threatened, priority or locally uncommon or common native species; and/or
6. A tree(s) proximity to recognised ecological linkages or biodiversity corridors.

Optional Category 5 – Historical, Commemorative, Cultural or Social Significance

1. A tree(s) that is associated with public significance or important historical event for the City; and/or
2. A tree(s) that is highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or other social associations, including trees associated with Aboriginal heritage and culture.

Tree Nomination Assessment and Decision Making Process

Stage 1
1. Applications will be checked to ensure that all the information has been provided including the landowner's consent. 2. The City will undertake a Significant Tree Assessment using a qualified arborist, or the applicant may provide a copy Significant Tree Assessment undertaken by a qualified arborist. 3. Further advice may be drawn upon from internal or external personnel as the need arises to ensure a thorough assessment is undertaken.
Stage 2
1. The City will make a decision on the tree's worthiness for inclusion on the Significant Tree Register based on the assessment criteria and qualified arborist assessment. 2. The nominee, landowner(s) will be informed of the decision in writing. 3. If the nominee is dissatisfied by the decision, they can request for it to be referred to Council to make a decision.
Stage 3
1. Trees approved will be formally listed on the Significant Tree Register, which will include details about the tree, a photograph and a statement detailing its significance. The location of the other information will be included on the City's Geographic Information System.

What requires the City's Written Approval

1. Development approval from the City of Bayswater is required prior to the removal, destruction and/or interference with any tree included on the City's Significant Tree Register, this includes:
 - (a) The severing of branches, limbs, stems, trunk or roots of a tree that are greater than 50mm in diameter;
 - (b) Any excavation resulting in removal of roots greater than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ);
 - (c) Any excavation within the trees Structural Root Zone (SRZ) that requires the removal of any root;
 - (d) Pruning for aesthetic appearance; and/or
 - (e) Any other act that has the potential to cause damage to a tree, as determined by the City.
2. If a landowner(s) or neighbouring landowner(s) is in any doubt about what requires written approval, they are advised to liaise with the City prior to undertaking any pruning or other works.
3. Landowner(s) or neighbouring landowner(s) are advised to discuss with City officers what information is to be submitted with an application for written approval. Applications are to be accompanied by an assessment of the tree undertaken by a qualified arborist, with all associated costs being borne by the landowner(s) or relevant neighbouring landowner(s).

4. Approved works must be undertaken by a qualified arborist, to the satisfaction of the City.

What does not require the City's Written Approval

Pruning

Pruning of a significant tree is permitted to be undertaken by a qualified arborist (with all associated costs being borne by the landowner), without the need for written approval from the City, in the following circumstances:

1. The removal of dead wood or the treatment of disease where it is in the general interests of improving or maintaining the health of the tree;
2. Any excavation resulting in removal of roots less than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ); and/or
3. Works required to maintain the legislated clearance requirements for utility services providers, such as Western Power or the Water Corporation.

It is noted that the severing of any branches, limbs, stems or roots of a tree that are less than 50mm in diameter do not require written approval or for the works to be undertaken by a qualified arborist.

Emergency Works

1. The following exemption for obtaining Development Approval prior to the removal of a regulated tree apply:
 - (a) The removal is deemed as works that are urgently necessary for the safety of people and property, public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18.
2. Landowner(s) or neighbouring landowner(s) are required to notify the City in writing within five working days following the emergency work having been undertaken. Notification must include a report by the qualified arborist who carried out the work.

Incentives

The following incentives can be considered where a significant tree exists on private land:

1. Landowner(s) written planning advice and approval relating to significant tree(s) fees waved.
2. Landowner(s) development application fees waved for development on the property.
3. Consideration can be given for a variation to the site cover and open space provisions applicable to development on the site, as follows:
 - (a) Where one significant tree exists on the property a variation of 5% can be considered;
 - (b) Where two or more significant trees exist on the property a variation of 10% can be considered.
4. Consideration can be given for a variation to the plot ratio provisions applicable to development on the site, as follows:
 - (a) Where one significant tree exists on the property a variation of 5% can be considered;
 - (b) Where two or more significant trees exist on the property a variation of 10% can be considered.
5. Consideration can be given for a variation to building height of up to 2m.

Landowner(s) will be made aware of the incentives for retaining trees on private land at the subdivision application and development application stage. The City will recommend an advice note be placed on the subdivision determination where trees over 7m in height are located on the property.

Tree Maintenance Grants

Landowner(s) and /or affected neighbouring landowner(s) with a tree(s) registered on the significant tree register may be eligible to apply for a tree maintenance grant subject to the following.

1. Funding up to \$2,000 per property but not exceeding 50% of the total cost of the approved maintenance is available from the City, and is exclusive of any applicable GST.
2. Each property is entitled to one grant per five year period.
3. The application is for one or more of the following works:
 - Remedial pruning;
 - Crown thinning;
 - Pest control or the like;
 - To seek the advice of a qualified arborist; or
 - For other works specified by a qualified arborist.
4. Payment will be in the form of reimbursement to the previously agreed amount upon presentation of proof of payment and certification by the arborist of approved works. The City may inspect and photograph trees before and after the approved works.

Implications and Responsibilities

Implications and Responsibilities for Landowners

Landowners are advised to think carefully before nominating or consenting to a tree for inclusion on the Significant Tree Register. A significant tree has the following implications for landowners:

1. Landowners are responsible for the ongoing health and maintenance of a significant tree within their property boundary. All associated costs are to be borne by the landowner.
2. All maintenance and other works are required to be undertaken by a qualified arborist. All associated costs are to be borne by the landowner.
3. Landowners who have significant trees on their property are required to arrange for a qualified arborist to inspect the tree once every 2 years, or as required in accordance with an arborist's report. Landowners are required to pay for any remedial maintenance as advised by the arborist.
4. While some works can be undertaken to a significant tree without written approval, landowners will need to apply for and obtain written approval to undertake certain works associated with a significant tree. All associated costs are to be borne by the landowner.
5. A significant tree has the potential to constrain the future development potential of the property.
6. A significant tree may only be removed from the Significant Tree Register under certain circumstances.

7. A significant tree will remain on the Significant Tree Register if/when land ownership changes.
8. A significant tree may impact insurance policies. Landowners are advised to check with their insurance provider in this regard.
9. All future landowner(s) will be made aware of any significant tree which impacts their property. The City will advise future landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.

Implications and Responsibilities for Neighbouring Properties

The inclusion of a tree on the Significant Tree Register may have the following implications for neighbouring properties:

1. Neighbouring landowners are responsible for the ongoing health and maintenance of any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
2. Where part of a significant tree overhangs a neighbouring property, all maintenance and other works up to the property boundary is required to be undertaken by a qualified arborist. All associated costs are to be borne by the impacted landowner.
3. While some pruning and other works can be undertaken to a significant tree without written approval, neighbouring landowners will need to apply for and obtain written approval to undertake certain works associated with any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
4. Where part of a significant tree overhangs a neighbouring property, it may constrain the development potential of the property.
5. A significant tree may impact insurance policies. Neighbouring landowners are advised to check with their insurance provider in this regard.
6. All future affected neighbouring landowner(s), which have or are likely to have branches, canopy or roots of a significant tree(s) encroaching into their property, will be made aware of any significant tree which impacts their property. The City will advise future affected neighbouring landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.

Removal from Register

Subject to obtaining written approval from the City, a tree may be removed from the Significant Tree Register if:

1. The tree is dead;
2. The tree poses an unacceptable level of risk within its structure and remedial techniques cannot rectify it;
3. The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it; and/or
4. The tree is causing significant damage to infrastructure and/or the property, and suitable documented evidence is provided by a qualified arborist, at the expense of the applicant.

The following reasons will not be considered sufficient for removal:

1. Withdrawal of the support from the landowner (or new landowner).

2. To facilitate the placement of a permanent vehicle access crossing; unless it is to facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.

To remove a tree from the Significant Tree Register, landowners are required to provide an assessment from a qualified arborist detailing evidence and reasons why the tree should be removed from the Register. All associated costs are to be borne by the landowner.

Draft

City of
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	Land Owner Permission Required?	Neighbouring Land Owner Permission Required?	Number of Criteria required to be met	Are any incentives provided?	Criteria
City of Bayswater	Yes – must be obtained by the applicant	Yes – must be obtained by the applicant	1 criteria from 2 different categories*	Yes	• Growth/Size Significance. • Outstanding Visual/Aesthetic Significance. • Botanic/Scientific Significance. • Significant Ecological Value. • Historical, Commemorative, Cultural or Social Significance.
Town of Victoria Park	Yes – must be obtained by the applicant	No	1	No	• Aesthetic value. • Old age. • Species. • Commemorative associations.
City of Canning	Yes – must be obtained by the applicant	No	1	No	• Scientific Significance. • Historical Significance. • Social Significance. • Aesthetic Significance. • Spiritual Significance.
City of Mandurah	No – land owner will be notified by the City	No	1	No	• Outstanding Visual/Aesthetic Significance. • Botanic/Scientific Significance. • Significant Ecological Value. • Historical, Commemorative, Cultural or Social Significance.
City of South Perth	Yes – must be obtained by the applicant	No	1	No	• Visual. • Aesthetic. • Botanic. • Scientific. • Ecological. • Historical. • Commemorative. • Cultural or social aspects.

City of
Bayswater

City of Fremantle	Yes – must be obtained by the applicant	No		No	• Botanic/horticultural value. • Visual/aesthetic/landmark value. • Heritage value. • Ecological value not otherwise protected through environmental legislation.
City of Vincent	Only owners may nominate a tree on their property	No	1	No	• Outstanding aesthetic quality. • Outstandingly large height. Trunk circumference or canopy spread. • Commemoration or association with particular historical or cultural events;. • Association with a well known public figure or ethnic group. • Specimen of great age. • Outstanding example of a particular species. • Rare or unusual species. • Horticultural, genetic or propagative value. • Likely to be a remnant or regrowth local native tree
Shire of Serpentine-Jarrahdale	Yes – can be obtained by the Shire	No	1		• Is particularly old or large • Has a beautiful shape or form • Has heritage significance • Is an unusual type or species • Is special to you or the community for a specific reason

* This does not include the 'General Category'. All local governments required the information included in the City's 'General Category' however they were not considered a criteria for assessment.



Focus area	Effectiveness within City of Bayswater	Risks	Outcomes
Establish Programs			
Expert advice / technical assistance	The City could retain the services of a professional or panel of professionals to provide this service as required or ensure a suitable qualified person is employed at the City to provide this service.	Non-financial focus may be less convincing than financial. Must be structured in a manner to ensure compliance with Local Government Act 1995 with regard to expenditure of funds on private property. May not result in retention of tree even if advice is sought and provided.	It is recognised that the City's Parks and Tree Services Team are currently exhausted with existing KPIs. It is recommended to investigate opportunities for new expert officer.
Recognition, promotion and information	There is opportunity to recognise and promote the work that has been done. Celebrating the retention of trees, property owners and their families may feel encouraged to retain their trees as well. This could include recognising via Garden Awards program, social media, development resources or events with tree focus, include sustainability or natural environment Citizen of the Year, street or neighbourhood 'commitment pledge.'	Non-financial focus may be less convincing than financial focus. Development on community engagement. Difficult to reach those disinterest / disengaged in the subject matter.	The City can investigate recognition, promotion and information opportunities within the City.
Amendment of Existing Programs			
Grants	The City has existing grants available for tree maintenance of trees nominated on the City's Significant Tree Register (Significant Tree Register for Private Land Guidelines).	May require considerable, ongoing budget commitments. Requires a thorough, transparent framework to be established to guide eligibility, application, assessment and acquittal.	The existing Significant Tree Register for Private Land Guidelines adequately provides for tree maintenance grants for Significant Trees.



	City has existing Community Grants Program and Placemaking Grants Program. City to explore further tree maintenance grant opportunities.	Requires significant administration.	
Tree giveaways	Established programs exist within City of Bayswater. They could be expanded to encourage the planting of more trees or to target particular areas with low canopy cover.	Does not necessarily address the issue of tree retention. Tree survival not guaranteed.	The City could investigate tree giveaway programs targeted to areas within the City with low tree canopy coverage, such as Morley.
Recognition, promotion and information	Refer to above row 'Recognition, promotion and information' under establish programs.	Non-financial focus may be less convincing that financial focus. Dependant on community engagement. Difficult to reach those disinterested / disengaged in the subject matter.	The City can investigate recognition, promotion and information opportunities within the City.
Become Standard Practice			
Variation of development standards	Variations of development standards already existing under Significant Tree Register for Private Land Guidelines. These relate to: • Open space. • Plot ratio. • Building height. To improve outcomes, the City could develop a policy to clearly articulate its objectives and highlight the benefits potentially available to applicants / developers.	Non-financial focus may be less convincing that financial focus. Development feasibility realities may outweigh the perceived value of variation granted. Potentially unnecessary, as this is already enabled in existing planning legislation.	The existing Significant Tree Register for Private Land Guidelines adequately articulates the policy objectives and highlights the benefits available to applicants / developers.



Reduced development assessment fees	The City waves development assessment fees for development applications that contain a significant tree onsite. Whilst this incentive is already established, uptake has been limited. This may be due to small number of properties eligible to access this incentive. Amendments to the application of this incentive could be considered in the context of other incentives pursued.	Focus us only on properties with development applications. Incentives may be considered insignificant in the overall cost of development.	The existing Significant Tree Register for Private Land Guidelines adequately provides for fee reductions of development applications where a tree is being retained onsite.
Lobbying and Advocacy			
Tax rebates and / or cost-sharing for greening of new development	The City is unable to offer tax rebates. Possible through development contributions is the City opts of development contributions through precinct structure plans, or scheme amendment.	Local government generally not responsible for taxes of this nature. Value capture by way of developer contributions in difficult in infill areas, with highly fragmented land and long development timeframes. Focus is on new, large developments rather than all properties.	Currently unavailable as the City does not have existing development contributions. Can be considered if the City opts for developer contributions in the future.
Trees as public benefit contribution	Prepare local planning policy to enable the use of cash contributions through Percentage of Public Art to be utilised for tree canopy improvements. The legality of this concept has not been tested.	Non-financial focus may be less convincing that financial focus. Untested, therefore susceptible to successful challenge. Limited on application to large redevelopment projects.	Due to risk of being challenged, it is likely that without State Government support, this incentive will be difficult to implement.



Significant Tree Register for Private Land Policy

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

Purpose

The purpose of this policy is to outline information, requirements and guidance in relation to:

- Including or removing a tree from the City of Bayswater Significant Tree Register on private land; and
- Removing, destructing, interfering and/or maintaining a tree on the City of Bayswater Significant Tree Register for Private Land.

Objectives

The objectives of this policy are:

1. To identify and recognise the importance of significant trees in the City of Bayswater to ensure an increased level of protection and care.
2. To ensure that the processing and assessment of significant trees is fair, accountable, consistent and comparable.
3. To assist with meeting the City's tree canopy target.
4. To encourage landowners, especially developers, to retain significant trees on their property.

Scope

This policy applies to existing or potential trees on private land that could be included on the City of Bayswater Significant Tree Register.

Introduction

The City of Bayswater has a number of trees that hold special aesthetic, social and cultural value to the community. Inclusion of these trees on the City of Bayswater Significant Tree Register acknowledges their value and can also provide them with ~~a level of~~ statutory protection in accordance with the City of Bayswater Town Planning Scheme No. 24 Schedule A - Supplemental Provisions to the Deemed Provisions to better ensure their ongoing conservation and care.

Requirements

1. Applications to include or remove a tree from the City of Bayswater Significant Tree Register are to be made in accordance with the City's Significant Tree Register Guidelines for Private Land.
2. ~~Development approval is required prior to the removal, destruction, and/or interference with any tree included on the significant tree register.~~ The proposed removal, destruction, interference and/or maintenance of a Significant Tree is to be undertaken in accordance with the City's Significant Tree Register Guidelines for Private Land.

Related Legislation

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

City of Bayswater Town Planning Scheme No. 24 Schedule A - Supplemental Provisions to the Deemed Provisions provides Significant Trees protection under Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Related Documentation

- City of Bayswater Town Planning Scheme.
- Urban Forest Strategy.
- Significant Tree Register for Private Land Guidelines.
- City of Bayswater Significant Tree Register for Private Land.

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	Environment and Liveability Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.		
Council adoption	23 August 2022	Resolution	10.6.2.4
Reviewed/modified	September 2024	Resolution	[item no.]

Next review due [date]

Tracked Changes



Significant Tree Register for Private Land Guidelines

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

Introduction

These guidelines provide guidance **including incentives** for people wanting to include or remove a tree from the City of Bayswater Significant Tree Register on private land in accordance with the Significant Trees Register for Private Land Policy.

In addition, these guidelines provide information about the removal, destruction, interference and/or maintenance of a tree, which is registered on the City of Bayswater Significant Tree Register.

Applicants-Nominations

1. The significant tree register application form is required to be filled out and signed.
2. Any person can apply for a Significant Tree(s) on private land for inclusion on the Significant Tree Register, **subject provided they meet to the following:**
 - (a) **All landowner(s) are required to consent to the application;**
 - (b) **Any applicable strata body or similar is required to consents to the application.; and**
 - (c) **Any affected neighbouring landowner(s) which have branches, canopy or roots of a significant tree(s) encroaching into their property, are required to provide consent to the application.**

If the above has not been met, the City will not progress with the nomination.
3. **Any person can apply for a Significant Tree(s) on private land for inclusion on the Significant Tree Register. Landowners are advised to familiarise themselves with the implications of having a tree on their property registered on the Significant Tree Register before applying for or consenting to a tree for inclusion on the register.**
4. Any person who nominates a tree and landowner(s) who consent will bear no cost for an application to the City to consider registering the tree.



Significant Tree Register for Private Land Guidelines

Definitions

Tree Protection Zone (TPZ) – A protection zone that protects all parts of a tree from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

Structural Root Zone (SRZ) – A protection zone that protects tree roots from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

Suitably Qualified Arborist – An arborist that has a current and valid minimum qualification of an Australian Qualification Framework - Level 5 (Diploma) in Arboriculture.

Significant Tree Assessment

- ~~All Significant Tree Assessments~~ Consent from the landowner(s) and any applicable strata body or similar is required prior to the City engaging a suitably qualified arborist to prepare the Significant Tree Assessment for inclusion on the Significant Tree Register.
- Consent from the landowner(s) and any applicable strata body or similar can be provided by the nominee or be requested by the City.
- If landowner(s) and any applicable strata body or similar consent has not been obtained, the City will not progress with the nomination.
- ~~undertaken by the City will not commence once until the City has obtained consent from, and the affected or any likely to be affected neighbouring landowner(s) has been provided if required, to the tree being assessed for inclusion on the Significant Tree Register.~~
- Costs associated with the Significant Tree Assessment are to be borne by the City.
- ~~Alternatively~~ The applicant can provide the City a copy of a Significant Tree Assessment undertaken by a suitably qualified arborist and be reimbursed for the cost, up to a maximum of \$1,000.
- The Significant Tree Assessment is to provide justification that the tree satisfies the Significant Tree Assessment Criteria.

Significant Tree Assessment Criteria

To be considered worthy of inclusion on the Significant Tree Register, trees must:

- Satisfy all the ~~requirements and~~ criteria from the General Category, to the satisfaction of the City; and
- Satisfy at least one criterion from ~~the at least two different~~ optional categories (Categories 1 to 5), to the satisfaction of the City.

The City will engage a suitably qualified arborist where required to prepare the Significant Tree Assessment.

Policy Statement

General Category

The Significant Tree Assessment is to include:

1. Address of the site containing the tree(s).
2. Botanical name of the tree(s).
3. Measurements of the tree(s), including: height, diameter at breast height (1.4m) and width of canopy.
4. A Tree Risk Assessment using either the Quantified Tree Risk Assessment (QTRA) or Tree Risk Assessment Qualification (TRAQ) system, including distance to targets identified in the risk assessment such as buildings, sheds, etc. on both the subject site and neighbouring properties.
5. Age classification of the tree(s).
6. Observations of the tree(s) health and condition.
7. Supporting photographs of the tree(s).
8. An aerial photograph showing the location of the tree(s).

Optional Category 1 – Growth/Size Significance

1. A tree(s) that is outstanding for its height or trunk circumference - 500mm diameter **measured 1.4m above the ground at breast height** and/or over 7m high.

Optional Category 2 – Outstanding Visual/Aesthetic Significance

1. A tree(s) that occurs in a prominent location or context;
2. A tree(s) that contributes significantly to the landscape in which it grows in comparison to other trees within a 100m radius - including streetscapes, parks, gardens or natural landscapes;
3. A tree(s) that exhibits an unusual growth form or physical feature; and/or
4. A tree(s) that is of a significant age - 100 years or older.

Optional Category 3 – Botanic/Scientific Significance

1. A tree(s) that is of an important genetic value that could provide important and valuable propagating stock. This could include specimens that are particularly resistant to disease or climatic extremes or have a particular growth form; and/or
2. A tree(s) that demonstrates a likelihood for producing information that will help the wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality or benchmark site.

Optional Category 4 – Significant Ecological Value

1. A priority, rare, threatened or locally uncommon species or ecological community;
2. An indigenous/endemic remnant tree(s) that predates the urban development in its immediate proximity;

3. A tree(s) that makes a significant contribution to the integrity of an ecological community, including its role as a seed source or specialised habitat;
4. A remnant endemic specimen(s) now reduced in range or abundance, which indicates the former extent of the species, particularly range limits;
5. A tree(s) that is part of a significant habitat element for rare, threatened, priority or locally uncommon or common native species; and/or
6. A tree(s) proximity to recognised ecological linkages or biodiversity corridors.

Optional Category 5 – Historical, Commemorative, Cultural or Social Significance

1. A tree(s) that is associated with public significance or important historical event for the City; and/or
2. A tree(s) that is highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or other social associations, including trees associated with Aboriginal heritage and culture.

Tree Nomination Assessment and Decision Making Process

Stage 1

1. ~~The application~~ Applications will be checked to ensure that all the information has been provided including the landowner's consent, and the affected neighbouring landowner's consent as required.
2. Where applicable, the City will obtain landowner(s) and any relevant strata body or similar consent.
3. The City will undertake a Significant Tree Assessment using a qualified arborist, or the applicant may provide a copy Significant Tree Assessment undertaken by a qualified arborist.
4. Affected neighbours will be notified during the assessment process.
5. Further advice may be drawn upon from internal or external personnel as the need arises to ensure a thorough assessment is undertaken.

Stage 2

1. The ~~panel~~ City will make a ~~decision determination~~ on ~~a the~~ tree's worthiness for inclusion on the Significant Tree Register based on the assessment criteria and qualified arborist assessment.
2. The nominee, landowner(s) and any affected neighbouring landowner(s) will be informed of the decision in writing.
3. If the nominee is dissatisfied by the decision, they can request for it to be referred to Council to make a decision.

Stage 3

1. Trees approved will be formally listed on the Significant Tree Register, which will include details about the tree, a photograph and a statement detailing its significance. The location of the other information will be included on the City's Geographic Information System.

Tree Maintenance Grants

Landowner(s) and /or affected neighbouring landowner(s) with a tree(s) registered on the significant tree register may be eligible to apply for a tree maintenance grant subject to the following.

1. Funding up to \$2,000 per property but not exceeding 50% of the total cost of the approved maintenance is available from the City, and is exclusive of any applicable GST.
2. Each property is entitled to one grant per five year period.
3. The application is for one or more of the following works:
 - Remedial pruning;
 - Crown thinning;
 - Pest control or the like;
 - To seek the advice of a qualified arborist; or
 - For other works specified by a qualified arborist.
4. Payment will be in the form of reimbursement to the previously agreed amount upon presentation of proof of payment and certification by the arborist of approved works. The City may inspect and photograph trees before and after the approved works.

Incentives

The following incentives are applicable where a significant tree exists on private land:

1. Landowner(s) ~~will bear no cost for formal~~ written planning advice and approval ~~which~~ relatinges to the significant tree(s) ~~fees waived~~.
2. Landowner(s) ~~will be able to obtain a waiver of~~ development application fees ~~waived~~ for development on the property.
3. Landowner(s) can apply for a variation to the ~~site cover and~~ open space provisions applicable to development on the site, as follows:
 - (a) Where one significant tree exists on the property a variation of 5% can be considered;
 - (b) Where two or more significant trees exists on the property a variation of 10% can be considered.
4. Landowner(s) can apply a variation to the plot ratio provisions applicable to development on the site, as follows:
 - (a) Where one significant tree exists on the property a variation of 5% can be considered;
 - (b) Where two or more significant trees exists on the property a variation of 10% can be considered.
5. Landowner(s) can apply for a variation to building height of up to ~~3~~ 2m.

Landowner(s) will be made aware of the incentives for retaining trees on private land at the ~~demolition permit~~, subdivision application ~~and development application~~ stage. The City will recommend an advice note be place on the subdivision determination where trees over 7m in height are located on the property.

What requires the City's ~~Written~~ Development Approval

1. ~~Formal written~~ Development approval from the City of Bayswater is required prior to the removal, destruction and/or interference with any tree included on the City's Significant Tree Register, this includes:
 - (a) The severing of branches, limbs, stems, trunk or roots of a tree that are greater than 50mm in diameter;
 - (b) Any excavation resulting in removal of roots greater than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ);
 - (c) Any excavation within the trees Structural Root Zone (SRZ) that requires the removal of any root;
 - (d) Pruning for aesthetic appearance; and/or
 - (e) Any other act that has the potential to cause damage to a tree, as determined by the City.
2. If a landowner(s) or neighbouring landowner(s) is in any doubt about what requires ~~development written~~ approval, they are advised to liaise with the City prior to undertaking any pruning or other works.
3. Landowner(s) or neighbouring landowner(s) are advised to discuss with City officers what information is to be submitted with an application for ~~development written~~ approval. Applications are to be accompanied by an assessment of the tree undertaken by a qualified arborist, with all associated costs being borne by the landowner(s) or relevant neighbouring landowner(s).
4. Approved works must be undertaken by a qualified arborist, to the satisfaction of the City.

What does not require the City's ~~Written~~ Development Approval

Pruning

Pruning of a significant tree is permitted to be undertaken by a qualified arborist (with all associated costs being borne by the landowner), without the need for ~~development written~~ approval from the City, in the following circumstances:

1. The removal of dead wood or the treatment of disease where it is in the general interests of improving or maintaining the health of the tree;
2. Any excavation resulting in removal of roots less than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ); and/or
3. Works required to maintain the legislated clearance requirements for utility services providers, such as Western Power or the Water Corporation.

It is noted that the severing of any branches, limbs, stems or roots of a tree that are less than 50mm in diameter do not require ~~development written~~ approval or for the works to be undertaken by a qualified arborist.

Emergency Works

1. The following exemption for obtaining Development Approval prior to the removal of a ~~significant tree regulated tree~~ apply:
 - (a) The removal is deemed as works that are urgently necessary for the safety of people and property, public safety, safety or security of plant or equipment, maintenance of essential

services, or protection of the environment *in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 7 Clause 61 (b) item 18.*

2. Landowner(s) or neighbouring landowner(s) are required to notify the City in writing within five working days following the emergency work having been undertaken. Notification must include a report by the qualified arborist who carried out the work.

Implications and Responsibilities

Implications and Responsibilities for Landowners

Landowners are advised to think carefully before ~~deciding to nominate~~ or ~~consenting~~ to a tree for inclusion on the Significant Tree Register. A significant tree has the following implications for landowners:

1. Landowners are responsible for the ongoing health and maintenance of a significant tree within their property boundary. All associated costs are to be borne by the landowner.
2. All maintenance and other works are required to be undertaken by a qualified arborist. All associated costs are to be borne by the landowner.
3. ~~Landowners who have significant trees on their property are required to arrange for a qualified arborist to inspect the tree once every 2 years, or as required in accordance with an arborist's report. Landowners are required to pay for any remedial maintenance as advised by the arborist.~~
4. While some works can be undertaken to a significant tree without ~~development written~~ approval, landowners will need to apply for and obtain ~~development written~~ approval to undertake certain works associated with a significant tree.
5. A significant tree has the potential to constrain the future development potential of the property.
6. A significant tree may only be removed from the Significant Tree Register under certain circumstances.
7. A significant tree will remain on the Significant Tree Register if/when land ownership changes.
8. A significant tree may impact insurance policies. Landowners are advised to check with their insurance provider in this regard.
9. All future landowner(s) will be made aware of any significant tree which impacts their property. ~~The City will advise future landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.~~

Implications and Responsibilities for Neighbouring Properties

The inclusion of a tree on the Significant Tree Register may have the following implications for neighbouring properties:

1. Neighbouring landowners are responsible for the ongoing health and maintenance of any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
2. Where part of a significant tree overhangs a neighbouring property, all maintenance and other works up to the property boundary is required to be undertaken by a qualified arborist. All associated costs are to be borne by the impacted landowner.
3. While some pruning and other works can be undertaken to a significant tree without development written approval, neighbouring landowners will need to apply for and obtain development written approval to undertake certain works associated with any part of a significant tree that overhangs their property up to the boundary line.

4. All associated costs relating to clause 1, 2 and 3 above are to be borne by the impacted landowner.
5. Where part of a significant tree overhangs a neighbouring property, it may constrain the development potential of the property.
6. ~~A significant tree may impact insurance policies. Neighbouring landowners are advised to check with their insurance provider in this regard.~~
7. All future affected neighbouring landowner(s), which have or are likely to have branches, canopy or roots of a significant tree(s) encroaching into their property, will be made aware of any significant tree which impacts their property. The City will advise future affected neighbouring landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.

Removal from Register

Subject to obtaining ~~development written~~ approval from the City, a tree may be removed from the Significant Tree Register if:

1. The tree is dead;
2. The tree poses an unacceptable level of risk within its structure and remedial techniques cannot rectify it;
3. The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it; and/or
4. The tree is causing significant damage to infrastructure and/or the property, and suitable documented evidence is provided by a qualified arborist, at the expense of the applicant.

The following reasons will not be considered sufficient for removal:

1. Withdrawal of the support from the landowner (or new landowner).
2. To facilitate the placement of a permanent vehicle access crossing; unless it is to facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.

To remove a tree from the Significant Tree Register, landowners are required to provide an assessment from a qualified arborist detailing evidence and reasons why the tree should be removed from the Register. All associated costs are to be borne by the landowner.

Tracked Changes

10.5.2.8 WALGA Model Local Planning Policy Tree Retention

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. WALGA Model Local Planning Policy Tree Retention [9.8.1 - 6 pages] 2. Original Trees on Private Land and Street Verges Policy [9.8.2 - 6 pages] 3. Trees on Private Land and Street Verges Policy track changes incorporating WALGA Model Policy [9.8.3 - 12 pages] 4. Draft Trees on Private Land and Street Verges Policy incorporating WALGA Model Policy [9.8.4 - 10 pages] 5. Summary provisions requiring WAPC approval [9.8.5 - 4 pages]
Refer:	Item 10.5.1.6 OCM 30.04.2024 Item 10.6.2.2 OCM 22.11.2022

SUMMARY

Council consideration is sought for the proposed modifications to the City's *Trees on Private Land and Street Verges Policy* (City's policy).

The City's policy outlines the requirements for providing, maintaining, protecting and removing trees on private land and within the street verge. These requirements outline obligations applicable to the landowner associated with the development of land in the City of Bayswater. In addition, this policy aims to increase tree canopy and improve the neighbourhood amenity, character and sense of place.

The current policy is proposed to be modified to improve its readability and bring it in line with the City's current policy format and WALGAs Model Local Planning Policy Tree Retention. A number of provisions are also proposed to be modified to improve its effectiveness in achieving the existing policy's aim as stated above.

OFFICER'S RECOMMENDATION

That Council adopts the draft *Trees on Private Land and Street Verges Policy* as contained in Attachment 4 to this Report for the purposes of public advertising and comment.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council considers the draft *Trees on Private Land and Street Verges Policy* as contained in Attachment 4 to this Report.

MOTION

That Council:

1. **Adopts the draft *Trees on Private Land and Street Verges Policy* as contained in Attachment 4 to this Report for the purposes of public advertising to seek community views on the revised policy before the final consideration by Council; and subject to the following modifications aimed at focusing on developers clearing mature trees without proper planning consideration, rather than property owners in ordinary circumstances:**
 - a. **Under 'Objectives', add objective no 7:**

- "7. Mitigate the negative practice of clearing mature trees as part of subdivisions and new developments before any site planning and design has been undertaken."***
- b. Under 'Introduction', insert back the words ***"with middle-term specific canopy targets of 16% by 2025 and 18% by 2027"*** at the end of the first sentence.
 - c. Under 'Requirements for Tree Preservation on Private Land', in section 1, add a new sentence:
 - 2. ***"Development approval may be considered for the following reasons;***
 - 1. ***The construction of 'granny flats', swimming pools and the like.***
 - 2. ***The tree variety is disliked or causes nuisance by way of leaf, fruit or bark shedding or the like.***
 - 3. ***The tree impacts on private gardens, solar installations, swimming pools or the like.***
 - 4. ***Other justification provided by the applicant."***
 - d. Under 'Requirements for Tree Preservation on Private Land', replace section 5 with:
 - "5. Removal of a regulated tree in the case of subdivision or a development, is discouraged. The City promotes pre-lodgement discussion on the design and site planning prior to any works to ensure regulated trees are incorporated into the overall design."***
 - e. Under "Requirements for Tree Preservation on Private Land" add a new section 6, to state the below, and renumber the following numbers accordingly:
 - "Any subdivision plan should identify regulated trees and note if they are to be retained or removed, and the applicant is to demonstrate how the retained regulated trees will be protected as part of the subdivision process."***
- 2. Waives fees associated with application for development approval for a 'tree damaging activity' to a regulated tree.
 - 3. Requests the Chief Executive Officer, once the revised policy is effective, to collect statistics regarding applications for development approvals for a 'tree damaging activity' including whether any subdivision or development applications have been submitted following approved removal of regulated trees by the City, and statistics on existing trees ('regulated trees' and 'trees worthy of retention') retained under the Policy, and provide them at an Ordinary Council meeting every 12 months.

Cr Elli Petersen-Pik - Deputy Mayor Moved, Cr Nat Latter Seconded

Cr Lorna Clarke withdrew from the meeting at 8:58pm on 22 October 2024 and rejoined the meeting at 9:00pm on 22 October 2024.

COUNCIL RESOLUTION

That, in accordance with clause 8.9 of the City of Bayswater Standing Orders Local Law 2021, Council consents for Cr Elli Petersen-Pik - Deputy Mayor to extend his opening speech for up to 5 additional minutes.

Cr Lorna Clarke Moved, Cr Sally Palmer Seconded

CARRIED: 7/4

For: Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Georgia Johnson.

Against: *Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Josh Eveson and Cr Michelle Sutherland.*

Cr Dan Bull withdrew from the meeting at 9:12pm on 22 October 2024 and rejoined the meeting at 9:13pm on 22 October 2024.

PROCEDURAL MOTION

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

Mayor Filomena Piffaretti Moved, Cr Steven Ostaszewskyj Seconded

LOST: 5/6

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

Against: *Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik – Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.*

Cr Giorgia Johnson foreshadowed the Committee's Recommendation.

COUNCIL RESOLUTION

That Council:

1. Adopts the draft Trees on Private Land and Street Verges Policy as contained in Attachment 4 to this Report for the purposes of public advertising to seek community views on the revised policy before the final consideration by Council; and subject to the following modifications aimed at focusing on developers clearing mature trees without proper planning consideration, rather than property owners in ordinary circumstances:
 - a. Under 'Objectives', add objective no 7:
"7. Mitigate the negative practice of clearing mature trees as part of subdivisions and new developments before any site planning and design has been undertaken."
 - b. Under 'Introduction', insert back the words *"with middle-term specific canopy targets of 16% by 2025 and 18% by 2027"* at the end of the first sentence.
 - c. Under 'Requirements for Tree Preservation on Private Land', in section 1, add a new sentence:
 2. *"Development approval may be considered for the following reasons;*
 1. *The construction of 'granny flats', swimming pools and the like.*
 2. *The tree variety is disliked or causes nuisance by way of leaf, fruit or bark shedding or the like.*
 3. *The tree impacts on private gardens, solar installations, swimming pools or the like.*
 4. *Other justification provided by the applicant."*
 - d. Under 'Requirements for Tree Preservation on Private Land', replace section 5 with:
 5. *Removal of a regulated tree in the case of subdivision or a development, is discouraged. The City promotes pre-lodgement discussion on the design*

and site planning prior to any works to ensure regulated trees are incorporated into the overall design.”

- e. Under “Requirements for Tree Preservation on Private Land” add a new section 6, to state the below, and renumber the following numbers accordingly:

“Any subdivision plan should identify regulated trees and note if they are to be retained or removed, and the applicant is to demonstrate how the retained regulated trees will be protected as part of the subdivision process.”

2. Waives fees associated with application for development approval for a 'tree damaging activity' to a regulated tree.
3. Requests the Chief Executive Officer, once the revised policy is effective, to collect statistics regarding applications for development approvals for a 'tree damaging activity' including whether any subdivision or development applications have been submitted following approved removal of regulated trees by the City, and statistics on existing trees ('regulated trees' and 'trees worthy of retention') retained under the Policy, and provide them at an Ordinary Council meeting every 12 months.

Cr Elli Petersen-Pik - Deputy Mayor Moved, Cr Nat Latter Seconded

CARRIED: 6/5

For: Cr Sally Palmer, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Lorna Clarke, Cr Georgia Johnson and Cr Nat Latter.

Against: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.

REASON FOR CHANGE

To focus on dissuading developers from clearing mature trees without proper planning consideration, rather than property owners in ordinary circumstances.

BACKGROUND

In March 2024 WALGA released a model policy for the retention of trees on private land to support Local Governments to stem the loss of tree canopy cover in urban areas across Western Australia. The model policy position reinforces that tree removal (or other tree damaging activity) constitutes works that requires development approval prior to removal or undertaking any tree damaging activity. A copy of the model policy is included as **Attachment 1**.

At the Annual General Meeting of Electors the following motion was passed:

“MOTION 8 – That the City of Bayswater adopts the West Australian Local Government Association’s Model Local Planning Policy for Tree Retention, as released in March 2024.”

The motion was considered by Council at the Ordinary Council Meeting held 30 April 2024 where it resolved:

“That Council considers the outcomes of the City’s review of the West Australian Local Government Association’s Model Local Planning Policy for Tree Retention at the June Policy Review and Development Committee.”

At the Ordinary Council Meeting held on 23 July 2024, a report was put to Council on the WALGA Model Local Planning Policy for Tree Retention requesting consideration of the policy be deferred to the September Policy Development and Review Committee. Council resolved to defer the item.

In addition to the above, on 10 April 2024, the Residential Design Codes (R-Codes) were gazetted. Existing local planning policies that amend, replace, and/or augment the deemed-to-comply provisions of the R-Codes have effect until 10 April 2026. The R-Codes provides for Local Governments to make necessary modifications to relevant existing local planning policies, be adopted by Council and receive Western Australian Planning Commission (WAPC) approval in accordance with clauses 3.2.3 and 3.2.4 by 10 April 2026.

In June 2018 Council adopted Trees on Private Land and Street Verges Policy. This policy has subsequently been modified in September 2020 and November 2022.

The aim of this policy is to protect trees and maintain and increase tree canopy cover which is in line with the City of Bayswater's Urban Forest Strategy to increase canopy coverage from 14.5% in 2021 to 20% by the year 2030 target. Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The greatest environmental, aesthetic and cooling benefits of trees are provided by large, mature trees which typically have the largest canopy cover. The City is experiencing a loss of trees in urban areas due to infill development and this can have significant impacts on the community and the respective urban areas.

EXTERNAL CONSULTATION

In the event that Council adopts the draft Policy for the purpose of advertising, the policy will be advertised in accordance with the requirements of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) for at least 21 days by way of:

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

Following public consultation the draft Policy, including any amendments resulting from consultation outcomes, will be presented back to Council for consent to submit to the WAPC for consideration of provisions that amend the deemed-to-comply requirements of the R-Codes. Once approval has been granted by the WAPC the draft Policy will be presented back to Council for final adoption with or without modifications.

OFFICER'S COMMENTS

WALGAs Model Local Planning Policy Tree Retention

The WALGA policy aims to encourage and facilitate the protection of trees and to maintain and enhance tree canopy. The objectives of the policy are to:

- Provide a clear definition of a regulated tree and clarify when a development application is required for tree damaging activity;
- Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process;
- Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes;
- Preserve and enhance neighbourhood amenity, character and sense of place; and
- Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.

The WALGA policy introduces new definitions including ‘*Regulated Tree*’ and ‘*Tree Damaging Activity*.’

The policy defines a regulated tree as:

“Regulated tree means a living tree that —

- a) Is 8m or more high; and/or*
- b) has an average canopy diameter of at least 6m; and/or*
- c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and*
- d) is of a species that is not included on State or local area weed register.”*

The policy considers that tree damaging activity constitutes works under the *Planning and Development (Local Planning Scheme) Regulations 2015* and development under the *Planning and Development Act 2005*. The policy defines tree damaging activity as;

“Tree-damaging activity means –

- a) the killing or destruction of a tree; and/or*
- b) the removal of a tree; and/or*
- c) the severing of branches, limbs, stems or trunk of a tree; and/or*
- d) the ringbarking, topping or lopping of a tree; and/or*
- e) any other substantial damage to a tree.”*

The policy enables maintenance pruning to regulated trees without the need for development approval if it meets the following criteria:

- a) involves removing dead or diseased wood only; or*
- b) is the first pruning of the tree in the calendar year and affects less than 10% of the canopy, not altering the overall shape of the canopy; or*
- c) is of a fruit tree and done for fruit production; or*
- d) does not include removing limbs with a diameter of 100mm or more; or*
- e) is otherwise minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree; and*
- f) is undertaken in accordance with the standard for Pruning Amenity Trees ASNZ4373.*

Local Government and State Government Trends

Western Australian Local Governments are considering a number of different approaches to tree retention within their planning framework. The following approaches have been adopted by Western Australian local governments:

- Adopted provisions within WALGAs Model Policy tree retention.
- Tree Preservation Orders written within Local Planning Schemes. This provides the local government the ability to order the preservation and maintenance of a tree via a Tree Preservation Order.
- Significant Tree Register within Local Planning Schemes with supporting policy and/or guidelines.

In New South Wales, the NSW Government has stated that approval is required to be obtained from the relevant local council prior to removing any tree(s) from a property and tree preservation orders guide many decisions made. Failing to do so can incur substantial fines. Depending on the tree species, its condition or the type of pruning required, some exemptions may apply.

Review Conclusion

The City has completed a review of the WALGA policy, other local government and State Government approaches, and City policies to determine the preferred approach for tree retention within the City of Bayswater. Noting that the WALGA policy is all encompassing of 8m or higher trees that meet the specified criteria, if Council adopts WALGA's policy provisions, trees that meet the specified criteria would require development approval prior to removal. Significant community education and awareness would be required to ensure that landowners are aware of this new policy requirement as trees that meet the specified criteria would be protected under the draft Policy amended in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Further to the above, the City has reviewed its local planning policies to consider whether a new policy is required or if the provisions could be incorporated within an existing policy. It has been determined that incorporating the WALGA provisions within the City's existing *Trees on Private Land and Street Verges Policy* is the preferred approach to reduce duplication and given that the model policy provisions are consistent with the City's policy.

The provisions of the City's policy are also included within *Town Planning Scheme No. 24 (TPS24)* definitions and under clause 8.3.9 Trees on Private Land and Street Verges, providing statutory weight to the policy provisions. The provisions that are included in TPS24 are summarised below:

- Requirement for 1 'standard tree' to be provided per site for every 350m².
- The total amount of trees may be reduced by one where trees worthy of retention are retained or relocated on site.
- 1 tree per 4 car bays required for open air car parking areas.
- Alternative design solutions.
- Street verge tree replacement.
- Tree Worthy of Retention definition.
- Standard tree definition.
- Large tree definition.

The WALGA policy states that any tree planting requirements that vary the deemed to comply provisions of the Residential Design Codes Volume 1 and 2 (R-Codes) requires approval from the Western Australian Planning Commission (WAPC). The Department of Planning, Lands, and Heritage (DPLH) have confirmed that incorporating WALGA's policy provisions as stated above does not require WAPC approval.

In light of the above it is considered there is opportunity to incorporate the WALGA tree provisions into the City's existing Trees on Private Land and Street Verges Policy.

Modifications to the City's Trees on Private Land and Street Verges Policy

The City's policy has been modified to include the following:

Requirements for Tree Preservation on Private Land

This section largely contains WALGA's policy provisions as summarised below:

- Regulated trees to be retained and protected unless removal is approved as part of a subdivision or development approval.
- Trees worthy of retention being encouraged to be retained.
- Criterion for regulated trees to meet prior to being considered for removal under a development application.

- Maintenance pruning allowed to regulated trees without the need for development approval.
- Urgent works not needing development approval in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Requirements that apply to retained trees during development including protection, tree growth zones, and location of tree trunks.

The purpose, objectives, scope, introduction, definitions and other sections have been modified to support the application of and further reinforce this new section of the policy.

The remaining sections of the policy have remained the same with minor modifications, to further improve the effectiveness of the policy. The modifications are summarised below:

Requirements for Tree Preservation on Street Verges

This section applies to trees located in street verges. Originally this section included a criterion which was required to be satisfied prior to street tree removal being approved. Whilst it is noted that street tree removal may be sought due to a conflicting crossover / driveway location where there is no other viable location during the consideration of a development application, the City's Parks and Gardens department provides the ultimate approval for the removal of a street tree under the City's Urban Tree Planting and Maintenance Policy (UTPM Policy). The UTPM Policy includes the street tree removal criterion however it does not include guidance on street tree removal where there is no other viable alternative for crossover location.

Given that approval for the removal of street trees is granted by the Parks and Gardens under the UTPM Policy, the criterion provided in the City's policy is recommended to be removed and replaced with the following:

- In the opinion of the City, the provisions of the City's Urban Tree Planting and Maintenance Policy are satisfied; and
- In the opinion of the City, removal is required to facilitate a crossover where no other viable alternative exists.

Alternative Design Solution

The alternative design solution has been modified to further clarify that a report can be written by a suitably qualified and currently practising consulting arborist or a qualified landscape architect. Additionally, it has been expanded to include further guidance on what type of information is to be provided within the report.

It is also acknowledged that the City consistently varies the tree growth zone requirements for trees provided within carparking designs for non-residential development. The City has obtained permission from Urban Design Landscape Architecture to share their trees in car parks detail for non-residential development across the City. The City includes this detail as part of a conditional development approval for non-residential development. It is recommended to include this detail within the policy to advise proponents during the first design phase.

WAPC Approval

In accordance with Schedule 2, Part 2 clause 4(3A) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part A clause 3 of the R-Codes, Western Australian Planning Commission (WAPC) approval is required for provisions that amend the deemed-to-comply requirements of the R-Codes. Further to this, any existing policy provisions that amend the deemed-to-comply requirements and that are not exempt under Part A clause 3 of the R-Codes also requires WAPC approval.

It is noted that where provisions of the policy that amend the deemed-to-comply requirements of the R-Codes are written with the City's *Town Planning Scheme No. 24* (TPS24), the provisions

within TPS24 prevail in accordance with Sections 32C and 77 of the *Planning and Development Act 2005*. Refer to **Attachment 7** for a full summary of provisions that require WAPC approval.

If Council adopts the draft Policy for purposes of advertising, upon conclusion of advertising, the draft Policy will be referred to the WAPC for approval of relevant policy provisions.

Summary

In summary, the recommended modifications improve the policy readability and use, whilst introducing a new concept 'regulated trees.' These modifications further reinforce the policy aim to increase tree canopy and improve the neighbourhood amenity, character and sense of place. Additionally, the Policy assists the City in achieving its tree canopy coverage commitment of 20% by the year of 2030.

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.

Part A clause 3 of the *Residential Design Codes Volume 1* sets out deemed-to-comply elements that require Western Australian Planning Commission approval.

RISK MANAGEMENT CONSIDERATION

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

FINANCIAL IMPLICATIONS

Item 1: Advertise the proposed modified draft policy

Asset Category: N/A

Source of Funds: Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) 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, 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.
- Theme: Leadership and Governance
- Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

It is considered that the modifications to the *Trees on Private Land and Street Verges Policy* will work towards maintaining the identity of neighbourhoods and increasing tree canopy, whilst communicating the provisions in a clear and simple manner.

CONCLUSION

The City's existing *Trees on Private Land and Street Verges Policy* has been modified to incorporate WALGA's model policy provisions and improvements to the existing policy. In light of this, it is recommended that the draft *Trees on Private Land and Street Verges Policy* is adopted for public advertising.

Model Local Planning Policy Tree Retention

Title	Policy Name	Council Logo
Policy Number	LPP #.##	

1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as *Local Planning Policy #.## - **Insert Policy Name***.

2.0 Introduction

Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The greatest environmental, aesthetic and cooling benefits of trees are provided by large, mature trees which typically have the largest canopy cover.

This policy outlines that the *City/Town/Shire's* recognises the increasing importance of retaining trees and ensures that retention and enhancement of the *City/Town/Shire's* tree canopy cover is considered at all stages of development.

This Policy should be read in conjunction with:

- Any relevant scheme provisions including significant tree register or Tree Preservation Orders;
- State Planning Policy 7.3 Residential Design Codes Volume 1 and Volume 2;
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas;
- Council Street Tree Policy;
- Council Crossover Policy;
- Urban Forest Strategy/Plan;
- Australian Standards AS 4970—2009 - Protection of trees on development sites; and
- Australian Standards AS 4373-2007 Pruning of Amenity Trees.

Tree damaging activity constitutes works under the *Planning and Development (Local Planning Scheme) Regulations 2015* and development under the *Planning and Development Act 2005*. The policy clarifies the circumstances in which a development application and approval is required for any **tree damaging activity** and guides the assessment of these applications and other planning proposals.

3.0 Objectives

The policy aims to encourage and facilitate the protection of trees and to maintain and enhance tree canopy. The objectives of the policy are to:

- Provide a clear definition of a **regulated tree** and clarify when a development application is required for **tree damaging activity**;
- Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process;
- Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes;
- Preserve and enhance neighbourhood amenity, character and sense of place; and

- Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.

4.0 Definitions

Arborist Report means a report which is prepared by a suitably qualified and experienced arboriculturist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5) or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

Maintenance Pruning means pruning that:

- a) involves removing dead or diseased wood only; or
- b) is the first pruning of the tree in the calendar year and affects less than 10% of the canopy, not altering the overall shape of the canopy; or
- c) is of a fruit tree and done for fruit production; or
- d) does not include removing limbs with a diameter of 100mm or more; or
- e) is otherwise minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree; and
- f) is undertaken in accordance with the standard for Pruning Amenity Trees ASNZ4373.

Regulated tree means a living tree that —

- a) Is 8m or more high; and/or
- b) has an average canopy diameter of at least 6m; and/or
- c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and
- d) is of a species that is not included on State or local area weed register.

Tree-damaging activity means –

- a) the killing or destruction of a tree; and/or
- b) the removal of a tree; and/or
- c) the severing of branches, limbs, stems or trunk of a tree; and/or
- d) the ringbarking, topping or lopping of a tree; and/or
- e) any other substantial damage to a tree.

5.0 Policy Application

This Policy applies to the [insert zones] within the [inset City/Town/Shire's Local Planning Scheme No.x] including in the circumstances described below:

- development applications;
- subdivision applications;
- other strategic planning proposals including scheme amendments and structure plans; and
- any **tree damaging activity** to a **regulated tree** where no other development or subdivision is proposed.

6.0 Requirement for Development Approval and Exemptions

Tree damaging activity requires development approval except in any of the following circumstances:

- a) the tree does not satisfy the definition of **regulated tree**;

- b) the **tree damaging activity** is carried out in the course of works in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18:
 - “works that are urgently necessary for any of the following —*
 - (a) public safety;*
 - (b) the safety or security of plant or equipment;*
 - (c) the maintenance of essential services; or*
 - (d) the protection of the environment.”*
- c) the **tree damaging activity** is required as part of an approved Bushfire Management Plan;
- d) the **tree damaging activity** is **maintenance pruning**;
- e) **Tree damaging activity** to a **regulated tree** that is on the [insert *Local Government Unwanted Species List*]
- f) the **tree damaging activity** is carried out by the local government on a street tree and/or the tree damaging activity is a public work.

*NOTE (i) A development application is required for any **tree damaging activity** to a **regulated tree** where other works are proposed on a subject site, even if those other works are exempt from development approval under the local planning scheme as per Schedule 2, Part 7 Clause 61 (deemed provisions) of the Planning and Development (Local Planning Scheme) Regulations 2015 (eg., the erection of a Single House that meets the deemed-to-comply requirements of the Residential Design Codes).*

7.0 Application requirements

Development applications, subdivision applications and strategic planning proposals that are subject to this Policy are to provide the following applicable information:

- a) Site survey and/or site plan indicating:
 - i. location of all **regulated trees**, including street trees;
 - ii. whether any **regulated tree** is proposed to be retained or affected by any **tree damaging activity**;
 - iii. Tree Protection Zone(s) in accordance with AS4970; and
 - iv. any trees proposed to be planted on the development site.
- b) Written justification for any proposed tree damaging activity against the objectives and requirements of this Policy; and
- c) Whether any **regulated tree** was identified to be retained at a previous planning stage (e.g, structure plan or subdivision approval).

An **Arborist Report** may be required in the following instances:

- i. To justify **tree damaging activity** to a **regulated tree** specifically considering the health of the tree and/or any safety risk it may pose to people or property;
- ii. To explain any mitigation measures proposed to protect a **regulated tree** including works proposed within the Tree Protection Zone (refer to AS4970 for details to identify the Tree Protection Zone).

Additional technical reports (i.e., Environmental reports, Tree Retention Strategy, Structural Engineering Reports) may be required for Structure Plan and large- scale subdivision applications.

8.0 Policy statement

8.1 General Requirements

- a) Unless its removal is approved as part of a subdivision or development approval, or is exempt under the provisions of this Policy, a **regulated tree** should be retained in perpetuity and protected.
- b) Retention and protection of **regulated trees** should be prioritised, and development works, structure plan and subdivision design should preferably avoid or as a minimum minimise harm to **regulated trees**.
- c) Where **tree damaging activity** is proposed to a **regulated tree** the following will be given due regard in the assessment process:
 - i. Health, maturity, species, and location of the *tree*;
 - ii. Ecological, biodiversity and environmental values of the *tree*;
 - iii. Contribution of the *tree* to the streetscape;
 - iv. The preservation of any other **regulated tree** on the subject site;
 - v. The location of the *tree* within the development site and capacity for a modified building design or subdivision to maximise tree retention;
 - vi. Any existing development on the site;
 - vii. Design and location of proposed crossovers;
 - viii. Topography and the potential impact from excavation/fill;
 - ix. Possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the *tree*;
 - x. Tree Protection Zone(s) (as per AS4970);
 - xi. Tree replacement and/or planting proposed;
 - xii. Recommendations of an **Arborist Report**; and
 - xiii. The objectives of this Policy.
- d) The following justifications for **tree damaging activity** to a **regulated tree** will not be supported:
 - i. Impact on views;
 - ii. The tree variety is disliked;
 - iii. The tree variety causes nuisance by way of leaf, fruit or bark shedding or the like; or
 - iv. The tree impacts on private gardens, solar installations, swimming pools or the like.
- e) Any proposed **tree damaging activity** to a street tree is to be referred to *{insert relevant Local Government Department}*, for consideration, having regard to *[insert Council Street Tree Policy]*.

8.2 Development Application

- a) The *City/Town/Shire* will assess any development application in accordance with the general requirements above.
- b) There is a general presumption against **tree damaging activity** (other than **maintenance pruning**) to any **regulated tree** and the siting and design of the development should, where possible, avoid impacting any **regulated tree**.
- c) **Tree damaging activity** to a **regulated tree** may be considered if the following relevant information and/or technical reports are provided to demonstrate:
 - i. The **regulated tree** is unhealthy, based on the recommendations of an **Arborist report**;
 - ii. The **regulated tree** causes safety risks to people, infrastructure or buildings based on recommendations on an **Arborist report** and/or Structural Engineering Report; or
 - iii. The redesign of the development to accommodate the **regulated tree** is unfeasible.
- d) Tree Planting Requirements.

(NOTE – any tree planting requirements that vary the deemed to comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 and 2 requires approval from the Western Australian Planning Commission).

8.3 Development Approval Conditions

- a) If a **regulated tree** is proposed to be retained as part of an approved development, the City/Town/Shire may include the following condition on the development approval:

“1. The existing tree identified on the site plan must:

- i. be retained and subsequently maintained in a healthy state;***
- ii. be protected during the construction of the development in accordance with Australian Standard AS4970; and***
- iii. only be maintenance pruned in accordance with Australian Standard AS 4373.***

If, notwithstanding paragraph (i) the existing tree dies or becomes unhealthy and requires replacement, the landowner must notify and make suitable arrangements with the City/Town/Shire for a replacement tree(s). Thereafter, the replacement tree(s) must be retained and maintained in accordance with this condition.

2. The tree protection zone(s) shown on the site plan must be retained.”

- b) If tree planting or tree replacement is required as part of an approved development, the City/Town/Shire may include the following condition on the development approval:

“1. The tree(s) shown on the approved site plan / landscaping plan must:

- i. be planted before the development is occupied;***
- ii. be maintained during the life of the development; and***
- iii. only be maintenance pruned in accordance with Australian Standard AS 4373.***

If, notwithstanding paragraphs (i) and (ii) a tree dies or becomes unhealthy the landowner must notify and make suitable arrangements with the City/Town/Shire for a replacement tree(s). Thereafter, the replacement tree(s) must be retained and maintained in accordance with this condition.

2. The tree protection zone(s) shown on the approved site plan / landscaping plan must be created before the development is occupied, and thereafter retained.”

8.4 Subdivision applications

- a) The City/Town/Shire may recommend that prior to the determination of an application for subdivision approval additional information be provided to the Western Australian Planning Commission (WAPC) to allow consideration of the impacts of the subdivision design and layout on any **regulated tree** and whether the general requirements above have been addressed.

- b) Subdivision design, layout and earth working levels, including the positioning of public open space (POS), configuration of the public road network, lot design and densities, should prioritise the retention of **regulated trees**.
- c) The subdivision plan should identify **regulated trees** and note if they are to be retained or removed, and the applicant is to demonstrate how the retained **regulated trees** will be protected as part of the subdivision process.
- d) The *City/Town/Shire* will request the WAPC to include the following condition on the subdivision approval to ensure **regulated trees** identified by the *City/Town/Shire* are protected:

“The regulated tree(s) identified on the approved plan of subdivision dated [INSERT VALUE] shall be retained and protection measures implemented to ensure such trees are not impacted by subdivisional works. These trees must not be removed when clearing the conditions of this approval unless development approval for their removal is obtained from the local government.”

8.5 Strategic Planning Proposals (Local Planning Scheme amendments and Structure Plan Stage)

- a) Where applicable, Local Planning Scheme (LPS) amendments and Structure Plan proposals should identify **regulated trees** and shall outline mechanisms and measures to protect **regulated trees** at subsequent stages of the planning process.
- b) Concept Plans supporting LPS amendment applications and Structure Plans shall prioritise positioning of public open space (POS), configuration of the public road network and lot design and densities to retain **regulated trees**.
- c) Strategic planning proposals shall be supported by technical information and reports which demonstrate that the protection of **regulated trees** has been prioritised.

Responsible Business Unit	
LPP Category	
Public Consultation	Yes/No
Adoption Date	##/##/####
Next Review Date	##/##/####
Reference Number (Internal purposes)	



Trees on Private Land and Street Verges 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 requirements for providing, maintaining, protecting and removing trees on private land and within the street verge. These requirements outline obligations applicable to the landowner associated with the development of land in the City of Bayswater.

To increase the tree canopy and improve the neighbourhood amenity, character and sense of place.

Objectives

To:

1. Assist with achieving the City of Bayswater's objective to increase the tree canopy coverage by implementing controls that will promote the protection of trees on private and public land.
2. Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to wildlife habitats, biodiversity and ecological corridors.
3. Assist with community comfort through the provision of shade, reduction of glare, improved neighbourhood amenity, character and sense of place, and provide visual screening and privacy.
4. Provide a diverse range of tree sizes and species to enhance visual interest and to assist with providing a more resilient urban forest.
5. Prevent tree diseases and excessive shade through the adequate separation of trees, facilitate diversity in the age, size and species of trees throughout the City of Bayswater, and to encourage the retention of 'trees worthy of retention' and the planting of 'large trees'.

Introduction

The City of Bayswater's tree canopy coverage is approximately 14.5% based on the light detection and ranging calculation undertaken in 2021. The City has made a commitment to increase canopy coverage to 20% by the year 2030, with middle-term specific targets of 16% by 2025 and 18% by 2027 in order to increase the level of benefits derived from having trees within the urban environment.

Trees in urban areas are being lost due to infill development and this can have significant impacts on the community and the respective urban areas.

Definitions

Hard surface - Any surface that does not readily allow for drainage, and the penetration and attaching of anchoring tree roots.

Large tree - A species of tree that has the potential to grow to at least 12m in height and has a minimum size of at least 35 litres when planted.

Standard tree - A species of tree that has the potential to grow to at least 4m in height and has a minimum size of at least 35 litres when planted.

Suitably qualified landscape architect - A landscape architect currently registered with the Australian Institute of Landscape Architects or a similar association.

Tree growth zone - An exclusion zone around a tree, which assists in the protection, growth and ongoing health of a tree.

At and below ground level, the tree growth zone is to comprise soil and other water permeable materials that aid in the health and growth of the tree.

A trafficable water permeable surface can encroach within the tree growth zone of new trees; provided that suitable provision is made to prevent ground compaction and tree root damage. If trafficable water permeable surfaces are proposed within the tree growth zone a report by a 'suitably qualified landscape architect' or a suitably qualified and currently practising arborist, at the expense of the applicant, is required detailing requirements to ensure tree roots will not be compacted or damaged.

Tree worthy of retention - Existing trees that:

- (a) are considered by the City of Bayswater to be healthy specimens with ongoing viability; and
- (b) are considered by the City of Bayswater to be species that are not included on an applicable weed register or are an unsuitable tree species; and
- (c) are at least 3m in height; and/or
- (d) have a trunk with a diameter of at least 100mm at 1m from the ground; and/or
- (e) have two or more trunks and the aggregate of their individual diameter at 1m above ground is at least 200mm; and/or
- (f) have a canopy with a diameter of at least 3m.

The City of Bayswater may require an arborist report to be prepared by a suitably qualified and currently practising arborist, at the expense of the applicant, to verify if a tree is considered worthy of retention.

Scope

1. The requirements in this policy apply to all development applications where the approximate cost of the development is:
 - (a) \$100,000 or more for residential development; and
 - (b) \$200,000 or more for non-residential and mixed use development, excluding those involving only a change of use or internal works.
2. Any development that does not meet the thresholds specified in Clause 1, including State Government major projects and subdivision applications, is to have consideration of the objectives and provisions contained in this policy, at the discretion of the City of Bayswater.

Requirements

Requirements for Trees on Private Property

1. 'Standard trees' are to be provided at a rate of one tree for every 350m² of site area (rounded to the nearest whole number), with a minimum of one 'standard tree' to be provided on each site which is less than 350m² in area.
2. The total number of 'standard trees' required in Clause 1 may be reduced by one, for each 'tree worthy of retention' that is retained or relocated elsewhere on the site, or for each 'large tree' that is provided. Where a 'tree worthy of retention' is proposed to be retained or relocated on the site and it is a 'large tree', the total number of trees required in Clause 1 may be reduced by two.
3. A tree which is being retained is to be protected while development occurs in accordance with AS4970.2009 'Protection of Trees on Development Sites'.
4. A 'tree growth zone' is required around the entire base of all new trees or existing trees that are to be retained on the site, as follows:
 - (a) a minimum radius of 2m for a 'standard tree'; and
 - (b) a minimum radius of 3.5m for a 'large tree'.
5. No structure is to encroach within the 'tree growth zone', above or below ground level. The 'tree growth zone' is to be contained completely on the site, except for 'trees worthy of retention'.
6. If the 'tree growth zone' is situated on top of a 'hard surface', a report by a suitably qualified and currently practising consulting arborist is required, at the expense of the applicant. The arborist report is to demonstrate that the design of the 'tree growth zone' will provide sufficient space for the tree to grow to maturity, to the satisfaction of the City of Bayswater.
7. The trunks of all proposed new trees are to be adequately separated from the trunks of other trees, to the satisfaction of the City of Bayswater.
8. The trunks of all trees are to be located outside of any required minimum outdoor living area dimensions required under the Residential Design Codes, except for the trunks of 'trees worthy of retention' when they are retained.
9. In relation to open air car parking areas in non-residential and mixed use developments, 'standard trees' that provide shade cover are to be provided at a minimum rate of 1 tree per 4 bays. The number of trees required in Clause 1 can be used to provide the shade trees.
10. A 'tree worthy of retention' may only be relocated elsewhere on the site or on the adjacent street verge, where a report by a suitably qualified and currently practising consulting arborist is provided, at the expense of the applicant. The arborist report is to detail the new location of the tree and demonstrate how the tree will be kept in good health prior to, during and after the relocation, to the satisfaction of the City of Bayswater.

If a 'tree worthy of retention' dies as a direct consequence of development works, within one year of the development being completed, or the tree being relocated, the landowner will be liable to replace the tree, to the satisfaction of the City.

Requirements for Trees for State Government Major Projects and Subdivision Applications

1. State Government major projects involving the removal of a tree worthy of retention on City controlled land will be subject to a tree replacement ratio of 5 replacement trees per tree removed.

2. In relation to all residential subdivisions, the City of Bayswater in its referral response will request condition(s) for trees worthy of retention to be retained on any decision made by the determining authority.
3. Clauses 3 to 10 under 'Requirement for Trees on Private Property' are applicable to all State Government major projects and subdivision applications.

Requirements for Trees on Street Verges

1. Trees on the street verge are to be retained, unless in the opinion of the City of Bayswater:
 - (a) The tree is dead;
 - (b) There is an unacceptable level of risk that exists within the tree's structure and remedial techniques cannot rectify;
 - (c) The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it;
 - (d) The tree is causing significant damage to infrastructure, and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a suitably qualified and currently practising arborist;
 - (e) There is an imminent safety risk to people, property and/or infrastructure; and/or
 - (f) The removal is approved under a crossover approval granted by the City of Bayswater. Such removal may be subject to conditions of the crossover approval granted in accordance with the City of Bayswater crossovers policy.
 - (g) The removal is approved under a subdivision approval granted by the Western Australian Planning Commission. Such removal may be subject to conditions in accordance with those approvals.
2. A tree may be removed in accordance with Clause 1 for development and/or for works undertaken for a utility provider or other authority which requires development approval, excluding State Government major projects. When this occurs the City of Bayswater will seek compensation from the utility provider or other authority for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the utility provider or other authority must pay such amounts to the City of Bayswater as directed by the City of Bayswater.
3. A tree may be removed in accordance with Clause 1 for development and/or for works undertaken by a landowner or developer which requires development approval, excluding State Government major projects. When this occurs, the City of Bayswater will seek compensation from the landowner for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the landowner must pay such amounts to the City of Bayswater as directed by the City of Bayswater.
4. If no street trees exist or a street tree is to be removed with regard to Clause 1, at least one new 'standard tree' is to be provided, by the landowner or developer, on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater.
5. Additional trees may be required to be provided, where space is available, to the satisfaction of the City of Bayswater.
6. A minimum 2m setback is to be provided from the edge of any street tree trunk, and any crossover/driveway. The trunks of all proposed new trees are to be adequately separated from the trunks of other trees, to the satisfaction of the City of Bayswater.

Alternative Design Solution

An alternative design solution that varies any of the requirements contained in this policy will only be considered in exceptional circumstances. Written justification is to be provided by a 'suitably qualified landscape architect' or 'consulting arborist', demonstrating that the alternative design is consistent with the objectives of the policy, to the satisfaction of the City of Bayswater.

Tree Maintenance and Replacement

1. All new trees on a site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the land owner, to the satisfaction of the City of Bayswater.
2. In the event that a tree is in poor health and needs to be removed, it is to be replaced with an adequate replacement tree by the owner or developer, to the satisfaction of the City of Bayswater.
3. All retained and new trees on the site and on the street verge are to be adequately maintained and kept in good health in accordance with AS4970.2009 'Protection of Trees on Development Sites'.

Information to be Submitted with Development and Subdivision Applications

Plans for all development and subdivision applications that are subject to this policy are to indicate:

1. The location and species of all trees proposed to be retained that are 'trees worthy of retention' on the site and all existing trees within the street verge that may be impacted by the proposed development or subdivision;
2. The location of all proposed new trees on the site and on the street verge;
3. The location of all proposed 'tree growth zones'; and
4. Additional elevations may be required, to the satisfaction of the City of Bayswater, indicating the potential size and canopy spread of all retained or proposed trees on the site and on the street verge, at maturity in relation to any existing or proposed structures or any retained or proposed trees.

Related Documentation

- Urban Forest Strategy
- Significant Tree Register for Private Land Policy
- Urban Tree Planting and Maintenance Policy
- Crossover Policy
- Tree Planting Guidelines

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	12 June 2018
Reviewed / Modified	22 September 2020
Reviewed / Modified	22 November 2022
Reviewed / Modified	



Trees on Private Land and Street Verges Policy

Responsible Division	Office of the CEO ~~Community and Development~~
Responsible Business Unit	Property and Economic Development ~~and Place~~
Responsible Officer	Manager Property and Economic Development ~~and Place~~
Affected Business Units	Property and Economic Development ~~and Place~~ ~~Statutory Planning and Compliance~~ ~~Parks and Gardens~~
ECM Document Set ID	TBC

Purpose

To ~~encourage and facilitate the protection of trees, to maintain and increase the~~ tree canopy, and improve the neighbourhood amenity, ~~biodiversity~~, character and sense of place.

To outline the requirements for providing, maintaining, protecting and removing trees on private land and within the street verge. These requirements outline obligations applicable to the landowner associated with the development of land in the City of Bayswater.

Objectives

The objectives of the policy are ~~t~~To:

1. ~~Assist with achieving the City of Bayswater's objective to Maintain and~~ increase the City's tree canopy coverage ~~through greater tree preservation by implementing controls that will promote the protection of trees~~ on private and public land.
2. Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to wildlife habitats, biodiversity and ecological corridors.
3. Assist with community comfort through the provision of shade, reduction of glare, improved neighbourhood amenity, character and sense of place, ~~and provide visual screening and privacy.~~
4. Provide a diverse range of ~~native drought resistant species~~, tree sizes, ~~ages~~, and species ~~that to~~ enhance visual interest ~~and~~ to assist with providing a more resilient urban forest.
5. ~~Balance the need for tree retention for canopy cover with development outcomes by providing guidance for removal and replacement of trees.~~
6. Provide for tree growth zones with sufficient area and volume to sustain healthy tree growth into maturity.

~~Prevent tree diseases and excessive shade through the adequate separation of trees, facilitate diversity in the age, size and species of trees throughout the City of Bayswater, and to encourage the retention of 'trees worthy of retention' and the planting of 'large trees'.~~

Introduction

~~The aim of this policy is to protect trees and maintain and increase tree canopy cover in line with the City of Bayswater's Urban Forrest Strategy tree canopy coverage is approximately 14.5% based on the light detection and ranging calculation undertaken in 2021. The City has made a commitment to increase canopy coverage from 14.5% (2021) to 20% by the year 2030, with middle-term specific targets of 16% by 2025 and 18% by 2027 in order to increase the level of benefits derived from having trees within the urban environment. Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The greatest environmental, aesthetic and cooling benefits of trees are provided by large, mature trees which typically have the largest canopy cover. The City is experiencing a loss in trees in urban areas are being lost due to infill development and this can have significant impacts on the community and the respective urban areas.~~

~~Tree damaging activity constitutes works under the *Planning and Development (Local Planning Schemes) Regulations 2015* and development under the *Planning and Development Act 2005*. This policy clarifies the circumstances in which a development application and approval is required for any tree damaging activity including providing guidance on the assessment of these applications and other proposals.~~

~~Where there is an inconsistency between the provisions of this Policy, the *Residential Design Codes* and other Policies, the provisions of this Policy shall prevail, except where Special Control Area 10 (Tonkin Highway Industrial Area) applies.~~

Scope

- ~~1. The Requirements for Tree Preservation on Private Land, Requirements for Tree Preservation on Street Verges, and Tree Maintenance and Replacement apply to all private land and street verges within the City of Bayswater. This includes development subject to Clause 2 below.~~
- ~~2. 1. The requirements for New Trees on Private Land in this policy apply to all development applications where the approximate cost of the development is:~~
 - ~~(a) \$100,000 or more for residential development; and~~
 - ~~(b) \$200,000 or more for non-residential and mixed use development, excluding those involving only a change of use or internal works.~~
- ~~3. 2. Any development that does not meet the thresholds specified in Clause 1 or 2 above, including State Government major projects and subdivision applications, is to have consideration of the objectives and provisions contained in this policy, at the discretion of the City of Bayswater.~~

Definitions

Arborist Report means a report which is prepared by a suitably qualified and experienced arboriculturist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5), suitably qualified landscape architect, or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

Hard surface - Any surface that does not readily allow for drainage, and the penetration and attaching of anchoring tree roots.

Tree damaging activity means-

- (a) The killing or destruction of a tree; and/or
- (b) The removal of a tree; and/or
- (c) The severing of branches, limbs, stems or trunk of a tree; and/or
- (d) The ringbarking, topping or lopping of a tree;
- (e) Storing building materials within the tree protection zone and/or rinsing or discarding of alkaline or other building products in the verge area; and/or
- (f) Any other substantial damage to a tree.

Tree growth zone - An exclusion zone around a tree that:

- (a) Is wholly contained within the subject site, which assists in the protection, growth and ongoing health of a tree; and
- (b) at and below ground level, the tree growth zone is to comprise soil and other water permeable materials that aid in the health and growth of the tree.

~~A trafficable water permeable surface can encroach within the tree growth zone of new trees; provided that suitable provision is made to prevent ground compaction and tree root damage. If trafficable water permeable surfaces are proposed within the tree growth zone a report by a 'suitably qualified landscape architect' or a suitably qualified and currently practising arborist, at the expense of the applicant, is required detailing requirements to ensure tree roots will not be compacted or damaged.~~

Tree worthy of retention - Existing trees that:

- (a) are considered by the City of Bayswater to be healthy specimens with ongoing viability; and
- (b) ~~are considered by the City of Bayswater to be species that~~ are not included on an applicable weed register or are an unsuitable tree species; and
- (c) are at least 3m in height; and/or
- (d) have a trunk with a diameter of at least 100mm at 1m from the ground; and/or
- (e) have two or more trunks and the aggregate of their individual diameter at 1m above ground is at least 200mm; and/or
- (f) have a canopy with a diameter of at least 3m; and/or
- (g) ~~are an endemic species with high environmental value.~~

Standard tree - A species of tree that has the potential to grow to at least 4m in height, ~~provides a canopy of at least 3m in diameter~~, and has a minimum pot size of at least 35 litres when planted.

Large tree - A species of tree that has the potential to grow to at least 12m in height, ~~provides a canopy of at least 9m in diameter~~, and has a minimum pot size of at least 35 litres when planted.

Regulated tree means a living tree that —

- (a) Is 8m or more high; and/or
- (b) has an average canopy diameter of at least 6m; and/or
- (c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and
- (d) is of a species that is not included on State or local area weed register.

~~**Suitably qualified landscape architect** – A landscape architect currently registered with the Australian Institute of Landscape Architects or a similar association.~~

~~The City of Bayswater may require an arborist report to be prepared by a suitably qualified and currently practicing arborist, at the expense of the applicant, to verify if a tree is considered worthy of retention.~~

Track Changes with WALGA Model Policy

Requirements

Requirements for Tree Preservation on Private Land

1. All regulated trees shall be retained and protected unless its removal is approved as part of a subdivision or development approval.
2. All trees worthy of retention, that are not considered a regulated tree, are encouraged to be retained.
3. Development approval is required to be obtained prior to the removal of a regulated tree and the following will be given due regard in the assessment process:
 - (a) Health, maturity, species, and location of the tree;
 - (b) Ecological, biodiversity and environmental values of the tree;
 - (c) Contribution of the tree to the streetscape;
 - (d) The preservation of any other trees worthy of retention on the subject site;
 - (e) The location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention;
 - (f) Any existing development on the site;
 - (g) Design and location of proposed crossovers;
 - (h) Topography and the potential impact from excavation/fill;
 - (i) Possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the tree;
 - (j) Tree Protection Zone(s) (as per AS4970);
 - (k) Tree replacement and/or planting proposed;
 - (l) Recommendations of an Arborist Report; and
 - (m) The objectives of this Policy.
4. Maintenance pruning to regulated tree is permitted without seeking development approval provided that it:
 - (a) involves removing dead or diseased wood only; or
 - (b) is the first pruning of the tree in the calendar year and affects less than 10% of the canopy, not altering the overall shape of the canopy; or
 - (c) is of a fruit tree and done for fruit production; or
 - (d) does not include removing limbs with a diameter of 100mm or more; or
 - (e) is otherwise minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree; and
 - (f) is undertaken in accordance with the standard for Pruning Amenity Trees ASNZ4373.
5. The following justification for the removal of a regulated tree will not be supported:
 - (a) Impact on views.

- (b) The tree variety is disliked.
 - (c) The tree variety causes nuisance by way of leaf, fruit or bark shedding or the like.
 - (d) The tree impacts on private gardens, solar installations, swimming pools or the like.
6. The following exemptions for obtaining Development Approval prior to the removal of a regulated tree apply:
- (a) The removal is deemed as works that are urgently necessary in accordance with the *planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18.
 - (b) The removal is required as part of an approved Bushfire Management Plan.
 - (c) The removal is carried out by the City on a street tree and the removal is considered a public work.

Development and Tree Preservation

7. All trees ~~which is~~ being retained ~~is~~ are to be protected while any development occurs in accordance with AS4970.2009 'Protection of Trees on Development Sites'.
8. A 'tree growth zone' is required around the entire base of all ~~new trees or~~ existing trees that are ~~to be retained on the site, as follows in accordance with~~ AS4970.2009 'Protection of Trees on Development Sites'.
- (a) ~~a minimum radius of 2m for a 'standard tree'; and~~
 - (b) ~~a minimum radius of 3.5m for a 'large tree' or 'regulation tree'.~~
9. No structure is to encroach within the 'tree growth zone', above or below ground level. ~~The 'tree growth zone' is to be contained on the site, except for 'tree worthy of retention.'~~
10. The trunks of all regulated trees and trees worthy of retention may ~~are to be~~ located outside within minimum outdoor living area or primary garden area dimensions required under the Residential Design Codes.
11. Tree relocation is not encouraged as the primary means of tree retention. It may be supported as an alternative in exceptional circumstances where it can be demonstrated: ~~A 'tree worthy of retention' may only be~~
- (a) ~~relocated~~ ~~ion is undertaken elsewhere~~ on the site or on the adjacent street verge;;
 - (b) where a report by a suitably qualified and currently practising consulting arborist is provided, at the expense of the applicant. The arborist report is to detail the new location of the tree and demonstrate how the tree will be kept in good health prior to, during and after the relocation, to the satisfaction of the City of Bayswater.
12. If a 'regulated tree' or 'tree worthy of retention' dies as a direct consequence of development works, within one year of the development being completed, or the tree being relocated, the landowner is liable to provide the following ~~replace the tree, to the satisfaction of the City:~~
- (a) at least one new 'standard tree' within the subject site, to the satisfaction of the City of Bayswater; and
 - (b) provide compensation to the City of Bayswater for the amenity (Helliwell) valuation of the tree.

Requirements for Tree Preservation on Street Verges

1. Trees ~~located~~ on street verges are to be retained, unless ~~and in the opinion of the development approval is granted by the City of Bayswater. The following will be given due regard in the assessment process:~~
 - (a) In the opinion of the City, the provisions of the City's Urban Tree Planting and Maintenance Policy are satisfied; and ~~The tree is dead;~~
 - (b) In the opinion of the City, removal is required to facilitate a crossover where no other viable alternative exists. ~~There is an unacceptable level of risk that exists within the tree's structure and remedial techniques cannot rectify;~~
 - (c) ~~The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it;~~
 - (d) ~~The tree is causing significant damage to infrastructure, and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a suitably qualified and currently practising arborist;~~
 - (e) ~~There is an imminent safety risk to people, property and/or infrastructure; and/or~~
 - (f) ~~The removal is approved under a crossover approval granted by the City of Bayswater. Such removal may be subject to conditions of the crossover approval granted in accordance with the City of Bayswater crossovers policy.~~
 - (g) ~~The removal is approved under a subdivision approval granted by the Western Australian Planning Commission. Such removal may be subject to conditions in accordance with those approvals.~~
2. If street tree removal is approved ~~is to be removed~~ in accordance with Clause 1, the landowner or developer shall provide:
 - (c) at least one new 'standard tree' ~~is to be provided, by the landowner or developer,~~ on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater; ~~; and~~
 - (d) compensation ~~to the City of Bayswater from the landowner~~ for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the landowner must pay such amounts to the City of Bayswater as directed by the City of Bayswater.

~~A tree may be removed in accordance with Clause 1 for development and/or for works undertaken by a landowner or developer which requires development approval, excluding State Government major projects. When this occurs, the City of Bayswater will seek compensation from the landowner for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the landowner must pay such amounts to the City of Bayswater as directed by the City of Bayswater.~~
3. A tree may be removed in accordance with Clause 1 for development and/or for works undertaken for a utility provider or other authority which requires development approval, excluding State Government major projects. When this occurs the City of Bayswater will seek compensation from the utility provider or other authority for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the utility provider or other authority must pay such amounts to the City of Bayswater as directed by the City of Bayswater.

Requirements for New Trees on Private Property

1. 'Standard trees' are to be provided at a rate of one tree for every 350m² of site area (rounded to the nearest whole number), with a minimum of one 'standard tree' to be provided on each site which is less than 350m² in area.
2. The total number of 'standard trees' required in Clause 1 may be reduced by one, for each 'regulated tree' or 'tree worthy of retention' that is retained or relocated elsewhere on the site, or for each 'large tree' that is provided. Where a 'regulated tree' or 'tree worthy of retention' is proposed to be retained or relocated on the site and it is a 'large tree', the total number of trees required in Clause 1 may be reduced by two.
~~3. A tree which is being retained is to be protected while development occurs in accordance with AS4970:2009 'Protection of Trees on Development Sites'.~~
3. A 'tree growth zone' is required around the entire base of all new trees and minimum pot size of existing trees that are to be retained on the site, as follows:
 - (a) a minimum radius of 2m and minimum pot size 35 litres for a 'standard tree'; and
 - (b) a minimum radius of 3.5m and minimum pot size 35 litres for a 'large tree'.
4. No structure is to encroach within the 'tree growth zone', above or below ground level. The 'tree growth zone' is to be contained completely on the site, except for 'trees worthy of retention'.
~~6. If the 'tree growth zone' is situated on top of a 'hard surface', a report by a suitably qualified and currently practising consulting arborist is required, at the expense of the applicant. The arborist report is to demonstrate that the design of the 'tree growth zone' will provide sufficient space for the tree to grow to maturity, to the satisfaction of the City of Bayswater.~~
5. The trunks of all proposed new trees are to be adequately separated from the trunks of other trees, to the satisfaction of the City of Bayswater.
6. The trunks of all trees are to be located outside of any required minimum outdoor living area and minimum primary garden area dimensions required under the Residential Design Codes, except for the trunks of 'trees worthy of retention' when they are retained.
7. In relation to open air car parking areas in non-residential and mixed use developments, 'standard trees' that provide shade cover are to be provided at a minimum rate of 1 tree per 4 bays. The number of trees required in Clause 1 can be used to provide the shade trees.
~~8. A 'tree worthy of retention' may only be relocated elsewhere on the site or on the adjacent street verge, where a report by a suitably qualified and currently practising consulting arborist is provided, at the expense of the applicant. The arborist report is to detail the new location of the tree and demonstrate how the tree will be kept in good health prior to, during and after the relocation, to the satisfaction of the City of Bayswater.~~
~~If a 'tree worthy of retention' dies as a direct consequence of development works, within one year of the development being completed, or the tree being relocated, the landowner will be liable to replace the tree, to the satisfaction of the City.~~

Requirements for New Trees on Street Verges

1. If no street trees exist ~~or a street tree is to be removed with regard to Clause 1~~, at least one new 'standard tree' is to be provided, by the landowner or developer, on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater.
2. Additional trees may be required to be provided, where space is available, to the satisfaction of the City of Bayswater.
3. A minimum 2m setback is to be provided from the edge of any street tree trunk, and any crossover/driveway. ~~A reduced setback to any crossover/driveway may be considered by the City on a case-by-case basis.~~
4. The trunks of all proposed new trees are to be adequately separated from the trunks of other trees to the satisfaction of the City of Bayswater.

Tree Maintenance and Replacement

1. All new trees on a site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the land owner, to the satisfaction of the City of Bayswater.
2. In the event that a ~~newly planted~~ tree is in poor health and needs to be removed, it is to be replaced with an adequate replacement tree by the owner or developer, to the satisfaction of the City of Bayswater.
3. All retained and new trees on the site and on the street verge are to be adequately maintained and kept in good health in accordance with AS4970.2009 'Protection of Trees on Development Sites'.

Requirements for Trees for State Government Major Projects and Subdivision Applications

1. State Government major projects involving the removal of a ~~regulated tree~~ or tree worthy of retention on City controlled land will be subject to a tree replacement ratio of 5 replacement trees per tree removed.
2. In relation to all residential subdivisions, the City of Bayswater in its referral response will request condition(s) for ~~regulated trees and~~ trees worthy of retention to be retained on any decision made by the determining authority.
3. ~~Clauses 1 under 'Requirement for New Trees on Private Property'~~ All sections of this policy are applicable to all State Government major projects and subdivision applications, ~~excluding Clauses 1 and 2 under 'Requirements for Trees on Private Property'.~~

Alternative Design Solution

1. An alternative design solution that varies any of the requirements contained in this policy will only be considered in exceptional circumstances. ~~An alternative design solution will only be considered where a report~~ ~~Written justification is to be provided by a 'suitably qualified landscape architect' by~~

a suitably qualified and currently practising consulting arborist or qualified landscape architect is required provided, at the expense of the applicant demonstrating that the alternative design:

- (a) Is appropriate for the selected tree species root system and canopy spread to grow to full maturity and support the tree specimen into full longevity;
- (b) If a trafficable water permeable surface encroaches within the tree growth zone of new trees provided, suitable provision is to be made for the tree root system growth, to prevent ground compaction and tree root damage; and

~~If trafficable water permeable surfaces are proposed within the tree growth zone a report by a 'suitably qualified landscape architect' or a suitably qualified and currently practising arborist, at the expense of the applicant, is required detailing requirements to ensure tree roots will not be compacted or damaged.~~

- (c) is consistent with the objectives of the policy, to the satisfaction of the City of Bayswater;
2. An alternative design solution for tree growth zones of new trees will not be accepted for full site redevelopments in residential areas.
3. Appendix 1 detail provides an acceptable alternative design solution for tree planting in paved carparking areas for non-residential development.

Application for Development Approval and Subdivision

Information to be Submitted with Development and Subdivision Applications

Plans for all development and subdivision applications that are subject to this policy are to indicate:

1. The location and species of all trees, and provide height, canopy diameter and trunk diameter detail of 'regulated trees' or proposed to be retained that are and 'trees worthy of retention' on the site and all existing trees within the street verge that may be impacted by the proposed development or subdivision;
2. The location of all proposed new trees on the site and on the street verge;
3. The location of all existing and proposed 'tree growth zones' showing radius dimension;
4. Photographs of any existing and/or proposed trees; and
5. Additional elevations may be required, to the satisfaction of the City of Bayswater, indicating the potential size and canopy spread of all retained or proposed trees on the site and on the street verge, at maturity in relation to any existing or proposed structures or any retained or proposed trees.

Related Documentation

- Urban Forest Strategy [link]
- Significant Tree Register for Private Land Policy [link]
- Urban Tree Planting and Maintenance Policy [link]
- Crossover Policy [link]
- Tree Planting Guidelines [link]

- [Residential Design Codes \[link\]](#)
- [State Planning Policy 3.7 - Planning in Bushfire Prone Areas \[link\]](#)
- [Australian Standards AS 4970—2009 - Protection of trees on development sites.](#)
- [Australian Standards AS 4373-2007 Pruning of Amenity Trees.](#)

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*.

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	Low – Moderate		
Strategic link	Goal E1 and Goal L4		
Council adoption	12 June 2018	Resolution	9.5
Reviewed/modified	22 September 2020	Resolution	13.1.1
Reviewed/modified	22 November 2022	Resolution	10.6.2.2
Reviewed/modified	July 2024	Resolution	[item no.]
Next review due	[date]		

Document Set ID: 384
Version: 3, Version D

Urban Design Landscape Architecture
LEVEL 1A, 3-5 JOSEPHSON STREET, FREMANTLE WA 6160
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Trees on Private Land and Street Verges Policy

Responsible Division	Office of the CEO
Responsible Business Unit	Property and Economic Development
Responsible Officer	Manager Property and Economic Development
Affected Business Units	Property and Economic Development Statutory Planning and Compliance Parks and Gardens
ECM Document Set ID	TBC

Purpose

To encourage and facilitate the protection of trees, to maintain and increase the tree canopy, and improve the neighbourhood amenity, biodiversity, character and sense of place.

To outline the requirements for providing, maintaining, protecting and removing trees on private land and within the street verge. These requirements outline obligations applicable to the landowner associated with the development of land in the City of Bayswater.

Objectives

The objectives of the policy are to:

1. Maintain and increase the City's tree canopy coverage through greater tree preservation on private and public land.
2. Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to wildlife habitats, biodiversity and ecological corridors.
3. Assist with community comfort through the provision of shade, reduction of glare, improved neighbourhood amenity, character and sense of place.
4. Provide a diverse range of native drought resistant species, tree sizes, ages, and species that to enhance visual interest to assist with providing a more resilient urban forest.
5. Balance the need for tree retention for canopy cover with development outcomes by providing guidance for removal and replacement of trees.
6. Provide for tree growth zones with sufficient area and volume to sustain healthy tree growth into maturity.

Introduction

The aim of this policy is to protect trees and maintain and increase tree canopy cover in line with the City of Bayswater's Urban Forrest Strategy to increase canopy coverage from 14.5% (2021) to 20% by the year 2030. Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The greatest environmental, aesthetic and cooling benefits of trees are provided by large, mature trees which typically have the largest canopy cover. The City is experiencing a loss in trees in urban areas due to infill development and this can have significant impacts on the community and the respective urban areas.

Tree damaging activity constitutes works under the *Planning and Development (Local Planning Schemes) Regulations 2015* and development under the *Planning and Development Act 2005*. This policy clarifies the circumstances in which a development application and approval is required for any tree damaging activity including providing guidance on the assessment of these applications and other proposals.

Where there is an inconsistency between the provisions of this Policy, the *Residential Design Codes* and other Policies, the provisions of this Policy shall prevail, except where Special Control Area 10 (Tonkin Highway Industrial Area) applies.

Scope

1. The Requirements for Tree Preservation on Private Land, Requirements for Tree Preservation on Street Verges, and Tree Maintenance and Replacement apply to all private land and street verges within the City of Bayswater. This includes development subject to Clause 2 below.
2. The requirements for New Trees on Private Land apply to all development applications where the approximate cost of the development is:
 - (a) \$100,000 or more for residential development; and
 - (b) \$200,000 or more for non-residential and mixed use development, excluding those involving only a change of use or internal works.
3. Any development that does not meet the thresholds specified in Clause 1 or 2 above, including State Government major projects and subdivision applications, is to have consideration of the objectives and provisions contained in this policy, at the discretion of the City of Bayswater.

Definitions

Arborist Report means a report which is prepared by a suitably qualified and experienced arboriculturist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5), suitably qualified landscape architect, or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

Hard surface - Any surface that does not readily allow for drainage, and the penetration and attaching of anchoring tree roots.

Tree damaging activity means-

- (a) The killing or destruction of a tree; and/or
- (b) The removal of a tree; and/or

- (c) The severing of branches, limbs, stems or trunk of a tree; and/or
- (d) The ringbarking, topping or lopping of a tree;
- (e) Storing building materials within the tree protection zone and/or rinsing or discarding of alkaline or other building products in the verge area; and/or
- (f) Any other substantial damage to a tree.

Tree growth zone - An exclusion zone around a tree that:

- (a) Is wholly contained within the subject site, which assists in the protection, growth and ongoing health of a tree; and
- (b) at and below ground level, the tree growth zone is to comprise soil and other water permeable materials that aid in the health and growth of the tree.

Tree worthy of retention - Existing trees that:

- (a) are considered by the City of Bayswater to be healthy specimens with ongoing viability; and
- (b) are not included on an applicable weed register or are an unsuitable tree species; and
- (c) are at least 3m in height; and/or
- (d) have a trunk with a diameter of at least 100mm at 1m from the ground; and/or
- (e) have two or more trunks and the aggregate of their individual diameter at 1m above ground is at least 200mm; and/or
- (f) have a canopy with a diameter of at least 3m; and/or
- (g) are an endemic species with high environmental value.

Standard tree - A species of tree that has the potential to grow to at least 4m in height, provides a canopy of at least 3m in diameter, and has a minimum pot size of at least 35 litres when planted.

Large tree - A species of tree that has the potential to grow to at least 12m in height, provides a canopy of at least 9m in diameter, and has a minimum pot size of at least 35 litres when planted.

Regulated tree means a living tree that —

- (a) Is 8m or more high; and/or
- (b) has an average canopy diameter of at least 6m; and/or
- (c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and
- (d) is of a species that is not included on State or local area weed register.

Requirements

Requirements for Tree Preservation on Private Land

1. All regulated trees shall be retained and protected unless its removal is approved as part of a subdivision or development approval.
2. All trees worthy of retention, that are not considered a regulated tree, are encouraged to be retained.
3. Development approval is required to be obtained prior to the removal of a regulated tree and the following will be given due regard in the assessment process:
 - (a) Health, maturity, species, and location of the tree;
 - (b) Ecological, biodiversity and environmental values of the tree;
 - (c) Contribution of the tree to the streetscape;
 - (d) The preservation of any other trees worthy of retention on the subject site;
 - (e) The location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention;
 - (f) Any existing development on the site;
 - (g) Design and location of proposed crossovers;
 - (h) Topography and the potential impact from excavation/fill;
 - (i) Possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the tree;
 - (j) Tree Protection Zone(s) (as per AS4970);
 - (k) Tree replacement and/or planting proposed;
 - (l) Recommendations of an Arborist Report; and
 - (m) The objectives of this Policy.
4. Maintenance pruning to regulated tree is permitted without seeking development approval provided that it:
 - (a) involves removing dead or diseased wood only; or
 - (b) is the first pruning of the tree in the calendar year and affects less than 10% of the canopy, not altering the overall shape of the canopy; or
 - (c) is of a fruit tree and done for fruit production; or
 - (d) does not include removing limbs with a diameter of 100mm or more; or
 - (e) is otherwise minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree; and
 - (f) is undertaken in accordance with the standard for Pruning Amenity Trees ASNZ4373.
5. The following justification for the removal of a regulated tree will not be supported:
 - (a) Impact on views.

- (b) The tree variety is disliked.
 - (c) The tree variety causes nuisance by way of leaf, fruit or bark shedding or the like.
 - (d) The tree impacts on private gardens, solar installations, swimming pools or the like.
6. The following exemptions for obtaining Development Approval prior to the removal of a regulated tree apply:
- (a) The removal is deemed as works that are urgently necessary in accordance with the *planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18.
 - (b) The removal is required as part of an approved Bushfire Management Plan.
 - (c) The removal is carried out by the City on a street tree and the removal is considered a public work.

Development and Tree Preservation

- 7. All trees being retained are to be protected while any development occurs in accordance with AS4970.2009 'Protection of Trees on Development Sites'.
- 8. A 'tree growth zone' is required around the entire base of all existing trees that are retained on the site in accordance with AS4970.2009 'Protection of Trees on Development Sites'.
- 9. No structure is to encroach within the 'tree growth zone', above or below ground level.
- 10. The trunks of all regulated trees and trees worthy of retention may be located within minimum outdoor living area or primary garden area dimensions required under the Residential Design Codes.
- 11. Tree relocation is not encouraged as the primary means of tree retention. It may be supported as an alternative in exceptional circumstances where it can be demonstrated:
 - (a) relocation is undertaken on the site or on the adjacent street verge;
 - (b) where a report by a suitably qualified and currently practising consulting arborist is provided, at the expense of the applicant. The arborist report is to detail the new location of the tree and demonstrate how the tree will be kept in good health prior to, during and after the relocation, to the satisfaction of the City of Bayswater.
- 12. If a 'regulated tree' or 'tree worthy of retention' dies as a direct consequence of development works, within one year of the development being completed, or the tree being relocated, the landowner is liable to provide the following:
 - (a) at least one new 'standard tree' within the subject site, to the satisfaction of the City of Bayswater; and
 - (b) provide compensation to the City of Bayswater for the amenity (Helliwell) valuation of the tree.

Requirements for Tree Preservation on Street Verges

1. Trees located on street verges are to be retained, unless development approval is granted by the City of Bayswater. The following will be given due regard in the assessment process:
 - (a) In the opinion of the City, the provisions of the City's Urban Tree Planting and Maintenance Policy are satisfied; and
 - (b) In the opinion of the City, removal is required to facilitate a crossover where no other viable alternative exists.
2. If street tree removal is approved in accordance with Clause 1, the landowner or developer shall provide:
 - (a) at least one new 'standard tree' on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater; and
 - (b) compensation to the City of Bayswater for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the landowner must pay such amounts to the City of Bayswater as directed by the City of Bayswater.
3. A tree may be removed in accordance with Clause 1 for development and/or for works undertaken for a utility provider or other authority which requires development approval, excluding State Government major projects. When this occurs the City of Bayswater will seek compensation from the utility provider or other authority for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the utility provider or other authority must pay such amounts to the City of Bayswater as directed by the City of Bayswater.

Requirements for New Trees on Private Property

1. 'Standard trees' are to be provided at a rate of one tree for every 350m² of site area (rounded to the nearest whole number), with a minimum of one 'standard tree' to be provided on each site which is less than 350m² in area.
2. The total number of 'standard trees' required in Clause 1 may be reduced by one, for each 'regulated tree' or 'tree worthy of retention' that is retained or relocated elsewhere on the site, or for each 'large tree' that is provided. Where a 'regulated tree' or 'tree worthy of retention' is proposed to be retained or relocated on the site and it is a 'large tree', the total number of trees required in Clause 1 may be reduced by two.
3. A 'tree growth zone' is required around the entire base of all new trees and minimum pot size or as follows:
 - (a) a minimum radius of 2m and minimum pot size 35 litres for a 'standard tree'.
 - (b) a minimum radius of 3.5m and minimum pot size 35 litres for a 'large tree'.
4. No structure is to encroach within the 'tree growth zone', above or below ground level. The 'tree growth zone' is to be contained completely on the site.
5. The trunks of all proposed new trees are to be adequately separated from the trunks of other trees, to the satisfaction of the City of Bayswater.
6. The trunks of all trees are to be located outside of any required minimum outdoor living area and minimum primary garden area dimensions required under the Residential Design Codes.

7. In relation to open air car parking areas in non-residential and mixed use developments, 'standard trees' that provide shade cover are to be provided at a minimum rate of 1 tree per 4 bays. The number of trees required in Clause 1 can be used to provide the shade trees.

Requirements for New Trees on Street Verges

1. If no street trees exist, at least one new 'standard tree' is to be provided, by the landowner or developer, on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater.
2. Additional trees may be required to be provided, where space is available, to the satisfaction of the City of Bayswater.
3. A minimum 2m setback is to be provided from the edge of any street tree trunk, and any crossover/driveway. A reduced setback to any crossover/driveway may be considered by the City on a case-by-case basis.
4. The trunks of all proposed new trees are to be adequately separated from the trunks of other trees to the satisfaction of the City of Bayswater.

Tree Maintenance and Replacement

1. All new trees on a site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the land owner, to the satisfaction of the City of Bayswater.
2. In the event that a newly planted tree is in poor health and needs to be removed, it is to be replaced with an adequate replacement tree by the owner or developer, to the satisfaction of the City of Bayswater.
3. All retained and new trees on the site and on the street verge are to be adequately maintained and kept in good health in accordance with AS4970.2009 'Protection of Trees on Development Sites'.

Requirements for Trees for State Government Major Projects and Subdivision Applications

1. State Government major projects involving the removal of a regulated tree or tree worthy of retention on City controlled land will be subject to a tree replacement ratio of 5 replacement trees per tree removed.
2. In relation to all residential subdivisions, the City of Bayswater in its referral response will request condition(s) for regulated trees and trees worthy of retention to be retained on any decision made by the determining authority.
3. All sections of this policy are applicable to all State Government major projects and subdivision applications, excluding Clauses 1 and 2 under 'Requirements for Trees on Private Property'.

Alternative Design Solution

1. An alternative design solution that varies any of the requirements contained in this policy will only be considered in exceptional circumstances. An alternative design solution will only be considered where a report by a suitably qualified and currently practising consulting arborist or qualified landscape architect is provided, at the expense of the applicant demonstrating that the alternative design:
 - (a) Is appropriate for the selected tree species root system and canopy spread to grow to full maturity and support the tree specimen into full longevity;
 - (b) If a trafficable water permeable surface encroaches within the tree growth zone of new trees provided, suitable provision is to be made for the tree root system growth, to prevent ground compaction and tree root damage; and
 - (c) Is consistent with the objectives of the policy, to the satisfaction of the City of Bayswater;
2. An alternative design solution for tree growth zones of new trees will not be accepted for full site redevelopments in residential areas.
3. Appendix 1 detail provides an acceptable alternative design solution for tree planting in paved carparking areas for non-residential development.

Application for Development Approval and Subdivision

Information to be Submitted with Development and Subdivision Applications

Plans for all development and subdivision applications that are subject to this policy are to indicate:

1. The location and species of all trees, and provide height, canopy diameter and trunk diameter detail of 'regulated trees' and 'trees worthy of retention' on the site and all existing trees within the street verge that may be impacted by the proposed development or subdivision;
2. The location of all proposed new trees on the site and on the street verge;
3. The location of all existing and proposed 'tree growth zones' showing radius dimension;
4. Photographs of any existing and/or proposed trees; and
5. Additional elevations may be required, to the satisfaction of the City of Bayswater, indicating the potential size and canopy spread of all retained or proposed trees on the site and on the street verge, at maturity in relation to any existing or proposed structures or any retained or proposed trees.

Related Documentation

- Urban Forest Strategy [\[link\]](#)
- Significant Tree Register for Private Land Policy [\[link\]](#)
- Urban Tree Planting and Maintenance Policy [\[link\]](#)

- Crossover Policy [link]
- Tree Planting Guidelines [link]
- Residential Design Codes [link]
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas [link]
- Australian Standards AS 4970—2009 - Protection of trees on development sites.
- Australian Standards AS 4373-2007 Pruning of Amenity Trees.

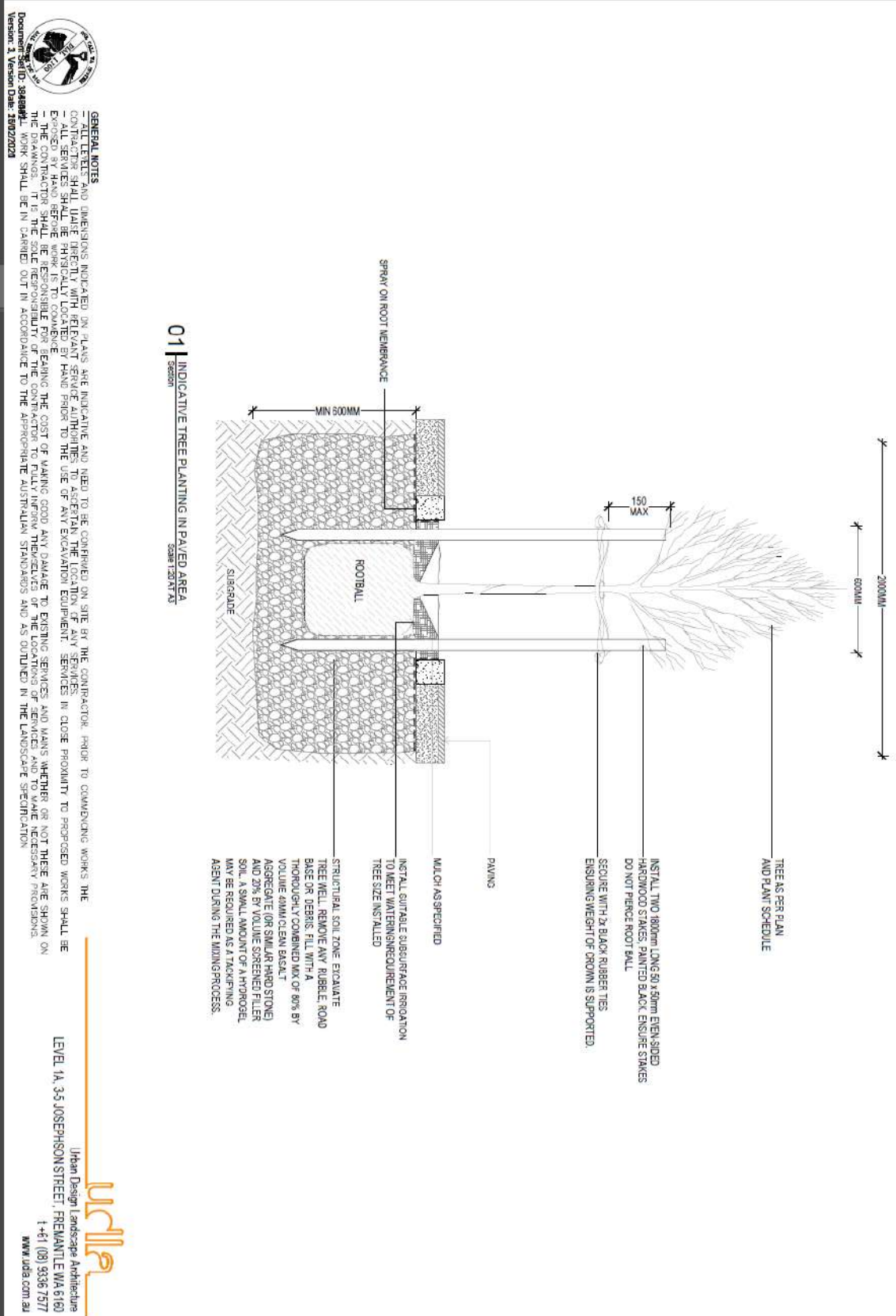
Related legislation

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*.

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	Low – Moderate		
Strategic link	Goal E1 and Goal L4		
Council adoption	12 June 2018	Resolution	9.5
Reviewed/modified	22 September 2020	Resolution	13.1.1
Reviewed/modified	22 November 2022	Resolution	10.6.2.2
Reviewed/modified	July 2024	Resolution	[item no.]
Next review due	[date]		

Appendix 1 – Indicative Tree Planting in Paved Carparking Area Detail (Non-Residential)





Summary provisions requiring WAPC approval							
R-Codes Volume 1 & Volume 2 comparison VS Trees on Private Land Policy (Tree Policy)							
Note Policy applies to all zoned land, not just land covered by the R-Codes (ie includes industrial, commercial etc)							
Matter	Tree Policy	Town Planning Scheme Provision	R-Codes V1 Part B	R-Codes V1 Part C	R-Codes V2 (MD R80+)	Comparison	WAPC approval
Tree number per site	Requirements for New Trees on Private Land Clause 1 1 Standard Tree (4m high) per 350m ²	Clause 8.3.9.2 (a) 1 Standard Tree (4m high) per 350m ²	Clause 5.3.2 SH & GD - 1 Tree MD 2 tree <700sqm 3 trees 700-1000 4 trees >1000	Clause 1.24 as per Table 1.2a 1.2b SH 1 small tree (3-8 high) GD 1 small tree or 2 small trees where primary garden area reduced MD 1 medium tree & 2 small trees >700sqm MD 2 medium tree or 1 large 700 to 1000sqm MD 2 medium or 1 large 1000sqm site plus 1 medium per 400 over 1000sqm	Element 3.3 <700 1 medium tree (8-12m high) and small trees (3-8m high) to suit 700- 1000sqm 2 medium trees or 1 large tree, and small trees to suit >1000sqm 1 large tree and 1 medium tree for each additional 100sqm, small trees to suit	On average, City policy allows for more trees to be planted, particularly on single house and grouped housing development.	TPS24 prevails
1 tree per 4 car bays for open air car parking areas	Requirements for New Trees on Private Land Clause 7 No provision for residential	Clause 8.3.9.2 (c) No provision for residential	Clause 5.3.2 1 tree per 4 car parking spaces for grouped and multiple dwellings	Clause 1.2.5 1 small tree for every 4 car parking spaces for grouped and multiple dwellings.	Clause 3.9.9 one tree per four bays	City policy does not apply to residential land relating to trees within car parking bays. R-Codes prevails.	N/A
Alternative design solutions	Alternative design solution section allows for	Clause 8.3.9.3 allows for alternative design with arborist report	Clause 5.3.2 no specific design principle relating to deep soil area.	Element 1.2 design principle 1.2.3 provides discretion for deep soil area.	Element objective O3.3.3 provides discretion for deep soil area.	Alternative design solution within Policy replaces R-Codes 1.2.3	TPS24 prevails



	alternative design with arborist report under exceptional circumstances.	under exceptional circumstances.				deemed to comply and Element Objective 3.3.3.	
Tree worthy of retention	Defines tree worthy of retention as 3m or higher and meets specified criteria.	Defines tree worthy of retention as 3m or higher and specified criteria	Clause 5.3.2 Trees greater than 3m to be retained.	Definitions define Significant existing tree as 4m or higher and meets specified criteria	Clause 3.3.1 & 3.3.2 Retention of trees higher than 4m and meet specified criteria. Tree removal needs arborist report.	City Tree Policy aims to retains trees 3m or higher therefore retains more variety of trees.	TPS24 prevails
Standard tree definition.	Defined with 4m in height	Not specified		Table 1.2b Small tree 3-8m medium 8-12m high	Table 3.3b small tree 3-8m medium 8-12m high	City policy standard tree 1m higher than R-Code small tree. Difficult to compare, City large tree between R-Code Medium and Small tree.	TPS24 prevails
Large tree definition.	Defined with 9m height	Not specified	Not specified	Table 1.2b Large tree >12m high	Table 3.3b large tree >12m high	Difficult to compare, City large tree between R-Code Large and Medium tree.	TPS24 prevails.
Tree growth zone (Requirements for New Trees only)	Standard tree - 2 metre radius Large tree –	Not specified	2m x 2m minimum planting area	Small tree 1.5m minimum dimension - working with a square / rectangle 9sqm total area (3.4m diameter if compared to circle)	Small tree 2m minimum dimension - working with a square / rectangle 9sqm total area (3.4m diameter if compared to circle)	City policy is consistent with AS4970.2009	WAPC approval required



	3.5 metre radius			Medium tree 3m minimum dimension - working with a square / rectangle 36sqm total area (6.77m diameter if compared to circle) Large tree 6m minimum dimension - working with a square / rectangle 64sqm total area (9m diameter if compared to circle)	Medium tree 3m minimum dimension - working with a square / rectangle 36sqm total area (6.77m diameter if compared to circle) Large tree 6m minimum dimension - working with a square / rectangle 64sqm total area (9m diameter if compared to circle)		
Canopy spread	Standard tree – 3m diameter minimum Large tree – 9m diameter minimum	Not specified	Not specified	Small tree – 2 to 6m diameter Medium - 6 to 9m diameter Large tree – 9m diameter minimum	Small tree – 2 to 6m diameter Medium - 6 to 9m diameter Large tree – 9m diameter minimum	Standard tree fits within small tree canopy. Consistent with R-Code	WAPC approval required Not required
Tree worthy of retention incentive provisions	Clause 2 Number of trees to be provided reduced by 1 where tree worthy of retention retained.	Not specified	Not specified	Clause 1.2.6 Landscaping requirement reduced to 10% (15% normally req)	Table 3.3a Reduction to minimum deep soil area 7% (10% normal required)	City to retain policy provision. Considered more beneficial to provide the required landscaping area.	WAPC approval required
Tree worthy of retention tree growth zone	Clause 3 Standard tree - as per AS4970 Large tree – as per AS4970	Not specified	Not specified	Clause 1.2.7 Refers tree growth zone to be provided as per AS4970	Not specified	Consistent with R-Codes.	No approval required



<i>The above table provides a summary of provision only. For full provision refer to relevant Policy, Scheme or R-Codes.</i>	

10.5.2.9 Policy Review: Home Based Business Licensing

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Home Based Business Licensing Policy [9.9.1 - 2 pages]
Refer:	Item 10.5.3.2: OCM 14.05.19

SUMMARY

Council consideration is sought in relation to the proposed revocation of the Home-Based Business Licensing local planning policy.

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

That Council repeals the *Home-Based Business Licensing Policy* as contained in Attachment 1 to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Sally Palmer, Cr Michelle Sutherland, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull and Cr Georgia Johnson.

Against: Nil.

BACKGROUND

The City has a large number of local planning policies to guide better development within the City. City officers review existing local planning policies in accordance with the adopted policy review schedule, or as otherwise determined due to identified operational issues or legislative changes. This process updates and improves the City's policy framework and reduces red tape associated with applications for Development Approval.

Part of this review process is to revoke those local planning policies which are no longer considered relevant.

Council, at its Ordinary Meeting held on 14 May 2019 adopted the *Home-Based Business Licensing Policy* and revoked the City's *Home Based Business Local Planning Policy*. It was determined at that time that the provisions of the *Home Based Business Local Planning Policy* were replicated with greater effect in *Town Planning Scheme No. 24 (TPS 24)*, and that Council's position regarding the licensing of home-based businesses should be adopted in a new *Home-Based Business Licensing Policy*.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. Revocation of this policy is an administrative matter only, which does not impact the permissibility of home-based businesses within the City, nor the requirement for registration contained in section 8.5.7 of TPS 24

In the event Council resolve to revoke the *Home-Based Business Licensing Policy*, a notice will be published in the local newspaper in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

OFFICER'S COMMENTS

The primary operational imperative of a local planning policy is to provide guidance on the application of discretion when considering development applications.

The City's TPS 24 defines home-based business(es) as:

"means a use including "Home office", "Home Occupation", "Home Business" and "Cottage Industry" as defined in Appendix 1 of [this Scheme]."

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* are Deemed Provisions which are included in all local government planning schemes. The Deemed Provisions exempts the 'home occupation' land use from requiring development approval in all zones across Western Australia.

Section 8.5.7 of the City's TPS 24 sets out the requirements for the approval and operation of home-based businesses, including:

- requiring a home-based business registration form for home-based businesses which are exempt under the Deemed Provisions (cl. 8.5.7.1)
- portability of home-based business licenses and approvals, i.e. approval does not transfer with transfer of the land (cl. 8.5.7.3 & 8.5.7.4)
- power of the City to rescind a home-based business approval (cl. 8.5.7.5).

These Scheme provisions are replicated in the *Home-Based Business Licensing Policy*, with less effect, owing to the 'due regard' status of local planning policies. Further, as the policy simply replicates Scheme provisions, it provides no guidance on the application of discretion when considering applications for Development Approval.

The *Home-Based Business Licensing Policy* sets out the registration and annual licensing procedure that applies to home-based businesses. Information regarding the process and requirements for home-based business approvals and licensing can more appropriately be published on the City's website and will continue to be enforced as a requirement for Development Approval, where required.

In light of the above it is recommended to revoke the *Home-Based Business Licensing Policy*.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for the revocation of a local planning policy, including the requirement to give public notice of a decision to revoke a policy.

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	low
Financial	Medium	low
Reputation and Stakeholders	Medium	low
Service Delivery	Medium	low
Environment	Low	low
Governance and Compliance	Low	low

Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The current WA planning system supports low-impact home-based businesses and the broad streamlining and simplification of planning processes. This is enabled through State-wide exemptions from requiring planning approval, and is supported by clear requirements in TPS 24, including licensing requirements. The current *Home-Based Business Licensing Policy* is redundant with these Scheme provisions, and therefore its revocation clarifies the application process for applicants while having no impact on powers and processes of the City.

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

- Theme: Vibrancy
- Goal V2: Encourage economic development across the City, and provide increased opportunities for people to live and work locally by facilitating new investment in the City.
- Goal V4: Support businesses across the City to grow and thrive.

CONCLUSION

In view of the above it is recommended that Council revokes the *Home-Based Business Licensing Policy*.

Home-Based Business Licensing Policy



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

Purpose

This policy sets out the registration and annual licensing procedure that applies to home-based businesses.

Objectives

The objectives of this local planning policy are to:

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

Introduction

Operating a small business from a residence allows many small enterprises to reduce start-up costs or to continue to operate when it is not viable to lease or purchase commercial premises. However, it is important that these home-based businesses are operated in a manner that does not adversely impact the character and amenity of residential streets, which are primarily places to live, rather than places to work. For this reason it is important for home-based businesses to be registered and maintain a valid licence in order to continue to operate.

Scope

This policy is applicable to the development of any home-based business operating within the City of Bayswater, on a lot predominately used for an approved single house, grouped dwelling or multiple dwelling.

Definitions

Home-based Business means a use including 'Home Office', 'Home Occupation', 'Home Business' or 'Cottage Industry', as defined in the City of Bayswater Local Planning Scheme.

Requirements

1. Where the occupant of a dwelling intends to operate a Home Office, a completed Home Office Registration Form must be submitted to the satisfaction of the City.
2. If the City issues development approval to operate a home-based business, a Home-Based Business Licence will also be issued.

- (a) The licence is required to be renewed annually, which will involve the payment of a (pro rata) annual licence fee, in accordance with the City's schedule of fees and charges.
 - (b) Home Offices are exempt from this requirement.
- 3. The City reserves the right to revoke a Home-Based Business Licence, where it is of the opinion that the use is negatively impacting upon the amenity of a neighbourhood or is causing a public nuisance.
- 4. Failure to maintain a valid Home-Based Business Licence will render the approval of the use invalid, meaning that continuation of the activity will be in breach of the Town Planning Scheme and subject to compliance action.

Related legislation

This policy is adopted under Part 2, Division 2, s. 2.7(2) of the *Local Government Act 1995*.

Relevant Delegations	TP-D01
Council Adoption	14 May 2019

10.5.2.10 Policy Review: Telecommunications Infrastructure Policy

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Current Telecommunications Infrastructure Policy [9.10.1 - 4 pages] 2. DRAFT Telecommunications Infrastructure Policy - Tracked Changes Version [9.10.2 - 5 pages] 3. DRAFT Telecommunications Infrastructure Policy [9.10.3 - 4 pages]

SUMMARY

Council consideration is sought in relation to the review of the City's Telecommunications Infrastructure local planning policy.

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

That Council adopts the revised *Telecommunications Infrastructure Policy*, as contained in **Attachment 3** to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: *Nil.*

BACKGROUND

The City has a large number of local planning policies to guide better development within the City. City officers review existing local planning policies in accordance with the adopted policy review schedule, or as otherwise determined due to identified operational issues or legislative changes. This process updates and improves the City's policy framework and reduces red tape associated with applications for Development Approval.

In accordance with the adopted policy review schedule, the *Telecommunications Infrastructure Policy* has been reviewed, and the revised policy is presented in **Attachment 2** (tracked changes version) and **Attachment 3** (draft policy).

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. Proposed revisions to the *Telecommunications Infrastructure Policy* are considered minor administrative changes and do not materially change the guidance provided by the policy, therefore no advertising is required.

OFFICER'S COMMENTS

The following revisions are proposed to the *Telecommunications Infrastructure Policy*:

Revision	Rationale
Minor text revisions – <i>whole document</i>	Minor text revisions to provide greater clarity and/or utility to existing provisions.
Updated references to related legislation – <i>whole document</i>	The <i>Radio Communications Licence Conditions (Apparatus Licence) Determination</i> has been updated and amended since adoption of the policy. All references to related legislation have been updated to current versions, with the (as amended) qualifier added.
Use class definition - <i>Definitions</i>	The ‘telecommunications infrastructure’ use class definition in the current policy mirrors the current definition in <i>Town Planning Scheme No. 24</i> (TPS 24), however does not align with the model use class definition. Given that the City will soon commence preparation of a new local planning scheme, this definition has been amended to link to any future scheme definition.
Co-location of infrastructure – <i>Location Policy Statement</i>	The meaning of ‘co-location’ has been included to clarify its meaning as proposed by the policy. This also removes ambiguity relating to new infrastructure proposed where existing infrastructure has already been approved. E.g. a second monopole at Crimea Reserve.
<i>Advertising Policy Statement</i>	Modification of the advertising requirement from 250 metres to 200 metres. The 250 metre requirement was derived from an unenforceable residential buffer requirement in the former (now revoked) Telecommunications Infrastructure policy. The 200 metre advertising area aligns with the advertising requirement in the Regulations for complex development applications.
Accompanying information	Clarifies that certain items are only required where co-location (as defined in the policy) is not proposed.

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

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

LEGISLATIVE COMPLIANCE

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

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	low
Financial	Medium	low
Reputation and Stakeholders	Medium	low
Service Delivery	Medium	low
Environment	Low	low
Governance and Compliance	Low	[low/medium/high/extreme]
Strategic Risk	SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets.	

	SR07 - Unethical or inadequate governance and/or decision-making.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, supporting the State's economy and creating and maintaining connected and cohesive social networks. Telecommunications infrastructure is controlled by Commonwealth legislation, whilst land use permissibility is at State government direction, with guidance provided by *State Planning Policy 5.2 Telecommunications Infrastructure*. Any local planning policy related to telecommunications infrastructure must be consistent with these legislative instruments, and provide guidance on the application of discretion, where available to the City.

Given the current State Government position and process regarding infrastructure on State-owned land, it is appropriate that Council's position regarding infrastructure on City-owned land is confirmed.

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

Theme: Environment and Liveability

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

Theme: Leadership and Governance

Goal 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

That the Council adopts the revised *Telecommunications Infrastructure Policy*.



Telecommunications Infrastructure Policy

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

Purpose

To outline the requirements for providing telecommunications infrastructure in the City of Bayswater.

Objectives

The objectives of this policy are to:

1. Minimise and mitigate the visual impacts of telecommunications infrastructure on the natural, cultural, heritage and social amenity of an area.
2. Recognise that telecommunications infrastructure is essential for business, personal and emergency purposes; however, it is to have no greater consideration than the need to protect the visual impacts of telecommunications infrastructure on the amenity and character of a locality.

Introduction

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State's economy to creating and maintaining connected and cohesive social networks. Contact between emergency services and the community increasingly relies on the telecommunications networks.

However, telecommunications infrastructure can have a visual impact on the natural, cultural, heritage and social amenity of an area. It is important that any potential visual impacts are appropriately minimised and mitigated and that the need for effective telecommunications services is given equal consideration with the need to protect the amenity of an area.

Scope

1. The requirements in this policy apply to all telecommunications infrastructure, with the exception of infrastructure that does not require development approval under the Telecommunications Act 1997 (as amended), such as low-impact telecommunications facilities.
2. This policy is complementary to State Planning Policy 5.2: Telecommunications Infrastructure. In assessing development applications for telecommunications infrastructure the City is to have regard to State Planning Policy 5.2.
3. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

Telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) *Radio communications Licence Conditions (Apparatus Licence) Determination 2003*. These licence conditions make mandatory the limits in the ARPANSA Radiofrequency (RF) Standard, which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure.

As health and safety standards in relation to telecommunications infrastructure are controlled by a Commonwealth agency, they are not a consideration of this policy and are not a responsibility of the City of Bayswater.

Definitions

Telecommunications Infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

Sensitive Land Uses means land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres, and generally excludes commercial or industrial premises.

Requirements

Location

1. Telecommunications infrastructure shall be co-located with existing infrastructure in the first instance where possible.
2. Where telecommunications infrastructure cannot be co-located, it shall be either:
 - (a) Located within industrial and commercial zones.
 - (b) Mounted on existing or proposed buildings where possible and positioned on the building where it will have the least visual impact from public places and neighbouring properties. Where the infrastructure is to be mounted on a proposed building, it should be considered as a part of the development application for the proposed building.
 - (c) Located in another location that will have the least impact on the amenity of an area.
3. Telecommunications infrastructure shall also be:
 - (a) Located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.
 - (b) Located to avoid detracting from a significant view of a heritage item or place, landmark, streetscape, vista or panorama, whether viewed from public or private land.
 - (c) Adequately setback from sensitive land uses to ensure the amenity of the area is not unreasonably compromised.

Design

1. The scale, materials, external colours and finishes are to be sympathetic to, and blend in with the surrounding landscape.
2. Landscaping and other methods shall be used to screen and/or camouflage telecommunications infrastructure from sensitive land uses and public places, and to mitigate any potential impacts to the amenity of an area.
3. Trees and other vegetation shall be retained where possible. Where trees and other vegetation are proposed to be removed, trees and vegetation shall be provided at a ratio of not less than 5:1. Any new trees shall have a minimum size of at least 35 litres when planted.
4. The infrastructure is to be designed to accommodate the future co-location of at least two additional telecommunication carriers.

Cessation of Use

All obsolete telecommunications infrastructure must be removed and the land reinstated to a state that is considered acceptable to the City within three months of the cessation of its use.

Advertising

Proposed telecommunications infrastructure shall be advertised by the City to owners and occupiers within a 250m radius of the proposed infrastructure's location.

Information to be submitted with a Development Application

Plans for all development applications that are subject to this policy are to include:

1. A statement prepared by a suitably qualified Telecommunications Engineer providing evidence that all opportunities for the co-location of the proposed infrastructure with existing telecommunications infrastructure have been investigated and that it is not possible.
2. A statement prepared by a suitably qualified Telecommunications and Structural Engineer demonstrating that the infrastructure has been designed to accommodate the future co-location of at least two other telecommunication carriers.
3. A statement prepared by a suitably qualified Telecommunications Engineer and/or a map indicating the extent to which the proposed infrastructure addresses the network capacity for future demand and/or current gaps in service.
4. A statement demonstrating how the proposal complies with the objectives and requirements of this policy and if applicable justification for any variation.
5. Plans and coloured graphic illustrations, including photographic simulations, showing the type of infrastructure and its relationship with adjacent development, including elevations showing the extent, height and appearance, proposed materials and colour, any screening or fencing, and any external lighting.
6. Details of any significant environmental constraints, including those associated with the species, condition and significance of any vegetation to be removed.
7. Where landscaping is proposed a landscaping plan shall be provided.

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	29 October 2019



Telecommunications Infrastructure Policy

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

Purpose

To outline the requirements for ~~providing~~ telecommunications infrastructure in the City of Bayswater.

Objectives

The objectives of this policy are to:

1. Minimise and mitigate the ~~visual~~ impacts of telecommunications infrastructure on the natural, cultural, heritage and ~~social~~ ~~visual~~ amenity of an area.
2. Recognise that telecommunications infrastructure is essential for business, personal and emergency purposes; however it is to have no greater consideration than the need to protect the visual impacts of telecommunications infrastructure on the amenity and character of a locality.

Introduction

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State's economy to creating and maintaining connected and cohesive social networks. Contact between emergency services and the community increasingly relies on ~~the~~ telecommunications networks.

However, telecommunications infrastructure can have an ~~visual~~ impact on the natural, cultural, heritage and ~~social~~ ~~visual~~ amenity of an area. It is important that any potential visual impacts are appropriately ~~minimised and mitigated~~ ~~managed~~, and that the need for effective telecommunications services is ~~given~~ ~~equal consideration~~ ~~balanced~~ with the need to protect the amenity of an area.

Scope

1. The requirements of this policy apply to ~~all telecommunications infrastructure, with the exception of infrastructure that does not require development approval under the Telecommunications Act 1997~~ above and below ground telecommunications infrastructure other than those facilities exempted under the Commonwealth *Telecommunications Act 1997* (as amended), such as low-impact telecommunications facilities.

2. This policy is complementary to *State Planning Policy 5.2 Telecommunications Infrastructure*. In assessing development applications for telecommunications infrastructure the City is to have regard to State Planning Policy 5.2.
3. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

Telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) *Radio Communications Licence Conditions (Apparatus Licence) Determination 2003 2015 (as amended)*. These licence conditions make mandatory the limits in the ARPANSA Radiofrequency (RF) Standard, which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure.

As health and safety standards in relation to telecommunications infrastructure are controlled by a Commonwealth agency, they are not a consideration of this policy and are not a responsibility of the City of Bayswater.

Definitions

For the purpose of this policy —

Telecommunications infrastructure ~~means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network~~ has the same meaning as defined in the City of Bayswater local planning scheme.

Sensitive land use means land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and child care centres, and generally excludes commercial or industrial premises.

Policy Statement

Location

1. Telecommunications infrastructure shall be co-located with existing infrastructure in the first instance where possible. ~~In the application of this provision, co-location shall mean installed on existing infrastructure and requiring no additional land allocation.~~
2. Where telecommunications infrastructure can not be co-located, it shall be either:
 - a. Located within ~~industrial and commercial~~ non-residential zones.
 - b. Mounted on existing or proposed buildings where possible and positioned on the building where it will have the least visual impact from public places and neighbouring properties. ~~Where the infrastructure is to be mounted on a proposed building, it should be considered as a part of the development application for the proposed building.~~

- c. Located in another location where it will have the least impact on the amenity of an area.
- 3. Telecommunications infrastructure shall also be:
 - a. Located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.
 - b. Located to avoid detracting from a significant view of a heritage item or place, landmark, streetscape, vista or panorama, whether viewed from public or private land.
 - c. Adequately setback from sensitive land uses to ensure the amenity of the area is not unreasonably compromised.

Design

- 1. The scale, materials, external colours and finishes are to be sympathetic to, and blend in with the surrounding landscape.
- 2. Landscaping and other methods shall be used to screen and/or camouflage telecommunications infrastructure from sensitive land uses and public spaces, and to mitigate any potential impacts on the amenity of the area.
- 3. Trees and other vegetation shall be retained where possible. Where trees and other vegetation are proposed to be removed, trees and vegetation shall be provided at a ratio of not less than 5:1. Any new trees shall have a minimum size of at least 35 litres when planted.
- 4. The infrastructure is to be designed to accommodate the future co-location of at least two additional telecommunication carriers.

Cessation of use

Following cessation of use, all obsolete telecommunications infrastructure must be removed and the land reinstated to a state that is considered acceptable to the City within three months of the cessation of its use.

Advertising

Proposed telecommunications infrastructure shall be advertised by the City to owners and occupiers of every property that is within 200 metres a 250m radius of the proposed telecommunications infrastructure's location.

Information to be submitted with a development application

~~Plans for~~ All development applications that are subject to this policy are to include:

- 1. A statement prepared by a suitably qualified Telecommunications Engineer providing evidence that all opportunities for the co-location of the proposed infrastructure with existing telecommunications infrastructure have been investigated and that it is not possible-, where co-location with existing telecommunications infrastructure is not proposed.

2. A statement prepared by a suitably qualified Telecommunications and Structural Engineer demonstrating that the infrastructure has been designed to accommodate the future co-location of at least two other telecommunication carriers-, where co-location with existing telecommunications infrastructure is not proposed.
3. A statement prepared by a suitably qualified Telecommunications Engineer and/or a map indicating the extent to which the proposed infrastructure addresses the network capacity for future demand and/or current gaps in service.
4. A statement demonstrating how the proposal complies with the objectives and requirements of this policy and if applicable justification for any variation.
5. Plans and coloured graphic illustrations, including photographic simulations, showing the type of infrastructure and its relationship with adjacent development, including elevations showing the extent, height and appearance, proposed materials and colour, any screening or fencing, and any external lighting.
6. Details of any significant environmental constraints, including those associated with the species, condition and significance of any vegetation to be removed.
7. Where landscaping is proposed a Landscaping Plan shall be provided- in accordance with the City's Landscaping Policy and Landscaping Guidelines.

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*.

Related Documentation

Telecommunications Act 1997
Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015
State Planning Policy 5.2 Telecommunications Infrastructure

Document details

Relevant delegations	TP-D01
Risk evaluation	low
Strategic link	V2 Encourage economic development across the City, and provide increased opportunities for people to live and work locally by facilitating new investment in the City. 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.

Council adoption	29 October 2019	Resolution	10.4.2
Next review due	[date]		
Reviewed/modified	September 2024	Resolution	[item no.]
Revision details	Minor text revisions Updated related legislation Alignment with current legislative requirements		



Telecommunications Infrastructure Policy

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

Purpose

To outline the requirements for telecommunications infrastructure in the City of Bayswater.

Objectives

The objectives of this policy are to:

1. Minimise and mitigate the impacts of telecommunications infrastructure on the natural, cultural, heritage and visual amenity of an area.
2. Recognise that telecommunications infrastructure is essential for business, personal and emergency purposes; however it is to have no greater consideration than the need to protect the visual impacts of telecommunications infrastructure on the amenity and character of a locality.

Introduction

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State's economy to creating and maintaining connected and cohesive social networks. Contact between emergency services and the community increasingly relies on telecommunications networks.

However, telecommunications infrastructure can have an impact on the natural, cultural, heritage and visual amenity of an area. It is important that any potential visual impacts are appropriately managed, and that the need for effective telecommunications services is balanced with the need to protect the amenity of an area.

Scope

1. The requirements of this policy apply to above and below ground telecommunications infrastructure other than those facilities exempted under the Commonwealth *Telecommunications Act 1997* (as amended), such as low-impact telecommunications facilities.

2. This policy is complementary to *State Planning Policy 5.2 Telecommunications Infrastructure*. In assessing development applications for telecommunications infrastructure the City is to have regard to State Planning Policy 5.2.
3. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

Telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) *Radio Communications Licence Conditions (Apparatus Licence) Determination 2015 (as amended)*. These licence conditions make mandatory the limits in the ARPANSA Radiofrequency (RF) Standard, which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure.

As health and safety standards in relation to telecommunications infrastructure are controlled by a Commonwealth agency, they are not a consideration of this policy and are not a responsibility of the City of Bayswater.

Definitions

For the purpose of this policy —

Telecommunications infrastructure has the same meaning as defined in the City of Bayswater local planning scheme.

Sensitive land use means land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and child care centres, and generally excludes commercial or industrial premises.

Policy Statement

Location

1. Telecommunications infrastructure shall be co-located with existing infrastructure in the first instance where possible. In the application of this provision, co-location shall mean installed on existing infrastructure and requiring no additional land allocation.
2. Where telecommunications infrastructure can not be co-located, it shall be either:
 - a. Located within non-residential zones.
 - b. Mounted on existing or proposed buildings where possible and positioned on the building where it will have the least visual impact from public places and neighbouring properties.
 - c. Located in another location where it will have the least impact on the amenity of an area.
3. Telecommunications infrastructure shall also be:
 - a. Located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.

- b. Located to avoid detracting from a significant view of a heritage item or place, landmark, streetscape, vista or panorama, whether viewed from public or private land.
- c. Adequately setback from sensitive land uses to ensure the amenity of the area is not unreasonably compromised.

Design

1. The scale, materials, external colours and finishes are to be sympathetic to, and blend in with the surrounding landscape.
2. Landscaping and other methods shall be used to screen and/or camouflage telecommunications infrastructure from sensitive land uses and public spaces, and to mitigate any potential impacts on the amenity of the area.
3. Trees and other vegetation shall be retained where possible. Where trees and other vegetation are proposed to be removed, trees and vegetation shall be provided at a ratio of not less than 5:1. Any new trees shall have a minimum size of at least 35 litres when planted.
4. The infrastructure is to be designed to accommodate the future co-location of at least two additional telecommunication carriers.

Cessation of use

Following cessation of use, all obsolete telecommunications infrastructure must be removed and the land reinstated to a state that is considered acceptable to the City within three months of the cessation of its use.

Advertising

Proposed telecommunications infrastructure shall be advertised by the City to owners and occupiers of every property that is within 200 metres of the proposed telecommunication infrastructure.

Information to be submitted with a development application

All development applications that are subject to this policy are to include:

1. A statement prepared by a suitably qualified Telecommunications Engineer providing evidence that all opportunities for the co-location of the proposed infrastructure with existing telecommunications infrastructure have been investigated and that it is not possible, where co-location with existing telecommunications infrastructure is not proposed.
2. A statement prepared by a suitably qualified Telecommunications and Structural Engineer demonstrating that the infrastructure has been designed to accommodate the future co-location of at least two other telecommunication carriers, where co-location with existing telecommunications infrastructure is not proposed.
3. A statement prepared by a suitably qualified Telecommunications Engineer and/or a map indicating the extent to which the proposed infrastructure addresses the network capacity for future demand and/or current gaps in service.

4. A statement demonstrating how the proposal complies with the objectives and requirements of this policy and if applicable justification for any variation.
5. Plans and coloured graphic illustrations, including photographic simulations, showing the type of infrastructure and its relationship with adjacent development, including elevations showing the extent, height and appearance, proposed materials and colour, any screening or fencing, and any external lighting.
6. Details of any significant environmental constraints, including those associated with the species, condition and significance of any vegetation to be removed.
7. Where landscaping is proposed a Landscaping Plan shall be provided in accordance with the City's Landscaping Policy and Landscaping Guidelines.

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*.

Related Documentation

Telecommunications Act 1997

Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015

State Planning Policy 5.2 Telecommunications Infrastructure

Document details

Relevant delegations	TP-D01		
Risk evaluation	low		
Strategic link	V2 Encourage economic development across the City, and provide increased opportunities for people to live and work locally by facilitating new investment in the City. 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.		
Council adoption	29 October 2019	Resolution	10.4.2
Next review due	[date]		
Reviewed/modified	September 2024	Resolution	[item no.]
Revision details	Minor text revisions Updated related legislation Alignment with current legislative requirements		

10.5.2.11 Planning Policy Review: Landscaping Policy and Guidelines

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Current Landscaping Policy [9.11.1 - 2 pages] 2. Landscaping Policy with Tracked Changes [9.11.2 - 3 pages] 3. Draft Landscaping Policy [9.11.3 - 3 pages] 4. Current Landscaping Policy Guidelines [9.11.4 - 2 pages] 5. Landscaping Guidelines with Tracked Changes [9.11.5 - 3 pages] 6. Draft Landscaping Guidelines [9.11.6 - 3 pages]
Refer:	Item 10.4.6: OCM 23.07.2019

SUMMARY

Council consideration is sought in relation to the review of the City's *Landscaping Policy* and associated Guidelines.

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

That Council:

1. Adopts the revised *Landscaping Policy* as contained in Attachment 3 to this Report.
2. Adopts the revised *Landscaping Policy Guidelines* as contained in Attachment 6 to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

The City has a large number of local planning policies to guide better development within the City. City officers review existing local planning policies in accordance with the adopted policy review schedule, or as otherwise determined due to identified operational issues or legislative changes. This process updates and improves the City's policy framework and reduces red tape associated with applications for Development Approval.

In accordance with the adopted policy review schedule, the *Landscaping Policy* and its associated Guidelines have been reviewed, and the revised policy and guidelines are presented in Attachment 3 and Attachment 6, respectively.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. Proposed revisions to the *Landscaping Policy* are considered minor administrative changes and do not materially change the guidance provided by the policy, therefore no advertising is required.

OFFICER'S COMMENTS

The following revisions are proposed to the *Landscaping Policy*:

Revision	Rationale
minor text revisions - <i>whole document</i>	Minor text revisions to provide greater clarity and/or utility to existing provisions.
Clarification - <i>Purpose</i>	The Policy outlines the requirements for Landscaping Plans as accompanying material for development applications – it provides no guidance on implementation of landscaping.
Application to single houses and grouped dwellings - <i>Scope</i>	The Residential Design Codes Vol.1 only requires the provision of 'landscaping plans' for grouped dwelling developments of 5 or more grouped dwellings. Part A, Section 3.2.3 of the R-Codes Vol.1 sets out the provisions of the R-Codes that may be varied by a local planning policy, without separate approval of the WAPC. Landscaping provisions, including the requirement for a "landscaping plan" is not a provision that may be varied by a local planning policy. Notwithstanding the above, cl.63 of the Deemed Provisions sets out the required accompanying material for any application for Development Approval, which includes: <i>1(a)(x) the nature and extent of any open space and landscaping provided for the site.</i> Therefore, whilst a 'landscaping plan' as defined by the R-Codes cannot be a requirement for single dwellings and 4 or fewer grouped dwellings under this policy, the nature and extent of open space areas and landscaping proposed is required by the Regulations in order to assess compliance with landscaping provisions of the R-Codes, as well as any other City policy (e.g. the City's <i>Trees on Private Land and Street Verges Policy</i>).
Minor works definition - <i>Scope</i>	This provision is amended for alignment with the City's <i>Trees on Private Land and Street Verges Policy</i> .
Unsatisfactory landscaping plans – <i>Policy Statement</i>	This provision is deleted as it forms part of standard practice in assessing applications and is required in assessment against the R-Codes, <i>Town Planning Scheme No. 24</i> (TPS 24) provisions and other City policies.
Conditional approvals – <i>Policy Statement</i>	Amended to clarify that implementation of approved landscaping plans will be applied as a standard condition of approval.
<i>Related legislation</i>	Amended as this policy is not prepared pursuant to, nor varies any requirements of, the R-Codes.

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**.

The following revisions are proposed to the Landscaping Guidelines:

Revision	Rationale
minor text revisions - <i>whole document</i>	Minor text revisions to provide greater clarity and/or utility to existing provisions.

Removal of broken links	The current Landscaping Guidelines contains links to a number of internal and external policies and guidelines which are broken. These have been removed.
Provision related to roof and vertical gardens	This provision is deleted as it is ambiguous, and the R-Codes Vol.2 provide updated guidance related to landscaping provision, deep soil zones, trees, and planting on structure.

A copy of the revised guidelines, with amendments shown in 'tracked changes' is provided in **Attachment 5**.

A copy of the revised policy, with amendments included, is provided in **Attachment 6**.

LEGISLATIVE COMPLIANCE

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

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Landscaping plays an integral role in shaping the amenity of any given area, and will typically improve the visual appearance of development, moderate temperature, and assist in managing stormwater runoff. Additionally, the nature of residential development in Perth is changing resulting in the loss of trees and reduction of the potential for new green spaces to be established following development.

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.

CONCLUSION

In view of the above, it is recommended that Council endorses the revised *Landscaping Policy* and associated Landscaping Guidelines.



Landscaping Policy

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

PURPOSE

The purpose of this policy is to provide guidance on the minimum standards and expectations for landscaping associated with development applications.

OBJECTIVES

The objectives of this policy are as follows:

1. Incorporate landscaping as a fundamental element of the design process to ensure integration with development in a meaningful and functional manner.
2. Protect and enhance the natural environment through retention of vegetation with environmental, aesthetic, or cultural value, and promotion of local native plants endemic to the area.
3. Ensure a suitable provision of landscaping relative to development size to complement and soften the built environment, reduce the dominance of hard surfaces and articulate open space.
4. Improve resilience and biodiversity of the natural environment through utilisation of various plants suitable to the local environment and climate, giving consideration to placement on site and nature of adjoining sites and surrounding landscapes.
5. Develop local character and a sense of place for communities through the provision of streetscapes with a consistent, high standard of landscaping and natural amenity.

INTRODUCTION

Landscaping plays an integral role in shaping the amenity of any given area, and will typically improve visual appearance, moderate temperature (reduce temperature extremes), and assisting in managing stormwater runoff. Landscaping can also provide social and cultural benefits, forming a key part of the character and history of local areas, often supplementing and improving the amenity of the built environment.

The City of Bayswater Urban Forest Strategy identified that in addition to reduced block sizes through infill development, housing styles have changed with more emphasis on larger living spaces and a subsequent reduction in the potential for retaining existing trees and for green spaces to be established following development. The increase of impervious surfaces and reduced shade levels results in increased temperatures at a localised level relative to the previous building form with significantly higher vegetation coverage.

This policy will complement the City's Trees on Private Land and Street Verges Policy, and assist in reducing the dominance of hard stand areas associated with in-fill development, improving the amenity and sustainability of development and streetscapes within the City.

SCOPE

The Landscaping Policy shall be read in conjunction with the City's Trees on Private Land and Street Verges Policy and Street Verge Policy, and is applicable to all development applications on zoned land within the City of Bayswater, with exception to the following:

- Single houses
- Minor works*
- Home occupation/business
- Change of use**

* The City determines minor works on a case by case basis. As a general guide, works exceeding an estimated cost of \$150,000 or resulting in modification/creation of built space exceeding 40% of that existing would not be considered minor.

** Provided only minor works are associated.

REQUIREMENTS

All development applications within the scope of this policy shall include a landscaping plan on lodgement to the City. The landscaping plan provided shall be in accordance with the City's Landscaping Guidelines, which details the requirements for landscaping plans, design, provision and maintenance.

Landscaping plans for development applications comprising 10 or more dwellings, or an estimated development value of \$2 million or more, shall be prepared by a suitably qualified landscape architect.

Should a landscaping plan be deemed unsatisfactory, amendments are to be made during the development application process to allow for amendment to the development design if necessary, and consideration of landscaping provision in determination of the application.

Landscaping shall be completed in accordance with the approved landscaping plan prior to occupation of the associated development and thereafter maintained, to the satisfaction of the City of Bayswater.

RELATED LEGISLATION

This policy is pursuant to Part 7 of State Planning Policy 7.3 Residential Design Codes Volume 1, and adopted under all Local Planning Schemes in force within the City of Bayswater, in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Delegations	TP-D01
Council Adoption	23 July 2019



Landscaping Policy

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

Purpose

The purpose of this policy is to ~~provide guidance on the minimum standards and expectations for landscaping associated with development applications~~ outline the requirements for landscaping plans as accompanying material for development applications.

Objectives

The objectives of this policy are as follows:

1. Incorporate landscaping as a fundamental element of the design process to ensure integration with development in a meaningful and functional manner.
2. Protect and enhance the natural environment through retention of vegetation with environmental, aesthetic, or cultural value, and promotion of local native plants endemic to the area.
3. Ensure a suitable provision of landscaping relative to development size to complement and soften the built environment, reduce the dominance of hard surfaces and articulate open space.
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Introduction

Landscaping plays an integral role in shaping the amenity of any given area, and will typically improve the visual appearance of development, moderate temperature (reduce temperature extremes), and assisting in managing stormwater runoff. Landscaping can also provide social and cultural benefits, forming a key part of the character and history of local areas, often supplementing and improving the amenity of the built environment.

~~The City of Bayswater Urban Forest Strategy identified that~~ The nature of residential development in Perth is changing and, in addition to ~~reduced block sizes through infill development~~ smaller lot sizes, housing styles have changed with ~~more greater~~ emphasis on larger living spaces and a ~~subsequent~~ reduction in the potential for retaining existing trees and or for green spaces to be established following

development. The increase of impervious surfaces and reduced shade levels results in increased temperatures at a localised level relative to the previous building form ~~with which had~~ significantly higher ~~vegetation soft landscaping and tree canopy~~ coverage.

This policy ~~will complement the City's Trees on Private Land and Street Verges Policy, and~~ assists in reducing the dominance of hard stand areas associated with ~~in-fill contemporary residential and non-residential~~ development, improving the amenity and sustainability of development and streetscapes within the City.

Scope

The Landscaping Policy shall be read in conjunction with the City's Trees on Private Land and Street Verges Policy and Street Verge Policy, and is applicable to all development applications on zoned land within the City of Bayswater, with exception to the following:

- Single houses ~~and specified requirements for grouped dwellings, in accordance with Part C of the Residential Design Codes Vol. 1~~¹
- Home occupation/business
- Minor works²
- Change of use³

¹ Notwithstanding, the nature and extent of any open space and landscaping proposed for the site must accompany any application in accordance with cl.63 of the Deemed Provisions.

² The City determines minor works on a case by case basis. As a general guide, works exceeding an estimated cost of ~~\$150,000~~ \$100,000 for residential development or \$200,000 for non-residential development, and/or resulting in modification/creation of built space exceeding 40% of that existing would not be considered minor.

³ Provided only minor works are associated.

Policy Statement

1. All development applications within the scope of this policy shall include a landscaping plan on lodgement to the City. The landscaping plan provided shall be in accordance with the City's Landscaping Guidelines, which details the ~~minimum~~ requirements for landscaping plans, ~~as well as guidance on~~ design, provision and maintenance.
2. Landscaping plans for development applications comprising 10 or more dwellings, or an estimated development value of \$2 million or more, ~~or as otherwise determined by the City~~ shall be prepared by a suitably qualified landscape architect.

~~Should a landscaping plan be deemed unsatisfactory, amendments are to be made during the development application process to allow for amendment to the development design is necessary, and consideration of landscaping provision in determination of the application.~~

3. ~~The City will apply a condition to Development Approvals requiring that~~ Landscaping shall be completed in accordance with the approved landscaping plan prior to occupation of the associated development and thereafter maintained, to the satisfaction of the City of Bayswater.

Related Legislation

This policy is ~~pursuant to Part 7 of State Planning Policy 7.3 Residential Design Codes Volume 1, and~~ 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*.

Related Documentation

- City of Bayswater Landscaping Guidelines
- City of Bayswater Trees on Private Land and Street Verges Policy
- City of Bayswater Street Verges Policy
- Residential Design Codes Vol.1 & Vol.2

Document details

Relevant delegations	TP-D01		
Risk evaluation	low		
Strategic link	E2 Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy. E5 Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.		
Council adoption	23 July 2019	Resolution	10.4.6
Next review due	[date]		
Reviewed/modified	September 2024	Resolution	[item no.]
Revision details	[description]		



Landscaping Policy

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

Purpose

The purpose of this policy is to outline the requirements for landscaping plans as accompanying material for development applications.

Objectives

The objectives of this policy are as follows:

1. Incorporate landscaping as a fundamental element of the design process to ensure integration with development in a meaningful and functional manner.
2. Protect and enhance the natural environment through retention of vegetation with environmental, aesthetic, or cultural value, and promotion of local native plants endemic to the area.
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5. Develop a local character and a sense of place for communities through the provision of streetscapes with a consistent, high standard of landscaping and natural amenity.

Introduction

Landscaping plays an integral role in shaping the amenity of any given area, and will typically improve the visual appearance of development, moderate temperature (reduce temperature extremes), and assist in managing stormwater runoff. Landscaping can also provide social and cultural benefits, forming a key part of the character and history of local areas, often supplementing and improving the amenity of the built environment.

The nature of residential development in Perth is changing and, in addition to smaller lot sizes, housing styles have changed with greater emphasis on large living spaces and a reduction in the potential for retaining existing trees or for green spaces to be established following development. The increase of impervious surfaces and reduced shade levels results in increased temperatures at a localised level

relative to the previous building form which had significantly higher soft landscaping and tree canopy coverage.

This policy assists in reducing the dominance of hard stand areas associated with contemporary residential and non-residential development, improving the amenity and sustainability of development and streetscapes within the City.

Scope

The Landscaping Policy shall be read in conjunction with the City's Trees on Private Land and Street Verges Policy and Street Verge Policy, and is applicable to all development applications on zoned land within the City of Bayswater, with exception to the following:

- Single houses and specified requirements for grouped dwellings, in accordance with Part C of the Residential Design Codes Vol. 1¹
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- Change of use³

1 Notwithstanding, the nature and extent of any open space and landscaping proposed for the site must accompany any application in accordance with cl.63 of the Deemed Provisions.

2 The City determines minor works on a case by case basis. As a general guide, works exceeding an estimated cost of \$100,000 for residential development or \$200,000 for non-residential development, and/or resulting in modification/creation of built space exceeding 40% of that existing would not be considered minor.

3 Provided only minor works are associated.

Policy Statement

1. All development applications within the scope of this policy shall include a landscaping plan on lodgement to the City. The landscaping plan provided shall be in accordance with the City's Landscaping Guidelines, which details the minimum requirements for landscaping plans, as well as guidance on design, provision and maintenance.
2. Landscaping plans for development applications comprising 10 or more dwellings, or an estimated development value of \$2 million or more, or as otherwise determined by the City shall be prepared by a suitably qualified landscape architect.
3. The City will apply a condition to Development Approvals requiring that landscaping shall be completed in accordance with the approved landscaping plan prior to occupation of the associated development and thereafter maintained, to the satisfaction of the City of Bayswater.

Related Legislation

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

Related Documentation

- City of Bayswater Landscaping Guidelines
- City of Bayswater Trees on Private Land and Street Verges Policy
- City of Bayswater Street Verges Policy
- Residential Design Codes Vol.1 & Vol.2

Document details

Relevant delegations	TP-D01		
Risk evaluation	low		
Strategic link	E2 Remain focused on greening the City’s suburbs and streetscapes and increasing the tree canopy. E5 Protect and enhance the City’s natural environment and biodiversity, and encourage the community to participate in its protection.		
Council adoption	23 July 2019	Resolution	10.4.6
Next review due	[date]		
Reviewed/modified	September 2024	Resolution	[item no.]
Revision details	[description]		



Landscaping Guidelines

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

INTRODUCTION

The City's Landscaping Guidelines have been prepared to support and be read in conjunction with the City's Landscaping Policy. This document provides guidance on application of the policy, outlining matters to be addressed in landscaping plan, and design requirements.

REQUIREMENTS

Landscaping Plan

The landscaping plan submitted shall be scaled and including the following:

1. Scale, north point, site level contours, all lot boundaries and dimensions.
2. Materials and finishes of all external areas, inclusive of areas for vertical landscaping, landscaped balconies, vehicle access and parking (details of lawn variety, mulch type and depth, nature of any hard surface).
3. Plant schedule indicating botanical name, quantity, pot size, height and spread at maturity for proposed plants (generic legends not satisfactory).
4. Location of all plants in the schedule clearly indicated on plans.
5. Reticulation type and method of operation.
6. Notes on any specific maintenance requirements.
7. All verge areas adjoining the site including existing street trees.
8. Nature of any barrier separating landscaped areas from vehicle manoeuvring areas.

The level of detail required for landscaping plans may be varied by the City on a case by case basis with consideration to the scope and nature of development being proposed.

Landscaping Design

Landscaping plans shall address the following matters:

1. Landscaping utilised to improve site amenity, providing natural shading, wind barriers, privacy enhancement, visual relief from built form, screening of service areas, and buffers to adjoining sites.
2. Provision of various plant species appropriate to the local conditions and environment. Native plants are encouraged to reduce water and fertiliser usage, as well as provide food and habitat for native fauna.
3. Plants provided at an appropriate density, spaced to achieve a suitable level of cover to landscaped areas. Considerations in determining appropriate density include the maturity of stock provided and eventual size of the plant.

4. Provision of trees in accordance with the City's [Trees on Private Land and Street Verges Policy](#). Trees with a large canopy are preferred, spaced to maximise canopy cover at maturity, and located with consideration to minimise potential impediments to growth.
5. Mulch provided for all garden beds at a depth of 5-10cm. Coarse, chunky mulch including a mixture of plant materials at different sizes and products displaying the Waterwise and Smart Approved WaterMark symbols are recommended.
6. Lawn only provided in areas which can be feasibly maintained and with adequate access to direct sunlight. Drought tolerant varieties are strongly encouraged and artificial varieties are not permitted.
7. All landscaped areas being provided with reticulation.
8. Principles of Waterwise gardens and water sensitive urban design.
9. Verge areas adjacent to development sites included as part of the landscaping plan. Permissible verge treatments are detailed in the City's [Street Verges Policy](#).
10. Plants with a height at maturity exceeding 0.75m not located within 1.5m of a vehicle access point, or within 6.0m of a street intersection with an angle less than 90° or verge width less than 5.0m.
11. Landscaping designed to avoid the undue obstruction of views between development and the primary street or resulting in areas of concealment or entrapment.
12. Roof and vertical gardens may be considered in addition to landscaping requirements.
13. Potted plants and landscaped areas with a dimension less than 0.5m are discouraged, and will not to contribute to any required landscaping provision.

RESOURCES FOR LANDSCAPING INFORMATION

The City has prepared a number of tools to assist in landscaping design, plant selection, preparation, planting, and maintenance of landscaped areas. The following documents available on the City's website may be utilised to guide preparation of landscaping plans:

- [Local Native Plants Guide](#) - Information on watering, pruning, mulch, fertilisers, and includes a list of local native plants and specialist nurseries.
- [Tree Planting Guidelines](#) - Information to assist in determining an appropriate tree species and location, and advice on transporting, planting, and maintaining trees.
- [Suggested Tree Species for Private Property](#) - A list of trees by size recommended for use on private property.
- [Street Verge Greening Guide](#) - Information relating to suitable verge landscaping treatments and associated requirements.

The [Water Corporation](#) and [Department of Water and Environmental Regulation](#) websites also contain numerous documents and information with advice on a range of recommended landscaping practices associated with Waterwise gardens and water sensitive urban design, including:

• Garden Designs for Perth	• Biofilters
• Low Maintenance Lawn	• Pervious Paving
• Waterwise Garden Guide	• Rainwater Storage and Reuse
• Waterwise Verge Guide	• Swales and Buffer Strips



Landscaping Guidelines

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

Introduction

The City's Landscaping Guidelines have been prepared to support and be read in conjunction with the City's Landscaping Policy. This document provides guidance ~~on application of the policy, the implementation of landscaping requirements of the City of Bayswater local planning scheme and the Residential Design Codes. These Guidelines outline~~ing the matters to be addressed in landscaping plans, and ~~their~~ design requirements.

Requirements

Landscaping Plan

~~The~~ Landscaping Plans ~~submitted~~ shall be scaled and including the following:

1. Scale, north point, site level contours, all lot boundaries and dimensions.
2. Materials and finishes of all external areas, inclusive of areas for vertical landscaping, landscaped balconies, vehicle access and parking (details of lawn variety, mulch type and depth, nature of any hard surface).
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3. Plants provided at an appropriate density, spaced to achieve a suitable level of cover to landscaped areas. Considerations in determining appropriate density include the ~~maturity of stock provided and eventual size of the plant~~, age of stock at planting and size at maturity.
4. Provision of trees in accordance with the ~~City's Trees on Private Land and Street Verges Policy~~. ~~Trees with a large canopy are preferred, spaced to maximise canopy cover at maturity, and located with consideration to minimise potential impediments to growth.~~
5. Mulch provided for all garden beds at a depth of 5-10cm. Coarse, chunky mulch including a mixture of plant materials at different sizes and products displaying the Waterwise and Smart Approved WaterMark symbols are recommended.
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The City has prepared a number of tools to assist in landscaping design, plant selection, preparation, planting, and maintenance of landscaped areas. The following documents available on the City's website may be utilised to guide preparation of landscaping plans:

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Landscaping Guidelines

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

Introduction

The City's Landscaping Guidelines have been prepared to support and be read in conjunction with the City's Landscaping Policy. This document provides guidance on the implementation of landscaping requirements of the City of Bayswater local planning scheme and the Residential Design Codes. These Guidelines outline the matters to be addressed in landscaping plans, and their design requirements.

Requirements

Landscaping Plan

Landscaping Plans shall be scaled and including the following:

1. Scale, north point, site level contours, all lot boundaries and dimensions.
2. Materials and finishes of all external areas, inclusive of areas for vertical landscaping, landscaped balconies, vehicle access and parking (details of lawn variety, mulch type and depth, nature of any hard surface).
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The level of detail required for landscaping plans may be varied by the City on a case by case basis with consideration to the scope and nature of development being proposed.

Landscaping design

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11. Landscaping designed to avoid the undue obstruction of views between development and the primary street or resulting in areas of concealment or entrapment.
12. Potted plants and landscaped areas with a dimension less than 0.5m are discouraged, and will not contribute to any required landscaping provision.

Resources for landscaping information

The City has prepared a number of tools to assist in landscaping design, plant selection, preparation, planting, and maintenance of landscaped areas. The following documents available on the City's website may be utilised to guide preparation of landscaping plans:

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The Water Corporation and Department of Water and Environmental Regulation websites also contain numerous documents and information with advice on a range of recommended landscaping practices associated with Waterwise gardens and water sensitive urban design.

DRAFT

10.5.2.12 Planning Policy Review: Proposed Retaining Walls Policy

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	- Existing Retaining Walls Policy [9.12.1 - 5 pages] - Advertised Modified Retaining Walls Policy [9.12.2 - 8 pages] - Track Changes Modifications to Advertised Retaining Walls Policy [9.12.3 - 8 pages] - Final Retaining Walls Policy [9.12.4 - 8 pages]
Refer:	Item 10.5.1.4 OCM 30.04.24

SUMMARY

Council consideration is sought in relation to the final approval of the draft *Retaining Walls Policy*.

The draft modified local planning policy was advertised for public comment from 11 July 2024 to 2 August 2024, during which time 20 people visited the policy online with 16 document downloads. Two formal submissions were received during the public consultation period both being neither support nor objection.

COUNCIL RESOLUTION

(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council adopts the revised *Retaining Walls Policy* as contained in Attachment 4 to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

Council at its Ordinary Meeting held on 30 April 2024 adopted for public advertising the draft *Retaining Walls Policy*.

The existing policy provides a guide for the consistent application of Residential Design Codes Volume 1 (R-Codes) relating to retaining walls.

EXTERNAL CONSULTATION

The City advertised the draft policy in accordance with Councils' resolution for a period of 22 days from 11 July 2024 to 2 August 2024, by way of:

- notification being published in the *Perth Now* newspaper on 11 July 2024
- information being placed on the City's engagement website, Engage Bayswater, including online survey submission form
- 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 policy online with 16 document downloads. Two formal submissions were received during the public consultation period and one informal verbal submission made via telephone, with all three being neither support nor object.

One submission was received from the Department of Communities, and two submissions did not disclose of their interest with the policy. The submissions received are summarised in table 1 below and are discussed further in the subsequent section of this report.

Table 1 – Public consultation submissions

Comment	Support, Object or Neither
Discrepancy with images on page 4 to be updated.	Neither support or object
Amendments to Clause 2.1 unclear. Please reinstate 'no higher' for clarity.	Neither support or object
Will this Council consider in the Retaining Wall policy review, that all infill behind retaining walls including paving or any other addition of a finished level of at least 50mm below the top of the retaining wall to help prevent the water run off onto the lower properties?	Neither support or object

OFFICER'S COMMENTS

Clause 2.1 and 5.1

A verbal submission was received that queried the clarity of Clauses 2.1(a) and 5.1(a). These clauses relate to retaining walls greater than 0.5m and up to 1m in height, and state:

- (a) Shall meet the calculated average NGL of the site (refer appendix 1).

It is considered that this clause can be modified to provide greater clarity on the matter that retaining walls 'shall be no higher than the calculated average NGL.' It is therefore recommended that these clauses be modified accordingly.

Water Run Off onto Lower Properties

One submission asked if the policy will consider the finished level of the infill behind retaining walls (including paving) to be at least 50mm below the top of the retaining wall to prevent the water run off onto lower properties.

The purpose of the *Retaining Wall Policy* is to provide standards for considering retaining walls and associated site works within residential and non-residential zones in the City. Under the R-Codes, retaining walls and associated site works are considered under Part B element 5.3.7 and Part C element 3.5 Site works. Whereas Water Management, including stormwater, is considered under separate elements: Part B element 5.3.9; and Part C element 1.4. Considering this, stormwater management has not been considered as part of this review. It is considered that the R-Codes sufficiently cover this matter.

Given stormwater management is outside the purpose and scope of the policy, incorporating stormwater provisions is not recommended to be included within this policy.

Images

A submission was received relating to a discrepancy with the numbers included within the images on page 4. These have been reviewed and updated accordingly.

Residential Design Codes

On 1 March 2024, two new sets of regulations came into effect:

1. *Planning and Development (Planning Codes) Regulations 2024* (Planning Code Regulations).
2. *Planning and Development (State Planning Policies) Regulations 2024* (SPP Regulations).

The Residential Design Codes now have the status of subsidiary legislation under the *Planning and Development Act 2015* and are referred to as a Planning Code. They are no longer considered a State Planning Policy. They are now referred to as the *Residential Design Code Volume 1 2024* and *Residential Design Code Volume 2 2024*. Amendments to the City's *Retaining Wall Policy* are proposed to align with this legislative change.

In light of the above it is recommended that Council adopt the amended draft policy as contained in **Attachment 4**.

LEGISLATIVE COMPLIANCE

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

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

It is considered that the proposed draft Retaining Walls Policy provides a useful readable policy for the community to apply when designing and building retaining walls and/or site works, that maintains the character of the locality.

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

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

Theme: Leadership and Governance
 Goal L1: Engage the community in a meaningful way.

Provide opportunities for the community to have their say and consider their views when making decisions.

CONCLUSION

In view of the above it is recommended that Council adopts the modified *Retaining Walls Policy*.



Retaining Walls Policy

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

PURPOSE

This policy aims to provide direction and clarity to developers and the community on the application of State Planning Policy 3.1 - Residential Design Codes (R-Codes) with regard to the design principles of elements 5.3.8 and 6.3.7 relating to retaining walls.

INTRODUCTION

The City of Bayswater contains a range of properties with varying site level gradients resultant of the natural topography of the land. Sites with steep gradients often require site works and retaining walls to accommodate development. Where an adjoining site has cut into the natural topography, this will increase the perceived height of any adjacent retaining proposed. As retaining walls are assessed on levels within the subject site only, any cut on an adjoining site is not factored into the height calculation. Due regard may be given to the overall impact of a retaining wall, however cut on an adjoining lot should generally not restrict reasonable development on a site which would otherwise be permitted.

The R-Codes currently permit retaining within 1.0m of a lot boundary up to 0.5m high as deemed-to-comply, however in many instances this is insufficient to address the site works reasonably required to accommodate development within the City. This policy provides clarification for developers and the community on the City's approach to handling development of a site requiring retaining walls greater than 0.5m high.

POLICY STATEMENT

This policy applies to all development within the City of Bayswater subject to elements 5.3.8 or 6.3.7 of the R-Codes. The policy in no way alters the deemed-to-comply requirements of elements 5.3.8 or 6.3.7, and is intended as a guide for consistent application of the associated design principles.

The respective design principles for elements 5.3.8 and 6.3.7 of the R-Codes state:

"P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1."

"P7 Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1."

Where a retaining wall in excess of 0.5m above the natural ground level (NGL; as defined in the R-Codes) is proposed within the primary street setback area or 1.0m of a lot boundary, the following approach shall be taken in consideration of the retaining walls against the design principles:

1. Retaining walls up to 1.0m above the NGL behind the primary street setback area and within 1.0m of a lot boundary shall be deemed as meeting the above design principles where at least one of the following requirements are met to the satisfaction of the City:

- 1.1 The retaining wall is no higher than the calculated average NGL of the site (refer to Appendix 1 - Calculation of Average Natural Ground Level); or
 - 1.2 The applicant demonstrates servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
2. Retaining walls in excess of 1.0m above the NGL behind the primary street setback area and within 1.0m of a lot boundary shall be deemed as meeting the above design principles where all of the following requirements are met to the satisfaction of the City:
 - 2.1 The retaining wall meets one of the requirements listed under clause 1; and
 - 2.2 Consultation is undertaken with all affected adjoining land owners in accordance with Part 4 of the R-Codes and no planning based objections are received.
3. Retaining walls within the primary street setback area shall be deemed as meeting the above design principles where all of the following requirements are met to the satisfaction of the City:
 - 3.1 Maximum height of 0.5m above the NGL within 1.0m of the street boundary;
 - 3.2 Additional retaining required beyond that in clause 3.1 shall be terraced with maximum wall heights of 1.0m, separated by a minimum distance of 1.0m measured perpendicular to the nearest street boundary (refer to Appendix 2 - Terracing);
 - 3.3 Sight line are compliant with the requirements in elements 5.2.5 and 6.2.3 of the R-Codes and landscaping is provided between all terraced retaining walls; and
 - 3.4 The maximum retaining wall height within the primary street setback area shall be no higher than the calculated average NGL.
4. Retaining walls not meeting the requirements of clauses 1, 2 and 3 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site.
5. Applications for retaining walls on vacant sites shall generally not be approved unless accompanied by plans for the future development of the site or required to address conditions of subdivision approval.
6. Retaining walls required to address conditions of subdivision approval do not require development approval under the local planning scheme (Section 157 of the Planning and Development Act 2005). Notwithstanding the above, drawings are required to be submitted to the City for approval detailing levels, drainage, nature of soil, and physical features as required in order address requirements of subdivision approval. The City will seek retaining wall heights in accordance with this policy where practical.
7. A 1.8m high screen shall be erected above any retaining walls 0.5m or higher above the NGL, behind the primary street setback and adjacent to a lot boundary.

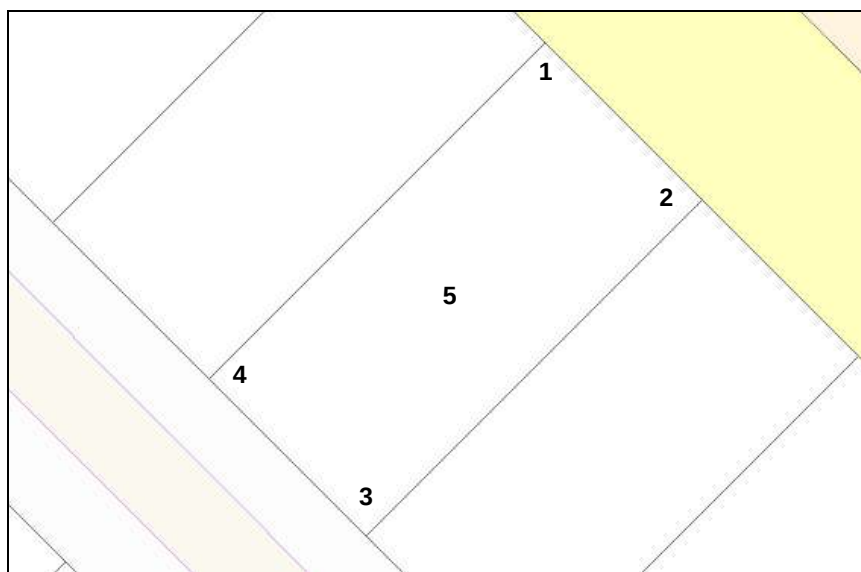
RELATED LEGISLATION

This policy is made pursuant to Part 7 of the R-Codes and adopted under the City of Bayswater's town planning scheme(s), in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

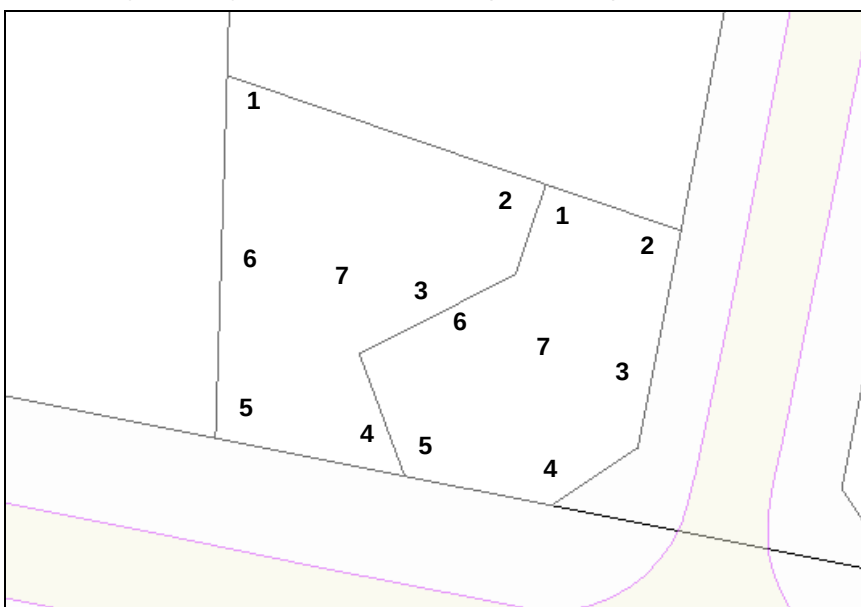
Relevant Delegations	TP-D01
Council Adoption	22 July 2003
Amended	28 April 2009
Amended	1 March 2016
Amended	17 July 2018

APPENDIX 1 - CALCULATION OF AVERAGE NATURAL GROUND LEVEL

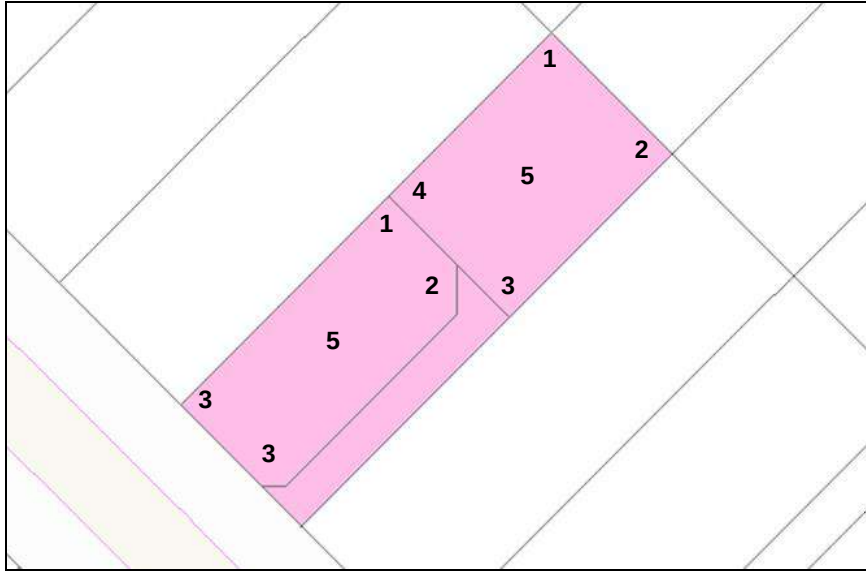
Regular (Rectangular) Lots - Average NGL for regular lots is calculated by averaging the NGL of five points indicated in the diagram above (four corners and centre). The levels of all points are added together, and divided by the total number of points (five in this instance) to provide the average.



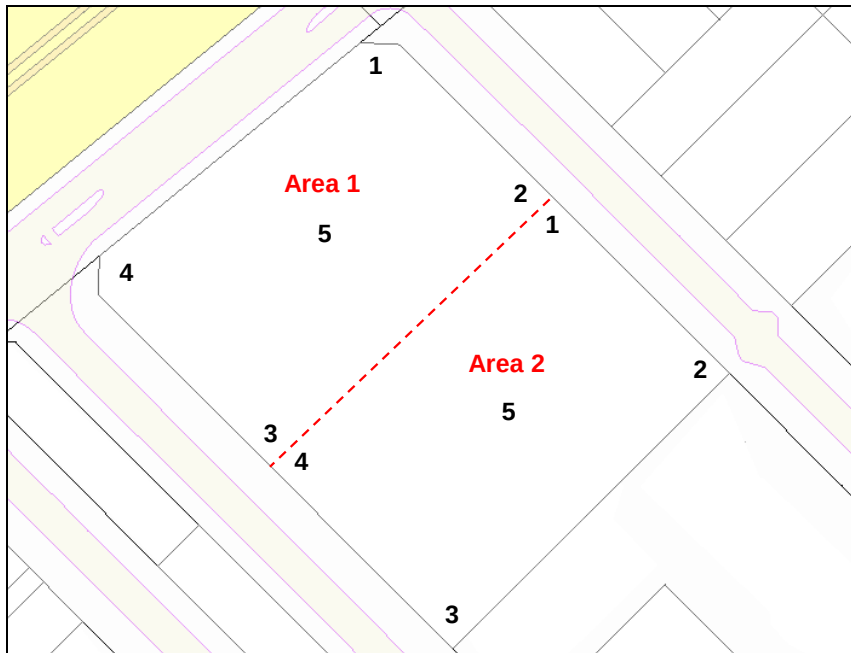
Irregular Lots - When calculating average NGL for an irregular lot there is no set method, however as a general rule it is recommended additional points are included to provide greater coverage across the lot. It is important to ensure the points are similarly spaced to prevent the average tending towards the level of a particular spot within the lot.



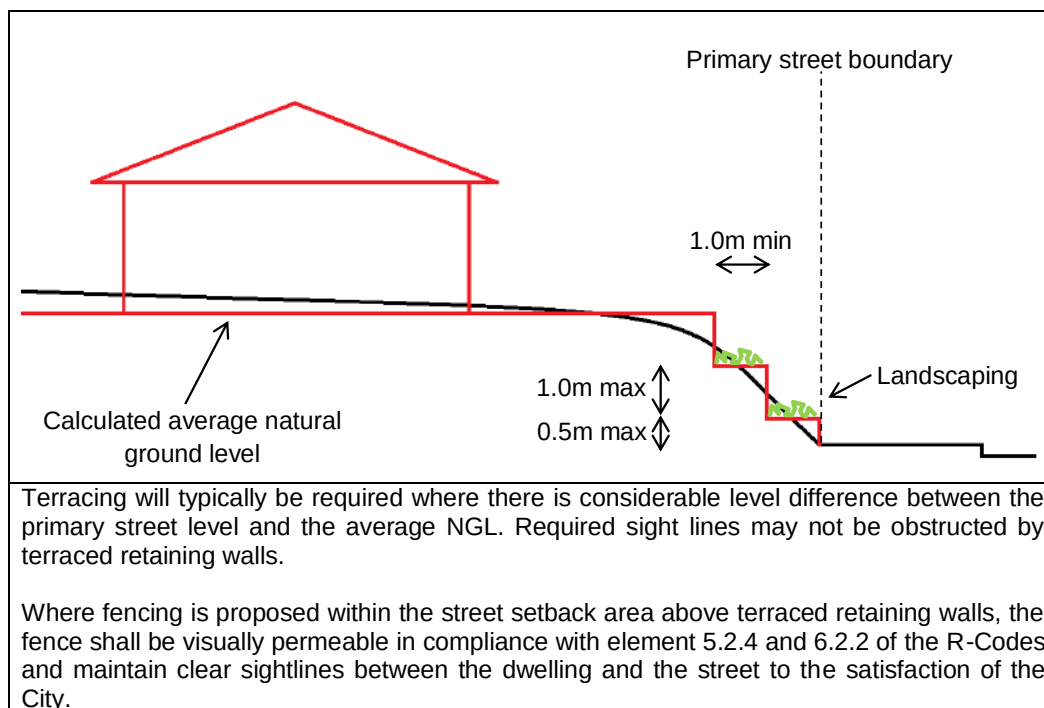
Survey-strata Lots - Average NGL for lots within a survey-strata subdivision shall be calculated separately for each individual survey-strata lot. Common property areas shall be provided at an appropriate level to facilitate servicing and access to associated lots.



Multiple Averages - At the discretion of the City, large lots or lots exhibiting significant NGL variation may utilise multiple averages when calculating average NGL. This approach is most suitable for large strata developments. A tiered series of finished ground levels may be achieved through individually calculating the average for separate areas of the lot. Where multiple averages are utilised, the separate areas shall typically be of a similar size.



APPENDIX 2 - TERRACING



Retaining Walls Policy



Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit	Property and Economic Development
Responsible Officer	Acting Manager Property and Economic Development
Affected Business Units	Property and Economic Development Statutory Planning and Compliance Statutory Building
ECM Document Set ID	4549183

Purpose

The purpose of this policy is to provide standards for considering retaining walls and associated site works within residential and non-residential zones in the City.

Objective

The objectives of this policy are to:

1. Ensure a transparent and consistent approach for assessing site works including retaining walls and fill for residential development and non-residential development.
2. Provide site and development requirements that consider the range of properties with varying site level gradients.
3. Ensure non-residential development responds to the local context and are street-orientated that integrates with surrounding areas.
4. Ensure non-residential development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Scope

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

With regards to residential zones, this policy provides direction and clarity on the application of State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) design principles of elements 5.3.7 and 3.5 Site works. For residential development, it is intended as a guide for consistent application of retaining wall and associated fill provisions of the R-Codes.

This policy in no way alters the R-Codes deemed-to-comply requirements of elements 5.3.7 and 3.5, or equivalent development provisions contained within an approved activity centre plan, structure plan or local development plan. Those provisions shall prevail.

Definitions

For the purposes of this policy -

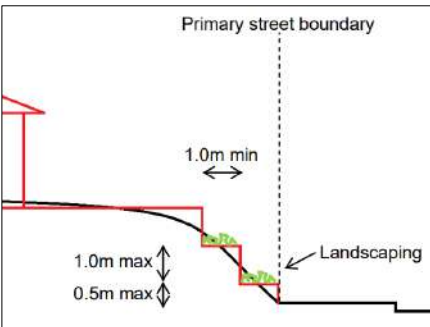
Average natural ground level	has the meaning given in Appendix 1.
Natural ground level (NGL)	has the same meaning given in the R-Codes.
Non-residential zone	are all other land use zones except 'Residential Zones,' including but not limited to commercial zones and industrial zones.
Street boundary (for residential)	has the same meaning given in the R-Codes.
Street boundary (for non-residential)	unless otherwise designated by the City, the sole or principle public road that provides access to the major entry (front door / entrance) to the building.

Requirements

Residential Development

- Retaining walls and/or site works within the street setback area and not meet the deemed-to-comply requirements of the R-Codes shall comply with the following:

Retaining walls and/or siteworks within street setback area

Height above NGL	Requirements
1.1 Greater than 0.5m	(a) Shall be setback a minimum 1.0m from street boundary; (b) Shall be terraced with maximum retaining wall heights of 1m above NGL, separated by a minimum horizontal distance of 1m; (c) Provide sufficient soft landscaping between each terraced retaining walls; and (d) No higher than calculated average NGL of the site (refer appendix 1). 

2. Retaining walls and/or site works not located in the street setback area, and not meeting the deemed-to-comply requirements of the R-Codes shall comply with the following:

Retaining walls and/or siteworks behind street setback area

Height above NGL	Requirements
2.1 Greater than 0.5m, up to 1m	(a) Shall meet the calculated average NGL of the site (refer appendix 1); or (b) Demonstrate servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
2.2 Greater than 1m	(a) Shall meet clauses 2.1(a) or 2.1(b); and (b) Consultation undertaken with all affected adjoining landowners in accordance with the R-Codes and no planning-based objections are received.

3. Retaining walls and/or site works not meeting the requirements of clauses 1 and/or 2 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site and are consistent with the design principles of elements 5.3.7 or 3.5 site works of the R-Codes.

Non-Residential Development

4. Retaining walls and/or siteworks associated within non-residential development located within the street setback area shall comply with the following:

Retaining walls and/or siteworks within the street setback area

Height above NGL	Requirements
4.1 0.5m or less	(a) Permitted up to the street or lot boundary.
4.2 Greater than 0.5m	(a) Shall be setback a minimum 1m from street boundary; (b) Shall be terraced with maximum retaining wall heights of 1m above NGL, separated by a minimum horizontal distance of 1m; (c) Provide sufficient soft landscaping between each terraced retaining wall; and (d) No higher than calculated average NGL of site (refer appendix 1).

These provisions are to be read in conjunction with Part 8 of the City's Town Planning Scheme No. 24 (TPS24).

5. Retaining walls and/or siteworks associated within non-residential development located behind the street setback area shall comply with the following:

Retaining walls and/or siteworks behind street setback area

Height above NGL	Requirements
5.1 Greater than 0.5m, up to 1m	(a) Shall meet the calculated average NGL of site (refer appendix 1); or (b) Demonstrate servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
5.2 Greater than 1m	(a) Shall meet clauses 5.1(a) or 5.1(b); and (b) Consultation undertaken with all affected adjoining landowners in accordance with TPS 24 and no planning-based objections are received.

These provisions are to be read in conjunction with Part 8 of TPS24.

6. Retaining walls and/or siteworks not meeting the requirements of clauses 4 and/or 5 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site and are consistent with the objectives of this policy.

All development

7. A 1.8m high screen shall be erected above any retaining walls 0.5m or higher above the NGL, behind the primary street setback and adjacent to a lot boundary.
8. Applications for retaining walls and/ site works exceeding 0.5m in height on vacant sites shall not generally be approved unless they are accompanied by plans for future development of the site or are required to address conditions of subdivision approval.
9. Retaining walls and/site works that are required to address conditions of subdivision approval do not require development approval under a Local Planning Scheme (Section 157 of the *Planning and Development Act 2005*). Notwithstanding this, drawings are required to be submitted to the City for approval detailing levels, drainage, nature of soil, and physical features as required to address requirements of subdivision approval. The City will seek retaining wall heights in accordance with this policy where practical.

General policy notes:

- *Retaining Walls are to be contained wholly within a development site.*
- *This policy does not preclude the application of other design elements including street surveillance, street walls and fences, sight lines, vehicle access, visual privacy and solar access for adjoining sites.*

Related Legislation

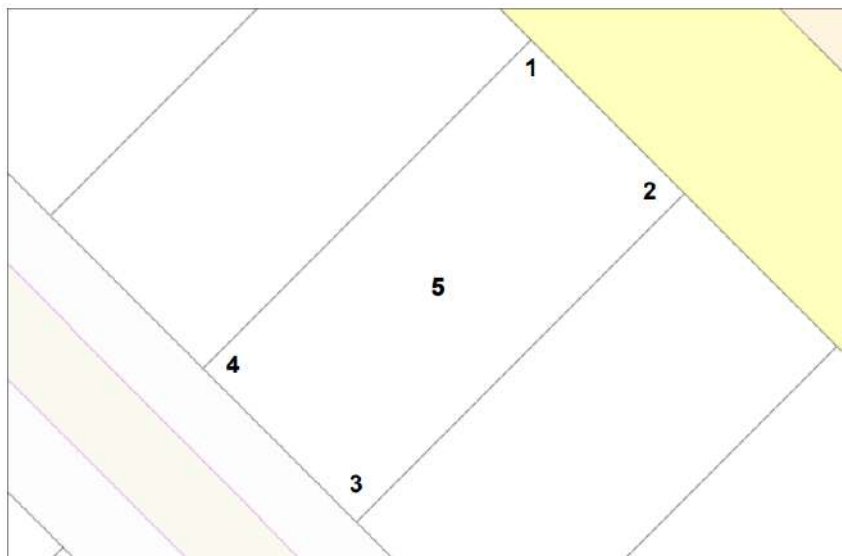
- City of Bayswater *Town Planning Scheme 24*
- State Planning Policy 7.3 Residential Design Codes
- Schedule 2, Part 2 *Planning and Development (Local Planning Schemes) Regulations 2015*

Document details

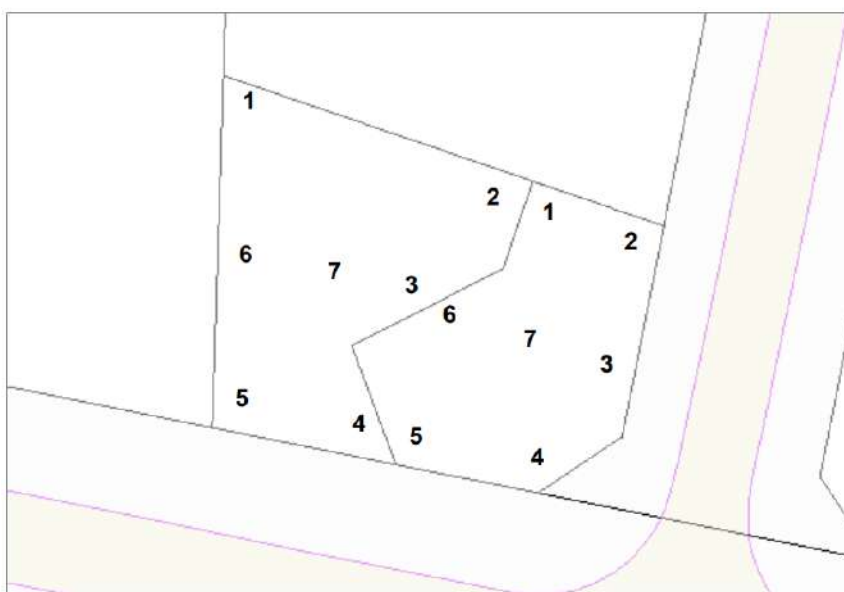
Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	Environment and Liveability Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes		
Council adoption	22 July 2003	Resolution	
Reviewed/modified	28 April 2009	Resolution	
Reviewed/modified	1 March 2016	Resolution	XX XXX
Reviewed/modified	17 July 2018	Resolution	XX XXX
Reviewed/modified	2024	Resolution	XX XXX
Next review due	XXX 2029		

Appendix 1 – Calculation of Average Natural Ground Level

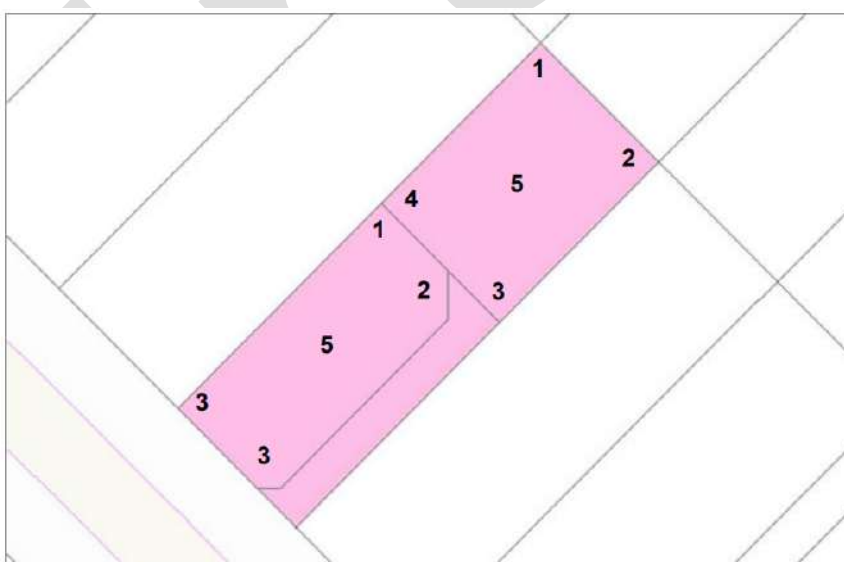
Regular (Rectangular) Shaped Lots - Average NGL for regular lots is calculated by averaging the NGL of five points indicated in the diagram above (four corners and centre). The levels of all points are added together and divided by the total number of points (five in this instance) to provide the average.



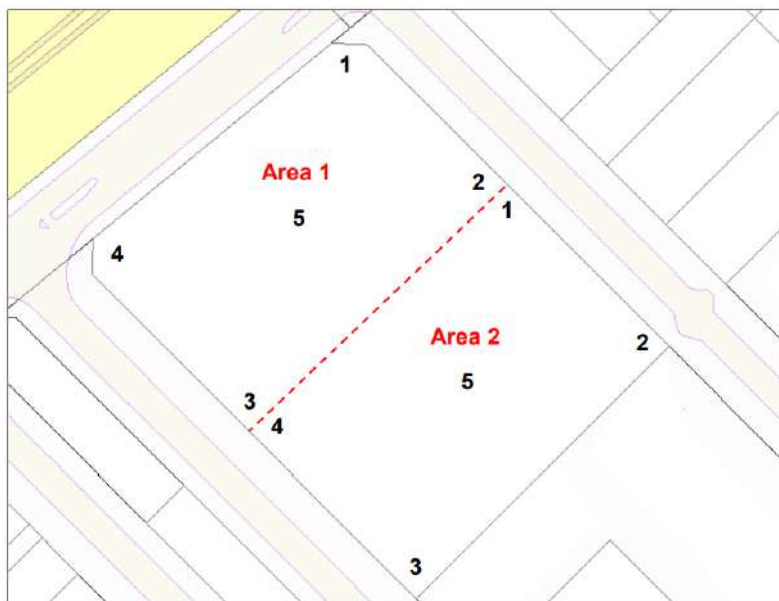
Irregular Shaped Lots - When calculating average NGL for an irregular lot there is no set method, however generally it is recommended additional points are included to provide greater coverage across the lot. It is important to ensure the points are similarly spaced to prevent the average tending towards the level of a particular spot within the lot.



Survey-strata Lots - Average NGL for lots within a survey-strata subdivision shall be calculated separately for each individual survey-strata lot. Common property areas shall be provided at an appropriate level to facilitate servicing and access to associated lots.



Multiple Averages - At the discretion of the City, large lots or lots exhibiting significant NGL variation may utilise multiple averages when calculating average NGL. This approach is most suitable for large strata developments. A tiered series of finished ground levels may be achieved through individually calculating the average for separate areas of the lot. Where multiple averages are utilised, the separate areas shall typically be of a similar size.



Retaining Walls Policy



Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit	Property and Economic Development
Responsible Officer	Acting Manager Property and Economic Development
Affected Business Units	Property and Economic Development Statutory Planning and Compliance Statutory Building
ECM Document Set ID	4549183

Purpose

The purpose of this policy is to provide standards for considering retaining walls and associated site works within residential and non-residential zones in the City.

Objective

The objectives of this policy are to:

1. Ensure a transparent and consistent approach for assessing site works including retaining walls and fill for residential development and non-residential development.
2. Provide site and development requirements that consider the range of properties with varying site level gradients.
3. Ensure non-residential development responds to the local context and are street-orientated that integrates with surrounding areas.
4. Ensure non-residential development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Scope

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

With regards to residential zones, this policy provides direction and clarity on the application of **State Planning Policy 7.3** Residential Design Codes Volume 1 (R-Codes) design principles of **Part B** elements 5.3.7 and **Part C** element 3.5 Site works. For residential development, it is intended as a guide for consistent application of retaining wall and associated fill provisions of the R-Codes.

This policy in no way alters the R-Codes deemed-to-comply requirements of elements 5.3.7 and 3.5, or equivalent development provisions contained within an approved activity centre plan, structure plan or local development plan. Those provisions shall prevail.

Definitions

For the purposes of this policy -

Average natural ground level	has the meaning given in Appendix 1.
Natural ground level (NGL)	has the same meaning given in the R-Codes.
Non-residential zone	are all other land use zones except 'Residential Zones,' including but not limited to commercial zones and industrial zones.
Street boundary (for residential)	has the same meaning given in the R-Codes.
Street boundary (for non-residential)	unless otherwise designated by the City, the sole or principle public road that provides access to the major entry (front door / entrance) to the building.

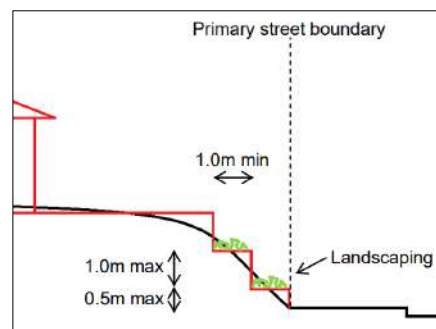
Requirements

Residential Development

- Retaining walls and/or site works within the street setback area and not meet the deemed-to-comply requirements of the R-Codes shall comply with the following:

Retaining walls and/or siteworks within street setback area

Height above NGL	Requirements
1.1 Greater than 0.5m	(a) Shall be setback a minimum 1.0m from street boundary; (b) Shall be terraced with maximum retaining wall heights of 1m above NGL, separated by a minimum horizontal distance of 1m; (c) Provide sufficient soft landscaping between each terraced retaining walls; and (d) No higher than calculated average NGL of the site (refer appendix 1).



2. Retaining walls and/or site works not located in the street setback area, and not meeting the deemed-to-comply requirements of the R-Codes shall comply with the following:

Retaining walls and/or siteworks behind street setback area

Height above NGL	Requirements
2.1 Greater than 0.5m, up to 1m	(a) Shall ~~be no higher than the meet the~~ calculated average NGL of the site (refer appendix 1); or (b) Demonstrate servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
2.2 Greater than 1m	(a) Shall meet clauses 2.1(a) or 2.1(b); and (b) Consultation undertaken with all affected adjoining landowners in accordance with the R-Codes and no planning-based objections are received.

3. Retaining walls and/or site works not meeting the requirements of clauses 1 and/or 2 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site and are consistent with the design principles of elements 5.3.7 or 3.5 site works of the R-Codes.

Non-Residential Development

4. Retaining walls and/or siteworks associated within non-residential development located within the street setback area shall comply with the following:

Retaining walls and/or siteworks within the street setback area

Height above NGL	Requirements
4.1 0.5m or less	(a) Permitted up to the street or lot boundary.
4.2 Greater than 0.5m	(a) Shall be setback a minimum 1m from street boundary; (b) Shall be terraced with maximum retaining wall heights of 1m above NGL, separated by a minimum horizontal distance of 1m; (c) Provide sufficient soft landscaping between each terraced retaining wall; and (d) No higher than calculated average NGL of site (refer appendix 1).

These provisions are to be read in conjunction with Part 8 of the City's Town Planning Scheme No. 24 (TPS24).

5. Retaining walls and/or siteworks associated within non-residential development located behind the street setback area shall comply with the following:

Retaining walls and/or siteworks behind street setback area

Height above NGL	Requirements
5.1 Greater than 0.5m, up to 1m	(a) Shall ~~be no higher than the~~ ~~meet the~~ calculated average NGL of site (refer appendix 1); or (b) Demonstrate servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
5.2 Greater than 1m	(a) Shall meet clauses 5.1(a) or 5.1(b); and (b) Consultation undertaken with all affected adjoining landowners in accordance with TPS 24 and no planning-based objections are received.

These provisions are to be read in conjunction with Part 8 of TPS24.

6. Retaining walls and/or siteworks not meeting the requirements of clauses 4 and/or 5 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site and are consistent with the objectives of this policy.

All development

7. A 1.8m high screen shall be erected above any retaining walls 0.5m or higher above the NGL, behind the primary street setback and adjacent to a lot boundary.
8. Applications for retaining walls and/ site works exceeding 0.5m in height on vacant sites shall not generally be approved unless they are accompanied by plans for future development of the site or are required to address conditions of subdivision approval.
9. Retaining walls and/site works that are required to address conditions of subdivision approval do not require development approval under a Local Planning Scheme (Section 157 of the *Planning and Development Act 2005*). Notwithstanding this, drawings are required to be submitted to the City for approval detailing levels, drainage, nature of soil, and physical features as required to address requirements of subdivision approval. The City will seek retaining wall heights in accordance with this policy where practical.

General policy notes:

- *Retaining Walls are to be contained wholly within a development site.*
- *This policy does not preclude the application of other design elements including street surveillance, street walls and fences, sight lines, vehicle access, visual privacy and solar access for adjoining sites.*

Related Legislation

City of Bayswater *Town Planning Scheme 24*

~~State Planning Policy 7.3~~ Residential Design Codes

Planning and Development (Planning Codes) Regulations 2024

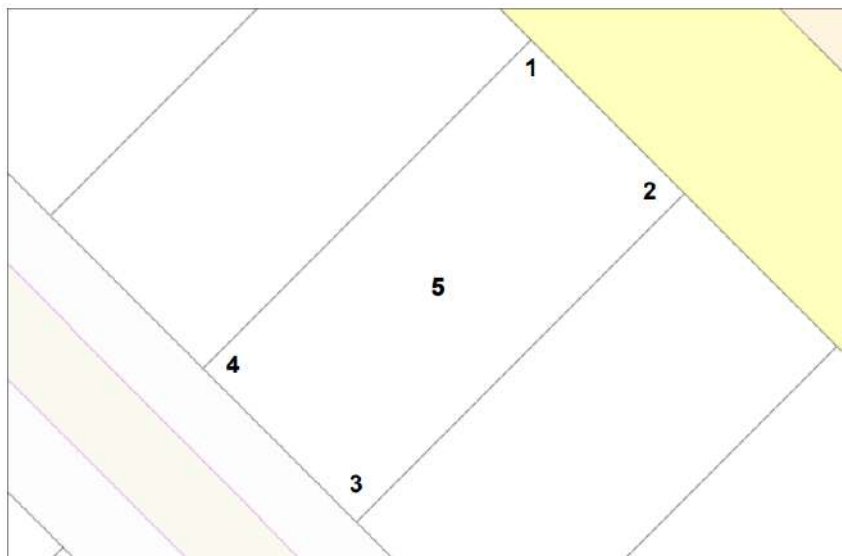
Schedule 2, Part 2 *Planning and Development (Local Planning Schemes) Regulations 2015*

Document details

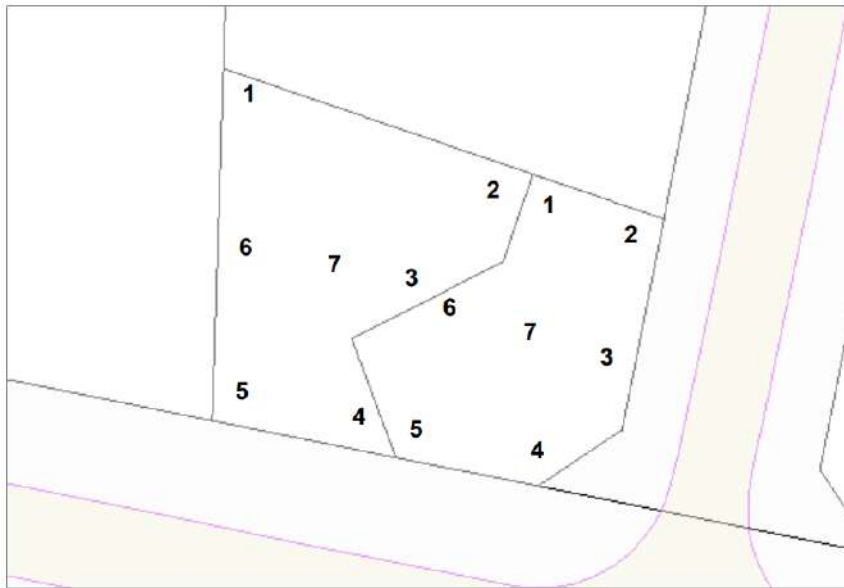
Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	Environment and Liveability Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes		
Council adoption	22 July 2003	Resolution	12.4.4
Reviewed/modified	28 April 2009	Resolution	13.18
Reviewed/modified	17 July 2018	Resolution	9.3
Reviewed/modified	2024	Resolution	XX XXX
Next review due	XXX 2029		

Appendix 1 – Calculation of Average Natural Ground Level

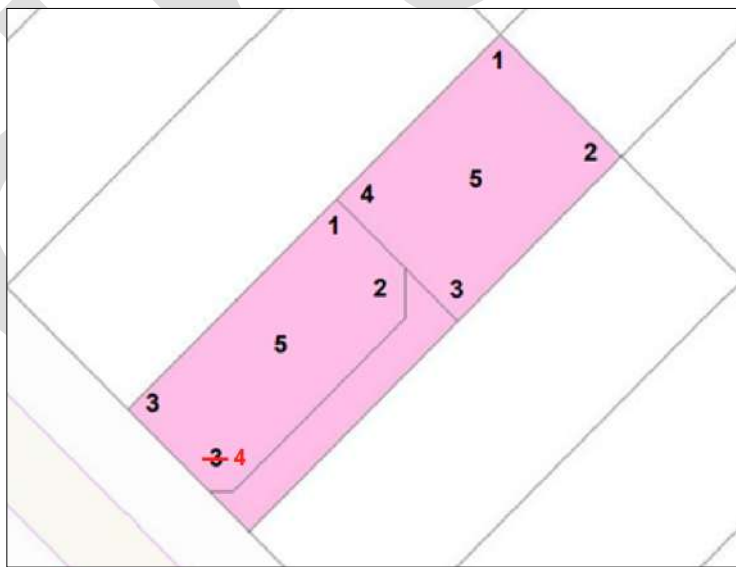
Regular (Rectangular) Shaped Lots - Average NGL for regular lots is calculated by averaging the NGL of five points indicated in the diagram above (four corners and centre). The levels of all points are added together and divided by the total number of points (five in this instance) to provide the average.



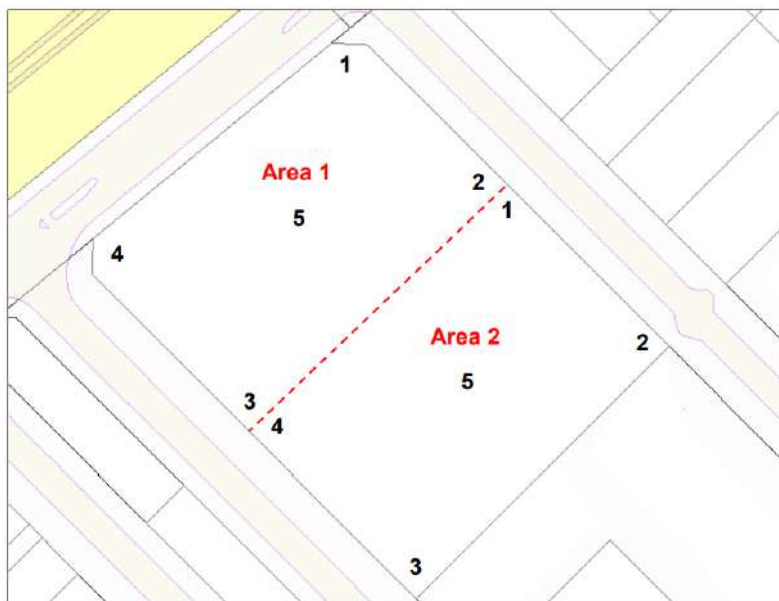
Irregular Shaped Lots - When calculating average NGL for an irregular lot there is no set method, however generally it is recommended additional points are included to provide greater coverage across the lot. It is important to ensure the points are similarly spaced to prevent the average tending towards the level of a particular spot within the lot.



Survey-strata Lots - Average NGL for lots within a survey-strata subdivision shall be calculated separately for each individual survey-strata lot. Common property areas shall be provided at an appropriate level to facilitate servicing and access to associated lots.



Multiple Averages - At the discretion of the City, large lots or lots exhibiting significant NGL variation may utilise multiple averages when calculating average NGL. This approach is most suitable for large strata developments. A tiered series of finished ground levels may be achieved through individually calculating the average for separate areas of the lot. Where multiple averages are utilised, the separate areas shall typically be of a similar size.



Retaining Walls Policy



Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit	Property and Economic Development
Responsible Officer	Acting Manager Property and Economic Development
Affected Business Units	Property and Economic Development Statutory Planning and Compliance Statutory Building
ECM Document Set ID	4549183

Purpose

The purpose of this policy is to provide standards for considering retaining walls and associated site works within residential and non-residential zones in the City.

Objective

The objectives of this policy are to:

1. Ensure a transparent and consistent approach for assessing site works including retaining walls and fill for residential development and non-residential development.
2. Provide site and development requirements that consider the range of properties with varying site level gradients.
3. Ensure non-residential development responds to the local context and are street-orientated that integrates with surrounding areas.
4. Ensure non-residential development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Scope

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

With regards to residential zones, this policy provides direction and clarity on the application of Residential Design Codes Volume 1 (R-Codes) design principles of Part B element 5.3.7 and Part C element 3.5 Site works. For residential development, it is intended as a guide for consistent application of retaining wall and associated fill provisions of the R-Codes.

This policy in no way alters the R-Codes deemed-to-comply requirements of elements 5.3.7 and 3.5, or equivalent development provisions contained within an approved activity centre plan, structure plan or local development plan. Those provisions shall prevail.

Definitions

For the purposes of this policy -

Average natural ground level	has the meaning given in Appendix 1.
Natural ground level (NGL)	has the same meaning given in the R-Codes.
Non-residential zone	are all other land use zones except 'Residential Zones,' including but not limited to commercial zones and industrial zones.
Street boundary (for residential)	has the same meaning given in the R-Codes.
Street boundary (for non-residential)	unless otherwise designated by the City, the sole or principle public road that provides access to the major entry (front door / entrance) to the building.

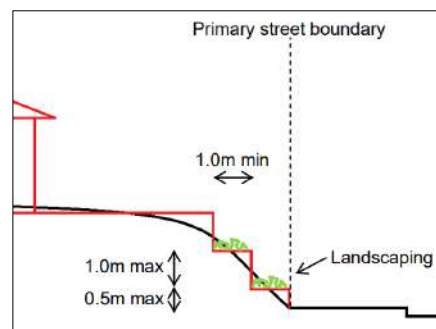
Requirements

Residential Development

- Retaining walls and/or site works within the street setback area and not meet the deemed-to-comply requirements of the R-Codes shall comply with the following:

Retaining walls and/or siteworks within street setback area

Height above NGL	Requirements
1.1 Greater than 0.5m	(a) Shall be setback a minimum 1.0m from street boundary; (b) Shall be terraced with maximum retaining wall heights of 1m above NGL, separated by a minimum horizontal distance of 1m; (c) Provide sufficient soft landscaping between each terraced retaining walls; and (d) No higher than calculated average NGL of the site (refer appendix 1).



2. Retaining walls and/or site works not located in the street setback area, and not meeting the deemed-to-comply requirements of the R-Codes shall comply with the following:

Retaining walls and/or siteworks behind street setback area

Height above NGL	Requirements
2.1 Greater than 0.5m, up to 1m	(a) Shall be no higher than the calculated average NGL of the site (refer appendix 1); or (b) Demonstrate servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
2.2 Greater than 1m	(a) Shall meet clauses 2.1(a) or 2.1(b); and (b) Consultation undertaken with all affected adjoining landowners in accordance with the R-Codes and no planning-based objections are received.

3. Retaining walls and/or site works not meeting the requirements of clauses 1 and/or 2 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site and are consistent with the design principles of elements 5.3.7 or 3.5 site works of the R-Codes.

Non-Residential Development

4. Retaining walls and/or siteworks associated within non-residential development located within the street setback area shall comply with the following:

Retaining walls and/or siteworks within the street setback area

Height above NGL	Requirements
4.1 0.5m or less	(a) Permitted up to the street or lot boundary.
4.2 Greater than 0.5m	(a) Shall be setback a minimum 1m from street boundary; (b) Shall be terraced with maximum retaining wall heights of 1m above NGL, separated by a minimum horizontal distance of 1m; (c) Provide sufficient soft landscaping between each terraced retaining wall; and (d) No higher than calculated average NGL of site (refer appendix 1).

These provisions are to be read in conjunction with Part 8 of the City's Town Planning Scheme No. 24 (TPS24).

5. Retaining walls and/or siteworks associated within non-residential development located behind the street setback area shall comply with the following:

Retaining walls and/or siteworks behind street setback area

Height above NGL	Requirements
5.1 Greater than 0.5m, up to 1m	(a) Shall be no higher than the calculated average NGL of site (refer appendix 1); or (b) Demonstrate servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
5.2 Greater than 1m	(a) Shall meet clauses 5.1(a) or 5.1(b); and (b) Consultation undertaken with all affected adjoining landowners in accordance with TPS 24 and no planning-based objections are received.

These provisions are to be read in conjunction with Part 8 of TPS24.

6. Retaining walls and/or siteworks not meeting the requirements of clauses 4 and/or 5 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site and are consistent with the objectives of this policy.

All development

7. A 1.8m high screen shall be erected above any retaining walls 0.5m or higher above the NGL, behind the primary street setback and adjacent to a lot boundary.
8. Applications for retaining walls and/ site works exceeding 0.5m in height on vacant sites shall not generally be approved unless they are accompanied by plans for future development of the site or are required to address conditions of subdivision approval.
9. Retaining walls and/site works that are required to address conditions of subdivision approval do not require development approval under a Local Planning Scheme (Section 157 of the *Planning and Development Act 2005*). Notwithstanding this, drawings are required to be submitted to the City for approval detailing levels, drainage, nature of soil, and physical features as required to address requirements of subdivision approval. The City will seek retaining wall heights in accordance with this policy where practical.

General policy notes:

- *Retaining Walls are to be contained wholly within a development site.*
- *This policy does not preclude the application of other design elements including street surveillance, street walls and fences, sight lines, vehicle access, visual privacy and solar access for adjoining sites.*

Related Legislation

City of Bayswater *Town Planning Scheme 24*

Residential Design Codes

Planning and Development (Planning Codes) Regulations 2024

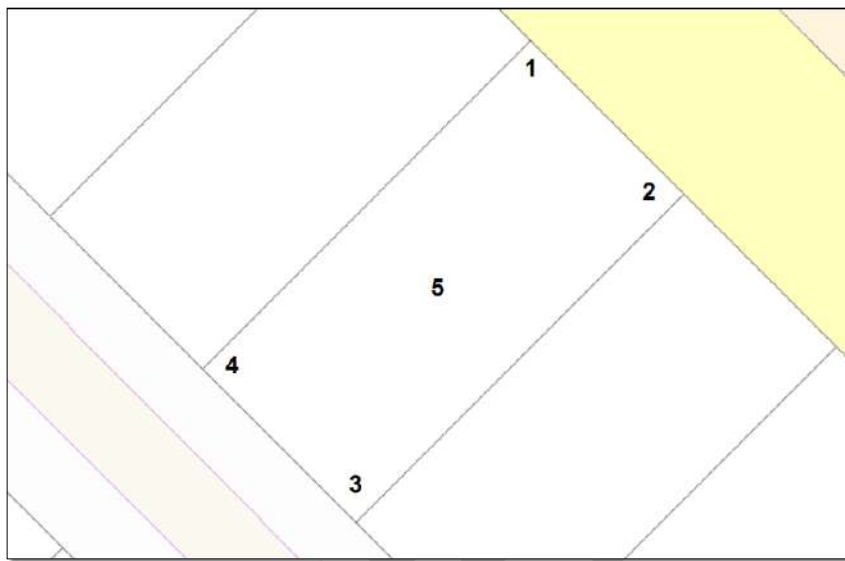
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Document details

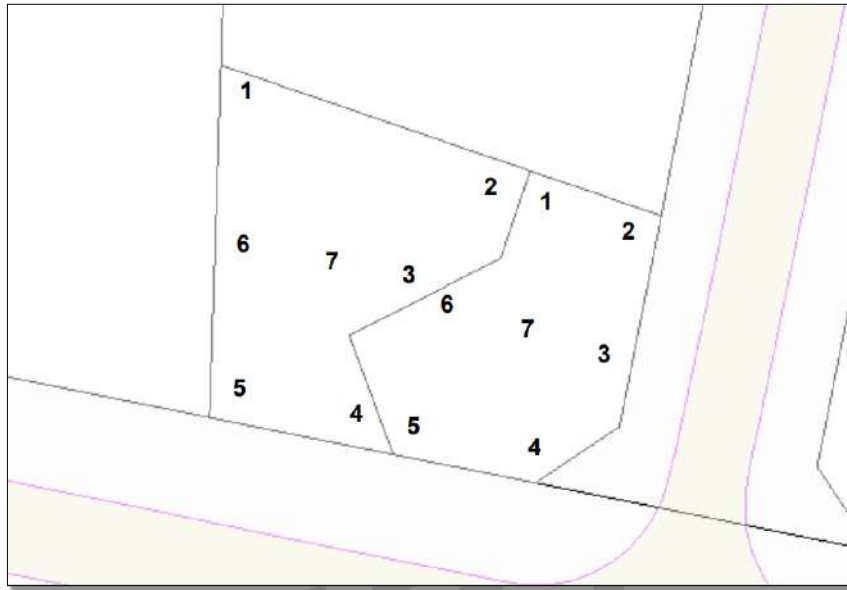
Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	Environment and Liveability Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes		
Council adoption	22 July 2003	Resolution	12.4.4
Reviewed/modified	28 April 2009	Resolution	13.18
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Next review due	XXX 2029		

Appendix 1 – Calculation of Average Natural Ground Level

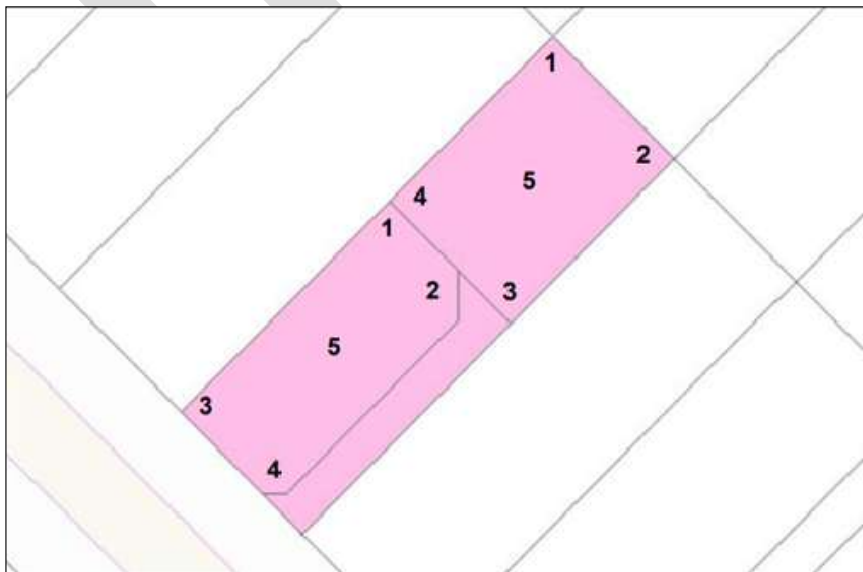
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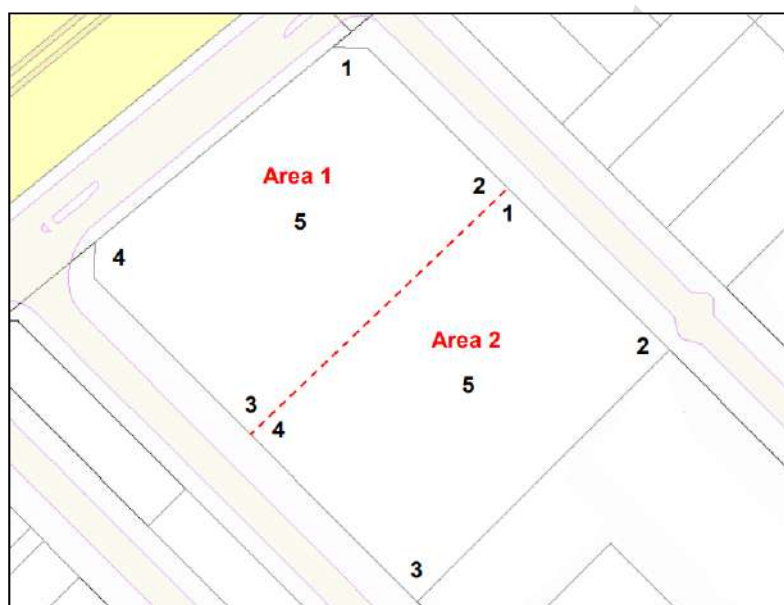
Irregular Shaped Lots - When calculating average NGL for an irregular lot there is no set method, however generally it is recommended additional points are included to provide greater coverage across the lot. It is important to ensure the points are similarly spaced to prevent the average tending towards the level of a particular spot within the lot.



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Multiple Averages - At the discretion of the City, large lots or lots exhibiting significant NGL variation may utilise multiple averages when calculating average NGL. This approach is most suitable for large strata developments. A tiered series of finished ground levels may be achieved through individually calculating the average for separate areas of the lot. Where multiple averages are utilised, the separate areas shall typically be of a similar size.



10.5.2.13 Policy Review: Official Photograph of Council

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Official Photograph of Council Policy [9.13.1 - 1 page]

SUMMARY

For Council to consider revoking the City's *Official Photograph of Council Policy*.

OFFICER'S RECOMMENDATION

That Council revokes the *Official Photograph of Council Policy* as contained in Attachment 1 to this Report.

COUNCIL RESOLUTION**(COMMITTEE RECOMMENDATION)**

That Council retains the *Official Photograph of Council Policy* as contained in Attachment 1 to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

The City's *Official Photograph of Council Policy* (the policy) was first adopted by Council at its meeting held on 23 April 1996 and had been reviewed on a number of occasions - the last being at the Council meeting held on 9 April 2019.

The key objectives of the policy are as follows:

1. As soon as practical following each election of Elected Members, an official photograph may be taken, which shall include every Member, Mayor, Deputy Mayor, Chief Executive Officer and Directors.
2. An official photograph shall be taken as soon as practical following any change in the incumbents of any of the officers described in 1 above.
3. The most recent official photograph shall be included in the Annual Report of the Council.
4. Where possible the photographs are to be taken on the same day and at the same location.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

The policy has been in place for some time and now forms part of the City's standard operational practice following the bi-ennial local government elections. It is recommended an administrative policy this minor in nature is no longer required as part of the City's overarching policy framework, that should ultimately guide Council and the City's administration on matters of interest to the Bayswater community, as well as overall strategic and significant operational direction for the City.

LEGISLATIVE COMPLIANCE

Nil.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance.

Goal L4: Communicate in a clear and transparent way.

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

CONCLUSION

In view of the need to remove policies no longer considered required, and to reduce the number of policies the City and Council needs to maintain and review, it is recommended that the policy be revoked.



OFFICIAL PHOTOGRAPH OF COUNCIL POLICY

Responsible Division	Governance and Strategy
Responsible Business Unit/s	Governance
Responsible Officer	Director Corporate and Strategy
Affected Business Unit/s	Communications and Marketing
ECM Reference	3406376

PURPOSE:

To provide information and a photographic record of the Elected Members and Senior Management staff who have served at the Council.

POLICY STATEMENT:

1. As soon as practical following each election of Elected Members, an official photograph may be taken which shall include every Elected Member, Mayor, Deputy Mayor, Chief Executive Officer and Directors.
2. An official photograph shall be taken as soon as practical following any change in the incumbents of any of the officers described in 1 above.
3. The most recent official photograph shall be included in the Annual Report of the Council.
4. Where possible the photographs are to be taken on the same day and at the same location.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Nil

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	14 February 2006
Reviewed / Modified	Date	9 April 2019
Reviewed / Modified	Date	

10.5.2.14 Policy Review: Caretaker Election Period

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. New Legislated Caretaker Period Provisions [9.14.1 - 9 pages] 2. Caretaker Election Period Policy with tracked changes [9.14.2 - 11 pages] 3. Draft Election Caretaker Period Policy [9.14.3 - 9 pages]
Refer:	Item 13.7 OCM 31.05.16 Item 13.12 OCM 28.08.18 Item 10.6.1.5 OCM 24.08.21

SUMMARY

For Council to consider the adoption of a revised *Caretaker Election Period Policy* following the commencement of legislated caretaker period requirements within the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

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

That Council adopts the revised *Caretaker Election Period Policy* (to be renamed the *Election Caretaker Period Policy*) as contained in Attachment 3 to this Report.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

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

Against: Nil.

BACKGROUND

The City's *Caretaker Election Period Policy* (the policy) was first adopted by Council at its meeting held on 31 May 2016, and has been amended by Council on a number of occasions since that time. The policy in the main details local government election caretaker conventions during a caretaker period (being 44 days prior to a local government election day), and covers matters such as:

- the type of major decisions that can be made by the Council
- the role of the Chief Executive Officer in implementing caretaker practices
- the use and access to materials published by the City
- the attendance and participation of Elected Members and local government election candidates at functions and events
- the use of the City's resources
- access to the City's information.

As part of the State Government's Local Government Reform Agenda, local government election caretaker provisions were introduced across the Western Australian local government sector as part of the *Local Government Amendment Act 2023* and the *Local Government Regulations*

Amendment Regulations (No. 2) 2023. While these pieces of legislation were assented to in 2023, the local government election caretaker period provisions only came into operation on 1 July 2024.

Extracts of the relevant changes to both the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* are detailed in **Attachment 1**.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

The primary purpose of any caretaker period is to avoid governments making major decisions that would bind an incoming government; prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting government members who are seeking re-election-, or new candidates; and ensuring government officials act impartially in relation to candidates. In view of this, a standardised approach has now been implemented and legislated across the Western Australian local government sector that will see many local governments having to review and amend any existing caretaker conventions within policies that may be in place.

Although the new legislative provisions relate to “Significant Acts” performed by a local government during a Caretaker Period (both now defined by legislation) there are other operational matters that fall outside of these provisions that are still befitting for the City to retain in some way.

In view of the new caretaker period conventions in which all local governments now operate, the following main amendments to the City’s existing policy are suggested, as shown in tracked changes version of the policy contained in **Attachment 2** (Minor drafting changes and improvements are also suggested although not detailed in depth within the table below):

Revision	Rationale
Title: Amend the title to “ <i>Election Caretaker Period Policy</i> ”.	The change from “Caretaker Election Period” to “Election Caretaker Period” better aligns the policy to the term Caretaker Period not Caretaker <u>Election</u> Period.
Purpose: Amend the policy’s purpose to include references to the <i>Local Government Act 1995</i> and the <i>Local Government (Functions and General) Regulations 1996</i> .	The policy needs to support and align to the provisions within legislation. The change clarifies the caretaker period conventions that are not in place in the <i>Local Government Act 1995</i> and the <i>Local Government (Functions and General) Regulations 1996</i> .
Policy Statement: Amend the primary purpose to clarify its support of the Caretaker Period conventions in legislation. The amendment also clarifies that the policy covers decisions made by the Council that are deemed “Significant Acts” (as defined by legislation).	The policy needs to complement and align to the provisions within legislation, as well as covering other matters Council believes should be in place for a Caretaker Period.

Revision	Rationale
Consideration of Major Policy Decisions (to be renamed Scheduling of Council Meetings): Removed references to “major policy decisions” as the term “Significant Act” replaces this term within the legislation. The section has been amended to apply only to the non-scheduling of Council meetings during a Caretaker Period. The section now also clarifies that special meetings of Council can be called and convened where “Extraordinary Circumstances” prevail. The term “Extraordinary Circumstances” has been included as a definition to mean a circumstance that in the Chief Executive Officer’s opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to: (a) incur or increase legal, financial and/or reputational risk; or (b) cause detriment to the strategic objectives of the City, and that is not considered a Significant Act.	To better clarify the Council meeting scheduling during a Caretaker Period and that special meetings can be called and convened (in accordance with the Act) where extraordinary circumstances prevail.
Decisions Made Prior to a Caretaker Period (to be renamed “Significant Act Decisions”): Amended to clarify decisions involving Significant Acts cannot be made during a Caretaker Period and what arrangements need to be put into place where a decision is made to do a Significant Act before a Caretaker Period, and which is subsequently done during a Caretaker Period (in accordance with legislation). Amended wording to better clarify provisions around announcement of Significant Act decisions made before a Caretaker Period.	To align the policy provisions with the new legislative requirements under the <i>Local Government Act 1995</i> and the <i>Local Government (Functions and General) Regulations 1996</i>.
Role of the Chief Executive Officer in Implementing Caretaker Period Practices: Amend to include a clause requiring the Chief Executive Officer to ensure, as far as possible, that caretaker period information is provided to candidates (that are not sitting Council Members) following their successful nomination. Minor wording improvement are also suggested that do not alter the intent of current provision.	To ensure Candidates are also made aware of the City’s Caretaker Period provisions.

Revision	Rationale
Extraordinary Circumstances: Deleted this section in the policy and replaced it with a definition within the definition section of the policy.	Major policy decisions (now termed Significant Acts) cannot be made during Caretaker Period and therefore the section is redundant. However, the principle around "Extraordinary Circumstances" would apply in the need to call special council meetings (as detailed above).
Appointment or Removal of the Chief Executive Officer (to be renamed Appointment of Acting Chief Executive Officer): Remove references that the policy establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period.	The new legislative provisions prohibit a local government from appointing or dismissing its Chief Executive Officer during a Caretaker Period, and therefore the policy does not establish this activity. However, the legislation is silent on appointing an Acting Chief Executive Officer and provisions should be retained in the policy.
Councillor Titles during Election Period: This section is recommended to be deleted.	There is a fundamental right in the Australian Constitution around the freedom of political expression. It is likely that this current provision within the policy is <i>ultra vires</i> (beyond the powers) and therefore unlikely to be able to be enforced as an endorsement of a candidate(s) is likely to fall within the realm of political expression.
Councillor Access to Electoral Information and Assistance (to be renamed Candidate Access to Information): Amended section of the policy to only relate to what information will be provided to Candidates (being publicly accessible information). References to assistance has been removed.	Local governments, and their employees must remain impartial during a local government election cycle, to prevent potential criticism of bias and favouritism. Any reference to assistance should therefore be removed to strengthen this position. As part of a successful nomination, all candidates are provided copies of the current electoral rolls by the Returning Officer.
Relevant Delegations: This section is recommended to be deleted.	The legislation now determines what matters Council can consider during a Caretaker Period.
Definitions: For better clarity, new definitions have been included for: • Candidate • Caretaker Period • Council Member • Extraordinary Circumstances • Significant Act.	To better clarify the terms used throughout the policy and which may also align with legislative definitions. Where applicable notes have been included in the policy to provide better clarity.

Please refer to **Attachment 3** to view the draft Policy, which incorporates the changes from the table above, and has also been updated to reflect the City's current brand style guidelines.

LEGISLATIVE COMPLIANCE

Local Government Act 1995 Part 4 (Division 5, Part 3).

Local Government (Functions and General) Regulations 1996 (Part 1B).

Local Government (Elections) Regulations 1996.

Local Government (Model Code of Conduct) Regulations 2021.

Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections.

Code of Conduct for Employees.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this Report.

STRATEGIC IMPLICATIONS

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

Theme: Leadership and Governance.

Goal L4: Communicate in a clear and transparent way.

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

CONCLUSION

It is recommended that Council adopt the revised policy, noting its renaming to the *Elections Caretaker Period Policy* as contained in **Attachment 3**.



Western Australia

Local Government Act 1995

Compare between:

[14 May 2024, 07-ak0-00] and [01 Jul 2024, 07-al0-00]

Local Government Act 1995

Part 3 Functions of local governments

Division 5 Caretaker period

s. 3.72

3.72. Other provisions and arrangements not affected

- (1) Section 3.69 has effect in addition to the provisions of this Division relating to regional local governments, and does not derogate from those provisions.
- (2) Nothing in section 3.69 prevents local governments from making arrangements under which —
 - (a) a local government provides a service or carries on an activity for another local government; or
 - (b) local governments provide a service or carry on an activity jointly without forming a regional subsidiary.

[Section 3.72 inserted: No. 26 of 2016 s. 9.]

Division 5 — Caretaker period

[Heading inserted: No. 11 of 2023 s. 23.]

3.73. Restrictions on what local government may do during caretaker period

(1) In this section —

emergency means —

(a) the occurrence, or imminent occurrence, of an event, situation or condition that is a hazard under the definition of that term in the *Emergency Management Act 2005* section 3; or

(b) a public health emergency as defined in the *Public Health Act 2016* section 4(1);

land transaction has the meaning given in section 3.59(1);

major land transaction has the meaning given in section 3.59(1);

major trading undertaking has the meaning given in section 3.59(1);

senior employee means a senior employee under section 5.37;

Local Government Act 1995
Functions of local governments **Part 3**
Caretaker period **Division 5**
s. 3.73

significant act means any of the following —

- (a) making a local law (including making a local law to amend or repeal a local law);
- (b) entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;
- (c) entering into a major land transaction;
- (d) entering into a land transaction that is preparatory to entry into a major land transaction;
- (e) commencing a major trading undertaking;
- (f) entering into a contract, or other agreement or arrangement, in prescribed circumstances;
- (g) inviting tenders in prescribed circumstances;
- (h) deciding to do anything referred to in paragraphs (a) to (g);
- (i) an act done under a written law or otherwise that is a prescribed act.

(2) During a caretaker period, a local government must not do a significant act.

(3) Subsections (4) to (6) apply despite subsection (2).

(4) A local government may do a significant act during a caretaker period if —

- (a) the local government's decision to do the significant act was made before the caretaker period; and
- (b) any prescribed requirements are met.

(5) A local government may do a significant act during a caretaker period if it is necessary for the local government to do the significant act during the caretaker period in order to comply with any of the following —

- (a) a written law;
- (b) an order of a court or tribunal;

Local Government Act 1995

Part 3 Functions of local governments

Division 5 Caretaker period

s. 3.73

(c) a contractual obligation of the local government under a contract entered into by the local government before the caretaker period.

(6) The Departmental CEO may authorise a local government to do a significant act during a caretaker period if the Departmental CEO is satisfied that it is necessary for the local government to do the significant act during the caretaker period —

(a) because of an emergency; or

(b) to ensure the proper operation of the local government.

[Section 3.73 inserted: No. 11 of 2023 s. 23.]



Western Australia

Local Government (Functions and General) Regulations 1996

Compare between:

[30 Jun 2023, 03-n0-00] and [01 Jul 2024, 03-o0-00]

Local Government (Functions and General) Regulations 1996
Caretaker period **Part 1B**

r. 3A

Part 1B — Caretaker period

[Heading inserted: SL 2023/102 r. 60.]

3A. Significant acts

- (1) In this regulation, references to paragraphs are to paragraphs of the definition of **significant act** in section 3.73(1) of the Act (unless otherwise indicated).
- (2) For the purposes of paragraph (f), entering into a contract is a significant act if either or both of the following apply —
- (a) under the contract, the local government is to, or is expected to, provide or receive consideration that is, or is expected to be —
- (i) more than \$250 000 (in total); or
- (ii) worth more than \$250 000 (in total);
- (b) under the contract, the local government is to, or is expected to, acquire or dispose of property the market value of which is, or is expected to be, more than \$250 000 (in total).
- (3) If a local government intends to enter into 2 or more contracts in circumstances such that the desire to avoid the requirements of subregulation (2) is a significant reason for not dealing with the matter in a single contract, for the purposes of paragraph (f), entering into any of the contracts is a significant act.
- (4) In subregulations (2) and (3) —
- acquire** includes lease or license from another person;
- contract** means a contract or other agreement or arrangement;
- dispose** includes lease or license to another person;
- property** includes any interest, or any share of an interest, in any property.

Local Government (Functions and General) Regulations 1996

Part 1B Caretaker period

r. 3A

(5) For the purposes of paragraph (g), inviting a tender is a significant act if the tender —

(a) is required to be publicly invited under regulation 11(1) or 12(2); or

(b) would be required to be publicly invited under regulation 11(1) or 12(2) but for regulation 11(2).

(6) For the purposes of paragraph (i), each of the following is a significant act —

(a) each of the following under Part 3 Division 4 of the Act —

(i) establishing a regional local government;

(ii) amending the establishment agreement for a regional local government;

(iii) winding up a regional local government, otherwise than at the direction of the Minister;

(iv) withdrawing from a regional local government;

(v) forming a regional subsidiary;

(vi) amending the charter for a regional subsidiary;

(vii) winding up, or withdrawing from, a regional subsidiary;

(b) commencing the preparation of any of the following under the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3 —

(i) a local planning strategy;

(ii) an amendment to a local planning strategy;

(iii) a notice of revocation in respect of a local planning strategy;

(c) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 19(1);

Local Government (Functions and General) Regulations 1996

Caretaker period

Part 1B

r. 3A

-
- (d) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 35(1) in relation to a complex amendment (as defined in regulation 34 of those regulations);
- (e) commencing a review of a local planning scheme under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 65;
- (f) commencing the preparation of an instrument of repeal in respect of a local planning scheme under the *Planning and Development Act 2005* section 74(b);
- (g) doing either of the following under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 2 Division 2 as that Division has effect as part of a local planning scheme of the local government —
- (i) resolving to prepare or amend a local planning policy;
- (ii) commencing the preparation of a notice of revocation in respect of a local planning policy;
- (h) publicly inviting persons to apply to join a panel of pre-qualified suppliers under Part 4 Division 3;
- (i) deciding to do anything referred to in paragraphs (a) to (h) of this subregulation.
- (7) Subregulation (6)(b) to (g) do not apply to anything done, and subregulation (6)(i) does not apply to a decision to do anything, for the purpose of complying with an order or notice given under the *Planning and Development Act 2005* section 76, 77A, 211 or 212.
- [Regulation 3A inserted: SL 2023/102 r. 60.]
-

Local Government (Functions and General) Regulations 1996

Part 1B Caretaker period

r. 3B

3B. Decisions taken before caretaker period

For the purposes of section 3.73(4)(b) of the Act, the local government must do the following before doing the significant act —

(a) give local public notice of the local government's intention to do the significant act, including —

(i) details of the significant act and the date on which the local government intends to do the significant act; and

(ii) details of the decision to do the significant act referred to in section 3.73(4)(a) of the Act and the date on which the decision was made;

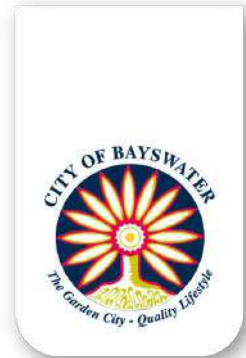
(b) provide a copy of the notice given under paragraph (a) to the Departmental CEO.

[Regulation 3B inserted: SL 2023/102 r. 60.]

3C. Transitional provision

For the purposes of Schedule 9.3 clause 62(2) of the Act, section 3.73 of the Act does not apply in relation to a caretaker period that begins before 1 July 2024.

[Regulation 3C inserted: SL 2023/102 r. 60.]



ELECTION CARETAKER ELECTION PERIOD POLICY

Responsible Division	<u>Corporate and Strategy Office of the CEO</u>
Responsible Business Unit/s	Governance and Strategy
Responsible Officer	Manager Governance and Strategy
Affected Business Unit/s	All
Document Ref	<u>3228088</u>

PURPOSE:

To ensure compliance and alignment with the Caretaker Election period provisions in the Local Government Act 1995, the Local Government (Functions and General) Regulations 1996, and the requirements of the Code of Conduct for Council Members, Committee Members and Candidates and Code of Conduct for Employees for Local Government Elections.

POLICY STATEMENT:

The primary purpose of the Policy is to:

- complement the Caretaker Period provisions prescribed in the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996;
- avoid the Council making major decisions prior to the election that would bind an incoming Council, prevent the use of public City resources in ways that are seen as advantageous to, or promoting, the City's current Council Memberselected members who are seeking re-election; and
- ensures that local government officersCity employees act impartially in relation to all local government election Candidates; and
- Implementation of a Caretaker Election Period Policy would provide for better decision-making and greater transparency and accountability in Councilin the City's operations as prescribed by section 1.3 of the Local Government Act 1995.

The policy applies to the Caretaker Period to cover:

- decisions made by the Council that are deemed Significant Acts under legislation;
- promotional materials published by the local governmentCity;
- attendance and participation in-of Council Members and Candidates at functions and events;
- use of the local governmentCity's resources; and
- access to local government information held by the City.

This pPolicy applies to CouncillorsCouncil Members, electoralCandidates and City employees of the City of Bayswater.

Scheduling Consideration of Major Policy Decisions of Council Meetings

No Ordinary Council Meeting shall occur during a caretaker periodCaretaker Period. Instead the Chief Executive Officer is to ensure that such decisions are either:

- Considered by the Council prior to the Caretaker Period; or
- Scheduled for determination by the incoming Council.

Where Eextraordinary Ccircumstances prevail, the Chief Executive Officer may submit a major policy decision to the Council in accordance with the provisions of this policya special meeting

of Council may be called and convened in accordance with sections 5.4 and 5.5(2) of the *Local Government Act 1995*.



Significant Act Decisions Made Prior to a Caretaker Period

In accordance with section 3.73(2) of the *Local Government Act 1995*, the City must not do a Significant Act during a Caretaker Period.

Notwithstanding, sections 3.73(4) and (5) of the *Local Government Act 1995* applies in circumstances where the City does a Significant Act during a Caretaker Period.

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions relating to a Significant Act may be made during a Caretaker Period, however as far as practicable any such announcements should be made before the Caretaker Period begins.

Role of the Chief Executive Officer in Implementing Caretaker Period Practices

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this Policy is as follows:

(a) The Chief Executive Officer will ensure as far as possible, that all Councillors-Council Members and staff-City employees are aware of the Caretaker Policy this Policy and the Caretaker Period requirements under the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*, practices-30 days prior to the start of the Caretaker Period.

(a)(b) To communicate awareness and the equitable access requirements that apply during a Caretaker Period, the Chief Executive Officer will ensure as far as possible, Candidates are provided with a copy of this Policy and the Caretaker Period requirements under the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* following their accepted nomination for a local government election.

The Chief Executive Officer will ensure, as far as possible, that any ~~major policy or significant decisions~~ Significant Act decisions required by the Council are scheduled for Council ~~resolution decision~~ prior to the Caretaker Period, or deferred where appropriate for determination by the incoming Council after the Caretaker Period.

(b) The Chief Executive Officer will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

Extraordinary Circumstances

The Chief Executive Officer may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to the Council. The Chief Executive Officer is to have regard to a number of circumstances, including but not limited to:

- a) Whether the decision is 'significant';
- b) The urgency of the issue (that is - can it wait until after the election);
- c) The possibility of legal and/or financial repercussions if it is deferred;
- d) Whether the decision is likely to be controversial; and
- e) The best interests of the City of Bayswater.

Appointment ~~or Removal~~ of Acting the Chief Executive Officer

~~Whilst this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period,~~ in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their Employment Ceontract), pending the election, after which date a permanent decision can be made.

Prohibition on Publishing Electoral Material

The City shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the City any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker Period.

Without limiting the generality of the definition of 'electoral material', material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- (a) ~~t~~The election, other than administrative information; ~~or~~
- (b) ~~a~~A candidate in the election; or
- (c) ~~a~~An issue submitted to, or otherwise before, the voters in connection with the election.

Candidate and/or ~~Councillor~~ Council Member Publications

Candidates and/or ~~Councillors~~ Council Members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the City.

~~Councillor Titles during Election Period~~

~~Councillors shall not use their roles or titles to endorse other candidates.~~

Election Announcements

This ~~P~~policy does not prevent publications, promotions or marketing material by the City that ~~merely~~ announces the holding of the election or which may relate ~~only~~ to the election process itself.

City of Bayswater Publications

Any reference to ~~Councillors~~ Council Members in the City's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the City's publication's that are potentially affected by this ~~P~~policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

City of Bayswater Website

During the Caretaker Period the City's website will not contain any material which is precluded by this ~~P~~policy. Any references to the election will only relate to the election process. Information about ~~Councillors~~ Council Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

Public Consultation During the Caretaker Period

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing), unless the consultation is a mandatory statutory process, or prior approval is given by the Chief Executive Officer.

Attendance Public Events Hosted by External Bodies

~~Councillors~~ Council Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

Attendance at City of Bayswater Organised Civic Events/Functions

Civic events/functions organised by the City and held during the Caretaker Period will be reduced to only those essential to the operation of the City, and should not in any way be associated with any issues considered topical and relevant to the election.

All known C-candidates are to be invited to civic events/functions organised by the City during the Caretaker Period, however, only sitting ~~Councillors~~ Council Members will be formally acknowledged at any such events/functions.

Addresses by ~~Councillors~~ Council Members

~~Councillors~~ Council Members who are also candidates in an upcoming election should not, where possible, be permitted to make speeches or addresses at events/functions organised or sponsored by the City during the Caretaker Period. ~~Councillors~~ Council Members may make short welcome speeches at events and functions organised or sponsored by the City during the Caretaker Period subject to prior approval of the Chief Executive Officer.

Community and Advisory Groups

Council Members ~~Councillors~~ appointed to community groups, advisory groups and other external organisations (as representatives of the City) shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

Use of City of Bayswater Resources

The City's *Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections* and the *Code of Ethics for Conduct for Employees' and the Local Government (Model Code of Conduct) Regulations 2021-Employees* provide that the City's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.

The City's staff employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and ~~should are to~~ avoid assisting ~~Councillors~~ Council Members and/or Candidates ~~candidates~~ in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of City resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

Councillor Council Member Access to Information

During a Caretaker Period, Councillors Council Members are able to access Council City information relevant to the performance of their functions as a Councillor Council Member, under the Local Government Act 1995 or other written law.

However, this access to information should be exercised with caution and limited to matters that the Council is dealing with, within the objectives and intent of this policy. Any Council City information so accessed that is not publicly available must not be used for election purposes.

Councillor Candidate Access to Electoral Information and Assistance

All Candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls) and information relevant to their election campaigns from the City administration.

Information, briefing material and advice prepared or secured by staff for a Councillor must be necessary to the carrying out of the Councillor's role and must not be related to election issues that might be perceived to be of an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll data and interpretation of legislative requirements, amongst other matters.

Council Member or Request for Media Advice

Any requests for media advice or assistance from Councillors Council Members during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Councillors Council Members. If satisfied that advice sought by a Council Member Councillor during the Caretaker Period does not relate to the election or publicity involving any specific Council Member Councillor(s), the Chief Executive Officer may authorise the provision of a response to such a request.

Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a City activity it must be approved by the Chief Executive Officer. In any event, the City's publicity during the Caretaker Period will be restricted to communicating normal City activities and initiatives.

Media Attention

Council Members Councillors will not use their position to access City staff employees or resources to gain media attention in support of their or any other candidate's election campaign.

City of Bayswater Employees

During the Caretaker Period no City employee may make any public statement that relates to an election issue unless, the statements has ve been approved by the Chief Executive Officer.

Election Process Enquiries

All election process enquiries from ~~C~~candidates, whether current ~~Council Members~~ ~~Councillors~~ or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

Relevant Delegations

~~The Chief Executive Officer has the delegated authority to determine those matters that may be considered by the Council during the designated Caretaker Period in accordance with the provisions of this Policy.~~

DEFINITIONS:

'Candidate' means a candidate in a local government election but does not include a Council Member who is also a candidate in a local government election.

'Caretaker Period' means the period of time when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations being 37 days prior to the Election Day in accordance with section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day.

'Caretaker Period', as defined by section 1.4A of the *Local Government Act 1995*, means a period that:

(a) begins at the close of nominations (as defined in section 4.49(a)) for a relevant election for the local government (being 37 days before the Election Day); and

(b) ends:

(i) on the day after the day on which the returning officer declares the result of the relevant election under section 4.77; or

(ii) if section 4.57(1) applies to the relevant election - on the day after the day on which the close of nominations falls; or

(iii) if section 4.58(1) applies to the relevant election - on the day after the day on which the candidate dies.

'Council Member' means the Mayor, Deputy Mayor and Councillors.

'Election Day' means the day fixed under the *Local Government Act 1995* for the holding of an election or any other poll ~~needed for an election~~.

'Electoral Material' means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

(a) ~~a~~An advertisement in a newspaper announcing the holding of a meeting in accordance with section 4.87(3) of the *Local Government Act 1995*;

(b) ~~a~~Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*; ~~or~~

(c) ~~a~~Any materials produced by the City relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

'Events and Functions' means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

'Extraordinary Circumstances' means a circumstance that in the Chief Executive Officer's opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to:

- (a) incur or increase legal, financial and/or reputational risk; or
- (b) cause detriment to the strategic objectives of the City,

and that is not considered a Significant Act.

'Major Policy Decision' means any:

- a) Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election;
- b) Decisions relating to the City entering into a sponsorship arrangement with a total City contribution value exceeding \$10,000 (excluding GST);
- c) Irrevocable decisions that commit the City to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by a Councillor;
- d) Irrevocable decisions that will have a significant impact on the City of Bayswater or the community;
- e) Reports requested or initiated by a Councillor, candidate or member of the public that, in the Chief Executive Officer's opinion, may be perceived within the general community as an electoral issue that reflects upon the Council's decision-making process, and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

'Public Consultation' means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

'Significant Act' in accordance with section 3.73(1) of the *Local Government Act 1995*, means any of the following:

- (a) making a local law (including making a local law to amend or repeal a local law);
- (b) entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;
- (c) entering into a major land transaction;
- (d) entering into a land transaction that is preparatory to entry into a major land transaction;
- (e) commencing a major trading undertaking;
- (f) entering into a contract, or other agreement or arrangement, in prescribed circumstances (as prescribed by regulations 3A(2), (3) and (4) of the *Local Government (Functions and General) Regulations 1996*);

Note: Regulations 3A(2), (3) and (4) of the Local Government (Functions and General) Regulations 1996 states:

- (2) For the purposes of paragraph (f), entering into a contract is a significant act if either or both of the following apply:
- (a) under the contract, the local government is to, or is expected to, provide or receive consideration that is, or is expected to be -
- (i) more than \$250 000 (in total); or
- (ii) worth more than \$250 000 (in total);
- (b) under the contract, the local government is to, or is expected to, acquire or dispose of property the market value of which is, or is expected to be, more than \$250 000 (in total).
- (3) If a local government intends to enter into 2 or more contracts in circumstances such that the desire to avoid the requirements of subregulation (2) is a significant reason for not dealing with the matter in a single contract, for the purposes of paragraph (f), entering into any of the contracts is a significant act.
- (4) In subregulations (2) and (3) -
- acquire includes lease or license from another person;
- contract means a contract or other agreement or arrangement;
- dispose includes lease or license to another person;
- property includes any interest, or any share of an interest, in any property.

- (g) inviting tenders in prescribed circumstances (as prescribed by regulation 3A(5) of the Local Government (Functions and General) Regulations 1996);

Note: Regulation 3A(5) of the Local Government (Functions and General) Regulations 1996 states:

- (5) For the purposes of paragraph (g), inviting a tender is a significant act if the tender -
- (a) is required to be publicly invited under regulation 11(1) or 12(2); or
- (b) would be required to be publicly invited under regulation 11(1) or 12(2) but for regulation 11(2).

- (h) deciding to do anything referred to in paragraphs (a) to (g);
- (i) an act done under a written law or otherwise that is a prescribed act (as prescribed by regulations 3A(6) and (7) of the Local Government (Functions and General) Regulations 1996).

Note: Regulation 3A(6) and (7) of the Local Government (Functions and General) Regulations 1996 states:

- (6) For the purposes of paragraph (i), each of the following is a significant act -
- (a) each of the following under Part 3 Division 4 of the Act -
- (i) establishing a regional local government;
- (ii) amending the establishment agreement for a regional local government;
- (iii) winding up a regional local government, otherwise than at the direction of the Minister;

- (iv) withdrawing from a regional local government;
 - (v) forming a regional subsidiary;
 - (vi) amending the charter for a regional subsidiary;
 - (vii) winding up, or withdrawing from, a regional subsidiary;
 - (b) commencing the preparation of any of the following under the Planning and Development (Local Planning Schemes) Regulations 2015 Part 3 -
 - (i) a local planning strategy;
 - (ii) an amendment to a local planning strategy;
 - (iii) a notice of revocation in respect of a local planning strategy;
 - (c) passing a resolution of the kind referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 19(1);
 - (d) passing a resolution of the kind referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 35(1) in relation to a complex amendment (as defined in regulation 34 of those regulations);
 - (e) commencing a review of a local planning scheme under the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 65;
 - (f) commencing the preparation of an instrument of repeal in respect of a local planning scheme under the Planning and Development Act 2005 section 74(b);
 - (g) doing either of the following under the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 2 Division 2 as that Division has effect as part of a local planning scheme of the local government -
 - (i) resolving to prepare or amend a local planning policy;
 - (ii) commencing the preparation of a notice of revocation in respect of a local planning policy;
 - (h) publicly inviting persons to apply to join a panel of pre-qualified suppliers under Part 4 Division 3;
 - (i) deciding to do anything referred to in paragraphs (a) to (h) of this subregulation.
- (7) Subregulation (6)(b) to (g) do not apply to anything done, and subregulation (6)(i) does not apply to a decision to do anything, for the purpose of complying with an order or notice given under the Planning and Development Act 2005 section 76, 77A, 211 or 212.

RELATED LEGISLATION:

Local Government Act 1995 Part 4(Division 5, Part 3)

Local Government (Functions and General) Regulations 1996 (Part 1B)

Local Government (Elections) Regulations 1996

Local Government (Model Code of Conduct) Regulations 2021

Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections

Code of Conduct for Employees

RELATED DOCUMENTATION:

Relevant Delegations	(insert number from Delegated Authority Register)	
Risk Evaluation	New policy to guide on effective probity during local government electoral periods.	
Council Adoption	Date	31 May 2016
Reviewed / Modified	Date	~~15-28~~ August 2018
Reviewed / Modified	Date	24 August 2021
Reviewed / Modified	Date	~~XXXXXXXX~~

tracked changes





Election Caretaker Period Policy

Responsible Division	Office of the CEO
Responsible Business Unit	Governance and Strategy
Responsible Officer	Manager Governance and Strategy
Affected Business Units	All
ECM Document Set ID	3228088

Purpose

To ensure compliance and alignment with the Caretaker Period provisions in the *Local Government Act 1995*, the *Local Government (Functions and General) Regulations 1996*, and the requirements of the *Code of Conduct for Council Members, Committee Members and Candidates* and *Code of Conduct for Employees*.

Definitions

For the purpose of this policy —

Candidate means a candidate in a local government election but does not include a Council Member who is also a candidate in a local government election.

Caretaker Period, as defined by section 1.4A of the *Local Government Act 1995*, means a period that:

- (a) begins at the close of nominations (as defined in section 4.49(a)) for a relevant election for the local government (being 37 days before the Election Day); and
- (b) ends:
 - (i) on the day after the day on which the returning officer declares the result of the relevant election under section 4.77; or
 - (ii) if section 4.57(1) applies to the relevant election - on the day after the day on which the close of nominations falls; or
 - (iii) if section 4.58(1) applies to the relevant election - on the day after the day on which the candidate dies.

Council Member means the Mayor, Deputy Mayor and Councillors.

Election Day means the day fixed under the *Local Government Act 1995* for the holding of an election or any other poll.

Electoral Material means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- (a) an advertisement in a newspaper announcing the holding of a meeting in accordance with section 4.87(3) of the *Local Government Act 1995*;



Election Caretaker Period Policy

- (b) any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*; or
- (c) any materials produced by the City relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

Events and Functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

Extraordinary Circumstances means a circumstance that in the Chief Executive Officer's opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to:

- (a) incur or increase legal, financial and/or reputational risk; or
 - (b) cause detriment to the strategic objectives of the City,
- and that is not considered a Significant Act.

Public Consultation means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

Significant Act in accordance with section 3.73(1) of the *Local Government Act 1995*, means any of the following:

- (a) making a local law (including making a local law to amend or repeal a local law);
- (b) entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;
- (c) entering into a major land transaction;
- (d) entering into a land transaction that is preparatory to entry into a major land transaction;
- (e) commencing a major trading undertaking;
- (f) entering into a contract, or other agreement or arrangement, in prescribed circumstances (as prescribed by regulations 3A(2), (3) and (4) of the *Local Government (Functions and General) Regulations 1996*);

Note: Regulations 3A(2), (3) and (4) of the Local Government (Functions and General) Regulations 1996 states:

- (2) For the purposes of paragraph (f), entering into a contract is a significant act if either or both of the following apply:
 - (a) under the contract, the local government is to, or is expected to, provide or receive consideration that is, or is expected to be -
 - (i) more than \$250 000 (in total); or
 - (ii) worth more than \$250 000 (in total);
 - (b) under the contract, the local government is to, or is expected to, acquire or dispose of property the market value of which is, or is expected to be, more than \$250 000 (in total).
- (3) If a local government intends to enter into 2 or more contracts in circumstances such that the desire to avoid the requirements of subregulation (2) is a significant reason for not dealing

with the matter in a single contract, for the purposes of paragraph (f), entering into any of the contracts is a significant act.

- (4) *In subregulations (2) and (3) -*
acquire *includes lease or license from another person;*
contract *means a contract or other agreement or arrangement;*
dispose *includes lease or license to another person;*
property *includes any interest, or any share of an interest, in any property.*

- (g) inviting tenders in prescribed circumstances (as prescribed by regulation 3A(5) of the *Local Government (Functions and General) Regulations 1996*);

Note: Regulation 3A(5) of the Local Government (Functions and General) Regulations 1996 states:

- (5) *For the purposes of paragraph (g), inviting a tender is a significant act if the tender -*
(a) *is required to be publicly invited under regulation 11(1) or 12(2); or*
(b) *would be required to be publicly invited under regulation 11(1) or 12(2) but for regulation 11(2).*

- (h) deciding to do anything referred to in paragraphs (a) to (g);
(i) an act done under a written law or otherwise that is a prescribed act (as prescribed by regulations 3A(6) and (7) of the *Local Government (Functions and General) Regulations 1996*).

Note: Regulation 3A(6) and (7) of the Local Government (Functions and General) Regulations 1996 states:

- (6) *For the purposes of paragraph (i), each of the following is a significant act -*
(a) *each of the following under Part 3 Division 4 of the Act -*
(i) *establishing a regional local government;*
(ii) *amending the establishment agreement for a regional local government;*
(iii) *winding up a regional local government, otherwise than at the direction of the Minister;*
(iv) *withdrawing from a regional local government;*
(v) *forming a regional subsidiary;*
(vi) *amending the charter for a regional subsidiary;*
(vii) *winding up, or withdrawing from, a regional subsidiary;*
(b) *commencing the preparation of any of the following under the Planning and Development (Local Planning Schemes) Regulations 2015 Part 3 -*
(i) *a local planning strategy;*
(ii) *an amendment to a local planning strategy;*
(iii) *a notice of revocation in respect of a local planning strategy;*
(c) *passing a resolution of the kind referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 19(1);*
(d) *passing a resolution of the kind referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 35(1) in relation to a complex amendment (as defined in regulation 34 of those regulations);*

- (e) *commencing a review of a local planning scheme under the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 65;*
- (f) *commencing the preparation of an instrument of repeal in respect of a local planning scheme under the Planning and Development Act 2005 section 74(b);*
- (g) *doing either of the following under the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 2 Division 2 as that Division has effect as part of a local planning scheme of the local government -*
 - (i) *resolving to prepare or amend a local planning policy;*
 - (ii) *commencing the preparation of a notice of revocation in respect of a local planning policy;*
- (h) *publicly inviting persons to apply to join a panel of pre-qualified suppliers under Part 4 Division 3;*
- (i) *deciding to do anything referred to in paragraphs (a) to (h) of this subregulation.*
- (7) *Subregulation (6)(b) to (g) do not apply to anything done, and subregulation (6)(i) does not apply to a decision to do anything, for the purpose of complying with an order or notice given under the Planning and Development Act 2005 section 76, 77A, 211 or 212.*

Policy Statement

The primary purpose of the Policy is to:

- complement the Caretaker Period provisions prescribed in the *Local Government Act 1995*, and the *Local Government (Functions and General) Regulations 1996*;
- prevent the use of City resources in ways that are seen as advantageous to, or promoting, the City's current Council Members who are seeking re-election;
- ensure City employees act impartially in relation to all local government election Candidates; and
- provide for better decision-making and greater transparency and accountability in the City's operations as prescribed by section 1.3 of the *Local Government Act 1995*.

The policy applies to the Caretaker Period to cover:

- decisions made by the Council that are deemed Significant Acts under legislation;
- promotional materials published by the City;
- attendance and participation of Council Members and Candidates at functions and events;
- use of the City's resources; and
- access to information held by the City.

This policy applies to Council Members, Candidates and City employees.

Scheduling of Council Meetings

No Ordinary Council Meeting shall occur during a Caretaker Period.

Where Extraordinary Circumstances prevail, a special meeting of Council may be called and convened in accordance with sections 5.4 and 5.5(2) of the *Local Government Act 1995*.



Election Caretaker Period Policy

Significant Act Decisions

In accordance with section 3.73(2) of the *Local Government Act 1995*, the City must not do a Significant Act during a Caretaker Period.

Notwithstanding, sections 3.73(4) and (5) of the *Local Government Act 1995* applies in circumstances where the City does a Significant Act during a Caretaker Period.

Announcements of earlier decisions relating to a Significant Act may be made during a Caretaker Period, however as far as practicable any such announcements should be made before the Caretaker Period begins.

Role of the Chief Executive Officer in Implementing Caretaker Period Practices

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this Policy is as follows:

- (a) The Chief Executive Officer will ensure as far as possible, that all Council Members and City employees are aware of this Policy and the Caretaker Period requirements under the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*, 30 days prior to the start of the Caretaker Period.
- (b) To communicate awareness and the equitable access requirements that apply during a Caretaker Period, the Chief Executive Officer will ensure as far as possible, Candidates are provided with a copy of this Policy and the Caretaker Period requirements under the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* following their accepted nomination for a local government election.

The Chief Executive Officer will ensure, as far as possible, that any Significant Act decisions required by the Council are scheduled for Council decision prior to the Caretaker Period, or deferred after the Caretaker Period.

Appointment of Acting Chief Executive Officer

In the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their Employment Contract), pending the election, after which date a permanent decision can be made.

Prohibition on Publishing Electoral Material

The City shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the City any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker Period.

Without limiting the generality of the definition of 'electoral material', material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- (a) the election, other than administrative information;
- (b) a candidate in the election; or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

Candidate and/or Council Member Publications

Candidates and/or Council Members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the City.

Election Announcements

This Policy does not prevent publications, promotions or marketing material by the City that announces the holding of the election or which may relate to the election process itself.

City of Bayswater Publications

Any reference to Council Members in the City's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the City's publications that are potentially affected by this Policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

City of Bayswater Website

During the Caretaker Period the City's website will not contain any material which is precluded by this Policy. Any references to the election will only relate to the election process. Information about Council Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

Public Consultation During the Caretaker Period

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing), unless the consultation is a mandatory statutory process, or prior approval is given by the Chief Executive Officer.

Attendance Public Events Hosted by External Bodies

Council Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

Attendance at City of Bayswater Organised Civic Events/Functions

Civic events/functions organised by the City and held during the Caretaker Period will be reduced to only those essential to the operation of the City and should not in any way be associated with any issues considered topical and relevant to the election.

All known Candidates are to be invited to civic events/functions organised by the City during the Caretaker Period, however, only sitting Council Members will be formally acknowledged at any such events/functions.

Addresses by Council Members

Council Members who are also candidates in an upcoming election should not, where possible, be permitted to make speeches or addresses at events/functions organised or sponsored by the City during the Caretaker Period. Council Members may make short welcome speeches at events and functions

organised or sponsored by the City during the Caretaker Period subject to prior approval of the Chief Executive Officer.

Community and Advisory Groups

Council Members appointed to community groups, advisory groups and other external organisations (as representatives of the City) shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

Use of City of Bayswater Resources

The City's *Code of Conduct for Council Members, Committee Members and Candidates* and the *Code of Conduct for Employees* provide the City's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.

The City's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and are to avoid assisting Council Members and/or Candidates in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of City resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

Council Member Access to Information

During a Caretaker Period, Council Members are able to access City information relevant to the performance of their functions as a Council Member, under the *Local Government Act 1995* or other written law.

However, this access to information should be exercised with caution and limited to matters that the Council is dealing with, within the objectives and intent of this policy. Any City information so accessed that is not publicly available must not be used for election purposes.

Candidate Access to Information

All Candidates will have equal rights to access public information.

Council Member Request for Media Advice

Any requests for media advice or assistance from Council Members during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members. If satisfied that advice sought by a Council Member during the Caretaker Period does not relate to the election or publicity involving any specific Council Member(s), the Chief Executive Officer may authorise the provision of a response to such a request.



Election Caretaker Period Policy

Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a City activity it must be approved by the Chief Executive Officer. In any event, the City's publicity during the Caretaker Period will be restricted to communicating normal City activities and initiatives.

Media Attention

Council Members will not use their position to access City employees or resources to gain media attention in support of their or any other candidate's election campaign.

City of Bayswater Employees

During the Caretaker Period no City employee may make any public statement that relates to an election issue unless, the statement has been approved by the Chief Executive Officer.

Election Process Enquiries

All election process enquiries from Candidates, whether current Council Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

Related Legislation

Local Government Act 1995 (Division 5, Part 3)

Local Government (Functions and General) Regulations 1996 (Part 1B)

Local Government (Elections) Regulations 1996

Local Government (Model Code of Conduct) Regulations 2021

Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections

Code of Conduct for Employees

Related Documentation

Nil.

Document details

Relevant delegations Nil.

Risk evaluation Low

Strategic link Theme: Leadership and Governance
Goal L4: Communicate in a clear and transparent way



Election Caretaker Period Policy

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

Council adoption	31 May 2016	Resolution	13.7
Reviewed/modified	28 August 2018	Resolution	13.12
Reviewed/modified	24 August 2021	Resolution	10.6.1.5
Reviewed/modified	TBA	Resolution	TBA
Next review due	TBA		

ADOPTION BY EXCEPTION

That the recommendations relating to items 10.2.2, 10.2.3, 10.3.4, 10.3.5, 10.5.1.1, 10.5.1.2, 10.5.1.3, 10.5.2.1, 10.5.2.2, 10.5.2.3, 10.5.2.4, 10.5.2.5, 10.5.2.6, 10.5.2.9, 10.5.2.10, 10.5.2.11, 10.5.2.12, 10.5.2.13 and 10.5.2.14 contained in the agenda be adopted by exception as per clause 5.5 of the *City of Bayswater Standing Orders Local Law 2021*.

Cr Nat Latter Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 10/0

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

Against: Nil.

11 Motions of Which Previous Notice Has Been Given**11.1 Notice of Motion - Cr Josh Eveson - Construction of a Concrete Path - Illingbridge Street, Morley**

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required (Limb 1) <i>ABSOLUTE MAJORITY REQUIRED (Limb 3)</i>
Attachments:	1. CONFIDENTIAL - Illingbridge Street Proposed Pathway Consultation Extent and Feedback Summary [11.1.1 - 1 page]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

REASON FOR CONFIDENTIALITY

(b) the personal affairs of any person;

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Josh Eveson raised the following motion:

Cr Lorna Clarke withdrew from the meeting at 9:50pm on 22 October 2024 and rejoined the meeting at 9:51pm on 22 October 2024.

MOTION

That Council:

- 1. Directs the Chief Executive Officer to cease the proposed works for the installation of a pathway on Illingbridge Street, Morley;**
- 2. Approves the construction of a pathway around the perimeter of Strutt Way Reserve, Noranda;**
- 3. Amends the 2024/25 Budget as part of the Mid-year Budget Review to reallocate project funds from the Illingbridge Street project to the new pathway in Strutt Reserve, as follows:**

Cost Centre - Project	Type	Project Type	Project Description	Current Budget \$	Adjust. \$	Revised Budget \$
3300 - 81287	Reduce Expenditure	Capital	Pathway Expansion Program – Illingbridge Street	\$45,000	(\$45,000)	\$0
TBC	Increase Expenditure - New Project (Stage 1)	Capital	Pathway Expansion Program – Strutt Reserve	\$0	\$45,000	\$45,000
			Total:	\$45,000	\$0	\$45,000

4. Stages the construction of the Strutt Reserve pathway to utilise the available project budget in 2024/25 with the balance of the project (estimated \$43,950) being included in the Forward Capital Works Program for 2025/26; and
5. Requests the Chief Executive Officer to commence the design and construction of Stage 1 of the Strutt Reserve pathway as soon as possible and ensure that the design provides for a continuous and usable pathway connection through the reserve with the inclusion of bollard lighting.

Cr Josh Eveson Moved, Cr Assunta Meleca Seconded

LOST: 5/6

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

Against: *Cr Sally Palmer, Cr Nat Latter, Cr Elli Petersen-Pik - Deputy Mayor, Cr Dan Bull, Cr Georgia Johnson 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.

The proposed Illingbridge Street new footpath project has been included in the 2024/25 budget, with the pathway extending from Badgen Place to Spruce Road along the western verge kerb line. In late July 2024, the City conducted community consultation to gather feedback on the proposed works.



Illingbridge Street is classified as an Access Road under the Main Roads hierarchy, with a speed limit of 50 km/h. As per the latest counts conducted in 2021, it currently has an 85th percentile speed of 44km/hr and a traffic volume of 225 vehicles per day. Currently, the street lacks pathways on both sides. It ends in a cul-de-sac at the northern end, where a path connects to the Public Access Way (PAW) leading to Emberson Road.

A request for a pathway on Illingbridge Street has been ongoing since 2018, seeking its inclusion in the City’s capital program. This pathway was included in the 2010/2011 financial year budget; however, due to objections, the works did not proceed at the time.

OFFICER'S COMMENT

The proposed pathway will be 1.8 metres wide, located along the kerb line of the western verge, and does not require the removal of any trees.

Following the July 2024 consultation, the City received multi-signatory letters; one opposing the pathway and one in support of it. Both letters included signatures from individuals outside the directly affected area.

A comparison between the two multi-signatory letters is outlined in table 1 below:

	Against Proposed Pathway	For Proposed Pathway
Number of Signatures	29	31
Summary of request	We the affected residents of the construction of this footpath refer to the City of Bayswater Infrastructure and Transport Manager to the record of Council Meetings that this proposal has previously been raised and voted down by both residents and the City of Bayswater Council. All residents at the time opposed the construction of such footpath as it would result in the street trees being removed. This would have an impact on the local bird population and other wildlife. The Eastern Regional Council was contacted and supported the need to protect both trees and wildlife. There is no foot or dual use path on Badgen Road although it is walked regularly by pedestrian traffic, including access to the bus stop on Emberson Road. This also into existing pathways.	We the undersigned, wish to show our support for the City's plan to construct a new 1.8 metre wide footpath on the kerb line on Illingbridge Street from Spruce Road to Badgen Place, Morley as part of the 2024-25 footpath program. Once completed, this path will connect Illingbridge Street to the existing footpath network and the laneway at the top of the cul-de-sac. This connection will ensure safe access for residents of neighbouring streets to Emberson Reserve, the soon-to-be operational Morley and Noranda Train Stations, and the Emberson Road, which is serviced by multiple bus routes. Additionally, the path will link to local shared-use laneways leading to McGilvray Avenue and the shared-use path along Tonkin Highway. These pathways offer safe routes to local schools and community services, including Hampton Park Primary School, Hampton Park High School, Noranda Primary School, and Noranda Palms Shopping Village, thereby benefiting the broader community, not just those living on Illingbridge Street where the path is proposed. With significant urban infill leading to increased traffic, the need for footpaths is more essential than ever. This project is not just an infrastructure improvement but a crucial step toward ensuring safety and accessibility, benefiting our entire community.

Table 1

Another resident also objected to the proposed pathway but did not participate in the above letters.

A total of 26 consultation letters were sent to residents directly impacted by the proposed pathway. **Confidential Attachment 1** outlines the consulted properties, showing a comparison between those who opposed the project and those who supported it. Most of the signatories in the multi-signatory letters, (aside from those indicated on the map), reside outside the affected area.

The motion is seeking for the project to be withdrawn from the current capital program and the project funds be redirected toward constructing a 500 metre pathway around the perimeter of Strutt Reserve in Noranda. The new pathway would connect existing ramps and the playground. The location is shown in the following diagram:



According to a preliminary study, the proposed path at Strutt Reserve can be constructed while maintaining a two-metre clear zone around all existing trees. On the eastern side of the reserve, there is a Water Corporation drainage basin, which is connected to various pipes, including those owned and managed by the City. The path is planned to run along the edge of the basin at the top of the shallow swale.

To ensure safety and usability during evening hours, additional lighting along the path may need to be considered, providing sufficient illumination in darker conditions.

Due to limited funds, the full perimeter of the path cannot be completed in one year. It is recommended that the project be staged over two years, with the initial phase funded by reallocating the Illingbridge street pathway budget. The remaining work can be included in the forward capital works program, potentially for the 2025/26 budget. It is important to note that this path is not currently listed in the program, as it is categorised as a park asset, which typically falls under park upgrade projects. There is currently no adopted park upgrade project which consists of an internal pathway of this type.

Before construction can begin, community consultation will be necessary. This can be accomplished through letters to nearby residents and via the Engage Bayswater platform for broader community feedback.

LEGISLATIVE COMPLIANCE

- City of Bayswater Footpath Policy.
- Austroads Guide to Road Design Part 6A: Pedestrian and Cycle Paths.

FINANCIAL IMPLICATIONS

A budget of \$45,000 has been allocated in the 2024/25 financial year for the construction of the Illingbridge Street proposed pathway. The estimated cost for constructing the Strutt Reserve path is \$88,950. This project can be staged over two years, with the first year utilising the current funds allocated for the Illingbridge pathway, and the remaining funding to be sought through municipal funding in the 2025/26 financial year. This cost does not take into account any upgrade to the irrigation that may be required as a result of the pathway provision.

Table 2 below shows the required budget adjustments:

Cost Centre - Project	Type	Project Type	Project Description	Current Budget \$	Adjust. \$	Revised Budget \$
3300 - 81287	Reduce Expenditure	Capital	Pathway Expansion Program – Illingbridge Street	\$45,000	(\$45,000)	\$0
TBC	Increase Expenditure - New Project (stage 1)	Capital	Pathway Expansion Program – Strutt Reserve	\$0	\$45,000	\$45,000
			Total:	\$45,000	\$0	\$45,000

Table 2

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

The City undertook community consultation for the provision of a pathway along Illingbridge Street between Spruce Road and Badgen Place as part of its 2024/25 capital budget. Feedback from the community directly affected by the pathway was against its provision. The motion is seeking to cease the project, and the funding is reallocated to the provision of a pathway along the circumference of Strutt Reserve.

11.2 Notice of Motion - Cr Elli Petersen-Pik - Deputy Mayor - Call for Submissions from Local Government (CFS-LG) - Potential Housing Options

Responsible Branch:	Property and Economic Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Advocacy Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	Nil
Refer:	Nil.

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Elli Petersen-Pik - Deputy Mayor raised the following motion:

MOTION

That Council requests the Chief Executive Officer present a report on potential City owned properties which may be considered for the Call for Submissions from Local Government, and the next steps to progress an application, to the November Ordinary Council Meeting.

Cr Elli Petersen-Pik - Deputy Mayor Moved, Cr Nat Latter Seconded

Mayor Filomena Piffaretti proposed the following minor amendment to the motion:

AMENDMENT

That the words "*November Ordinary Council Meeting*" be replaced with "*December Ordinary Council Meeting*".

As the amendment was accepted by the mover and seconder it became part of the substantive motion.

COUNCIL RESOLUTION

That Council requests the Chief Executive Officer present a report on potential City owned properties which may be considered for the Call for Submissions from Local Government, and the next steps to progress an application, to the December Ordinary Council Meeting

Cr Elli Petersen-Pik - Deputy Mayor Moved, Cr Nat Latter Seconded

CARRIED UNANIMOUSLY: 10/0

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

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.

In September 2024 the State Government through the Department of Communities (DoC) released a call for submissions from local government (CFS-LG) to lodge submissions to bolster the supply and diversity of social and affordable housing and key worker accommodation across Western Australia. The CFS-LG establishes a framework for local governments to identify suitable land, including potentially state-owned, for the creation of new Non-Market Housing assets (Local

Government Officer Housing, Key Worker Housing, Service Worker Housing, Affordable (rental) Housing and Social Housing). Any public land within the relevant local government area may be considered, regardless of ownership status (including whether the land is owned, controlled or vested in the local government, DoC, or any other WA Government agency, or is otherwise Crown land or similar).

The CFS-LG aims to facilitate early and ongoing discussions between DoC and local governments to explore and define projects. Following these discussions, a CFS Submission to clearly outline the possible contributions by either party may follow. The nature and extent of DoC's support will be considered through the Submission evaluation process. Assistance, support, advice and enablement provided by DoC an or may include:

- Support to get land development-ready.
- Providing insight as to the need for GROH or other forms of housing in particular areas, towns or regions on request.
- Facilitating liaison with other WA Government agencies or stakeholders and providing project support.
- Mapping, navigating, and understanding required approval and governance pathways.
- Providing information and/or commitments to utilise proposed assets for GROH or other housing managed by Communities.
- Potential lease-back arrangements of completed dwellings in multiple dwelling developments to accommodate local government housing needs.
- Providing transfer of land, access to land, or leases for property owned or controlled by DoC. This could be at no cost, low cost, or market cost.
- Facilitating liaison with other WA Government landowners to secure access to land, transfer of land, or leases – including at no cost, low cost, or market cost.
- Provide project definition support and/or advice on required regulatory, technical or other steps to support project feasibility and viability.
- Advising on potential funding sources or other initiatives released by Communities or others.

Assistance, support, advice and enablement provided by the local government could include some or a combination of:

- Initial project ideation/scoping.
- Providing insight as to project need.
- Direct financial support.
- Other means of financial support, including cost sharing.
- Providing transfer of land, access to land, or leases for property owned or controlled by the local government. This could be at no cost, low cost, or market cost.
- Mapping, navigating, and understanding required approval and governance pathways.
- Providing commitments to utilise proposed housing for local government officers.
- Undertaking, funding, and/or managing the delivery of the housing project.
- Providing evidence of support to assist with regulatory and technical approvals and justification.

The ongoing ownership, management, operation, maintenance, funding, and future disposal of any assets created will be considered on a case-by-case basis. Various scenarios will be considered including:

- DoC being wholly responsible.
- The local government being wholly responsible.
- Shared responsibilities.

The CFS-LG operates as a non-competitive, non-time limited, and non-funded framework. Any request for funding through this CFS will depend on the availability of funds from existing or future programs. The Closing Date for lodging Submissions is 2 September 2025 before 2.30pm WST. The intention is for this CFS to be reviewed and updated on an annual basis – i.e., the above date should not be considered as a final Closing Date unless otherwise advised.

Land Acquisition and Disposal Strategy

In June 2020, Council adopted the Land Acquisition and Disposal Strategy (LAADS). The LAADS guides the management and acquisition of land the City owns, cares for and is in control of that can be leveraged for community benefit and financial return to support the services that the City provides to the community. The Strategy includes the identification of property, policy and the development of a plan to effectively and responsibly manage the future of the approximately 430 land and properties under the ownership, care or control of the City that requires analysis to determine and maximise usefulness.

The objectives of the policy set out principles for the retention, development, acquisition and disposal of property and enable action of acquisition, development or disposal to ensure community benefit such as ensuring services are provided from the most appropriate locations and the financial benefit

the Strategic Land Acquisition Reserve funds are maximised.

Principles for the Management of Land and Property Assets are;

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

OFFICER'S COMMENT

The LAADS undertook an assessment of all City owned properties and identifies underutilised land for the City to investigate future options for. The underutilised sites are across the City and primarily zoned for residential purposes. In the event Council choose to progress this matter it is considered appropriate to focus on these properties in the first instance as they have already been identified as being underutilised and needing review.

The principals of the LAADS focus on creating developments which ensure the City retains ownership and deliver community services, which will return a profit for the City. Developments as a part of the CFS-LG are required to include non-market housing which is unlikely to return a profit to the City. It is noted however, that it would provide a community benefit through increased housing. Projects may involve Non-Market Housing as part of a broader development involving market housing or other land uses may be considered, however, any assistance by DoC will be limited to facilitation of Non-Market Housing element. Given the current position of Council for land to provide community services or profit to the City it is not considered appropriate to identify land for the CFS-LG without further guidance from Council.

As detailed above the CFS-LG is not a grant program, and has no funding attached to it. The CFS-LG provides a framework for local governments to submit ideas for the creation of non-market housing assets in collaboration or with assistance from the DoC. The DoC may assist the City in seeking alternative sources of funding if a property was identified as appropriate through the process.

Prior to making any submission the City is required to engage with the DoC to ensure any proposal meets their requirements. In this phase it is anticipated that:

- Local governments will contact the CFS-LG Project Inbox to arrange an initial meeting.
- Initial project ideas or concepts will be discussed and reviewed – including open discussion as to the project support that may be provided by either party.
- Communities may be able to provide guidance on potential housing demand as relevant.
- Either party may provide initial indications of supportable housing – i.e., GROH or Local Government Officer Housing.
- Meetings with other agencies may be facilitated in relation to land, regulatory or technical matters.
- The local government and/or Communities may develop clearer project definition, potentially with the assistance of consultants to define scale, form, yield, layout, composition, financial structure, and management.
- Parties may seek guidance from within their respective organisations as to the potential support or otherwise for any proposed project.
- Submissions should only be lodged after Communities has agreed to the initial high-level project parameters

LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

In the event Council progress this item, it will identify potential land for the CFS-LG which may help provide additional no-market housing within the City.

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

The City can investigate potential sites for discussions with the DoC as a part of the CFS-LG.

12 Questions From Members Without Notice**12.1 Responses to Questions From Members Without Notice**

Cr Elli Petersen-Pik – Deputy Mayor

Question 1

Last budget we approved funding for a new footpath along Cox Street in Bayswater. What is the status of that footpath?

Response 1

The footpath installation is scheduled to commence from Monday 14 October 2024 and is expected to be completed within approximately three weeks. Residents have been advised accordingly.

Cr Giorgia Johnson

Question 1

Do we have any update on the Hotham Street bridge works?

Response 1

Luke Botica, Director Infrastructure and Assets advised that an update on the bridge works will be provided to Council in a memorandum.

Question 2

In relation to public access to Landgate naming register, is there anything the City can do to facilitate making that information publicly available?

Response 2

The City has a 'transaction licence' for the naming data which is an internal business use licence that does not cover the reproduction of the data on a public facing website.

The City can apply for a 'publication license' to publish the data on the City's website. The City has sought confirmation on the cost of the publication license from Landgate and are awaiting a response. This cost has not been budgeted for.

Cr Josh Eveson

Question 3

How would the City go about the possibility of a tertiary education facility within the Morley town centre?

Response 3

The Department of Education (DoE) identifies sites for schools and university years in advance based on population modelling and demand. They pre-plan these developments in partnership with the local governments. Given the City has not been approached at this time regarding tertiary opportunities, it would be because the DoE do not identify the need for it at this time.

Tafe's are funded and managed by the Commonwealth Government and is overseen by "The Governing Council" who have the authority to govern functions, operations and affairs. The Commonwealth Government, identify locations for new Tafe's according to budget, demand and analysis of education requirements and other surrounding Tafe performances, admissions and alliance to key government objectives.

Each Tafe has a specialty in which is aligned to the surrounding suburbs, eg: Rockingham Tafe specialises in construction. If a new Tafe was to be established, a requirement to prove the need for it and its specialty function to the governing bodies to identify the requirement.

12.2 Question From Members Without Notice

Cr Giorgia Johnson

Question 1

May I have an update on the Hotham Bridge Works please?

Response 1

Luke Botica, Director Infrastructure and Assets advised he would provide the Council with a memorandum to update them on the works.

Question 2

When would we expect to see that?

Response 2

Luke Botica, Director Infrastructure and Assets advised he would provide the Council with the memorandum this week.

Question 3

During the earlier part of this meeting I heard a few Councillors talk about information they received about certain items. I know Councillors have conversations with officers, but sometimes I feel like I do not have all of the information. Can we have a process where information is shared with all Councillors when we have decision making items?

Response 3

Jeremy Edwards, Chief Executive Officer advised that he would look into the sharing of information and potentially bring the topic to a briefing of Council to establish parameters before it is put into practice.

Question 4

Memorial Drive in Riverside Gardens East is closed at the moment. Just wondering what is going on there?

Response 4

Luke Botica, Director Infrastructure and Assets advised it is closed for reinstatement works now that the train station works have finished (they were storing materials there). So now they need to reinstate the damage that has occurred to some of the road pavements and curbs that need to be replaced.

Cr Nat Latter

Question 1

My question is in relation to the new LED streetlights in Maylands. There have been quite a lot of residents with issues since this changeover with bright lights coming into their homes and bedrooms. Is there a remedy available to them? Are there standards for appropriate levels of light coming into people's homes?

Response 1

Luke Botica, Director Infrastructure and Assets advised the lights had been installed in accordance with Australian Standards and have been designed to meet the necessary light levels that are required for pedestrians. The previous lighting did not meet the Australian Standards so the new lights seem brighter. Also, the type of light LED's emit appears brighter. When concerns are raised by the community the City refers them to Western Power to review the designs and make sure that the lights installed meet the Australian Standards. However, if the lights do meet the Australian Standards there is very little that the City can do unless it pays for modifications (such as installation of shields) to be made.

Question 2

Do you have any idea of how much shields cost per light?

Response 2

Luke Botica, Director Infrastructure and Assets advised that although he does not know the exact figure, installation of the shields must be completed from an elevated work platform and traffic management is also required, so it is not cheap.

Question 3

We had so many excellent applicants for the lease of Olive Tree House tender and the report said the City would work with the unsuccessful applicants to help locate suitable premises for them to lease. Are there any suitable premises currently available, and what would the process look like?

Response 3

Jeremy Edwards, Chief Executive Officer advised that the City has identified a premise on Guildford Road that has become available as the previous lessee no longer requires it. The City will immediately begin the expression of interest process to lease that property, and is also looking for other premises that could be made available for lease.

Elli Petersen-Pik - Deputy Mayor

Question 1

Can I please ask if the slide at Bayswater Waves is currently operational?

Response 1

Bianca Sandri, Director Community Services advised she did not believe the slide to be non-operational but would take the question on notice to confirm this.

Question 2

Several months ago I asked about whether the owners could clean them, the Albany Bell Hatchery and the Williamson's Motor House. Could I please check on this because there is still lots of graffiti.

Response 2

Bianca Sandri, Director Community Services advised the City's compliance officers had been liaising with the private land owners in relation to the graffiti and she would follow this up and provide a response.

Question 3

What other measures can the City take to follow up with heritage property owners to comply with our standards?

Response 3

Bianca Sandri, Director Community Services advised that heritage and aesthetics are two different elements. For example, if a state heritage building was dilapidated and beyond repair, there are elements in both the *Heritage Act 2018* and the *Planning and Development Act 2005* that could be used for compliance. However, if it is just aesthetics, which is primarily the case with graffiti, the options are more limited. She advised she would need to explore this further.

Question 4

Are there any measures we can introduce fines, such as we did for shopping trolleys? Do we have the powers in our local law to introduce fines for heritage facades that are neglected?

Response 4

Bianca Sandri, Director Community Services advised the *Planning and Development Act 2005* does not provide the mechanism to make a local law. A local planning policy could be created however it would be discretionary rather than statutory. The one statutory document that is under the control of the Council and is ultimately determined by the State Government through the West Australian Planning Commission is the Planning Scheme. Council may wish to consider this when discussing the new scheme, which is being worked through at the moment.

Cr Sally Palmer

Question 1

I sent an email to the Chief Executive Officer in relation to a paper provided by the Chair of the Local Government Elected Members Association raising concerns about changes made by the *Local Government Amendment Bill 2024*. Could the City please provide a clarification of these matters to all Councillors?

Response 1

Jeremy Edwards, Chief Executive Officer advised that he had sent a response to Cr Palmer's email and to come back to him if she had any further concerns.

Cr Josh Eveson

Question 1

Have we heard anything regarding the Galleria refurbishment?

Response 1

Jeremy Edwards, Chief Executive Officer advised that he had not.

Question 2

Is there any movement in the Bunnings site?

Response 2

Jeremy Edwards, Chief Executive Officer advised there was not.

Question 3

Can we please have an update about safety improvements for the intersection of McGilvray Avenue and Morley Drive?

Response 4

Luke Botica, Director Infrastructure and Assets advised the City does not have any more information at this point. The City still needs to meet with Main Roads and talk to them about time frames. All we know at this stage is the 15% design is meant to be produced this financial year. Then the next financial year you normally carry out the construction work, but they don't have funding for the construction at this point so it is something the City will raise with them to try to get the project funded.

Cr Sally Palmer

Question 1

Was that the information we received a couple of months ago when they came into town or was that extra information?

Response 1

Luke Botica, Director Infrastructure and Assets advised it was very similar to what was presented a couple of months ago.

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 Re-appointment of Independent Member to the Audit and Risk Management Committee**

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	<i>ABSOLUTE MAJORITY REQUIRED</i>
Attachments:	Nil
Refer:	Item: 10.1.3 OCM: 31.10.2023

REASON FOR CONFIDENTIALITY

This is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(b) the personal affairs of any person;

COUNCIL RESOLUTION
(PROCEDURAL MOTION)

That, in accordance with Clause 6.2 of the *City of Bayswater Standing Orders Local Law 2021*, the meeting be closed to the public.

Cr Sally Palmer Moved, Cr Assunta Meleca Seconded

CARRIED: 9/1

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

Against: *Cr Steven Ostaszewskyj.*

At 8:09pm on 28 October 2024, the meeting closed to the public and the live-streaming suspended.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council appoints Ms Shona Zulsdorf to the Audit and Risk Management Committee as an Independent Member from 1 November 2024 until 18 October 2025.

Cr Giorgia Johnson Moved, Cr Josh Eveson Seconded

CARRIED UNANIMOUSLY: 10/0

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

Against: *Nil.*

COUNCIL RESOLUTION

That the meeting be reopened to the public.

Cr Steven Ostaszewskyj Moved, Cr Giorgia Johnson Seconded

CARRIED UNANIMOUSLY: 10/0

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

Against: *Nil.*

At 8:10pm on 28 October 2024, the meeting reopened to the public and the live-streaming resumed.

14.2 Public Reading of Resolutions that May be Made Public

15 Closure

There being no further business to discuss, the Presiding Member, Mayor Filomena Piffaretti, declared the meeting closed at 8:11pm on 28 October 2024.