

Agenda

Policy Committee

Monday 8 June 2026

Notice of Meeting

The next Policy Committee will take place in the Committee Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **Monday, 8 June 2026** commencing at **5:30pm**.

Yours sincerely



JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

Wednesday, 3 June 2026

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1 OFFICIAL OPENING**2 ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

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

English Language Interpretation

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

3 ATTENDANCEPresiding Member

Mayor Filomena Piffaretti

Members

Cr Cale Black
Cr Calla Loiacono
Cr Donovan MacDonald
Cr Steven Ostaszewskyj
Cr Anthony Pittaway

Officers

Jeremy Edwards	Chief Executive Officer
Luke Botica	Director Infrastructure and Assets
Anna Gillespie	A/Director Corporate Services
Ryan Hall	Director Community Services
Amanda Albrecht	Manager Governance and Strategy
Bryce Coelho	Manager Infrastructure Projects
Tim Dawson	A/Manager Community Planning
Fatima Al Ghanimi	A/Manager Transport and Buildings
Hilda Ho	Senior Financial Accountant
Karen D'Cunha	Coordinator Governance
Nathan Linthorne	Coordinator Community Buildings

3.1 Apologies

Kym Leahy Director Corporate Services

3.2 Approved Leave of Absence

Councillor	Date of Leave	Authority
Cr Cale Black	15 April 2026 to 14 October 2026	S2.25(5B) of the <i>Local Government Act 1995</i>

4 DISCLOSURE OF INTEREST SUMMARY

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

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

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

5 DELEGATED AUTHORITY BY COUNCIL

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

6 TERMS OF REFERENCE

Purpose

The purpose of the Committee is to:

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

Membership

Six Elected Members

The quorum for this Committee is three members.

All other Councillors are appointed as Deputies.

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

Delegated Authority

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

Meetings

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

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

Liaison Officer

Chief Executive Officer

7 CONFIRMATION OF MINUTES

It has been identified that the Committee Recommendation for item 9.2.2 *Policy Review: Execution of Documents and Common Seal* incorrectly included a limb 2 to note that a typographical error (a space missing from the title) would be amended. It is therefore recommended that the minutes for this item be corrected to remove that limb, with the final minutes to read:

COMMITTEE RECOMMENDATION TO COUNCIL **(OFFICER'S RECOMMENDATION)**

That Council adopts the revised Execution of Documents and Application of Common Seal Policy as contained in Attachment 3.

Cr Calla Loiacono Moved, Cr Cale Black Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 6/0

For: Mayor Filomena Piffaretti, Cr Cale Black, Cr Calla Loiacono, Cr Donovan MacDonald, Cr Steven Ostaszewskyj and Cr Anthony Pittaway.

Against: Nil.

The Minutes of the Policy Committee held on 9 February 2026, which have been distributed, be confirmed as a true and correct record, with the minutes of item 9.2.2 Policy Review: Execution of Documents and Common Seal amended to remove limb 2.

8 METHOD OF DEALING WITH AGENDA BUSINESS

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

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

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

9 REPORTS**9.1 Policy Schedule****9.1.1 2026 Policy Review Schedule Progress Report**

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required.
Attachments:	Nil
Refer:	Item: 10.6.1.1 OCM: 31 January 2023 Item: 10.5.1.1.3 OCM: 9 December 2025
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

This report monitors the progress of Policy Reviews against the Policy Review Schedule adopted by Council on 9 December 2025.

OFFICER'S RECOMMENDATION

That Council notes the progress of Policy Reviews against the 2026 Policy Review Schedule.

BACKGROUND

At its meeting of 10 November 2025, the Policy Committee recommended that Council adopt a policy schedule for 2026. The schedule was subsequently adopted by Council at its meeting of 9 December 2025.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

The progress of policy reviews under the 2026 Policy Review Schedule is outlined in the table below. Two of these have been delayed to future meetings for practical reasons as detailed in the table, but also to accommodate and prioritise the addition of several unscheduled policies that also required consideration at this meeting.

PC Meeting Date	Policy to be Reviewed	Review Status	Comment
9 February 2026	Use of City Information Resources	Complete	Council adopted the revised Policy at its meeting of 24 February 2026.
	Execution of Documents and Common Seal	Complete	Council adopted the revised Policy at its meeting of 24 February 2026.

PC Meeting Date	Policy to be Reviewed	Review Status	Comment
	Code of Conduct Complaint Management	Complete	Council adopted the revised Policy at its meeting of 24 February 2026.
	Electronic Attendance	Complete	Council adopted the revised Policy at its meeting of 24 February 2026.
	Bedford North Design Guidelines	Complete	At its meeting of 24 February 2026, Council noted the WAPC refusal of R-Code modifications in the draft Policy, and that it would not come into effect.
	Community Facilities Lease and License User Agreement Policy	In progress	The <i>Community Facilities Lease and License User Agreement Policy</i> is presented for review at this meeting.
8 June 2026	Sponsorship of City Assets, Services and Activities	In progress	The <i>Sponsorship of City Assets, Services and Activities Policy</i> is presented for review in the agenda for this meeting.
	Crossovers	In progress	The <i>Crossovers Policy</i> is presented for review at this meeting.
	Risk Management	Rescheduled to November Policy Committee	The <i>Risk Management Policy</i> will be presented to the Audit, Risk and Improvement Committee in August. Following this, it be considered by the Policy Committee in November.
	CCTV Management	In progress	The <i>CCTV Management Policy</i> is presented for review at this meeting.
	CEO Performance Review	Rescheduled to align with introduction of Regulations.	The CEO Performance Review Policy will need to be reviewed once the Regulations relating to CEO Key Performance Indicators have been made as part of the reform of the <i>Local Government Act 1995</i> .
7 September 2026	Senior and Executive Staff Attendance at Conferences, Seminars and Training		
	Sports Turf Maintenance		
	Fraud, Corruption and Integrity		
	Loan Borrowing		
	Complaint Management		
2 November 2026	Heritage Places		
	Local Heritage Fund		
	Signage		

PC Meeting Date	Policy to be Reviewed	Review Status	Comment
	Social Media		
	Investment		

Other policies that are being presented for consideration at this Committee meeting that were not scheduled for review are:

- *Sundry Debt Collection and Recovery Policy* – brought forward for review as it refers to an outdated delegation.
- The *Footpath Policy*, which is coming back to the Policy Committee and Council following receipt of feedback from the Active Transport Advisory Group
- The *Information Handling and Privacy Policy*, which has been brought forward for review to meet the requirements of the new Privacy and Responsible Information Sharing legislation.
- New draft *Notice of Motion Policy* – With draft clauses relating to Notices of Motion as requested at the last meeting of the Policy Committee.
- *Percentage for Public Art Policy* – it was an audit recommendation from the Annual Audit by the Office of the Auditor General that the policy be updated to reflect changes in legislation and updated accounting requirements.
- *Development Approval Exemptions Policy; Short Term Rental Accommodation Policy and Child Care Premises Policy* – following periods of public advertising.
- New draft *Residential Development Policy*.

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

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 Council Plan 2025 – 2035, the following applies:

Key Result Area: Leadership and Governance

Outcome 5.1 Good Governance

Objective 5.1.1 Provide ethical and accountable governance

CONCLUSION

This report monitors the progress of the Policy Reviews against the Policy Review Schedule adopted by Council on 9 December 2025.

9.2 Council Policies

9.2.1 Policy Review: CCTV Management

Responsible Branch:	Community Safety
Responsible Directorate:	Community Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current Policy [9.2.1.1 - 2 pages] 2. Policy showing Tracked Changes [9.2.1.2 - 2 pages] 3. Draft Revised Policy [9.2.1.3 - 2 pages]
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

This report is presented to Council to seek adoption of the amended *CCTV Management Policy*. The review has been undertaken to ensure alignment with the Privacy and Responsible Information Sharing Act 2024 (WA) (PRIS Act), which is scheduled to commence on 1 July 2026.

The revised Policy strengthens governance over the collection, access, use, disclosure, retention and security of CCTV footage, ensuring the City manages personal information in a lawful, transparent and accountable manner.

OFFICER'S RECOMMENDATION

That Council adopts the revised *CCTV Management Policy* as contained in Attachment 3.

BACKGROUND

The City maintains a network of CCTV systems across its facilities and public spaces to support community safety, deter crime and antisocial behaviour, protect assets and assist with lawful investigations.

The existing *CCTV Management Policy* requires review to ensure it reflects current organisational responsibilities and aligns with contemporary legislative requirements, particularly the upcoming Privacy and Responsible Information Sharing Act 2024 (WA).

Updating the Policy will ensure the City is prepared for the commencement of the PRIS Act on 1 July 2026 and continues to meet community expectations regarding privacy, transparency and responsible information management.

EXTERNAL CONSULTATION

Consultation was undertaken internally with the Manager Governance and Strategy and the Governance team. Feedback resulted in minor amendments to ensure alignment with the PRIS Act and the City's corporate document standards.

No public consultation was required as the amendments are governance-focused and do not materially change the intent or application of CCTV operations.

OFFICER'S COMMENTS

The following revisions are proposed to the *CCTV Management policy*:

Revision	Rationale
Inclusion of references to the Privacy and Responsible Information Sharing Act 2024 and related legislation	Ensures the Policy aligns with current and upcoming legal requirements governing personal information
Clarification that personal information controls for CCTV footage are managed through the CCTV Management Practice	Strengthens governance by linking policy intent to operational procedures
Updated organisational responsibilities to reflect Community Safety and Digital Solutions and Services	Ensures clarity of ownership and accountability
Updated terminology and policy language	Improves consistency with current corporate standards
Reinforced governance framework covering collection, access, use, disclosure, retention, security and breach response	Ensures lawful and transparent handling of CCTV data

A copy of the revised policy, with amendments shown in 'tracked changes' is provided in **Attachment 2**. A copy of the revised policy, with amendments included, is provided in **Attachment 3**.

LEGISLATIVE COMPLIANCE

The following legislation and governance frameworks are relevant:

- Privacy and Responsible Information Sharing Act 2024 (WA) – establishes requirements for the collection, use, disclosure and management of personal information
- Relevant internal governance documents and operational practices relating to CCTV and information management

The amendments ensure that the City's CCTV operations are compliant with privacy obligations, reducing the risk of non-compliance, reputational damage and potential regulatory action.

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods. SR02 – Failure to strategically plan, deliver and maintain infrastructure and assets. SR11 - Lack of modern, integrated and secure digital environment.	

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with adopting the amended Policy.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Social

Outcome 1.2: A Safe and Resilient Community

Objective 1.2.1: Facilitate a safe environment

Key Result Area: Leadership and Governance

Outcome 5.3 Optimised Performance

Objective 5.3.1 Focus on operational efficiency, effective delivery and innovation to ensure our services are fit for purpose, contemporary and secure.

CONCLUSION

That the Council adopts the revised *CCTV Management Policy*.



CCTV Management Policy

Responsible Directorate	Community and Development
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Responsible Business Unit	Rangers and Security
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Responsible Officer	Manager Rangers and Security
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Affected Business Units	Rangers and Security, Information Services
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ECM Document Set ID	4469440
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Purpose

The City has a key role in supporting our community to feel safe and secure.

The City will deploy, operate and manage its CCTV systems in accordance with the City's CCTV Strategy. The purpose of the CCTV strategy is to:

- Provide a clear vision and framework for how CCTV can best be used to enhance the safety and security of our community;
- Position the City for future technological advances;
- Ensure adherence to relevant legislation, standards and guidelines;
- Provide for collaborative opportunities with key stakeholders.

The City may develop such internal processes and management practices as it considers appropriate to implement this policy and to give effect to, and ensure consistency with, the relevant provisions of related Legislation.

Definitions

"CCTV" means any combination of cameras, lenses video/digital recorders and/or accessories installed for the purpose of monitoring and recording visual activity

Policy statement

This policy outlines the City of Bayswater's position in providing a Closed Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protecting community assets and improving the detection of crime and conviction of offenders.

Related documentation

State Records Act (2000) WA

Surveillance Devices Act (1988) WA

Partners in Government Agreement 2021

CCTV strategy 2018 -2028

Community Safety and Crime Prevention Plan

Document details

Relevant delegations	Nil.		
Risk evaluation	Low		
Strategic link	Our Community Leadership and Governance		
Council adoption	8 December 2009	Resolution	
Reviewed/Modified	22 May 2018	Resolution	13.5
Reviewed/Modified	25 July 2023	Resolution	10.5.1.14
Next review due	July 2027		



CCTV Management Policy

Responsible Directorate	Community Services and Development
Responsible Business Unit	Rangers and Security Community Safety
Responsible Officer	Manager Rangers and Security Community Safety
Affected Business Units	Rangers and Security Community ,Safety Digital Solutions and Services Information Services
ECM Document Set ID	4469440

Purpose

The City of Bayswater ('the City') has a key role in supporting our community to feel safe and secure.

The City will deploy, operate and manage its CCTV systems in accordance with the City's CCTV Strategy ~~and relevant legislation~~. The purpose of the CCTV strategy is to:

- Provide a clear vision and framework for how CCTV can best be used to enhance the safety and security of our community;
- Position the City for future technological advances;
- Ensure adherence to relevant legislation, standards and guidelines
- Provide for collaborative opportunities with key stakeholders.

The City may develop such internal processes and management practices as it considers appropriate to implement this policy and to give effect to, and ensure consistency with, the relevant provisions of related legislation. This includes implementing safeguards to protect privacy and personal information, while ensuring CCTV footage is managed through secure storage, access, retention and disposal.

The collection, use and disclosure of CCTV footage will only occur for operational or community safety or when authorised or required by law.

Definitions

"CCTV" means any combination of cameras, lenses video/digital recorders and/or accessories installed for the purpose of monitoring and recording visual activity".

Policy Statement

This policy outlines the City of Bayswater's position in providing a Closed Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protecting community assets and improving the detection of crime and conviction of offenders. while supporting lawful, transparent and accountable management of personal information in accordance with relevant legislation, standards and guidelines.

Related documentation

- State Records Act (2000) WA
- Surveillance Devices Act (1988) WA
- ~~Privacy Information and Surveillance Act and Responsible Information Sharing Act 2024 (WA)~~
- ~~(PRIS)~~
- Partners in Government Agreement 2021
- CCTV strategy 2018 -2028
- Council Plan 2025-2035
- CCTV Management Practice
- Community Safety and Crime Prevention Plan

Document details

Relevant delegations	Nil
Risk evaluation	Low
Strategic link	Our community



CCTV Management Policy

Responsible Directorate	Community Services
Responsible Business Unit	Community Safety
Responsible Officer	Manager Community Safety
Affected Business Units	Community Safety Digital Solutions and Services
ECM Document Set ID	4469440

Purpose

The City of Bayswater ('the City') has a key role in supporting our community to feel safe and secure.

- The City will deploy, operate and manage its CCTV systems in accordance with the City's CCTV Strategy and relevant legislation. The purpose of the CCTV strategy is to: Provide a clear vision and framework for how CCTV can best be used to enhance the safety and security of our community;
- Position the City for future technological advances;
- Ensure adherence to relevant legislation, standards and guidelines;
- Provide for collaborative opportunities with key stakeholders;

The City may develop internal processes and management practices as it considers appropriate to implement this policy and to give effect to, and ensure consistency with, the relevant provisions of related legislation. This includes implementing safeguards to protect privacy and personal information, while ensuring CCTV footage is managed through secure storage, access, retention and disposal.

The collection, use and disclosure of CCTV footage will only occur for operational or community safety or when authorised or required by law.

Definitions

"CCTV" means any combination of cameras, lenses video/digital recorders and/or accessories installed for the purpose of monitoring and recording visual activity".

Policy Statement

This policy outlines the City'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 while supporting lawful, transparent and accountable management of personal information in accordance with relevant legislation, standards and guidelines.

Related documentation

State Records Act (2000) WA
Surveillance Devices Act (1988) WA
Privacy and Responsible Information Sharing Act 2024 (WA)
CCTV strategy 2018 -2028
Council Plan 2025-2035
CCTV Management Practice

Document details

Relevant delegations	Nil
Risk evaluation	Low
Strategic link	Our community

9.2.2 Policy Review: Sundry Debt Collection and Recovery

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current Policy [9.2.2.1 - 3 pages] 2. Policy with Tracked Changes [9.2.2.2 - 4 pages] 3. Revised Draft Policy [9.2.2.3 - 4 pages]
Refer:	Item: 10.6.4.5 OCM: 23 March 2023
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

For Council to consider amending the *Sundry Debt Collection and Recovery Policy*.

OFFICER'S RECOMMENDATION

That Council adopts the revised *Sundry Debt Collection and Recovery Policy* as contained in Attachment 3.

BACKGROUND

The *Sundry Debt Collection and Recovery Policy* applies to the management, collection, recovery, provisioning and write-off of all sundry debts owed to the City of Bayswater, excluding rates and other statutory charges governed by separate legislation or policy.

The policy has been reviewed as it has come to the City's attention the existing policy refers to sections within a delegated authority that have since been updated. All changes proposed are minor and have a negligible impact.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

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

Changes are minor and the policy has been updated to reflect the new templates.

The table below provides a synopsis of the key features in the draft *Sundry Debt Collection and Recovery Policy*:

Provision	Rationale
Responsible division and titles updated	This previously reflected the former divisional and Director titles.
Addition of Scope	This was not required under the previous template.
Sundry debts from library	Removed reference to the State Library as that step is no longer required.
Removal of specific sections and thresholds from delegation.	Refers to applying Delegation FM-D05 Granting Concessions and Write-Offs, ensuring future amendments to the delegation does not require updates to the policy.
Related Legislation	Updated to reflect the specific section within the Act.

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**.

LEGISLATIVE COMPLIANCE

The following provisions of the *Local Government Act 1995* (the Act) impact on the *Sundry Debt Collection and Recovery Policy*:

6.12. Power to defer, grant discounts, waive or write off debts owed to 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	Low
Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making.	

FINANCIAL IMPLICATIONS

Amounts written off largely relate to those informed by Fines Enforcement Registry, which are budgeted each year.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Leadership and Governance
 Outcome 5.1 Good Governance
 Objective 5.1.1 Provide ethical and accountable governance.

CONCLUSION

That Council adopts the revised *Sundry Debt Collection and Recovery Policy*.

Sundry Debt Collection and Recovery Policy



Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	All branches
Document Ref	3406377

Purpose

This policy states the Council's position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.

Policy Statement

In order to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service, the City of Bayswater adopts the following policy:

OBJECTIVE

- To provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for the City of Bayswater.
- To ensure all sundry debts owed to the City are paid by the due date and followed up within specified timeframes.
- To ensure the fair, equitable, transparent and consistent approach to the City's sundry debt management decisions and practices.

PRINCIPLES

Debt Management

Prudent debt management practices will apply and include:

- Raising invoices - ensuring debt is raised in accordance with services provided, account details are correct and GST provisions are applied,
- Ensure the issuing of monthly statements to overdue debtors are sent out at the end of each month,
- Reviewing Aged Debtor reports monthly.
- Liaising with departments which requested the invoice to be raised that all information is correct,
- Keeping regular contact with Debtors,

- In consultation with the department initiating the debt, negotiated exemptions up to \$100 may be provided depending on the nature of the debt and debtor e.g. community groups or welfare recipients.

Sundry debts other than library

- Systematic debt recovery approach based on 30 day, 60 day and 90 day timeframes.
- Issuing 7 Day Reminder Letters to Debtors.
- A Notice of Intention to Summons is to be issued at least fourteen (14) days after the due date of the Final Demand Letter to those persons, who did not respond accordingly to the Final Demand Letter. The Notice of Intention to Summons is to specify that the sundry debtors have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in a General Procedure Claim being issued without further notice.
- Report Bad Debts and/or Doubtful Debts to the relevant Director or Manager on a regular basis.
- Recommend Write-Off of Sundry Debtors when all avenues have failed or it is uneconomical to proceed recover process.

Sundry debts from library:

- A tax invoice is raised 10 days after an overdue letter has been issued. Two phone calls are made within sixty (60) days of invoice being raised. A Sixty (60) day letter is then issued to the persons, who did not respond accordingly to the tax invoice.
- Recommend Write Off of Sundry Debtors when debts exceed twelve (12) months and debt has been reported to State Library

Provision of Doubtful Debts

Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt, following advice from the initiating section, according to an assessment which has regard for:

- The size and nature of the debt.
- The debtor in question.

Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is known to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense corporate account.

Write Offs

Debts shall be written off only when all reasonable attempts at recovery have been taken.

Recommendations for write off shall be made by the Director of Finance and Corporate Services following discussion with the department responsible for the raising of the debt.

In accordance with section 6.12(c) of the Local Government Act 1995 all debts which require Councils approval to be written off will be reported to Council.

Delegated Authorities

In accordance with section 5.42 of the Local Government Act 1995 the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off any bad debts (not including rates or other charges) considered irrecoverable as specified in the Delegated Authority Register. . Any write offs performed under the Chief Executive Officers delegation will be reported to Council for noting.
- Any amount in excess of the specified value to be written off will require the authorisation of Council. All debts which require Council's approval to be written off will be reported to Council.

Definitions

Sundry Debtors comprises accounts receivable due to the City of Bayswater by customers for the supply of goods and services e.g. Income from property including community reserve and hall hire, private works reimbursements and recovery of fines and penalties

Related Legislation

Local Government Act 1995:

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

Related Documentation

Relevant Delegations	Delegated Authority Register - FM – D05 Granting Concessions and Write-Offs	
Risk Evaluation	Low	
Council Adoption	22 July 2014	Resolution 12.3.1.2
Review/Modified	28 February 2017	Resolution 10.9
Review/Modified	9 April 2019	Resolution 10.5.2.1
Review/Modified	28 March 2023	Resolution 10.6.4.5

City of
Bayswater

Sundry Debt Collection and Recovery Policy



Responsible Division	Corporate & Strategy Services
Responsible Business Unit	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Units	All branches
ECM Document Set ID	3406377

Purpose

This policy states the Council's position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.

Scope

This policy applies to the management, collection, recovery, provisioning and write-off of all sundry debts owed to the City of Bayswater, excluding rates and other statutory charges governed by separate legislation or policy.

Definitions

Sundry Debtors comprises accounts receivable due to the City of Bayswater by customers for the supply of goods and services e.g. Income from property including community reserve and hall hire, private works reimbursements and recovery of fines and penalties.

Policy Statement

In order to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service, the City of Bayswater adopts the following policy:

OBJECTIVE

- To provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for the City of Bayswater.
- To ensure all sundry debts owed to the City are paid by the due date and followed up within specified timeframes.
- To ensure the fair, equitable, transparent and consistent approach to the City's sundry debt management decisions and practices.

PRINCIPLES**Debt Management**

Prudent debt management practices will apply and include:

- Raising invoices - ensuring debt is raised in accordance with services provided, account details are correct and GST provisions are applied.
- Ensure the issuing of monthly statements to overdue debtors are sent out at the end of each month.
- Reviewing Aged Debtor reports monthly.
- Liaising with departments which requested the invoice to be raised that all information is correct.
- Keeping regular contact with Debtors.
- In consultation with the department initiating the debt, negotiated exemptions ~~up to \$100~~ **within delegations** may be provided depending on the nature of the debt and debtor e.g. community groups or welfare recipients.

Sundry debts other than library

- Systematic debt recovery approach based on 30 day, 60 day and 90 day timeframes.
- Issuing 7 Day Reminder Letters to Debtors.
- A Notice of Intention to Summons is to be issued at least fourteen (14) days after the due date of the Final Demand Letter to those persons, who did not respond accordingly to the Final Demand Letter. The Notice of Intention to Summons is to specify that the sundry debtors have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in a General Procedure Claim being issued without further notice.
- Report Bad Debts and/or Doubtful Debts to the relevant Director or Manager on a regular basis.
- Recommend Write-Off of Sundry Debtors when all avenues have failed or it is uneconomical to proceed recover process.

Sundry debts from library:

- A tax invoice is raised 10 days after an overdue letter has been issued. Two phone calls are made within sixty (60) days of invoice being raised. A Sixty (60) day letter is then issued to the persons, who did not respond accordingly to the tax invoice.
- Recommend Write Off of Sundry Debtors when debts exceed twelve (12) months ~~and debt has been reported to State Library.~~

Sundry Debt Collection and Recovery Policy

Provision of Doubtful Debts

Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt, following advice from the initiating section, according to an assessment which has regard for:

- The size and nature of the debt.
- The debtor in question.

Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is known to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense corporate account.

Write Offs

Debts shall be written off only when all reasonable attempts at recovery have been taken.

Recommendations for write off shall be made by the Director of ~~Finance and~~ Corporate Services following discussion with the department responsible for the raising of the debt.

In accordance with section 6.12(1)(c) of the Local Government Act 1995 all debts which require Councils approval to be written off will be reported to Council.

Delegated Authorities

~~In accordance with section 5.42 of the Local Government Act 1995 the following delegated authority applies:~~

- ~~• The Chief Executive Officer has delegated authority to write off any bad debts (not including rates or other charges) considered irrecoverable as specified in the Delegated Authority Register. Any write offs performed under the Chief Executive Officers delegation will be reported to Council for noting.~~
- ~~• Any amount in excess of the specified value to be written off will require the authorisation of Council. All debts which require Council's approval to be written off will be reported to Council. The policy shall be applied within the requirements of Delegation FM-D05 Granting Concessions and Write-Offs.~~

Related Legislation

Local Government Act 1995:

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(c) write off any amount of money,

which is owed to the local government.

- ~~Local Government Act 1995~~
- ~~Local Government (Financial Management) Regulations 1996~~

Related Documentation

~~[List related documents]~~ Delegated Authority Register - FM-D05 – Granting Concessions and Write-Offs

Document details

Relevant delegations Delegated Authority Register - FM – D05 Granting Concessions and Write-Offs

Risk evaluation Low

Strategic link ~~[link to Strategic Community Plan]~~ 5.1.1 Provide ethical and accountable governance

Council adoption 22 July 2014 **Resolution** 12.3.1.2

Next review due 23 June 2030

Reviewed/modified 23 June 2026 **Resolution** [item no.]

Revision details ~~[description]~~ Updated template which includes a new scope as well as referring to current delegation.

City of
Bayswater

Sundry Debt Collection and Recovery Policy



Responsible Division	Corporate Services
Responsible Business Unit	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Units	All branches
ECM Document Set ID	3406377

Purpose

This policy states the Council's position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.

Scope

This policy applies to the management, collection, recovery, provisioning and write-off of all sundry debts owed to the City of Bayswater, excluding rates and other statutory charges governed by separate legislation or policy.

Definitions

Sundry Debtors comprises accounts receivable due to the City of Bayswater by customers for the supply of goods and services e.g. Income from property including community reserve and hall hire, private works reimbursements and recovery of fines and penalties.

Policy Statement

In order to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service, the City of Bayswater adopts the following policy:

OBJECTIVE

- To provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for the City of Bayswater.
- To ensure all sundry debts owed to the City are paid by the due date and followed up within specified timeframes.
- To ensure the fair, equitable, transparent and consistent approach to the City's sundry debt management decisions and practices.

PRINCIPLES**Debt Management**

Prudent debt management practices will apply and include:

- Raising invoices - ensuring debt is raised in accordance with services provided, account details are correct and GST provisions are applied.
- Ensure the issuing of monthly statements to overdue debtors are sent out at the end of each month.
- Reviewing Aged Debtor reports monthly.
- Liaising with departments which requested the invoice to be raised that all information is correct.
- Keeping regular contact with Debtors.
- In consultation with the department initiating the debt, negotiated exemptions within delegations may be provided depending on the nature of the debt and debtor e.g. community groups or welfare recipients.

Sundry debts other than library

- Systematic debt recovery approach based on 30 day, 60 day and 90 day timeframes.
- Issuing 7 Day Reminder Letters to Debtors.
- A Notice of Intention to Summons is to be issued at least fourteen (14) days after the due date of the Final Demand Letter to those persons, who did not respond accordingly to the Final Demand Letter. The Notice of Intention to Summons is to specify that the sundry debtors have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in a General Procedure Claim being issued without further notice.
- Report Bad Debts and/or Doubtful Debts to the relevant Director or Manager on a regular basis.
- Recommend Write-Off of Sundry Debtors when all avenues have failed or it is uneconomical to proceed recover process.

Sundry debts from library:

- A tax invoice is raised 10 days after an overdue letter has been issued. Two phone calls are made within sixty (60) days of invoice being raised. A Sixty (60) day letter is then issued to the persons, who did not respond accordingly to the tax invoice.
- Recommend Write Off of Sundry Debtors when debts exceed twelve (12) months.

Provision of Doubtful Debts

Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt, following advice from the initiating section, according to an assessment which has regard for:

Sundry Debt Collection and Recovery Policy

- The size and nature of the debt.
- The debtor in question.

Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is known to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense corporate account.

Write Offs

Debts shall be written off only when all reasonable attempts at recovery have been taken.

Recommendations for write off shall be made by the Director of Corporate Services following discussion with the department responsible for the raising of the debt.

In accordance with section 6.12(1)(c) of the Local Government Act 1995 all debts which require Councils approval to be written off will be reported to Council.

Delegated Authorities

- The policy shall be applied within the requirements of Delegation FM-D05 Granting Concessions and Write-Offs.

Related Legislation

Local Government Act 1995:

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(c) write off any amount of money,

which is owed to the local government.

Related Documentation**Delegated Authority Register - FM-D05 – Granting Concessions and Write-Offs**
Document details

Relevant delegations	Delegated Authority Register - FM – D05 Granting Concessions and Write-Offs		
Risk evaluation	Low		
Strategic link	5.1.1 Provide ethical and accountable governance		
Council adoption	22 July 2014	Resolution	12.3.1.2
Next review due	23 June 2030		

Sundry Debt Collection and Recovery Policy

Reviewed/modified	23 June 2026	Resolution	[item no.]
Revision details	Updated template which includes a new scope as well as referring to current delegation.		

draft

9.2.3 Policy Review: Footpath

Responsible Branch:	Project Services
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current Policy [9.2.3.1 - 3 pages] 2. Policy with Tracked Changes [9.2.3.2 - 5 pages] 3. Revised Draft Policy [9.2.3.3 - 4 pages]
Refer:	Item: 9.2.1 Policy Committee 10.11.2025 Item: 10.3.6 OCM: 26.08.2025
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

This report presents the revised *Footpath Policy* (the Policy) following consultation with the City's Active Transport Advisory Group (ATAG).

Council previously endorsed the Pathway Master Plan, including the revised Footpath Prioritisation Assessment methodology and associated scoring criteria incorporated within the Policy. As a result, the Policy required updating to align with the endorsed Master Plan and revised prioritisation framework.

In accordance with Council's previous resolution, the revised Policy was referred to the ATAG for comment prior to being presented to Council for consideration.

This report seeks Council adoption of the revised Policy following completion of the review process and consultation with the ATAG.

OFFICER'S RECOMMENDATION

That Council adopts the revised *Footpath Policy* as contained in Attachment 3.

BACKGROUND

At the Policy Committee Meeting held on 10 November 2025, Council considered a report relating to the review of the City's *Footpath Policy* and associated pathway prioritisation methodology. The review involved the development of a revised Footpath Assessment methodology that enabled the prioritisation of future path provisions by ranking paths in an objective, fair and equitable manner.

As part of the review, an updated prioritisation framework was developed incorporating factors such as road hierarchy, safety risk, proximity to amenities, connectivity, usage, and active transport considerations. Council subsequently endorsed the Pathway Master Plan based on the revised pathway prioritisation criteria and associated point-scoring system, however, requested that the revised policy incorporating the criteria be referred to the ATAG for comment.

Following consultation with the ATAG, several amendments and refinements were identified to improve clarity, strengthen policy direction, and support a consistent and strategic approach to pathway prioritisation across the City.

EXTERNAL CONSULTATION

The revised Policy and associated pathway prioritisation framework were presented to the ATAG at its meeting held on 12 March 2026.

The ATAG reviewed the proposed amendments and prioritisation methodology in detail and provided feedback relating to pathway provision principles, network connectivity, prioritisation considerations and policy wording.

Feedback received from the ATAG was reviewed by officers and several amendments and refinements have been incorporated into the revised Policy.

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

OFFICER'S COMMENTS

The following revisions are proposed to the Footpath Policy:

Revision	Rationale
Introduced a revised Footpath Prioritisation Assessment methodology and scoring system	To support a more objective, transparent and strategic prioritisation process for future pathway delivery across the City
Clarified footpath requirements for cul-de-sac roads	To recognise that some low-volume cul-de-sac roads may not require formal footpath infrastructure where pedestrian connectivity and safety outcomes are already achieved
Clarified requirements for footpaths on District Distributor roads	To improve pedestrian safety, accessibility and network continuity on higher order roads
Clarified that the policy does not apply to pathways within reserves, parks or public open space unless required as part of a strategic pathway link	To better define the scope and application of the Policy
Updated policy position regarding footpath construction through existing crossovers	To maintain continuous and legible pedestrian routes and reinforce pedestrian priority throughout the City
Updated preferred footpath alignment requirements	To minimise conflicts associated with verge parking, waste collection and bin placement, and improve pedestrian safety and accessibility
Added and updated definitions relating to cul-de-sacs, road hierarchy and cycling infrastructure terminology	To improve clarity and align with current planning and transport terminology
Updated references to affected business units and responsible officers	To reflect the City's current organisational structure
Minor wording, formatting and administrative amendments throughout the policy	To improve readability, consistency and operational application

During consultation, particular discussion occurred regarding pathway provision on cul-de-sac roads, footpath alignment within verges, and continuation of footpaths through existing crossovers.

Although Austroads guidance does not necessarily require continuous footpath treatments through crossovers, the ATAG supported retaining continuous and legible pedestrian routes through driveways to reinforce pedestrian priority and pathway network continuity.

The revised Policy also recognises contemporary construction materials and finishes that may impact pathway delivery, including exposed aggregate concrete and other suitable surface treatments.

It should also be noted that while the scoring criteria, ranking system and revised policy statements are used to guide the development of the Pathway Master Plan, the detailed design of pathways along each allocated road will continue to be determined during the design phase, having regard to site constraints, existing services, drainage infrastructure, verge widths, vegetation and the surrounding road environment.

Where appropriate, the inclusion of on-road cycle lanes or segregated/shared paths may also be considered during the detailed design phase.

A copy of the revised Policy, with amendments detailed in this report, is provided in **Attachment 2**.

LEGISLATIVE COMPLIANCE

- *Footpath Construction Through Brick Paved Crossovers Policy*
- *Asset Management – Infrastructure Assets 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	Medium
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods. SR02 – Failure to strategically plan, deliver and maintain infrastructure and assets.	

FINANCIAL IMPLICATIONS

Adoption of the revised Policy may influence future pathway prioritisation and delivery under the Forward Capital Works Program.

The financial implications associated with future pathway delivery will be subject to annual budget deliberations and Council funding allocations.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Built

Outcome 2.1 A Connected and Accessible City

Objective 2.1.1 Plan for connected, accessible and safe roads, pathways and places.

Key Result Area: Built

Outcome 2.2 Built Infrastructure that Meets Current and Future Community Needs

Objective 2.2.2 Ensure accessible connections between the built realm and natural green spaces to relax and recreate.

Objective 2.2.3 Plan, build and maintain current and future assets.

CONCLUSION

The Pathway Master Plan establishes an aspirational long-term pathway network across the City based on a clear hierarchy and prioritisation framework.

Following Council's endorsement of the Pathway Master Plan, the Footpath Policy requires updating to reflect the revised prioritisation assessment methodology and associated policy changes.

The revised Policy will provide a clearer, more consistent and strategic framework for the prioritisation and delivery of pathway infrastructure across the City.

Consultation with the ATAG has now been completed in accordance with Council's previous resolution.

It is therefore recommended that Council adopts the revised *Footpath Policy* as contained in **Attachment 3**.



Footpath Policy

Responsible Division	Infrastructure and Assets
Responsible Business Unit/s	Transport and Buildings
Responsible Officer	Manager Transport and Buildings
Affected Business Unit/s	Parks and Environment; Development and Place; Project Services
Document Ref	4028313

Purpose

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.

Objectives

The City will provide a 'fit-for-purpose' strategic contiguous footpath network to enable safe pedestrian access, free of discrimination for all users, within the community, to local, district, and regional destination facilities and linking to the wider public transport network.

To provide a consistent and transparent process for dealing with construction within the road reserve under the care, control and management of the City of Bayswater.

Scope

This policy applies:

1. To all new paths undertaken within the road reserve under the care, control and management of the City of Bayswater as defined by the *Local Government Act 1995*.
2. To all streets within the City, existing and proposed, that do not provide a safe environment for pedestrians as outlined in the Austroads Guide to Road Design – Part 6A (Pedestrian and Cyclist Paths).

Policy Statement

1. All streets within the City (excluding cul-de-sacs) are to have a footpath on at least one side and to provide a contiguous footpath network.
2. A road that is a Local Distributor and above should have a footpath on each side where there is a residential or commercial pedestrian frontage access, or it is providing a strategic contiguous footpath network.
3. New and reconstructed paths are to be adjacent to the kerb and constructed through existing crossovers, wherever possible, to maintain the visual and physical continuity of the path along the street. In exceptional circumstances paths may be located closer to the property boundary to suit existing path provision or streetscapes.

4. Community Interests - The City will endeavour to ensure that all construction undertaken within the road reserve under the control and management of the City does not, as far as is practicably possible, negatively impact the safety, amenity, accessibility or future use, serviceability, or enjoyment of the road reserve for the community as a whole. The individual needs of a particular developer, existing or proposed community group or individual, shall not take precedence over the interests of the wider community.
5. All works within the road reserve shall, to the extent permitted by current legislation, be designed, planned, executed and where appropriate, tested, supervised, inspected, and maintained to a minimum standard to be determined by the City.
6. The City shall review the existing new path program whereby new path provision is prioritised based on the following criteria and ranking:

Criteria	Ranking
Road Hierarchy	
District Distributor	3
Local Distributor	2
Local Access	1
Bus Route and Bike Plan Connectivity	
High Frequency Route/Direct Connection	2
Low Frequency Route/Indirect Connection	1
Community Facility	
Regional facility	2
Local Park	1
School/Aged Care	
Adjacent	3
Direct Connection	2
Next Connection to direct	1
Shopping Centres	
Regional Centre	2
Neighbourhood	1

7. Consultation with the community will be undertaken in the year prior to construction to ensure that those who are affected by or who are likely to have an interest in a decision are informed and have an opportunity to provide comment and feedback.

Definitions

Short Cul-de-Sacs for the purposes of this policy definition, are a road that has an exceptionally low volume of traffic and operating speed and are generally less than 200m in length. As such, it is deemed to be a 'safe' pedestrian and cycling environment and does not require the provision of a path.

Local Distributor road is classified by the Main Roads WA road hierarchy as a road that distributes traffic within a suburb to and from, higher and lower category roads. Indicative traffic volumes are from 3,000 to 7,000 vehicles per day.



Related Legislation

- Local Government Act 1995 (WA)
- Land Administration Act 1997.
- Road Traffic Code 2000.
- Disability Discrimination Act 1992.
- Austroads Guide to Road Design Part 6A: Pedestrian and Cycle Paths.

Related Documentation

Nil.

Relevant Delegations

Risk Evaluation

Council Adoption	25 May 2021	Item 10.6.1.5
Review/Modified		
Review/Modified		
Review/Modified		



Footpath Policy

Responsible Division	Infrastructure and Assets
Responsible Business Unit/s	Transport and Buildings-Infrastructure Projects
Responsible Officer	Manager Transport and Buildings-Infrastructure Projects
Affected Business Unit/s	Transport and Buildings; Parks and Environment; Development Place; Project Services <u>Statutory Planning and Compliance</u>
Document Ref	4028313

Purpose

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.

Objectives

The City will provide a 'fit-for-purpose' strategic contiguous footpath network to enable safe pedestrian access, free of discrimination for all users, within the community, to local, district, and regional destination facilities and linking to the wider public transport network.

To provide a consistent and transparent process for dealing with construction within the road reserve under the care, control and management of the City of Bayswater.

Scope

This policy applies:

1. To all new paths undertaken within the road reserve under the care, control and management of the City of Bayswater as defined by the *Local Government Act 1995*.
2. To all streets within the City, existing and proposed, that do not provide a safe environment for pedestrians as outlined in the Austroads Guide to Road Design – Part 6A (Pedestrian and Cyclist Paths).

Policy Statement

1. The City shall review the path program whereby new path provision is prioritised based on the following criteria and score system:

<u>Category</u>	<u>Footpath Prioritization Criteria</u>	<u>Score Weighting</u>
<u>Safety Risk</u>	<u>Road Hierarchy</u>	<u>5</u>
	<u>Traffic Volume</u>	<u>15</u>
<u>Usage</u>	<u>Number of Properties</u>	<u>5</u>
	<u>Train Station</u>	<u>10</u>
	<u>Bus Stop</u>	<u>2</u>
	<u>Schools</u>	<u>10</u>
	<u>Aged Care</u>	<u>2</u>
	<u>Childcare</u>	<u>2</u>
	<u>Shopping Centres</u>	<u>5</u>
	<u>Recreational facilities</u>	<u>4</u>
	<u>Community facilities</u>	<u>3</u>
	<u>Connectivity (incl. Cul-de-sac with Connection)</u>	<u>2</u>
	<u>Parks and Reserves</u>	<u>5</u>
<u>Cycle Network</u>	<u>Safe Route to School</u>	<u>4</u>
	<u>WABN (LTCN Routes)</u> <u>DIMT (DoT) Co-Funding</u>	<u>5</u>
	<u>Bike Plan</u>	<u>1</u>
<u>Current Condition</u>	<u>New Path</u>	<u>15</u>
	<u>Existing Path (Upgrade)</u>	<u>5</u>
<u>TOTAL</u>		<u>100</u>

- A 400-metre walking catchment shall be applied around each amenity. Any potential pathways located within this catchment will receive the corresponding score weighting as outlined in the table above.
2. All streets within the City (excluding cul-de-sacs) are to have a footpath on at least one side and to provide a contiguous footpath network. To provide a contiguous footpath network, all streets within the City are to have a footpath on at least one side of a street, except cul-de-sacs:
- With traffic volumes less than 600 vehicles per day; and
 - With no connection to pedestrian access ways (PAWs) or nearby amenities such as parks and reserves.
- ~~4.3. A road that is a Local Distributor and above should have a footpath on each side where there is a residential or commercial pedestrian frontage access, or it is providing a strategic contiguous footpath network. All District Distributor Roads (District Distributor A and B) are to have a footpath on each side of the road.~~

4. ~~This policy does not apply to the provision of new paths within reserves, parks or public open spaces, unless the path forms part of a pathway link that is required to connect existing or planned pathway networks beyond the reserve, park or public open space.~~

5. ~~Priority should be given to roads that currently have no footpaths. Roads with an existing path on one or both sides will be considered following the completion of the new path network across the City.~~

6. ~~New footpaths shall be aligned further from the kerb (towards the property boundary) to minimise conflicts with bin placement and on-street parking and to improve pedestrian safety. New and reconstructed paths are to be adjacent to the kerb~~

- ~~Where practicable, footpaths shall be located along or near the property boundary. –and constructed through existing crossovers, wherever possible, to maintain the visual and physical continuity of the path along the street.~~

~~The City shall construct footpaths through existing crossovers to maintain continuous, legible pedestrian paths along streets, irrespective of road hierarchy. Paths on Local Distributor and Local Access Roads can be constructed between crossovers.~~

~~In exceptional some circumstances, paths may be located closer to the property boundary to suit match existing path provision, or streetscapes or services.~~

2.7. Community Interests - The City will endeavour to ensure that all construction undertaken within the road reserve under the control and management of the City does not, as far as is practicably possible, negatively impact the safety, amenity, accessibility or future use, serviceability, or enjoyment of the road reserve for the community as a whole. The individual needs of a particular developer, existing or proposed community group or individual, shall not take precedence over the interests of the wider community.

3.8. All works within the road reserve shall, to the extent permitted by current legislation, be designed, planned, executed and where appropriate, tested, supervised, inspected, and maintained to a minimum standard to be determined by the City.

4. ~~The City shall review the existing new path program whereby new path provision is prioritised based on the following criteria and ranking:~~

Criteria	Ranking
Road Hierarchy	
District Distributor	3
Local Distributor	2
Local Access	1
Bus Route and Bike Plan Connectivity	
High Frequency Route/Direct Connection	2
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Community Facility	
Regional facility	2
Local Park	1

School/Aged Care	
Adjacent	3
Direct Connection	2
Next Connection to direct	1
Shopping Centres	
Regional Centre	2
Neighbourhood	1

5.9. Consultation with the community will be undertaken ~~in the year~~ prior to construction to ensure that those who are affected by or who are likely to have an interest in a decision are informed and have an opportunity to provide comment and feedback.

Definitions

Short Cul-de-Sacs for the purposes of this policy definition, are a road that has an exceptionally low volume of traffic and operating speed and are generally less than 200m in length. As such, it is deemed to be a 'safe' pedestrian and cycling environment and does not require the provision of a path.

Cul-de-sac means a local access road that is closed to through-traffic at one end and provides only a single point of vehicular entry and exit. It typically includes a turning head, such as a circular bulb or hammerhead to allow vehicles to turn around safely. Cul-de-sacs generally serve residential areas, carry low traffic volumes, and may provide pedestrian or cyclist connections to adjoining streets, reserves, or public open spaces.

Local Distributor road is classified by the Main Roads WA road hierarchy as a road that distributes traffic within a suburb to and from, higher and lower category roads. Indicative traffic volumes are from 3,000 to 7,000 vehicles per day.

Road Hierarchy is classified by Main Roads WA and includes the following categories: Primary Distributor, District Distributor A, District Distributor B, Regional Distributor (only non-built up area), Local Distributor, and Access Road. For further details, refer to Main Roads Western Australia document D10#10992.

WABN means Western Australian Bicycle Network.

LTCN means long-term cycle network, classified as Primary Route, Secondary Route and Local Routes.

DTMI (formerly DoT) means Departments of Transport and Major Infrastructure.

Related Legislation

- Local Government Act 1995 (WA).
- Land Administration Act 1997.
- Road Traffic Code 2000.
- Disability Discrimination Act 1992.
- Austrroads Guide to Road Design Part 6A: Pedestrian and Cycle Paths.

- [*City of Bayswater Crossover Application Booklet.*](#)

Related Documentation

Nil

- [Main Roads Western Australia document D10#10992 – Road Hierarchy for Western Australia Road Types and Criteria.](#)

Relevant Delegations

Risk Evaluation

Council Adoption 25 May 2021 Item 10.6.1.5

Review/Modified [MayNov 20256](#)

Review/Modified

Review/Modified



Footpath Policy

Responsible Division	Infrastructure and Assets
Responsible Business Unit/s	Infrastructure Projects
Responsible Officer	Manager Infrastructure Projects
Affected Business Unit/s	Transport and Buildings; Parks and Environment; Statutory Planning and Compliance
Document Ref	4028313

Purpose

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.

Objectives

The City will provide a 'fit-for-purpose' strategic contiguous footpath network to enable safe pedestrian access, free of discrimination for all users, within the community, to local, district, and regional destination facilities and linking to the wider public transport network.

To provide a consistent and transparent process for dealing with construction within the road reserve under the care, control and management of the City of Bayswater.

Scope

This policy applies:

1. To all new paths undertaken within the road reserve under the care, control and management of the City of Bayswater as defined by the *Local Government Act 1995*.
2. To all streets within the City, existing and proposed, that do not provide a safe environment for pedestrians as outlined in the Austroads Guide to Road Design – Part 6A (Pedestrian and Cyclist Paths).

Policy Statement

- The City shall review the path program whereby new path provision is prioritised based on the following criteria and score system:

Category	Footpath Prioritization Criteria	Score Weighting
Safety Risk	Road Hierarchy	5
	Traffic Volume	15
Usage	Number of Properties	5
	Train Station	10
	Bus Stop	2
	Schools	10
	Aged Care	2
	Childcare	2
	Shopping Centres	5
	Recreational facilities	4
	Community facilities	3
	Connectivity (incl. Cul-de-sac with Connection)	2
	Parks and Reserves	5
Cycle Network	Safe Route to School	4
	WABN (LTCN Routes) DIMIT (DoT) Co-Funding	5
	Bike Plan	1
Current Condition	New Path	15
	Existing Path (Upgrade)	5
TOTAL		100

- A 400-metre walking catchment shall be applied around each amenity. Any potential pathways located within this catchment will receive the corresponding score weighting as outlined in the table above.
- To provide a contiguous footpath network, all streets within the City are to have a footpath on at least one side of a street, except cul-de-sacs:
 - With traffic volumes less than 600 vehicles per day; and
 - With no connection to pedestrian access ways (PAWs) or nearby amenities such as parks and reserves.
 - All District Distributor Roads (District Distributor A and B) are to have a footpath on each side of the road.

4. This policy does not apply to the provision of new paths within reserves, parks or public open spaces, unless the path forms part of a pathway link that is required to connect existing or planned pathway networks beyond the reserve, park or public open space
5. Priority should be given to roads that currently have no footpaths.
6. New footpaths shall be aligned further from the kerb (towards the property boundary). Where practicable, footpaths shall be located along or near the property boundary.

The City shall construct footpaths through existing crossovers to maintain continuous, legible pedestrian paths along streets, irrespective of road hierarchy.

7. Community Interests - The City will endeavour to ensure that all construction undertaken within the road reserve under the control and management of the City does not, as far as is practicably possible, negatively impact the safety, amenity, accessibility or future use, serviceability, or enjoyment of the road reserve for the community as a whole. The individual needs of a particular developer, existing or proposed community group or individual, shall not take precedence over the interests of the wider community.
8. All works within the road reserve shall, to the extent permitted by current legislation, be designed, planned, executed and where appropriate, tested, supervised, inspected, and maintained to a minimum standard to be determined by the City.
9. Consultation with the community will be undertaken prior to construction to ensure that those who are affected by or who are likely to have an interest in a decision are informed and have an opportunity to provide comment and feedback.

Definitions

Cul-de-sac means a local access road that is closed to through-traffic at one end and provides only a single point of vehicular entry and exit. It typically includes a turning head, such as a circular bulb or hammerhead to allow vehicles to turn around safely. Cul-de-sacs generally serve residential areas, carry low traffic volumes, and may provide pedestrian or cyclist connections to adjoining streets, reserves, or public open spaces.

Road Hierarchy is classified by Main Roads WA and includes the following categories: Primary Distributor, District Distributor A, District Distributor B, Regional Distributor (only non-built up area), Local Distributor, and Access Road. For further details, refer to Main Roads Western Australia document D10#10992.

WABN means Western Australian Bicycle Network.

LTCN means long-term cycle network, classified as Primary Route, Secondary Route and Local Routes.

DTMI (formerly DoT) means Departments of Transport and Major Infrastructure.

Related Legislation

- *Local Government Act 1995 (WA).*
- *Land Administration Act 1997.*
- *Road Traffic Code 2000.*



Footpath Policy

- *Disability Discrimination Act 1992.*
- *Austrroads Guide to Road Design Part 6A: Pedestrian and Cycle Paths.*
- *City of Bayswater Crossover Application Booklet.*

Related Documentation

- Main Roads Western Australia document D10#10992 – Road Hierarchy for Western Australia Road Types and Criteria.

Relevant Delegations

Risk Evaluation		
Council Adoption	25 May 2021	Item 10.6.1.5
Review/Modified	May 2026	
Review/Modified		
Review/Modified		

9.2.4 Policy Review: Crossovers

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current Policy [9.2.4.1 - 2 pages] 2. Policy with Tracked Changes [9.2.4.2 - 2 pages] 3. Revised Draft Policy [9.2.4.3 - 2 pages]
Refer:	Nil
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

This report presents the revised *Crossovers Policy* for review by Council.

OFFICER'S RECOMMENDATION

That Council adopts the revised *Crossovers Policy* as contained in Attachment 3.

BACKGROUND

The City's current *Crossovers Policy* (**Attachment 1**) provides guidance for the construction of new crossovers within the local road reserve. The policy establishes the responsibilities of property owners and the City, whilst also outlining the applicable approval requirements and specifications to ensure crossovers are constructed to the City's required standard and are consistent throughout the City.

A review of the policy has been undertaken to ensure it remains up to date with current engineering standards, bushiness needs, and other relevant City policies. The review also considers operational issues identified through the administration of the policy, including crossover design and material types. The new policy is intended to provide clearer guidance for residents and developers in reference to the construction of new or upgrade of existing crossovers.

EXTERNAL CONSULTATION

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

OFFICER'S COMMENTS

The following revisions are proposed to the *Crossovers Policy*:

Revision	Rationale
Definitions for "Crossover" and "Lot" have been added.	Provides greater clarity and consistency in interpretation and administration of the policy.
References have been updated to specifically refer to the City's Crossover Application Booklet.	Clarifies where applicants can find the detailed technical specifications and requirements.

Revision	Rationale
New provisions have been introduced confirming that footpaths and cycle paths take priority over crossovers and must maintain continuity across the verge. Additional requirements for residential, commercial and industrial areas have also been included.	Aligns the policy with the City's Footpath Policy and applicable accessibility standards, whilst improving pedestrian and cyclist outcomes.
Subsidy provisions have been simplified to provide one standard crossover subsidy per lot.	Simplifies the wording and improves clarity in administration of the subsidy provisions.
The provision has been retained and updated to reference compliance with the Crossover Application Booklet.	Ensures consistency with the updated technical specification references.
A new provision has been added confirming that the City will not subsidise crossovers that do not meet the criteria outlined in the Crossover Application Booklet or are not constructed in accordance with the City's specifications.	Provides greater clarity regarding subsidy eligibility and supports consistent compliance outcomes.
Administrative updates have been made to responsible business units, officer titles and review dates.	Aligns the policy with the City's current organisational structure and document management framework.

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

Relevant Australian Standards and Austroads Guidelines.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

The City does not undertake the construction of residential crossovers unless they are initiated by City's works, such as the construction of new footpaths.

A crossover subsidy is provided to residents/developers in alignment with the annual Fees and Charges.

CONCLUSION

That Council adopts the revised *Crossovers Policy*.



Crossovers Policy

Responsible Division	Works and Infrastructure
Responsible Business Unit	Engineering Works
Responsible Officer	Manager Engineering Works
Affected Business Units	Engineering Works
ECM Document Set ID	4221576

Purpose

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.

Definitions

Nil.

Policy Statement

1. All new crossovers are to be constructed in accordance with the City of Bayswater Specifications for Crossovers.
2. Council will subsidise:
 - (i) One (1) standard crossover per single lot.
 - (ii) One (1) standard crossover for each individually titled lots.
 - (iii) A subsidy will be provided for the reconstruction of bituminous crossovers in concrete or brick paving, subject to the works complying with the City's specifications.
 - (iv) A further subsidy will not be payable where Council has previously subsidised one (1) standard concrete or brick paved crossover to a single residential property or if Council has previously subsidised one (1) standard concrete or brick paved crossovers for each individually titled lots.
 - (v) Council will not maintain bitumen crossovers or subsidise the construction or re-surfacing costs of bitumen crossovers.
 - (vi) No reimbursement shall be made for crossover repairs undertaken by or on behalf of the property owner and/or occupier.

Related Legislation

Nil.

Related Documentation

Nil.

Document details

Risk Evaluation	Low		
Strategic link	Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.		
Council adoption	23 April 1996		
Reviewed/modified	29 January 2008		
Reviewed/modified	22 March 2022	Resolution	10.6.1.4
Next review due	22 March 2026		

Crossovers Policy

Responsible Division	<u>Infrastructure and Assets</u> Works and Infrastructure
Responsible Business Unit	<u>Transport and Buildings</u> Engineering Works
Responsible Officer	<u>Manager Transport and Buildings</u> Manager Engineering Works
Affected Business Units	Engineering Works
ECM Document Set ID	4221576

Purpose

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*.

Definitions

Crossover:

A crossover is the driveway section that spans from the edge of the road across the verge to the front property boundary.

Lot:

A separate titled area of land that is capable of being individually owned and developed.~~Nil.~~

Policy Statement

1. All new crossovers are to be constructed in accordance with the City of Bayswater Specifications for Crossovers: outlined in the Crossover Application Booklet.
2. Footpaths and cycle paths take priority over crossovers and must clearly indicate continuity of the path across the verge and crossover, and are to be constructed in plain grey concrete.
 - (a) In the case of an existing path in a residential area:
 - (i) the new crossover shall adjoin the existing path in a manner satisfactory to the City;
or
 - (ii) where a section of path requires replacement, that section shall be replaced by the proponent in accordance with the City's specifications.
 - (b) In the case of an existing path in a commercial or industrial area:
 - (i) the section of path within the crossover shall be replaced and strengthened by the proponent in accordance with the City's specifications.
 - (c) When constructing new paths in accordance with the City's Footpath Policy and applicable accessibility standards, the City will cut through existing crossovers, including decorative crossovers such as exposed aggregate.

Crossovers Policy

- (i) — The City will provide a subsidy in accordance with the City's Fees and Charges Schedule for one (1) standard crossover per lot, subject to the works complying with the City's specifications outlined in the Crossover Application Booklet. ~~Council will subsidise:~~

~~2.3.~~

~~3. One (1) standard crossover per single lot.~~

~~4. One (1) standard crossover for each individually titled lots.~~

~~5.4.~~ A subsidy will be provided for the reconstruction of bituminous crossovers in concrete or brick paving, subject to the works complying with the City's specifications outlined in the Crossover Application Booklet.

~~5.~~ A further subsidy will not be payable where Council has previously subsidised one (1) standard concrete or brick paved crossover for the lot.

- (i) ~~to a single residential property or if Council has previously subsidised one (1) standard concrete or brick paved crossovers for each individually titled lots.~~

~~6.~~ ~~The City Council~~ will not maintain bitumen crossovers or subsidise the construction or re-surfacing costs of bituminousen crossovers.

~~7.~~ No reimbursement shall be made for crossover repairs undertaken by ~~or on behalf of~~ the property owner ~~and/or~~ occupier.

~~8.~~ The City will not subsidise crossovers that:

~~(a)~~ do not meet the criteria outlined in the Crossover Application Booklet; or

~~(a)(b)~~ are not constructed in accordance with the City's specifications.

Related Legislation

Nil.

Related Documentation

- ~~Nil.~~ City of Bayswater Crossover Application Booklet
- City of Bayswater Footpath Policy

Document details

Risk Evaluation Low

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

Council adoption 23 April 1996

Reviewed/modified March 2022

Reviewed/modified April 2026 Resolution

Next review due March 2030

Crossovers Policy

Responsible Division	Infrastructure and Assets
Responsible Business Unit	Transport and Buildings
Responsible Officer	Manager Transport and Buildings
Affected Business Units	Engineering Works
ECM Document Set ID	4221576

Purpose

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*.

Definitions

Crossover:

A crossover is the driveway section that spans from the edge of the road across the verge to the front property boundary.

Lot:

A separate titled area of land that is capable of being individually owned and developed.

Policy Statement

1. All new crossovers are to be constructed in accordance with the City of Bayswater Specifications for Crossovers outlined in the Crossover Application Booklet.
2. Footpaths and cycle paths take priority over crossovers and must clearly indicate continuity of the path across the verge and crossover, and are to be constructed in plain grey concrete.
 - (a) In the case of an existing path in a residential area:
 - (i) the new crossover shall adjoin the existing path in a manner satisfactory to the City; or
 - (ii) where a section of path requires replacement, that section shall be replaced by the proponent in accordance with the City's specifications.
 - (b) In the case of an existing path in a commercial or industrial area:
 - (i) the section of path within the crossover shall be replaced and strengthened by the proponent in accordance with the City's specifications.
 - (c) When constructing new paths in accordance with the City's *Footpath Policy* and applicable accessibility standards, the City will cut through existing crossovers, including decorative crossovers such as exposed aggregate.

Crossovers Policy

3. The City will provide a subsidy in accordance with the City's Fees and Charges Schedule for one (1) standard crossover per lot, subject to the works complying with the City's specifications outlined in the Crossover Application Booklet.
4. A subsidy will be provided for the reconstruction of bituminous crossovers in concrete or brick paving, subject to the works complying with the City's specifications outlined in the Crossover Application Booklet.
5. A further subsidy will not be payable where Council has previously subsidised one (1) standard concrete or brick paved crossover for the lot.
6. The City will not maintain bitumen crossovers or subsidise the construction or resurfacing costs of bituminous crossovers.
7. No reimbursement shall be made for crossover repairs undertaken by the property owner or occupier.
8. The City will not subsidise crossovers that:
 - (a) do not meet the criteria outlined in the Crossover Application Booklet; or
 - (b) are not constructed in accordance with the City's specifications.

Related Legislation

Nil.

Related Documentation

- City of Bayswater Crossover Application Booklet
- City of Bayswater *Footpath Policy*

Document details

Risk Evaluation	Low
Strategic link	Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.
Council adoption	23 April 1996
Reviewed/modified	March 2022
Reviewed/modified	April 2026
	Resolution
Next review due	March 2030

9.2.5 Policy Review: Community Facility Lease and License/User Agreement

Responsible Branch:	Transport and Buildings
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current Policy [9.2.5.1 - 10 pages] 2. Policy with Tracked Changes [9.2.5.2 - 16 pages] 3. Revised Draft Policy [9.2.5.3 - 14 pages] 4. LGA Lease Policy Summary [9.2.5.4 - 1 page]
Refer:	Item: 10.3.1 OCM: 26.08.2025 Item: 11.2 OCM: 26.04.2022 Item: 10.4.4 OCM: 26.5.2020 Item: 11.4 OCM: 20.08.2019 Item: 10.1.1 OCM: 09.04.2019
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

The *Community Facility Lease and License/User Agreement Policy* (the Policy) (**Attachment 1**) is reviewed every three years, with the last review completed on 28 June 2022.

City officers have examined similar policies at other metropolitan local governments and presented the recommended changes to Council at two workshops, held on 25 November 2025 and 12 May 2026, respectively. Council feedback was implemented and consideration is sought to adopt the amended Policy.

A copy of the revised Policy, with amendments shown in 'tracked changes' is provided in **Attachment 2**.

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

OFFICER'S RECOMMENDATION

That Council adopts the revised *Community Facility Lease and License/User Agreement Policy* as contained in **Attachment 3.**

BACKGROUND

The City of Bayswater currently has 89 community lease agreements. To ensure consistency in this report, officers have assessed 80 leases. The leases excluded comprise three ground leases, four commercial based leases, and one user agreement for a storage area, along with excluding the lease agreement for the Bayswater State Emergency Services, as all costs are reimbursed through the DFES Operating Grant.

Whilst the intent of the Policy remains the same, the revised Policy has a strong focus on formalising lessor and lessee obligations, along with the implementation of annual maintenance fee in lieu of individual invoices currently raised throughout the financial year.

EXTERNAL CONSULTATION

The City has reviewed community leasing policies and/or framework from the following local government authorities (LGA's):

- City of Vincent
- City of Wanneroo
- City of Canning
- City of Joondalup
- Shire of Mundaring
- Town of Bassendean

Attachment 4 provides a comparison of the common terms and conditions, and revised changes to the City's Policy. While each LGA policy is different, all had a common approach regarding charging a form of rent, on-charging servicing costs, utilities, and insurances.

OFFICER'S COMMENTS

The following revisions are proposed to the *Community Facility Lease and Licence/User Agreement Policy*:

Revision	Rationale
Updated Directorate title	In line with operational realignment
Updated Business Unit title	In line with operational realignment
Updated Business Unit title	In line with operational realignment
Scope	Expanded to clarify that this policy is not applicable to commercial leases.
Definitions	Addition of 'Profit rent. to reflect term used in Lease Administration and Management section.
Policy Statement	Amendment to ensure consistent terms in all new and extended lease agreements.
Lease Administration and Management	Addition of annexure 2 to formalise lessee/lessor maintenance obligations. Amendment of clause for the tenant to be responsible for a sub-lease agreement with the City to review. Additional clause for sub-lease/sub-let terms and conditions. Addition of annual 'Service and Maintenance Fee' Clarification of fixed rent to be adjusted by CPI to the commencement date of any new leases for Category 1b and 3. Clarification of rent of new agreements for a continued tenancy.

Revision	Rationale
Annual Audit	Updated audit submission requirements. Removal of point (g) as this is included in Annexure 2 which is covered with point (h). Inclusion of point (i) for emission tracking towards the City's 2024 net zero target. (Emission Reduction & Renewable Energy Plan (ERRE))
Annexure 1	Updated lease category terms as outlined in this report from Council feedback Summarised conditions and obligations due to the addition of Annexure 2.
Annexure 2	New annexure of 'Maintenance Obligations' implemented to formalise City and Tenant obligations.

A Council Workshop was held on 25 November 2025 where the key point of implementing rent and additional on-charging (including rates, building insurance and other City arranged servicing) was discussed. The following feedback was received:

- Means testing methodology for rent for Category 1b.
- Split Category 2 – Sporting Clubs and Recreational Groups into 'small', 'medium' and 'large' with associated means testing methodology for rent.
- Review proposed percentage of rent of Category 2 – 'small', 'medium' and 'large' based of means testing methodology.
- Removal of Council rates for Categories 1a, 1b, 2 (small groups).
- Removal of on-charging building insurance claim excess for Category 1b.
- Removal of on-charging building insurance and claim excess for Category 2 (small groups).
- Remove "and places of worship" from the title of Category 4 – Large not-for-profit organisations, state and national clubs/associations and places of worship.

This feedback was implemented into the proposed revised Policy and presented to a Council Workshop held on 12 May 2026.

In terms of a means testing methodology, officers reviewed the information provided by leaseholders in the annual audits including membership numbers (if applicable), financial year surplus/deficit, if they hire out the premises and sinking fund balances.

As some leaseholders in Category 1b provide a community service rather than a membership-based activity or service this data is inconsistent and it was recommended to not means test Category 1b.

Category 2 was split into three sub-categories based on the income-generating improvements and facilities available on the site (e.g. function rooms, commercial kitchens, bars, sporting grounds etc), with the intention to encourage lessee's to fully utilise City assets to their maximum potential by hiring out areas to other user groups.

The sub-categories were defined as:

- Category 2 - Small: Limited additional income opportunities, as the premises are site-specific to the lessee and facilities not suitable for use by other groups.

- Category 2 - Medium: Income generated through associated sporting activities and limited hireable facilities (e.g. kitchen, function or hall space).
- Category 2 - Large: Income generated through associated sporting activities and a range of hireable facilities (e.g. commercial kitchen, bar, function or hall space).

Additional feedback following the 12 May 2026 Council workshop included:

- Update rent for Category 1b and 3 in line with current CPI. Retain current rent for all other lease categories.
- Remove proposed on-charging of rates, building insurance and building insurance excess to all lease categories.
- Historical Societies terms and outgoing to remain unchanged.
- Supported the model for an annual 'Service and Maintenance' fee for the cost recovery of tenant liable, City arranged servicing.
- Supported the additional services of gutter cleaning and annual termite inspections to be incorporated into the 'Service and Maintenance' fee.

This feedback has been implemented into the revised Policy and detailed in this report.

Rent

The rent structure outlined in the draft Policy remains unchanged, with the exception of updating the fixed rental amounts for Categories 1b and 3 in line with current CPI.

The rental amounts included in the current Policy were initially adopted when the Policy was considered at the 9 April 2019 OCM. This motion applied the fixed rental figures listed below, subject to GST and indexed annually to CPI.

CPI has increased by approximately 30.8% from March 2019 (the closest release to 9 April 2019 OCM) to March 2026 (the closest release for this policy review). As the methodology behind the original fixed rental figures of \$1,360 and \$1,390 is unknown, this draft Policy proposes a simplified and consistent approach. The updated rent of \$1,800 has been derived by increasing each of the original figures by 30.8%, averaging the results (\$1,798.50), and rounding to the nearest whole number.

Current Policy	2026 Policy Review	
	Originally Adopted in April 2019	Officer Recommendation
1a: Not-for-profit (local groups)	\$1	\$1
1b: Community Child Care Centres	\$1,360	\$1,800
1c: Other Community Groups	\$1,390	\$1,800
2: Sporting and Recreational Groups	\$1	Small - \$1 Medium - \$1 Large - \$1
3: Not-for-profit (funded)	40% Market Valuation	40% Market Valuation
4: Child Health Clinics	\$1	\$1

Table 1: Previous proposed rent.

The draft Policy includes the additional clauses relating to sub-lease agreements and rent adjustments:

- Clause 20 - relating to sub-lease/sub-let arrangements this clause has been included in the policy review to provide guidance and structure for negotiating any arrangements. These

arrangements can be approved by delegation EF-D11 Leasing Agreements. The percentage of rent payable for any sub-lease/sub-let arrangements (to be deemed of a commercial nature) is in line with the Bedford Bowling Club – Outback Padel Pty Ltd Proposal, item 10.3.1, resolved by Council on 26 August 2025.

- Clause 23 - addresses gaps in the rent-setting framework of the current Policy where any new agreements for Categories 1b or 3 would default to the fixed rent amount without taking into account the Policy's year of adoption or CPI adjustments to that point in time of the lease execution.

For example, the fixed rent of \$1,390 for category 1b was adopted in 2019, in 2026 a new lease was executed and due to the structure of the current Policy, the starting rent was set to \$1,390 whereas other existing agreements have been subject to CPI.

- Clause 24 - included to state the continuation of the current rent for new agreements (lease expiration) of the continued tenancy of a property by that tenant.

Service & Maintenance Obligations

The current Policy references general lessee and lessor maintenance obligations as part of **Annexure 1**, along with further site-specific details included in the lease agreement. Although obligations were previously included in the Policy, Officers have found that the generic terms did not have a clear direction and created confusion with lessees on who was responsible as issues arose. As such, a detailed Maintenance Obligations **Annexure 2** (including asset replacement responsibilities) has been included in this review for both parties to clearly understand their obligations.

The inclusion of **Annexure 2** is anticipated to reduce confusion and the unnecessary lease administration of confirming responsibilities.

To oversee compliance as well as inform for asset renewals and budget forecasting, the City arranges certain servicing and maintenance that forms part of the lessee's obligation, to which the City then on-charges those costs. This includes:

- RCD (residual current device) testing
- Emergency light testing
- Air-conditioning and HVAC servicing
- Fire prevention inspections and servicing (detection systems, extinguishers, blankets etc)
- Fire alarm monitoring
- Kitchen canopy cleaning
- Automatic door servicing

Invoices are generated and issued at the completion of each service. As these services are completed throughout the year with varying frequencies, multiple invoices are continuously generated with some Tenants expressing frustration with the consistent tasks of processing. This is also applicable to City officers.

At the 12 May 2026 Council Workshop on this Policy, Council supported the proposal to implement an 'Service and Maintenance' fee to consolidate the costs of these services (listed above), with the addition of gutter cleaning and annual termite inspections, into an annual invoice with the payment options of annually, half yearly or quarterly.

This model of an annual invoice reduces the administration for invoice generation, payments, and processing by the City and Tenant. Incorporated into the Fees and Charges schedule this fee will provide transparency, fairness and financial planning.

These services are budgeted for in the City's preventative maintenance budget. In the 2025-26 financial year, ending 20 May 2026, the City incurred the following expenditure relating to Community Leasing buildings (including the Community Capital Grants Program):

Category	Expenditure	Income
Reactive Maintenance	\$156,900	
Preventative Maintenance	\$137,700	
Emergency Services Levy (ESL)	\$45,200	
Insurance Premiums	\$97,650	
Capital Works	\$581,600	
Rental Income*		-\$245,800
Reimbursements – ESL & Preventative Maintenance		-\$100,600
Total	\$1,019,050	-\$346,400

*Note – 13 leases are classified as Category 4 and are liable for 40% market valuation. This equates to 77% of the total rental income.

It is proposed to include the following annual fee structure in the Fees and Charges Schedule.

- Category 1a - \$300.00
- Category 1b - \$700.00
- Category 2 (Small) - \$650.00
- Category 2 (Medium) - \$850.00
- Category 2 (Large) - \$1,850.00
- Category 3 - \$1,200.00
- Category 4 - \$550.00
- Category 5 - \$550.00

This structure enables recovery of 80% of service and maintenance costs, with the City covering the remaining 20% of costs that would otherwise be the tenant's responsibility.

Lease Terms

Lease terms have been updated to include an option to extend for a further five-year period. This amendment aligns the City's approach with that of neighbouring local governments, while providing greater certainty for tenants regarding their long-term occupancy. It also streamlines administration by enabling extensions to be exercised where the existing lease arrangements continue to remain consistent with current Policy.

LEGISLATIVE COMPLIANCE

Any changes made will be reflected in the *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	Medium
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR02 – Failure to strategically plan, deliver and maintain infrastructure and assets. SR06 - City does not have the adequate financial capacity to deliver planned services and maintain assets.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Proposed annual 'Service & Maintenance' fee structure

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

LTFP Impacts: Incurring 20% service and maintenance costs

Notes: Adjustable based on fee structure. Cost per year

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	\$15,800	-	-	1	-	-

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Built

Outcome 2.2 Built Infrastructure that Meets Current and Future Community Needs

Objective 2.2.3 Plan, build and maintain current and future assets.

Key Result Area: Leadership and Governance

Outcome 5.3 Optimised Performance

Objective 5.3.1 Focus on operational efficiency, effective delivery and innovation to ensure our services are fit for purpose, contemporary and secure.

CONCLUSION

That Council adopts the revised *Community Facility Lease and Licence/User Agreement Policy* as contained in **Attachment 3** to this report.

Community Facility Lease and Licence/User Agreement Policy



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

Purpose

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

Scope

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

Definitions

For the purpose of this policy —

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

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

City: City of Bayswater.

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

Facility: land or building owned or managed by the City

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

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

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

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

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

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

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

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

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

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

Policy Statement

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

Types of Agreements

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

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

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

Lease Administration and Management

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

Annual Audit

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

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

Related Legislation

Local Government Act 1995 (WA)

Local Government (Functions and General) Regulations 1996

Residential Tenancies Act 1987 (WA)

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

Related Documentation

City of Bayswater Community Lease Agreement

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

City of Bayswater Breach of Lease Policy

Document details

Relevant delegations EF – D11 Leasing Agreements

Risk evaluation Moderate

Council adoption 19 April 2011 **Resolution** 11.2.7

Reviewed/modified	1 March 2016	Resolution	
	9 April 2019		10.1.1
	28 June 2022		10.6.1.1

Annexure 1**Category 1a – Small Volunteer Community Groups**

Criteria	Locally based organisations with a voluntary management committee and are a stand-alone Not-for-Profit organisation/community group (whether incorporated or not). Run solely by volunteers and facilitates programs/activities specifically targeted at local residents. Demonstrates a limited or no capacity to generate revenue through facility use and/or activities. Income is generally limited to low membership fees. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
Lease Fees and Charges	Annual Rent: \$1.00 Outgoings: • Emergency Services Levy (exemptions for historical societies) • All utility costs related to the tenants use of the premises (exemptions for historical societies) • Waste charges (exceptions for historical societies) • Annual preventative maintenance charges applicable to the facility discounted by 50% (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) *Local Government Rates will not be charged by the City*
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use. • Pest control (excluding termite inspections and treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Gutter cleaning • External Drainage • Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) • Annual termite inspections and treatments as required.

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

Criteria	Locally based Not-for-Profit organisation, club, or community group run by volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i>. Servicing a wider catchment than the City of Bayswater District with their primary base of operations located within the City of Bayswater. Demonstrates an affordable membership regime and facilitates programs and activities that add value to the social and community fabric of the City. Has the capacity to generate revenue through membership, use of the premises, or activities consistent with the organisations purpose.
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
Lease Fees and Charges	Annual Rent: \$1,390 plus GST and indexed annually to CPI Outgoings: • Emergency Services Levy • All utility costs related to the tenants use of the premises • Waste charges • Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) *Local Government Rates will not be charged by the City*
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use. • Pest control (excluding termite inspections and treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Gutter cleaning • External Drainage • Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) • Annual termite inspections and treatments as required.

Category 2 – Sporting Clubs and Recreational Groups

Criteria	Locally based sporting clubs and recreational groups (whether incorporated or not) with a voluntary management committee. Demonstrates an affordable membership regime and facilitates sporting or recreational activities and programs that add value to the social and community fabric of the City. Has the capacity to generate revenue through its use of the property by way of membership, bar/kitchen facilities, or activities consistent with the club/groups purpose. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> . *Excludes state and national sporting/recreational bodies*
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
Lease Fees and Charges	Annual Rent: \$1.00 Outgoings: • Emergency Services Levy • All utility costs related to the tenants use of the premises • Waste charges • Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) *Local Government Rates will not be charged by the City*
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use. • Pest control (excluding termite inspections and treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Gutter cleaning • External Drainage • Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) • Annual termite inspections and treatments as required.

Category 3 – Community Child Care Centres

Criteria Locally based Not-for-Profit Community Child Care Centres with a voluntary management committee and run by either volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i> . Established to provide community services and has the capacity to generate revenue through its use of the property.	
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
Lease Fees and Charges	Annual Rent: \$1,360 plus GST and indexed annually to CPI Outgoings: • Emergency Services Levy • All utility costs related to the tenants use of the premises • Waste charges • Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) *Local Government Rates will not be charged by the City*
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use • Pest control (excluding termite inspections and treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Gutter cleaning • External Drainage • Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) • Annual termite inspections and treatments as required

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

Criteria Large Not-for-Profit groups that are professional organisations with paid staff and are generally Government funded, externally funded, or generates its own revenue through membership fees, events, venue hire, services, or other means consistent with the organisations purpose.	
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 10 years
Lease Fees and Charges	Annual Rent: 40% of market valuation plus GST, or as otherwise determined by the City following an Expression of Interest Process. Outgoings: • Emergency Services Levy • All utility costs related to the tenants use of the premises • Waste charges • Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) *Local Government Rates will not be charged by the City*
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use • Pest control (excluding termite inspections and treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Gutter cleaning • External Drainage • Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (unless attributed to tenant's misuse or neglect) • Annual termite inspections and treatments as required

Category 5 – Child Health Clinics

Criteria Services provided by Community Child Health Nurses which are employed by the Department of Health. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .	
Tenancy Term	Informal User Agreement with a maximum term of 2 years
Lease Fees and Charges	Annual Rent: \$1.00 Outgoings: • Emergency Services Levy • All utility costs related to the tenants use of the premises • Waste charges • Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) *Local Government Rates will not be charged by the City*
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use • Pest control (excluding termite inspections and treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Gutter cleaning • External Drainage • Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (unless attributed to tenant's misuse or neglect) • Annual termite inspections and treatments as required

City of
Bayswater

Community Facility Lease and Licence/User Agreement Policy



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

Purpose

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

Scope

This policy applies to all Community Lease and Licence/User Agreements for the use of City owned and managed properties. The policy defines clear tenant categories and associated roles and responsibilities of each party under a tenancy agreement, and provides basic principles for the consistent, equitable and effective management of the City's community leases, licences and user agreements. This policy does not apply to City owned or managed properties that are under commercial lease agreements.

Definitions

For the purpose of this policy —

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

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

City: City of Bayswater.

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

Facility: land or building owned or managed by the City

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

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

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

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

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

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

Profit rent: a portion of rent payable above the operating expenses

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

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

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

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

Policy Statement

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

Types of Agreements

8. The City will enter into one of the following agreements for the use of City owned and managed facilities:
 - (a) Lease – provides exclusive use of a facility or a portion of a facility for an agreed term.
 - (b) Licence – contractual agreement for the non-exclusive use of a premises under particular conditions, such as permitted access between agreed times only. Generally, will include regular payment as a consideration.

- (c) User Agreement – contractual tenancy agreement which outlines the terms and conditions associated with the usage of the facility. The terms of a user agreement are not usually standard and are negotiated between the two parties.

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

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

Lease Administration and Management

- 12. Lease/licence tenure, fees and charges and all tenant obligations shall be as applicable to the respective tenant category outlined in **Annexure 1**.
- 12.13. Maintenance obligations applicable to the City and Tenant are outlined in **Annexure 2**
- 14. Where practicable, utility charges will be individually metered for each tenant, otherwise an equitable percentage of the overall site utility charges will be applied.
- 13.15. The City will undertake annual property inspections to ensure lease conditions and will provide the tenant with a copy of the inspection report and appropriate feedback. Prior notice of the inspection will be given to the tenants.
- 14.16. The tenant is expected to maintain and keep the premises clean and in good repair. Tenants are to report any maintenance, damage, or repair requirements to the City in writing and in a timely manner.
- 15.17. All maintenance and repair requests will be considered by the relevant City officer/s and only undertaken if deemed necessary.
- 16.18. Approved maintenance or repairs will be undertaken by the City within a reasonable timeframe determined by the level of urgency.

19. Tenants are not permitted to sub-let any part of the leased premises without the written consent from the City and then must use the City's standard sub-lease agreement. Tenants must not sub-let all or any part of the lease premises without the prior written consent of the City. Any proposed sub-lease agreement must be submitted to the City for review and approval.
20. Where a sub-let is requested, the sub-lessor will be assessed, and terms of the agreement will be based off the tenant categories outlined in **Annexure 1** with the following to also apply:
- (a) The tenant and/or sub-tenant is liable for any works associated to accommodate the sub-tenant.
 - (b) The tenant and/or sub-tenant will be responsible for all ongoing maintenance and asset replacements associated with the sub-tenant.
 - (c) Where the sub-tenant is deemed to be of a commercial nature and there is a fee/rent payment (profit rent) by the sub-tenant to the tenant a consideration of 25% shall be paid to the City.
21. Tenants will be liable for the payment of the annual *Service and Maintenance Fee* applicable to the relevant category in **Annexure 1**, this annual fee is for the payment of City arranged compliance inspections and servicing associated to the building for services including:
- (a) RCD (residual current device) testing
 - (b) Emergency light testing
 - (c) Air-conditioning & HVAC servicing
 - (d) Fire Prevention inspections and servicing (detection systems, extinguishers, blankets, hose reels etc)
 - (e) Fire alarm monitoring
 - (f) Kitchen canopy cleaning
 - (g) Automatic door servicing
 - (h) Termite inspections
 - (i) Gutter cleaning
22. The City may review and potentially approve a Tenant's request to be exempt from the annual Service and Maintenance Fee if the Tenant can clearly demonstrate their capability to carry out all necessary servicing and provide evidence to the City when requested.
23. Rent for any new lease agreements categorised as 1b or 3 is to be calculated by applying cumulative CPI from March 2026 to the lease commencement date to the rent specified in Annexure 1, with the adjusted amount forming the starting rent.
- 17-24. For any new lease agreement for a continued tenancy, the rent payable under the previous agreement will continue to apply as rent under the new lease.

Annual Audit

18.25. On the anniversary of the tenancy agreement, the City will assess the tenant's annual performance against the City's Lease Key Performance indicators (KPI's) and provide appropriate feedback on their performance. Tenants are required to complete the City's annual audit information request and provide copies ~~of (including but not limited to) of the following:~~

- (a) Public Liability insurance with a minimum \$10 million coverage, preference being given to minimum coverage of \$20 million;
- (b) Pest control certificate;
- (c) Up to date authorised contacts list;
- (d) An up to date key register
- (e) Organisation financials/accounts;
- (f) AGM Minutes;
- ~~(g) ——— Playground inspection certificate (if applicable);~~
- ~~(h)(g)~~ Any required maintenance records where maintenance is required as part of the lease;
~~and~~
- ~~(h)~~ Copies of any required certifications or accreditations associated with the organisation;
~~and~~
- (i) Utility (power, gas, water) usage data for emission tracking purposes (not applicable if on-charged by the City);

Related Legislation

Local Government Act 1995 (WA)

Local Government (Functions and General) Regulations 1996

Residential Tenancies Act 1987 (WA)

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

Related Documentation

City of Bayswater Community Lease Agreement

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

City of Bayswater Breach of Lease Policy

Document details

Relevant delegations EF – D11 Leasing Agreements

Risk evaluation Moderate

Council adoption 19 April 2011 **Resolution** 11.2.7

Reviewed/modified 1 March 2016 **Resolution**
9 April 2019 10.1.1

28 June 2022

10.6.1.1

tracked changes

Annexure 1 – Categories and Terms

Category 1a – Small Volunteer Community Groups

Criteria	Locally based organisations with a voluntary management committee and are a stand-alone Not-for-Profit organisation/community group (whether incorporated or not). Run solely by volunteers and facilitates programs/activities specifically targeted at local residents. Demonstrates a limited or no capacity to generate revenue through facility use and/or activities. Income is generally limited to low membership fees. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
Lease Fees and Charges	Annual Rent: \$1.00 Outgoings: - Emergency Services Levy (exemptions for historical societies) All utility costs related to the tenants use of the premises (exemptions for historical societies) <u>Utility costs</u> - Waste charges (exceptions for historical societies) Annual preventative maintenance charges applicable to the facility discounted by 50% (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) <u>Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.</u> Local Government Rates will not be charged by the City.
Tenant Obligations	- Contents, public liability insurance and any other insurances associated with the tenants use of the facility - Internal and external cleaning (including annual carpet cleaning) - Consumables associated with the facility and the tenants use. - Pest control (excluding termite inspections and treatment) - Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	- Building insurance - Building structural repairs and maintenance. Gutter cleaning External Drainage <u>Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2.</u> Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant - Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) Annual Termite <u>termite inspections and treatments as required.</u>
Special Conditions	<u>Historical Societies to be on-charged 50% of annual preventative maintenance and compliance charges applicable to the building.</u> <u>Historical Societies exempt for the payment of the Emergency Services Levy, utilities and waste charges.</u>

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

Criteria	Locally based Not-for-Profit organisation, club, or community group run by volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i>. Servicing a wider catchment than the City of Bayswater District with their primary base of operations located within the City of Bayswater. Demonstrates an affordable membership regime and facilitates programs and activities that add value to the social and community fabric of the City. Has the capacity to generate revenue through membership, use of the premises, or activities consistent with the organisations purpose.
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years, <u>with the option to extend for a further 5-year period.</u>
Lease Fees and Charges	Annual Rent: \$1,800390 plus GST and indexed annually to CPI Outgoings: • Emergency Services Levy • All utility costs related to the tenants use of the premises <u>Utility Costs</u> • Waste charges • Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) <u>Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.</u> • Local Government Rates will not be charged by the City.
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use. • Pest control (excluding termite inspections and treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Gutter cleaning • External Drainage • <u>Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2.</u> • Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) • Annual <u>Termite</u> inspections and treatments as required.

Category 2 – Sporting Clubs and Recreational Groups

Criteria	Locally based sporting clubs and recreational groups (whether incorporated or not) with a voluntary management committee. Demonstrates an affordable membership regime and facilitates sporting or recreational activities and programs that add value to the social and community fabric of the City. Has the capacity to generate revenue through its use of the property by way of membership, bar/kitchen facilities, or activities consistent with the club/groups purpose. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> . *Excludes state and national sporting/recreational bodies*
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years, <u>with the option to extend for a further 5-year period.</u>
Lease Fees and Charges	Annual Rent: \$1.00 Small: \$1.00 Medium: \$1.00 Large: \$1.00 Outgoings: - Emergency Services Levy All utility costs related to the tenants use of the premises <u>Utility Costs</u> - Waste charges Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) <u>Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.</u> *Local Government Rates will not be charged by the City*
Tenant Obligations	- Contents, public liability insurance and any other insurances associated with the tenants use of the facility - Internal and external cleaning (including annual carpet cleaning) - Consumables associated with the facility and the tenants use. - Pest control (excluding termite inspections and treatment) - Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	- Building insurance - Building structural repairs and maintenance. Gutter cleaning External Drainage Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant - Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) Annual Termite inspections and treatments as required.
Definition	Small: Limited additional income opportunities, as the premises are site-specific to the lessee and facilities not suitable for use by other groups. Medium: Income generated through associated sporting activities and limited hireable facilities (e.g. kitchen, function or hall space).

	• <u>Large: Income generated through associated sporting activities and a range of hireable facilities (e.g. commercial kitchen, bar, function or hall space).</u>
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tracked changes

Category 3 – Community Child Care Centres

Criteria Locally based Not-for-Profit Community Child Care Centres with a voluntary management committee and run by either volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i> . Established to provide community services and has the capacity to generate revenue through its use of the property.	
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years, <u>with the option to extend for a further 5-year period.</u>
Lease Fees and Charges	Annual Rent: \$1, 800 360 plus GST and indexed annually to CPI Outgoings: - Emergency Services Levy All utility costs related to the tenants use of the premises <u>Utility Costs</u> - Waste charges Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) <u>Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.</u> <u>*Local Government Rates will not be charged by the City*</u>
Tenant Obligations	- Contents, public liability insurance and any other insurances associated with the tenants use of the facility - Internal and external cleaning (including annual carpet cleaning) - Consumables associated with the facility and the tenants use - Pest control (excluding termite inspections and treatment) - Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	- Building insurance - Building structural repairs and maintenance. Gutter cleaning External Drainage <u>Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2.</u> Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant - Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) Annual-T <u>termite inspections and treatments as required.</u>

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

Criteria Large Not-for-Profit groups that are professional organisations with paid staff and are generally Government funded, externally funded, or generates its own revenue through membership fees, events, venue hire, services, or other means consistent with the organisations purpose.	
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 10 years
Lease Fees and Charges	Annual Rent: 40% of market valuation plus GST, or as otherwise determined by the City following an Expression of Interest Process. Outgoings: - Emergency Services Levy All utility costs related to the tenants use of the premises <u>Utility Costs</u> - Waste charges Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21. *Local Government Rates will not be charged by the City*
Tenant Obligations	- Contents, public liability insurance and any other insurances associated with the tenants use of the facility - Internal and external cleaning (including annual carpet cleaning) - Consumables associated with the facility and the tenants use - Pest control (excluding termite inspections and treatment) - Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	- Building insurance - Building structural repairs and maintenance. Gutter cleaning External Drainage Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant - Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) Annual Termite inspections and treatments as required.

Category 5 – Child Health Clinics

Criteria Services provided by Community Child Health Nurses which are employed by the Department of Health. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .	
Tenancy Term	Informal User Agreement with a maximum term of <u>25</u> years
Lease Fees and Charges	Annual Rent: \$1.00 Outgoings: - Emergency Services Levy All utility costs related to the tenants use of the premises <u>Utility Costs</u> - Waste charges Annual preventative maintenance charges applicable to the facility (e.g. servicing of air conditioning systems, cool rooms, alarm systems and fire safety systems) <u>Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.</u> <i>*Local Government Rates will not be charged by the City*</i>
Tenant Obligations	- Contents, public liability insurance and any other insurances associated with the tenants use of the facility - Internal and external cleaning (including annual carpet cleaning) - Consumables associated with the facility and the tenants use - Pest control (excluding termite inspections and treatment) - Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	- Building insurance - Building structural repairs and maintenance. Gutter cleaning External Drainage Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. Servicing of all inbuilt mechanical systems, security systems and fire safety systems (preventative maintenance) with the cost being born by the tenant - Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect) Annual-T termite inspections and treatments as required.

Annexure 2 – Maintenance Obligations

<u>Category</u>	<u>Item</u>	<u>City Obligation</u>	<u>Tenant Obligation</u>
<u>Compliance</u>	<u>Emergency Light Inspections/Testing</u>	<u>City to arrange inspection/testing and to maintain/service/repair/replace in accordance with relevant standards/requirements/legislations.</u>	<u>Tenant to notify the City of any faults/issues and for the payment of the annual Service & Maintenance Fee</u>
	<u>Fire Equipment & Detection System</u>	<u>City to arrange inspection/testing and to maintain/service/repair/replace in accordance with relevant standards/requirements/legislations</u>	<u>Tenant to notify the City of any faults/issues and for the payment of the annual Service & Maintenance Fee. Tenant responsible for any costs associated with replacement of any discharged fire extinguisher or used fire blanket regardless of circumstance.</u>
	<u>RCD Inspection/Testing</u>	<u>City to arrange inspection/testing and to maintain/service/repair/replace in accordance with relevant standards/requirements/legislations.</u>	<u>Tenant to notify the City of any faults/issues and for the payment of the annual Service & Maintenance Fee. Tenant responsible for any costs associated with replacement/repairs if deemed liable for damage/misuse.</u>
	<u>Electrical Appliance Test and Tagging</u>	<u>N/A</u>	<u>Tenant to maintain/service in accordance with relevant standards/requirements/legislations</u>
	<u>Pest Control - vermin</u>	<u>N/A</u>	<u>Tenant to maintain/service</u>
	<u>Pest Control - termite</u>	<u>City to arrange annual inspection and treat/eradicate where required</u>	<u>Tenant responsible for the payment of the annual Service & Maintenance Fee</u>
	<u>Fire System Monitoring</u>	<u>City to arrange monitoring of relevant systems.</u>	<u>Tenant responsible for the payment of the annual Service & Maintenance Fee</u>
<u>Mechanical</u>	<u>HVAC</u>	<u>City to maintain/service/repair. City to replace at end of useful life.</u>	<u>Tenant responsible for the payment of the annual Service & Maintenance Fee</u>
	<u>Cool rooms</u>	<u>City to maintain/service/repair. City to replace at end of useful life.</u>	<u>Tenant responsible for the payment of the annual Service & Maintenance Fee</u>
	<u>Beer Dispensers</u>	<u>N/A</u>	<u>Tenant to maintain/service/replace</u>
	<u>Hot Water Systems</u>	<u>City to maintain/service/repair. City to replace at end of useful life.</u>	<u>N/A</u>
	<u>Automatic Doors</u>	<u>City to maintain/service/repair. City to replace at end of useful life.</u>	<u>Tenant responsible for the payment of the annual Service & Maintenance Fee</u>
	<u>Building Alarm Systems</u>	<u>N/A</u>	<u>Tenant to maintain/service/monitor/replace</u>
	<u>Lifts</u>	<u>City to maintain/service/repair. City to replace at end of useful life.</u>	<u>Tenant to reimburse the City for service costs.</u>
	<u>Reticulation</u>	<u>N/A</u>	<u>Tenant to maintain/service/replace</u>
	<u>Bores</u>	<u>City to replace at end of useful life.</u>	<u>Tenant to maintain/service.</u>
	<u>Extraction / Canopy / Exhaust Fans</u>	<u>City to maintain/service/repair. City to replace at end of useful life.</u>	<u>Tenant responsible for the payment of the annual Service & Maintenance Fee</u>
	<u>Building Structural Repairs</u>	<u>City to repair any structural damage inc. roofing.</u>	<u>N/A</u>

Building / Site Maintenance	<u>Vandalism / Break In's</u>	<u>City to submit and oversee insurance claim on Tenants behalf</u>	<u>Tenant responsible for any repairs/replacements not covered by insurance or as otherwise negotiated by both parties. Responsible for cleaning and payment of insurance excess in accordance with Annexure 1;</u>
	<u>Gutter, Downpipes etc.</u>	<u>City to arrange gutter cleaning and repair/replace as required.</u>	<u>Tenant responsible for the payment of the annual Service & Maintenance Fee</u>
	<u>External Drainage</u>	<u>City to maintain/service/repair</u>	<u>Tenant responsible for any costs if deemed liable for damage/blockages etc</u>
	<u>Electrical - Lighting</u>	<u>City to replace at end of useful life</u>	<u>Tenant to maintain and replace globes as required</u>
	<u>Electrical - Switches, GPO's, hard wired appliances</u>	<u>City to replace at end of useful life (hardwired appliances at the discretion of the City)</u>	<u>Tenant responsible for any hard-wired appliances that benefit the operations of the tenant.</u>
	<u>Electrical - wiring, switchboard</u>	<u>City to replace at end of useful life</u>	<u>Tenant responsible for upgrades to suit operational needs.</u>
	<u>Telecommunications Appliances inc. kitchen, bar, IT, AV, PA etc</u>	<u>N/A</u>	<u>Tenant responsible for infrastructure installations/modification and telecommunication services.</u>
	<u>Kitchen appliances - domestic</u>	<u>N/A</u>	<u>Tenant to maintain/service/replace</u>
	<u>Kitchen appliances - commercial</u>	<u>N/A</u>	<u>Tenant to maintain/service/replace</u>
	<u>Plumbing - internal blockages</u>	<u>City responsible for infrastructure failures and replace as required at end of useful life.</u>	<u>Tenant responsible for clearing any sink/drain/toilet etc blockages unless caused by existing plumbing infrastructure</u>
	<u>Plumbing - external blockages</u>	<u>City responsible for infrastructure failures/blockages effecting the entire site and replace as required at end of useful life.</u>	<u>Tenant responsible for any costs if deemed liable for the cause of the blockage</u>
	<u>Plumbing - leaks</u>	<u>City to replace at end of useful life</u>	<u>Tenant responsible for minor repairs including but not limited to leaking taps/shower heads, running toilet etc</u>
	<u>Plumbing - Grease Trap</u>	<u>City to replace at end of useful life</u>	<u>Tenant to maintain/service/repair</u>
	<u>Cleaning</u>	<u>N/A</u>	<u>Tenant responsible to keep premises clean, tidy, free from litter, dirt, rubbish, cobwebs etc internally and externally. Responsible for all consumables. Carpet to be cleaned annually.</u>
	<u>Fencing</u>	<u>Replacement at the City's discretion</u>	<u>Tenant responsible for any repairs. Tenant responsible for upgrade if required to suit operational needs.</u>
	<u>Gardening</u>	<u>N/A</u>	<u>Tenant responsible to keep gardens and surrounds maintained, tidy and presentable.</u>
	<u>Playgrounds</u>	<u>N/A</u>	<u>Tenant to maintain/service/repair/replace</u>
	<u>Trees</u>	<u>City responsible for any major pruning.</u>	<u>Tenant responsible for minor pruning of trees and shrubs.</u>

<u>Doors, Windows, Fly Screens, Roller Doors, Gates, Locks</u>	<u>City to replace at end of useful life.</u>	<u>Tenant responsible to maintain/service/repair including seals/closers.</u>
<u>Keys & Padlocks</u>	<u>City to arrange and on-charge costs</u>	<u>Tenant is to request keys and padlocks through the City and is liable for key cutting costs as per the Annual Fee's & Charges Schedule. Padlocks on-charged.</u>
<u>Walls and ceilings</u>	<u>City responsible for any structural defects not as a result from any misuse, internal vandalism, damage etc caused by the tenant.</u>	<u>Tenant to keep walls and ceilings clean.</u>
<u>Painting</u>	<u>Repainting at the City's discretion</u>	<u>Tenant responsible for any minor internal remedial painting and touch ups to general wear and tear.</u>
<u>Inbuilt benches, cupboards, blinds, curtains etc</u>	<u>Replacement at the City's discretion</u>	<u>Tenant responsible to maintain/repair/keep clean.</u>
<u>Flooring</u>	<u>Replacement at the City's discretion</u>	<u>Tenant responsible to maintain/repair. Carpet to be professionally cleaned annually.</u>
<u>Carparks</u>	<u>Maintain/repair/replace at the City's discretion</u>	<u>Tenant to ensure carpark is clean and clear of rubbish, obstructions etc.</u>
<u>Carpark lighting</u>	<u>Maintain/repair/replace at the City's discretion</u>	<u>N/A</u>

Note 1: The Tenant shall be liable for all costs associated with the repair or replacement of any of the above categories if the Tenant is deemed responsible for damage caused by misuse, neglect, internal vandalism, or accidental damage attributable to the Tenant's general use or occupancy.

Note 2: Where an item is not listed, this should be assumed to be an obligation of the Tenant.

Note 3: Notwithstanding the obligations outlined in this section, any improved work, fixture or fitting a Tenant brings on to a property is their full responsibility to maintain. The City reserve the right to see the removal of all improvements, fixtures and fittings at the end of a Lease or License.



Community Facility Lease and Licence/User Agreement Policy

Responsible Division	Infrastructure and Assets
Responsible Business Unit	Building Operations
Responsible Officer	Community Lease Officer
Affected Business Units	Building Operations
ECM Document Set ID	4281523

Purpose

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

Scope

This policy applies to all Community Lease and Licence/User Agreements for the use of City owned and managed properties. The policy defines clear tenant categories and associated roles and responsibilities of each party under a tenancy agreement, and provides basic principles for the consistent, equitable and effective management of the City's community leases, licences and user agreements. This policy does not apply to City owned or managed properties that are under commercial lease agreements.

Definitions

For the purpose of this policy —

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

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

City: City of Bayswater.

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

Facility: land or building owned or managed by the City

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

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

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

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

Lessor: the owner of an asset that is leased to another party. **Not for Profit:** an organisation that does not operate for the financial gain of a group or individual.

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

Community Facility Lease and Licence/User Agreement Policy

Profit rent: a portion of rent payable above the operating expenses.

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

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

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

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

Policy Statement

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

Types of Agreements

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

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

9. The City will advertise and seek expressions of interest (EOI's) for consideration, to lease or licence a facility or portion of a facility when:
 - (a) An existing building or space becomes vacant;
 - (b) An existing agreement expires and is not renewed;
 - (c) For reasons, an agreement is terminated by either party; and

- (d) A new building is constructed on land owned or managed by the City.
- 10. EOI submissions will be assessed by a panel against the City's Lease Assessment Criteria and presented to Council for consideration.
- 11. All EOI submissions must demonstrate how they satisfy each of the City's Lease Assessment Criteria and provide a formal proposal including the following:
 - (a) A comprehensive business/organisation plan detailing the applicant's vision for the proposed lease space; and
 - (b) Evidence that the proposed service/activities provides community benefit and/or an identified need of the community.

Lease Administration and Management

- 12. Lease/licence tenure, fees and charges and all tenant obligations shall be as applicable to the respective tenant category outlined in **Annexure 1**.
- 13. Maintenance obligations applicable to the City and Tenant are outlined in **Annexure 2**.
- 14. Where practicable, utility charges will be individually metered for each tenant, otherwise an equitable percentage of the overall site utility charges will be applied.
- 15. The City will undertake annual property inspections to ensure lease conditions and will provide the tenant with a copy of the inspection report and appropriate feedback. Prior notice of the inspection will be given to the tenants.
- 16. The tenant is expected to maintain and keep the premises clean and in good repair. Tenants are to report any maintenance, damage, or repair requirements to the City in writing and in a timely manner.
- 17. All maintenance and repair requests will be considered by the relevant City officer/s and only undertaken if deemed necessary.
- 18. Approved maintenance or repairs will be undertaken by the City within a reasonable timeframe determined by the level of urgency.
- 19. Tenants must not sub-let all or any part of the lease premises without the prior written consent of the City. Any proposed sub-lease agreement must be submitted to the City for review and approval.
- 20. Where a sub-lease/sub-let is requested, the sub-lessor will be assessed, and terms of the agreement will be based off the tenant categories outlined in **Annexure 1** with the following to also apply:
 - (a) The tenant and/or sub-tenant is liable for any works associated to accommodate the sub-tenant.
 - (b) The tenant and/or sub-tenant will be responsible for all ongoing maintenance and asset replacements associated with the sub-tenant.
 - (c) Where the sub-tenant is deemed to be of a commercial nature and there is a fee/rent payment (profit rent) by the sub-tenant to the tenant a consideration of 25% shall be paid to the City.
- 21. Tenants will be liable for the payment of the annual *Service and Maintenance Fee* applicable to the relevant category in **Annexure 1**, this annual fee is for the payment of City arranged compliance inspections and servicing associated to the building for services including:
 - (a) RCD (residual current device) testing
 - (b) Emergency light testing
 - (c) Air-conditioning & HVAC servicing
 - (d) Fire prevention inspections and servicing (detection systems, extinguishers, blankets, hose reels etc)

- (e) Fire alarm monitoring
 - (f) Kitchen canopy cleaning
 - (g) Automatic door servicing
 - (h) Termite inspections
 - (i) Gutter cleaning
22. The City may review and potentially approve a Tenant's request to be exempt from the annual Service and Maintenance Fee if the Tenant can clearly demonstrate their capability to carry out all necessary servicing and provide evidence to the City when requested.
23. Rent for any new lease agreements categorised as 1b or 3 is to be calculated by applying cumulative CPI from March 2026 to the lease commencement date to the rent specified in Annexure 1, with the adjusted amount forming the starting rent.
24. For any new lease agreement for a continued tenancy, the rent payable under the previous agreement will continue to apply as rent under the new lease.

Annual Audit

25. On the anniversary of the tenancy agreement, the City will assess the tenant's annual performance against the City's Lease Key Performance indicators (KPI's) and provide appropriate feedback on their performance. Tenants are required to complete the City's annual audit information request and provide copies (including but not limited to) of the following:
- (a) Public Liability insurance with a minimum \$10 million coverage, preference being given to minimum coverage of \$20 million;
 - (b) Pest control certificate;
 - (c) Up to date authorised contacts list;
 - (d) An up to date key register
 - (e) Organisation financials/accounts;
 - (f) AGM Minutes;
 - (g) Any required maintenance records where maintenance is required as part of the lease;
 - (h) Copies of any required certifications or accreditations associated with the organisation; and
 - (i) Utility (power, gas, water) usage data for emission tracking purposes (not applicable if on-charged by the City).

Related Legislation

Local Government Act 1995 (WA)

Local Government (Functions and General) Regulations 1996

Residential Tenancies Act 1987 (WA)

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

Related Documentation

City of Bayswater Community Lease Agreement

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

City of Bayswater Breach of Lease Policy

Document details

Relevant delegations	EF-D11 Leasing Agreements		
Risk evaluation	Moderate		
Strategic link	[link to Strategic Community Plan]		
Council adoption	19 April 2011	Resolution	11.2.7
Next review due	[date]		
Reviewed/modified	1 March 2016	Resolution	
	9 April 2019		10.1.1
	28 June 2022		10.6.1.1
Revision details	[description]		

Annexure 1 – Categories and Terms**Category 1a – Small Volunteer Community Groups**

Criteria Locally based organisations with a voluntary management committee and are a stand-alone Not-for-Profit organisation/community group (whether incorporated or not). Run solely by volunteers and facilitates programs/activities specifically targeted at local residents. Demonstrates a limited or no capacity to generate revenue through facility use and/or activities. Income is generally limited to low membership fees. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .	
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years
Lease Fees and Charges	Annual Rent: \$1.00 Outgoings: • Emergency Services Levy • Utility costs • Waste charges • Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use • Pest control (excluding termite treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use as per annexure 2
City Obligations	• Building insurance • Building structural repairs and maintenance. • Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect). • Termite treatments as required.
Special Conditions	• Historical Societies to be on-charged 50% of annual preventative maintenance and compliance charges applicable to the building. • Historical Societies exempt for the payment of the Emergency Services Levy, utilities and waste charges.

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

Criteria	Locally based Not-for-Profit organisation, club, or community group run by volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i> . Servicing a wider catchment than the City of Bayswater District with their primary base of operations located within the City of Bayswater. Demonstrates an affordable membership regime and facilitates programs and activities that add value to the social and community fabric of the City. Has the capacity to generate revenue through membership, use of the premises, or activities consistent with the organisations purpose.
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years, with the option to extend for a further 5-year period.
Lease Fees and Charges	Annual Rent: \$1,800 plus GST and indexed annually to CPI Outgoings: • Emergency Services Levy • Utility costs • Waste charges • Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility • Internal and external cleaning (including annual carpet cleaning) • Consumables associated with the facility and the tenants use • Pest control (excluding termite treatment) • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use
City Obligations	• Building insurance • Building structural repairs and maintenance. • Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect). • Termite treatments as required.

Category 2 – Sporting Clubs and Recreational Groups

Criteria	Locally based sporting clubs and recreational groups (whether incorporated or not) with a voluntary management committee. Demonstrates an affordable membership regime and facilitates sporting or recreational activities and programs that add value to the social and community fabric of the City. Has the capacity to generate revenue through its use of the property by way of membership, bar/kitchen facilities, or activities consistent with the club/groups purpose. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> . *Excludes state and national sporting/recreational bodies*
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years, with the option to extend for a further 5-year period
Lease Fees and Charges	Annual Rent: • Small: \$1.00 • Medium: \$1.00 • Large: \$1.00 Outgoings: • Emergency Services Levy • Utility costs • Waste charges • Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility. • Internal and external cleaning (including annual carpet cleaning). • Consumables associated with the facility and the tenants use. • Pest control (excluding termite treatment). • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect). • Termite treatments as required.
Definition	• Small: Limited additional income opportunities, as the premises are site-specific to the lessee and facilities not suitable for use by other groups. • Medium: Income generated through associated sporting activities and limited hireable facilities (e.g. kitchen, function or hall space). • Large: Income generated through associated sporting activities and a range of hireable facilities (e.g. commercial kitchen, bar, function or hall space).

Category 3 – Community Child Care Centres

Criteria	Locally based Not-for-Profit Community Child Care Centres with a voluntary management committee and run by either volunteers or paid workers and are incorporated under the <i>Associations Incorporation Act 1987</i> . Established to provide community services and has the capacity to generate revenue through its use of the property.
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 5 years, with the option to extend for a further 5-year period.
Lease Fees and Charges	Annual Rent: \$1,800 plus GST and indexed annually to CPI Outgoings: • Emergency Services Levy • Utility costs • Waste charges • Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility. • Internal and external cleaning (including annual carpet cleaning). • Consumables associated with the facility and the tenants use. • Pest control (excluding termite treatment). • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect). • Termite treatments as required.

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

Criteria	Large Not-for-Profit groups that are professional organisations with paid staff and are generally Government funded, externally funded, or generates its own revenue through membership fees, events, venue hire, services, or other means consistent with the organisations purpose.
Tenancy Term	Lease/Licence Agreement: Minimum term of 2 years – Maximum term of 10 years
Lease Fees and Charges	Annual Rent: 40% of market valuation plus GST, or as otherwise determined by the City following an Expression of Interest Process. Outgoings: • Emergency Services Levy • Utility costs • Waste charges • Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility. • Internal and external cleaning (including annual carpet cleaning). • Consumables associated with the facility and the tenants use. • Pest control (excluding termite treatment). • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect). • Termite treatments as required.

Category 5 – Child Health Clinics

Criteria Services provided by Community Child Health Nurses which are employed by the Department of Health. Considered 'Exempt Dispositions' from section 3.58 of the <i>Local Government Act 1995</i> .	
Tenancy Term	User Agreement with a maximum term of 5 years
Lease Fees and Charges	Annual Rent: \$1.00 Outgoings: • Emergency Services Levy • Utility costs • Waste charges • Annual 'Service & Maintenance Fee' applicable to this category as per the Fees and Charges Schedule, including other items applicable to the building not included in clause 21.
Tenant Obligations	• Contents, public liability insurance and any other insurances associated with the tenants use of the facility. • Internal and external cleaning (including annual carpet cleaning). • Consumables associated with the facility and the tenants use. • Pest control (excluding termite treatment). • Minor general maintenance of the premises such as the repair and replacement of fittings and fixtures including light globes, taps, toilets, paper towel/roll dispensers and clearing of plumbing blockages caused by the tenants use.
City Obligations	• Building insurance • Building structural repairs and maintenance. • Inspections, servicing and maintenance associated with the annual 'Service & Maintenance Fee' (clause 21) and Annexure 2. • Repair and replacement of inbuilt mechanical systems due to failure/end of useful life (not attributed to tenant's misuse or neglect). • Termite treatments as required.

Annexure 2 – Maintenance Obligations

Category	Item	City Obligation	Tenant Obligation
Compliance	Emergency Light Inspections/Testing	City to arrange inspection/testing and to maintain/service/repair/replace in accordance with relevant standards/requirements/legislations.	Tenant to notify the City of any faults/issues and for the payment of the annual Service & Maintenance Fee.
	Fire Equipment & Detection System	City to arrange inspection/testing and to maintain/service/repair/replace in accordance with relevant standards/requirements/legislations	Tenant to notify the City of any faults/issues and for the payment of the annual Service & Maintenance Fee. Tenant responsible for any costs associated with replacement of any discharged fire extinguisher or used fire blanket regardless of circumstance.
	RCD Inspection/Testing	City to arrange inspection/testing and to maintain/service/repair/replace in accordance with relevant standards/requirements/legislations.	Tenant to notify the City of any faults/issues and for the payment of the annual Service & Maintenance Fee. Tenant responsible for any costs associated with replacement/repairs if deemed liable for damage/misuse.
	Electrical Appliance Test and Tagging	N/A	Tenant to maintain/service in accordance with relevant standards/requirements/legislations
	Pest Control - vermin	N/A	Tenant to maintain/service
	Pest Control - termite	City to arrange annual inspection and treat/eradicate where required	Tenant responsible for the payment of the annual Service & Maintenance Fee.
	Fire System Monitoring	City to arrange monitoring of relevant systems.	Tenant responsible for the payment of the annual Service & Maintenance Fee.
Mechanical	HVAC	City to maintain/service/repair. City to replace at end of useful life.	Tenant responsible for the payment of the annual Service & Maintenance Fee.
	Cool rooms	City to maintain/service/repair. City to replace at end of useful life.	Tenant responsible for the payment of the annual Service & Maintenance Fee.
	Beer Dispensers	N/A	Tenant to maintain/service/replace
	Hot Water Systems	City to maintain/service/repair. City to replace at end of useful life.	N/A
	Automatic Doors	City to maintain/service/repair. City to replace at end of useful life.	Tenant responsible for the payment of the annual Service & Maintenance Fee.
	Building Alarm Systems	N/A	Tenant to maintain/service/monitor/replace.
	Lifts	City to maintain/service/repair. City to replace at end of useful life.	Tenant to reimburse the City for service costs.
	Reticulation	N/A	Tenant to maintain/service/replace
	Bores	City to replace at end of useful life.	Tenant to maintain/service.
	Extraction / Canopy / Exhaust Fans	City to maintain/service/repair. City to replace at end of useful life.	Tenant responsible for the payment of the annual Service & Maintenance Fee.

Community Facility Lease and Licence/User Agreement Policy

Building / Site Maintenance	Building Structural Repairs	City to repair any structural damage inc. roofing.	N/A
	Vandalism / Break In's	City to submit and oversee insurance claim on Tenants behalf	Tenant responsible for any repairs/replacements not covered by insurance or as otherwise negotiated by both parties. Responsible for cleaning and payment of insurance excess in accordance with Annexure 1.
	Gutter, Downpipes etc.	City to arrange gutter cleaning and repair/replace as required.	Tenant to reimburse the City for costs associated with gutter cleaning
	External Drainage	City to maintain/service/repair	Tenant responsible for any costs if deemed liable for damage/blockages etc
	Electrical - Lighting	City to replace at end of useful life	Tenant to maintain and replace globes as required
	Electrical - Switches, GPO's, hard wired appliances	City to replace at end of useful life (hardwired appliances at the discretion of the City)	Tenant responsible for any hard-wired appliances that benefit the operations of the tenant.
	Electrical - wiring, switchboard	City to replace at end of useful life	Tenant responsible for upgrades to suit operational needs.
	Telecommunications	N/A	Tenant responsible for infrastructure installations/modification and telecommunication services.
	Appliances inc. kitchen, bar, IT, AV, PA etc	N/A	Tenant to maintain/service/replace
	Kitchen appliances - domestic	N/A	Tenant to maintain/service/replace.
	Kitchen appliances - commercial	N/A	Tenant to maintain/service/replace.
	Plumbing - internal blockages	City responsible for infrastructure failures and replace as required at end of useful life.	Tenant responsible for clearing any sink/drain/toilet etc blockages unless caused by existing plumbing infrastructure
	Plumbing - external blockages	City responsible for infrastructure failures/blockages affecting the entire site and replace as required at end of useful life.	Tenant responsible for any costs if deemed liable for the cause of the blockage
	Plumbing - leaks	City to replace at end of useful life	Tenant responsible for minor repairs including but not limited to leaking taps/shower heads, running toilet etc
	Plumbing - Grease Trap	City to replace at end of useful life	Tenant to maintain/service/repair
	Cleaning	N/A	Tenant responsible to keep premises clean, tidy, free from litter, dirt, rubbish, cobwebs etc internally and externally. Responsible for all consumables. Carpet to be cleaned annually.
	Fencing	Replacement at the City's discretion	Tenant responsible for any repairs. Tenant responsible for upgrade if required to suit operational needs.

Community Facility Lease and Licence/User Agreement Policy

	Gardening	N/A	Tenant responsible to keep gardens and surrounds maintained, tidy and presentable.
	Playgrounds	N/A	Tenant to maintain/service/repair/replace
	Trees	City responsible for any major pruning.	Tenant responsible for minor pruning of trees and shrubs.
	Doors, Windows, Fly Screens, Roller Doors, Gates, Locks	City to replace at end of useful life.	Tenant responsible to maintain/service/repair including seals/closers.
	Keys & Padlocks	City to arrange and on-charge costs	Tenant is to request keys and padlocks through the City and is liable for key cutting costs as per the Annual Fee's & Charges Schedule. Padlocks on-charged.
	Walls and ceilings	City responsible for any structural defects not as a result from any misuse, internal vandalism, damage etc caused by the tenant.	Tenant to keep walls and ceilings clean.
	Painting	Repainting at the City's discretion	Tenant responsible for any minor internal remedial painting and touch ups to general wear and tear.
	Inbuilt benches, cupboards, blinds, curtains etc	Replacement at the City's discretion	Tenant responsible to maintain/repair/keep clean.
	Flooring	Replacement at the City's discretion	Tenant responsible to maintain/repair. Carpet to be professionally cleaned annually.
	Carparks	Maintain/repair/replace at the City's discretion	Tenant to ensure carpark is clean and clear of rubbish, obstructions etc.
	Carpark lighting	Maintain/repair/replace at the City's discretion	N/A

Note 1: The Tenant shall be liable for all costs associated with the repair or replacement of any of the above categories if the Tenant is deemed responsible for damage caused by misuse, neglect, internal vandalism, or accidental damage attributable to the Tenant's general use or occupancy.

Note 2: Where an item is not listed, this should be assumed to be an obligation of the Tenant.

Note 3: Notwithstanding the obligations outlined in this section, any improved work, fixture or fitting a Tenant brings on to a property is their full responsibility to maintain. The City reserve the right to seek the removal of all improvements, fixtures and fittings at the end of a Lease or License.

LGA Lease Policy Summary

LGA	Cat.	Description	Rent	Term	Utilities	ESL	Rates	Compliance	Waste	Building Insurance	Building Insurance Claim Excess	Gutter Cleaning	Pest Control	Termite Inspections	Minor Repairs & Maintenance	Capital Renewal	Capital Upgrades	NOTES
Bayswater (current policy)	1a	Small Volunteer Community Groups	\$1	2-5	Tenant*	Tenant*	City	City to arrange & on-charge 50%	Tenant*	City	City	City	Tenant	City	Tenant	City	City's Discretion	Note * - Historical Societies exempt.
	1b	Not For Profit Community Groups & Organisations	\$1,390 + GST +CPI	2-5	Tenant	Tenant	City	City to arrange & on-charge	Tenant	City	City	City	Tenant	City	Tenant	City	City's Discretion	
	2	Sporting Clubs & Recreational Groups	\$1	2-5	Tenant	Tenant	City	City to arrange & on-charge	Tenant	City	City	City	Tenant	City	Tenant	City	City's Discretion	
	3	Community Child Care Centres	\$1,360 + GST +CPI	2-5	Tenant	Tenant	City	City to arrange & on-charge	Tenant	City	City	City	Tenant	City	Tenant	City	City's Discretion	
	4	Large NFP Organisations, State & National Clubs/Associations & Places of Worship	40% Market Valuation	2-10	Tenant	Tenant	City	City to arrange & on-charge	Tenant	City	City	City	Tenant	City	Tenant	City	City's Discretion	
Vincent	5	Child Health Clinics	\$1	Max 2yrs	Tenant	Tenant	City	City to arrange & on-charge	Tenant	City	City	City	Tenant	City	Tenant	City	City's Discretion	
	1	Small Community Groups	10% GRV	5+5+5	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	City to on-charge	Tenant	Tenant	Tenant	City	City's Discretion	
	2	Sporting Clubs, Community Groups	10% GRV	5+5+5	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	Tenant	Tenant	Tenant	Tenant	City	City's Discretion	
	3	Commercial, state & national clubs, community organisations	Negotiated based on GRV or Market Valuation at Tenants Cost	10+5+5	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	Tenant	Tenant	Tenant	Tenant	City	Tenant	
Wanneroo	4	Government Agencies	Negotiated based on GRV or Market Valuation at Tenants Cost	10+5+5	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	Tenant	Tenant	Tenant	Tenant	City	Tenant	
	1	Government	Negotiation based on market valuation discount up to 50%. Child Health Clinic - \$1	Negotiated	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City	City's Discretion	
	2	Charitable/Religious	Up to 50% discount market valuation	Negotiated	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City	City's Discretion	
	3	Commercial & Retail	Negotiation based on market valuation	Negotiated	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City	City's Discretion	
	4	Residential	Negotiation based on market valuation	Negotiated	Category not relevant or comparable													
	5	Sporting & Rec	Maintenance fees	1-10years	Tenant	Tenant	Tenant	City to arrange & on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City	City's Discretion	
Bassendean (Town of)	6	Volunteer & Support Services	Maintenance fees 50%	1-10years	Tenant	Tenant	Tenant	City to arrange & on-charge 50%	Tenant	City to on-charge	City to on-charge	Tenant	City to on-charge	City to on-charge	Tenant	City	City's Discretion	
	Lease	Lease	10% GRV	5+5	Tenant	Tenant	Tenant	Tenant	Tenant	Tenant	Tenant	Tenant	Tenant	Tenant	Tenant	City	City discretion	
Canning	License	License	10% GRV	3 years	Tenant	Tenant	Tenant	Tenant	Tenant	City	Tenant	Tenant	Tenant	Tenant	Tenant	City	City discretion	
	1	Youth or Service Organisation: Low capacity to generate revenue. Multi User, Not exclusive	Set in annual fees & charges. \$394.00 + GST + \$72 security charge	1-10 years	Tenant	Tenant	Rates Waiver for Sporting & Community Groups	City to charge Annual Service Contract Fee. See Note 1	Tenant	City to on-charge	City to on-charge	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Tenant	City	City	Note 1: Charged Annual Service Contract Fee (inspections & servicing) as set in Annual Fee's & Charges. Sole User - \$1,419.09 + GST Shared User - \$709.09 + GST
	2	Capacity to Hire: Medium kitchen amenities, small function room. Reasonable capacity to generate revenue.	Set in annual fees & charges. \$845.00 + GST + \$72 security charge	1-10 years	Tenant	Tenant	Rates Waiver for Sporting & Community Groups	City to charge Annual Service Contract Fee. See Note 1	Tenant	City to on-charge	City to on-charge	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Tenant	City	City	
	3	Capacity to Hire: Medium kitchen amenities, medium/large function room, meeting rooms. Good capacity to generate revenue.	Set in annual fees & charges. \$1,238.00 + GST + \$72 security charge	1-10 years	Tenant	Tenant	Rates Waiver for Sporting & Community Groups	City to charge Annual Service Contract Fee. See Note 1	Tenant	City to on-charge	City to on-charge	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Tenant	City	City	Repair works/pest treatments separate and on-charged to Tenant.
Joondalup	4	Capacity to Hire: Large kitchen amenities, medium/large function room, meeting rooms. Good capacity to generate revenue.	Set in annual fees & charges. \$1,689.00 + GST + \$72 security charge	1-10 years	Tenant	Tenant	Rates Waiver for Sporting & Community Groups	City to charge Annual Service Contract Fee. See Note 1	Tenant	City to on-charge	City to on-charge	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Included in Annual Service Contract Fee	Tenant	City	City	
	A	Charity, organisation, incorp, community group. Revenue >\$10m	Market Valuation + special rent: negotiated % turnover for commercial activities	5-21yrs	Tenant	Tenant	Tenant	Tenant**	Tenant**	City to on-charge	City to on-charge	Tenant**	Tenant**	Tenant**	Tenant**	City	Improvements to be requested via Club-funded facility upgrade application	** option for City to arrange and on-charge.
	B	Charity, organisation, incorp, community group. Revenue \$3m-\$10m	Sliding % CRC based on annual gross revenue + special rent 1 of 25% rent from commercial sub-lease + special rent 2 of 1% of revenue from bar/kitchen sales	5+5	Tenant	Tenant	Tenant	Tenant**	Tenant**	City to on-charge	City to on-charge	Tenant**	Tenant**	Tenant**	Tenant**	City	Improvements to be requested via Club-funded facility upgrade application	CRC - Current Replacement Costs
Mundaring (Shire of)	C	Charity, organisation, incorp, community group. Revenue <\$3m	Sliding % CRC based on annual gross revenue + special rent 1 of 25% rent from commercial sub-lease	5+5	Tenant	Tenant	Tenant	Tenant**	Tenant**	City to on-charge	City to on-charge	Tenant**	Tenant**	Tenant**	Tenant**	City	Improvements to be requested via Club-funded facility upgrade application	
	1	Incorporated, NFP with voluntary management. Limited capacity to generate revenue. Low income and membership fees	\$1	5+5+5	Tenant	Tenant	City	Shire	Tenant	Shire to on-charge 50%	Shire	Tenant	Tenant	Shire	Tenant	Shire's Discretion	Shire's Discretion	
	2	Incorporated, NFP with paid staff, or paid and volunteers. Access to grants. Earning potentials through memberships, events, venue hire, licensed, sale of services or products.	50% Market Valuation + CPI + GST	10+10	Tenant	Tenant	City	Shire	Tenant	Shire to on-charge 50%	Shire to on-charge 50%	Tenant	Tenant	Shire	Tenant	Shire's Discretion	Tenant	
	3	Government Community Child Health Clinic.	\$1	10+10	Tenant	Tenant	City	Shire	Tenant	Shire to on-charge 50%	Shire to on-charge 50%	Tenant	Tenant	Shire	Tenant	Shire's Discretion	Tenant	
Bayswater (draft policy)	1a	Small Volunteer Community Groups	\$1	2-5	Tenant*	Tenant*	City	Included in Annual Fee**	Tenant*	City	City	Included in Annual Fee*	Tenant	Included in Annual Fee*	Tenant	City	City's Discretion	Note * - Historical Societies exempt, ** 50% on-charge of actuals
	1b	Not For Profit Community Groups & Organisations	\$1,800 + GST + CPI	2-5+5	Tenant	Tenant	City	Included in Annual Fee	Tenant	City	City	Included in Annual Fee	Tenant	Included in Annual Fee	Tenant	City	City's Discretion	
	2	Sporting Clubs & Recreational Groups	\$1 (Small)	2-5+5	Tenant	Tenant	City	Included in Annual Fee	Tenant	City	City	Included in Annual Fee	Tenant	Included in Annual Fee	Tenant	City	City's Discretion	
	3	Community Child Care Centres	\$1 (Medium)	2-5+5	Tenant	Tenant	City	Included in Annual Fee	Tenant	City	City	Included in Annual Fee	Tenant	Included in Annual Fee	Tenant	City	City's Discretion	
	4	Large NFP Organisations, State & National Clubs/Associations & Places of Worship	\$1 (Large)	2-5+5	Tenant	Tenant	City	Included in Annual Fee	Tenant	City	City	Included in Annual Fee	Tenant	Included in Annual Fee	Tenant	City	City's Discretion	
Bayswater (draft policy)	5	Child Health Clinics	\$1,800 + GST + CPI	2-5	Tenant	Tenant	City	Included in Annual Fee	Tenant	City	City	Included in Annual Fee	Tenant	Included in Annual Fee	Tenant	City	City's Discretion	
			40% Market Valuation	2-10	Tenant	Tenant	City	Included in Annual Fee	Tenant	City	City	Included in Annual Fee	Tenant	Included in Annual Fee	Tenant	City	City's Discretion	

9.2.6 Policy Review: Sponsorship of City Assets, Services and Activities Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current Policy [9.2.6.1 - 4 pages]
Refer:	Item: 10.6.1.2 OCM: 22.03.2022
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

This report presents a review of the *Sponsorship of City Assets, Services and Activities Policy* and recommends that the Policy be repealed.

The review identified that the Policy has not been formally utilised since its adoption in 2022 and that sponsorship opportunities involving the City are infrequent and typically managed through bespoke agreements and existing governance processes.

Given the limited operational use of the Policy and noting that sponsorship opportunities can continue to be considered and managed on a case-by-case basis through existing Council, project planning, procurement and approval processes, officers consider that a standalone policy is no longer required.

This report therefore recommends repeal of the *Sponsorship of City Assets, Services and Activities Policy*.

OFFICER'S RECOMMENDATION

That Council repeals the *Sponsorship of City Assets, Services and Activities Policy*.

BACKGROUND

The *Sponsorship of City Assets, Services and Activities Policy* (**Attachment 1**) was adopted by Council on 22 March 2022.

The Policy was originally developed to provide guidance regarding the seeking, consideration and acceptance of sponsorship opportunities involving City assets, services and activities.

As part of the scheduled policy review process, officers reviewed the operational use and effectiveness of the Policy.

The review identified that the Policy has not been formally utilised since its adoption and that sponsorship opportunities involving the City occur infrequently and are generally managed through individually negotiated agreements and existing governance processes.

Officers also identified that sponsorship opportunities are typically considered through project planning, budget development and service delivery processes, including consideration of potential income sources within project plans and business cases.

Given the limited use of the Policy and the ability to continue managing sponsorship opportunities through existing governance and approval processes, officers consider that the Policy is no longer required.

EXTERNAL CONSULTATION

No external consultation has been undertaken in relation to this matter as the proposed repeal relates to an internal governance and administrative policy.

OFFICER'S COMMENTS

Officers have reviewed the *Sponsorship of City Assets, Services and Activities Policy* and identified that:

- the Policy has not been formally utilised since its adoption in 2022;
- sponsorship arrangements involving the City occur infrequently;
- sponsorship arrangements are generally bespoke in nature and negotiated on a case-by-case basis;
- Council may still request officers to investigate or consider sponsorship opportunities where appropriate;
- project planning and business case processes already provide mechanisms to consider potential income sources, including sponsorship opportunities; and
- existing governance, procurement, budget approval and contract management processes provide appropriate oversight for sponsorship arrangements without the need for a standalone policy.

Policies are generally intended to provide guidance, consistency and direction for recurring operational matters. Given the infrequent and varied nature of sponsorship arrangements involving the City, officers consider that a standalone policy is no longer operationally necessary.

Repeal of the Policy will not prevent the City from entering into sponsorship arrangements where appropriate. Sponsorship opportunities may continue to be considered and managed on a case-by-case basis through existing governance and approval processes.

Accordingly, officers recommend that the *Sponsorship of City Assets, Services and Activities Policy* be repealed.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995*

The repeal of the Policy does not remove the City's obligations to comply with all relevant legislative, procurement, governance and financial management requirements when considering sponsorship arrangements.

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 direct financial implications associated with the repeal of the Policy.

Sponsorship opportunities may continue to be considered as part of project planning, service delivery and budget development processes where appropriate.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Economic

Outcome 4.1 Diverse Economic Opportunities

Objective 4.1.1 Encourage new businesses and investment opportunities through advocacy and partnerships.

Key Result Area: Leadership and Governance

Outcome 5.1 Good Governance

Objective 5.1.1 Provide ethical and accountable governance.

Key Result Area: Leadership and Governance

Outcome 5.2 Stakeholder Leadership

Objective 5.2.3 Advocate and develop partnerships for City benefit.

CONCLUSION

The review of the *Sponsorship of City Assets, Services and Activities Policy* identified that the Policy has not been formally utilised since its adoption and is no longer operationally necessary.

Sponsorship opportunities involving the City occur infrequently and can continue to be appropriately managed through existing governance, procurement, project planning and approval processes on a case-by-case basis.

It is therefore recommended that Council repeals the *Sponsorship of City Assets, Services and Activities Policy*.



Sponsorship of City Assets, Services and Activities Policy

Responsible Division	Major Projects and Commercial Activities
Responsible Business Unit	Commercial Activities / Building Works / Community Development / Assets and Mapping Services
Responsible Officer	Manager Recreation and Commercial Activities Manager Community Development Manager Engineering and Asset and Mapping Services
Affected Business Units	Recreation and Commercial Activities, Community Services
ECM Document Set ID	4221106

Purpose

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.

Scope

This policy covers:

- The actions and activities of all service areas of the City of Bayswater.
- Venues owned and/or managed by the City of Bayswater, including recreation facilities, libraries, depot, Civic Centre and community centres.

The policy however, does not cover the actions and activities of any affiliated, associated or other community organisations nor does it empower the City to negotiate or develop sponsorship arrangements on behalf of any affiliated, associated or other community organisations.

Support in the form of sponsorship and grants provided by the City to individuals and community based organisations is not considered sponsorship under the terms of this Policy as they are covered by the City's Community Grants Policy.

Definitions

For the purpose of this policy:

- Sponsor:** means an organisation or individual providing resources to the City for use in achieving City objectives, in return for specific benefits.
- Sponsorship:** means an arrangement in which a sponsor provides financial, in-kind, or volunteer resources to support City assets, services or activities, in return for the rights and association which may be used for commercial advantage.

Policy Statement

To provide additional income or offset costs, the City may seek sponsorship of its programs, services, facilities, events and projects.

1. PRINCIPLES

- 1.1 Any sponsorship the City accepts or undertakes must not compromise the City's reputation, logo, public image, governance, probity, or ability to fulfil its functions.
- 1.2 Any sponsorship arrangements undertaken should not replace a service required by law nor inhibit the City's ability to ensure that events, programs and services are accessible and appropriate to all groups in the community.
- 1.3 Sponsorship arrangements must:
 - (a) be consistent with the City's vision, objectives, corporate identity and values;
 - (b) demonstrate value for money for the City;
 - (c) assist in building awareness about the City and its associated services, facilities and or activities; and
 - (d) provide opportunities that are mutually beneficial to the City and the other party.
- 1.4 All benefits received by the City as a result of a sponsorship agreement will be used directly to support the City's assets, services and activities.
- 1.5 All sponsorship agreements will be signed, dated and in the form of a written agreement and must comply with the provisions outlined in clause 4 of this policy.
- 1.6 Prior to entering into a sponsorship agreement the City shall ensure that the sponsorship would not:
 - (a) Be perceived to influence or hinder how the City operates;
 - (b) Impose or imply conditions that would limit or would appear to limit the City's ability to carry out its functions fully or impartially;
 - (c) Damage the reputation and credibility of the City by making agreements with unsuitable third parties;
 - (d) Involve a real or apparent conflict between the mission and values of the City and those of the sponsor;
 - (e) Conflict with the City's objectives; or
 - (f) Conflict with existing signed agreements with other sponsors or partners.
- 1.7 Establishment of sponsorship agreements shall be carried out in a transparent, efficient, fair and consistent manner.
- 1.8 Where the sponsorship rights offered will require input from a cross Directorate team of staff, agreement of each work area shall be established prior to the commencement of the activity.
- 1.9 An existing sponsorship agreement may be transferred to another party by written agreement between the parties.

2. SPONSORSHIPS NOT PERMITTED UNDER THIS POLICY

The City will not undertake or facilitate sponsorship that:

- (a) Restricts access to City events, programs and services by the widest audience possible;
- (b) Personally benefits Councillors, employees, or their respective families and friends;
- (c) Gives an external organisation influence over the City and access to restricted information;
- (d) Poses a conflict with the broader policies, objectives and practices of the City;
- (e) Requires City endorsement of contentious community issues;
- (f) Requires the City to commit to delivering a product or service which it does not have the means, infrastructure or resources to do so;
- (g) Requires endorsement of organisations of a political, religious and/or race specific nature;
- (h) Could potentially contravene the law or be detrimental to public health or safety;
- (i) Involves sponsors in political fields (for example political parties);
- (j) Requires research to establish the viability of undertaking a sponsorship, where that research exceeds the value of the sponsorship itself;
- (k) Does not have clearly-defined objectives and timeframes which allow the sponsor and the City to evaluate the outcome and results;
- (l) Does not have a written letter of agreement and/or contract between the City and the sponsor;
- (m) Places a price on a sponsorship package which does not represent value-for-money for either the sponsor or the City; or
- (n) Is not in the best interests of the community.

3. SELECTING SPONSORS

- 3.1 A sponsor(s) will be selected by the City based on the sponsor(s) best suited for a particular project, subject to complying with the intent of this Policy.
- 3.2 The City will seek sponsorship through a range of strategies, including but not limited to: direct approach; letters of invitation; and local/state-wide advertising for sponsorship of an asset, service or activity at the discretion of the relevant Branch Manager.

4. APPROVALS

- 4.1 Sponsorship valued in excess of \$50,000 excluding GST will be presented to the CEO for approval.
- 4.2 Sponsorship proposals valued between \$20,000 and \$50,000 excluding GST will be presented to the relevant Director for approval.
- 4.3 Sponsorship proposals valued up to \$20,000 excluding GST will be presented to the relevant Business Unit Manager for approval.

5. MONITORING

- 5.1 A Sponsors' Register shall be maintained in order to provide up to date sponsor arrangements recording cumulative sponsor pledges, agreement dates and sponsor benefits.
- 5.2 The City must ensure that the sponsor does not continue to receive sponsorship rights after the sponsorship agreement has expired.

Related Legislation

Nil.

Related Documentation

Nil.

Document details

Risk evaluation	Low		
Strategic link	V4 Support businesses across the City to grow and thrive.		
Council adoption	22 March 2022	Resolution	10.6.1.2
Next review due	22 March 2026		

9.2.7 Policy Review: Information Handling and Privacy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current - Information Handling and Privacy Policy [9.2.7.1 - 5 pages] 2. Draft Privacy and Information Sharing Policy [9.2.7.2 - 7 pages]
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

This report presents a review of the *Information Handling and Privacy Policy* for consideration.

The proposed amendments to the policy are in response to the new *Privacy and Responsible Information Sharing Act 2024 (WA)* (the Act). The Act introduces new statutory requirements for the public sector with most obligations to commence on 1 July 2026, and mandatory data breach notification requirements from 1 January 2027.

OFFICER'S RECOMMENDATION

That Council:

1. **Repeals the *Information Handling and Privacy Policy* as contained in Attachment 1; and**
2. **Adopts the *Privacy and Information Sharing Policy* as contained in Attachment 2.**

BACKGROUND

The Act introduces Western Australia's first integrated privacy and responsible information sharing legislation and transitions the public sector from a fragmented and largely policy-based privacy environment to a progressive, enforceable legislative regime.

The Act regulates the handling of personal information and introduces two interconnected components:

Privacy Framework

- regulates the collection, use, storage, and disclosure of personal information;
- introduces enforceable Information Privacy Principles (IPPs);
- establishes complaint, investigation and enforcement mechanisms; and

Responsible Information Sharing Framework

- enables lawful data sharing between public sector entities; and
- requires the application of Responsible Sharing Principles and formal agreements.

In response to the Act, the City proposes the current *Information Handling and Privacy Policy*, adopted by Council on 27 May 2025, is updated. A copy of the current policy is provided in **Attachment 1**.

EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on this matter. However, City officers have consulted with other local governments who are developing similar policies and frameworks.

OFFICER'S COMMENTS

The City recognises that the transparent safeguarding of personal information is essential to maintaining community trust and supporting strategic and operational objectives.

The proposed revised *Privacy and Information Sharing Policy*, provided in **Attachment 2**, strengthens alignment with the Act by incorporating the Information Privacy Principles (IPPs), strengthening controls, governance, and embedding a privacy-by-design culture across City operations.

The following table provides a synopsis of the key features in the draft Policy:

Section Revision	Rationale
Title update	Title updated from ' <i>Information Handling and Privacy Policy</i> ' to ' <i>Privacy and Information Sharing Policy</i> ' to align with the Act.
Purpose expansion	Reinforces the City's commitment to transparent and responsible handling of personal information across its lifecycle.
Definitions update	Introduces privacy concepts and terminology consistent with the Act, including 'Sensitive Information', 'De-Identified Information' and 'Privacy by Design'.
Policy statement	Strengthens the City's commitment to the IPPs and embeds a privacy-by-design approach into systems, activities and services.
Collection notices	Requires individuals to be informed about why information is collected, how it will be used and their rights of access and correction.
Use and disclosure controls	Ensures personal information is only used or disclosed when lawful, necessary and authorised.
Information security controls expanded	Strengthens requirements relating to access controls, encryption, monitoring, audit logging and cyber security awareness training.
Privacy Impact Assessments introduced	Requires privacy risks to be assessed for new projects, systems and high risk activities involving personal information.
Third-party handling obligations	Requires contractors and service providers handling information on behalf of the City to comply with the same privacy and responsible sharing obligations as the City.
Access, correction and complaint process update	Introduces the new dedicated pris@bayswater.wa.gov.au email address and clearer access, correction and complaint processes.

The City has developed a holistic *Privacy and Responsible Information Sharing Framework* to support an embedded privacy by-design culture across the City. The Framework also

consolidates relevant policies and procedures into a cohesive structure, supporting consistent and compliant privacy and information handling practices.

A proposed new *Information Breach Policy* has also been drafted to be read in alignment with the proposed *Privacy and Information Sharing Policy*. The draft *Information Breach Policy* sets out how the City mitigates the risk of information breaches and establishes the procedures for managing and responding to breaches should they occur, with the aim of minimising harm to individuals, systems and operations. The Information Breach policy is scheduled to be presented to the Policy Committee at its 2 November 2026 meeting, prior to commencement of mandatory data breach notifications required from 1 January 2027.

A briefing will be held for Elected Members in early July 2026 to outline the new obligations on the Council as individuals, and the broader City resulting from the *Privacy and Responsible Information Sharing Act (WA)*.

LEGISLATIVE COMPLIANCE

- *Privacy and Responsible Information Sharing Act 2024 (WA)*
- *State Records Act 2000 (WA)*
- *Freedom of Information Act 1992 (WA)*
- *Local Government Act 1995 (WA)*
- *Public Interest Disclosure Act 2003 (WA)*

RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category, if the officer's recommended outcome is not approved 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	Low
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making. SR10 - Failure to prevent, prepare, respond and recover to incidents, emergencies or major disruptions impacting operations. SR11 - Lack of modern, integrated and secure digital environment.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Leadership and Governance

Outcome 5.1 Good Governance
Objective 5.1.1 Provide ethical and accountable governance.

Key Result Area: Leadership and Governance
Outcome 5.3 Optimised Performance
Objective 5.3.1 Focus on operational efficiency, effective delivery and innovation to ensure our services are fit for purpose, contemporary and secure.

CONCLUSION

It is recommended that Council repeals the existing *Information Handling and Privacy Policy* as contained in **Attachment 1** and adopt the revised *Privacy and Information Sharing Policy* contained in **Attachment 2**.

Information Handling and Privacy Policy



Responsible Division	Corporate Services and the Office of the CEO
Responsible Business Unit	Digital Solutions and Services Governance and Strategy
Responsible Officer(s)	Manager Digital Solutions and Services Manager Governance and Strategy
Affected Business Units	All City Business Units
ECM Document Set ID	3275118

Purpose

1. This policy sets out how the City of Bayswater manages the collection, storage and use of personal information to ensure that privacy risks are appropriately managed.

Scope

2. This policy applies to all Elected Members, all employees, contractors and volunteers undertaking duties on behalf of the City.
3. This policy applies to all personal information handled by the City, including information relating to customers and stakeholders of the City, employees, contractors, volunteers, Elected Members and Committee Members.

Definitions

4. For the purpose of this policy —

"Personal information" means information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion; and includes information of the following kinds:

- (i) a name, date of birth or address;
- (ii) a unique identifier, online identifier, or pseudonym;
- (iii) contact information;
- (iv) information that relates to an individual's location;
- (v) technical or behavioural information in relation to an individual's activities, preferences, or identity;

- (vi) inferred information that relates to an individual, including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information; and
- (vii) information that relates to one or more features specific to the physical, physiological, genetic, mental, behavioral, economic, cultural, or social identity of an individual.

"Business purposes" means for purposes associated with the day-to-day business of the City of Bayswater.

Policy Statement

Collection of personal information

5. The City's Risk Management Framework identifies and controls information management risks, including legislative requirements for information management.
6. The City will take all reasonable steps to safeguard personal information from unauthorised access or misuse.
7. Personal information will only be collected for purposes that relate to the City carrying out its functions of a local government and can include public consultation through the City's "Engage Bayswater" portal.
8. The City collects personal information through the performance of our services and functions;
 - a) as required by law;
 - b) through correspondence, communication and service requests; and
 - c) through online data and metadata collection.
9. The City also collects personal information using website tools to collect and view website traffic information including:
 - browser and device used;
 - dates and times of visit; and
 - pages and documents viewed.

These form part of the City's cookies and website analytics from third parties and these sites have their own privacy policies. The City also uses cookies and session tools to improve user experience when accessing the City's websites.

Sharing of personal information

10. The City will establish controls to ensure that personal information is only used for business purposes.
11. Personal information collected by the City will not be disclosed to a third party (other than the individual concerned) unless:
 - a) The disclosure is a public interest disclosure, or it is information which the public has a right to access under relevant legislation;

- b) The disclosure is required or authorised by or under any other law;
 - c) The individual concerned has consented to the disclosure;
 - d) The disclosure is necessary to prevent or lessen a serious and imminent threat to the individual concerned or another person; and
 - e) The information is being utilised by a third party engaged on behalf of the City to undertake business purposes.
12. The City will use processes to de-identify information by redacting out personal or confidential information as part of the Freedom of Information process as well as disposal.
13. The City's website contains links to third party websites. Where these links are accessed by City stakeholders, via the City's website, the City is not able to control what information may be collected by the third-party website.
14. The City is committed to safeguarding personal information against misuse, loss, unauthorised access or disclosure. Personal information is stored in on-premises and cloud-based systems. Where cloud services are used, they are hosted in Australia and must comply with Australian privacy laws and contractual security requirements.
15. Any documents held by the City that contain personal information will be handled in a secure, responsible, and compliant manner. This includes the collection, storage, retention, and destruction of records.
16. The City of Bayswater will implement multiple controls to protect personal information from unauthorised access, misuse, loss, modification, and disclosure by implementing robust security controls where practical, including:
- Encryption
 - Access Controls
 - Multi-Factor Authentication
 - Security Awareness Training
 - Network Security
 - Domain Security
 - Email Security
 - Firewalls and Intrusion Detection Systems
 - Audit logs

Data breaches and compliance

17. The City will conduct regular security assessments to detect and prevent data misuse or loss. If a data breach occurs, the City will investigate the extent of the incident and ensure appropriate containment and mitigation measures are applied.
18. Affected individuals and regulatory bodies will be notified as required (e.g., the Australian Cyber Security Centre (ACSC), Australian Cybercrime Online Reporting Network (ACORN), WA Office of

Digital Government, Office of the Australian Information Commissioner, Police, particularly if theft or other crime is suspected).

19. Monitoring and Compliance Security systems will be actively monitored to detect cyber threats.
20. The City will review and update its cyber security practices in line with industry standards and legal requirements and regular training will be provided to employees to improve cybersecurity awareness and compliance.
21. Regular annual compliance activities such as “orchestrated phishing” is conducted to provide real life learning to City stakeholders to increase cyber security awareness.

Automated decision making

22. The City implements a range of automated decision-making processes that benefit both the organisation and “customer experience”. Examples of these that are used in key and core business include:
 - Recruitment;
 - Employee onboarding and training;
 - Payment and payroll processes;
 - Online lodgement and assessment of applications and;
 - Scheduling and booking of annual maintenance requests.

Requests for personal information

23. Under the Freedom of Information process there are rights to access personal information. Access to someone’s own information can be made by contacting the City’s records management email at mail@bayswater.wa.gov.au. This request will then be considered by the designated City’s Privacy Officer in accordance with both the *Privacy and Responsible Sharing Act 2024* and the *Freedom of Information Act 1992*.

Complaints

24. Complaints in relation to breaches of the *Privacy and Responsible Information Sharing Act 2024 Legislation* and this Policy can be lodged with the City by email at governance@bayswater.wa.gov.au.

Related Legislation

- *Privacy and Responsible Information Sharing Act 2024*
- *Local Government Act 1995*
- *Freedom of Information Act 1992*
- *Public Interest Disclosure Act 2003*

Related Documentation

Risk Management Framework

Record Keeping Plan

Document details

Relevant delegations	Nil		
Risk evaluation	Low		
Strategic link	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.	
Council adoption	27 May 2025	Resolution	10.5.1.7
Next review due	27 May 2029		



Privacy and Information Sharing Policy

Responsible Division	Corporate Services and the Office of the CEO
Responsible Business Unit	Digital Solutions and Services Governance and Strategy
Responsible Officer(s)	Manager, Digital Solutions and Services Manager Governance and Strategy
Affected Business Units	All City Business Units
ECM Document Set ID	[ECM document set ID]

Purpose

This policy establishes how the City of Bayswater (the City) handles personal information responsibly, lawfully, and transparently. The policy sets out the collection, storage, use, disclosure, sharing, retention and disposal of personal information to ensure it is protected from misuse, loss and unauthorised access, modification or disclosure.

Scope

This policy applies to:

- All employees, Council Members, Committee Members, contractors, consultants, third-party providers and volunteers undertaking duties on behalf of the City; and
- All personal and sensitive information (including data), regardless of format, including paper-based, electronic, audio-visual and metadata held by, or on behalf of the City.

Definitions

For the purpose of this policy:

Complaint means notification of an alleged interference with personal information made to the City. This may include unauthorised access, loss or disclosure of personal or sensitive personal information.

De-identified Information means information that has been altered or processed so that an individual can no longer be reasonably identified from the information.

Privacy by Design means an approach to systems, processes, projects and services that embeds privacy considerations and protections into the design, implementation and operation from the outset and throughout their lifecycle.

Disclosure means sharing personal information outside the City.

Unique Identifier (a) means a number or other identifier assigned by an entity to an individual to uniquely identify that individual for the purposes of the operations of the entity; but

(b) does not include an identifier that consists only of the individual's name;

Personal information means

- (a) information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion; and
- (b) includes information of the following kinds:
 - (i) a name, date of birth or address;
 - (ii) a unique identifier, online identifier, or pseudonym;
 - (iii) contact information;
 - (iv) information that relates to an individual's location;
 - (v) technical or behavioural information in relation to an individual's activities, preferences, or identity;
 - (vi) inferred information that relates to an individual, including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information; and
 - (vii) information that relates to one or more features specific to the physical, physiological, genetic, mental, behavioral, economic, cultural, or social identity of an individual.

Sensitive Information means personal information —

- (a) that relates to an individual's —
 - (i) racial or ethnic origin; or
 - (ii) gender identity, in a case where the individual's gender identity does not correspond with their designated sex at birth; or
 - (iii) sexual orientation or practices; or
 - (iv) political opinions; or
 - (v) membership of a political association; or
 - (vi) religious beliefs or affiliations; or
 - (vii) philosophical beliefs; or
 - (viii) membership of a professional or trade association; or
 - (ix) membership of a trade union; or
 - (x) criminal record; or
- (b) that is health information; or
- (c) that is genetic or genomic information (other than health information); or
- (d) that is biometric information; or
- (e) from which information of a kind referred to in any of paragraphs (a) to (d) can reasonably be inferred;

Policy Statement

The transparent and effective safeguarding of personal information is integral to maintaining community trust and achieving operational and strategic goals. The City is committed to upholding the Information Privacy Principles (IPPs) outlined in the *Privacy and Responsible Information Act 2024* (WA) and aims to implement a privacy-by-design approach to the management of personal information, ensuring protections are embedded into all activities, services.

Principles

1. Collection of Personal Information

The City collects personal information when necessary to carry out its functions and statutory obligations and will do so in a fair, reasonable, non-intrusive manner. Examples of personal information the City collects include:

- name, email, phone number, address and date of birth to identify, respond to, and communicate with residents, members of the public and external stakeholders;
- financial and payment information in relation to rates, goods and services;
- education and employment information to manage workforce and recruitment functions;
- community engagement and consultation for planning and policy development;
- data from third-party platforms and cloud services supporting City operations; and
- inter-agency collaborations to support joint initiatives.

The City also collects personal information relating to how individuals utilise websites, digital platforms, and applications. This information is collected through cookies and analytic software to support service delivery, functionality and security. Examples include:

- browser type, device information, operating system, and IP addresses;
- dates, times, duration, nature of website usage; and
- information relating to system performance and security.

Sensitive personal information will only be collected where necessary, with consent, or when required by law. Examples of sensitive information that the City collects include:

- racial or ethnic origin;
- health information for disability and injury management; and
- criminal records and CCTV footage to support safety, security and the City's regulatory functions.

Personal information will only be collected from the individual it concerns, unless advised otherwise; and a collection notice will be provided outlining:

- how the individual can access their information;
- the purposes for which the information is collected, used or disclosed;
- the authority or law that requires its collection; and
- any consequences for the individual if it is not provided.

2. Use and Disclosure

The City will only use and disclose personal information for the primary purpose for which it was originally obtained, unless:

- the individual would reasonably expect its use for a secondary purpose;
- the individual has provided consent;
- the personal information is being utilised by a third party engaged on behalf of the City;
- it is necessary to prevent or lessen a serious threat to the individual concerned or another person;
- it is a public interest disclosure, information that the public has a right to access under relevant legislation; or
- is required or authorised by or under any other law.

Where third parties handle personal information on behalf of the City, they must comply with the same privacy, confidentiality and security obligations as the City through information sharing agreements or contracts. Third parties that the City may disclose personal information to include:

consultants to undertake research and community engagement;

contractors that deliver goods, services and works; and

other public entities, including local, state and federal governments.

Personal information is stored in on-premises and cloud-based systems. Where cloud services are used, they are hosted in Australia and must comply with the *Privacy and Responsible Information Sharing Act 2024* (WA).

3. Information Security

Safeguards have been implemented across systems and software to protect personal information held or on behalf of the City from misuse, loss, unauthorised access, modification, or disclosure. Including:

- access restrictions and permissions;
- encryption and multi-factor authentication;
- network and domain security;
- email security;
- firewalls and intrusion detection systems;
- audit logging and ongoing security monitoring; and
- privacy and cyber security awareness training.

The City will undertake privacy impact assessments to identify, mitigate and manage privacy risks in projects, systems and activities that involve new, expanded, or higher risk handling of personal information.

The City will not assign, adopt, use or disclose a unique identifier to an individual unless it is necessary to perform its functions or activities efficiently.

4. Automated Decision Making

The City implements a range of automated decision-making processes (including artificial intelligence (AI) and data analytics) to improve customer service experience and operational efficiency. These processes must be implemented in a fair and transparent manner and accompanied by human oversight in all circumstances. An example is the automated provisioning and removal of employee access to technical systems during onboarding and offboarding processes.

Where practical, individuals will be advised when automated systems are used in decision-making. Individuals can request a review of any decision they believe has been materially influenced by automation.

5. Access and Correction

The City aims to ensure that the quality of personal information held by or on behalf of the City is accurate, complete, relevant and up to date. Where necessary, personal information will be corrected, updated or disposed of.

Individuals may request updates, corrections, or access to personal information held by or on behalf of the City through the [Freedom of Information](#) (FOI) process. The City may require proof of identity before providing access to, or amending, personal information. There are no fees or charges for access to personal information.

Requests can be made by contacting the City's Freedom of Information Officer:

Email: mail@bayswater.wa.gov.au
Phone: (08) 9272 0622
Post: Freedom of Information Officer
City of Bayswater
PO Box 467
MORLEY WA 6943

6. Privacy Complaints

Individuals may contact the City's Privacy Officer with questions, concerns or complaints about the way personal information has been handled. Alleged interferences with personal information may include unauthorised access, loss or disclosure of personal information.

Complaints should be made in writing where possible, and include:

- the complainant's name, email address and mobile number;
- a brief description of the incident or concern,
- when it occurred and through what format (i.e., email)
- any subsequent consequences (if applicable); and
- the desired outcome or resolution.

Privacy complaints can be made by contacting the City's Privacy Officer:

Email: pris@bayswater.wa.gov.au
Phone: (08) 9272 0631
Post: Privacy Officer
City of Bayswater

PO Box 467
MORLEY WA 6943

The City will acknowledge receipt of the complaint within 10 business days, and where practical, aim to respond within 45 days, in accordance with the Information Breach Policy. For complex matters, the City may require additional time to respond, if that is the case, the complainant will be advised.

If a complainant is unsatisfied with the City's response, the complaint can be escalated to the Office of the Information Commissioner (WA) by email at info@oic.wa.gov.au or phone (08) 6551 7888 or 1800 621 244 (WA country callers).

Related Legislation

Privacy and Responsible Information Sharing Act 2024 (WA)

State Records Act 2000 (WA)

Local Government Act 1995 (WA)

Freedom of Information Act 1992 (WA)

Public Interest Disclosure Act 2003 (WA)

Related Documentation

Privacy and Responsible Information Sharing Framework

Information Breach Policy

Information Classification Policy

Record Keeping Plan

Risk Management Framework

Risk Management Policy

Code of Conduct

Cyber Security Policy

Document Details

Relevant delegations	Nil
Risk evaluation	Med
Strategic link	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.
Council adoption	Resolution
Next review due	
Reviewed/modified	Resolution
Revision details	

9.2.8 New Policy: Notice of Motion

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Notice of Motion Policy [9.2.8.1 - 7 pages] 2. Draft Notice of Motion Lodgement Form [9.2.8.2 - 3 pages]
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

It is recommended that Council adopts the draft *Notice of Motion Policy*, which provides administrative processes that support the Notice of Motion and revocation provisions of the *City of Bayswater Standing Orders Local Law 2021*.

OFFICER'S RECOMMENDATION

That Council adopts the draft *Notice of Motion Policy* as contained in Attachment 1.

BACKGROUND

At the Policy Committee meeting held on 9 February 2026, Mayor Filomena Piffaretti requested the development of a policy to mitigate the administrative time constraints that arise when notices of motion are submitted on or near the minimum 10 clear working day deadline prescribed in clause 5.3(2) of the *City of Bayswater Standing Orders Local Law 2021*.

Officers have prepared the draft *Notice of Motion Policy* to support the administration of the *Standing Orders Local Law 2021*.

EXTERNAL CONSULTATION

No external consultation has occurred on this matter. The Policy relates to internal administrative processes supporting Notices of Motion submitted by Elected Members for Council meetings.

The draft has been prepared having regard to the *City of Bayswater Standing Orders Local Law 2021*, the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

OFFICER'S COMMENTS

A copy of the draft *Notice of Motion Policy* is contained in Attachment 1.

The request to develop this Policy arose from the recognised practical difficulty that Notices of Motion lodged at or near the minimum 10 clear working day deadline stipulated by clause 5.3(2) of the *Standing Orders Local Law 2021* can constrain the administration's ability to review the motion to identify legal, budget, policy and risk implications and to prepare an officer comment prior to finalising meeting agendas for publication (published eight working days prior to an Ordinary Council Meeting).

The policy is expressly intended to support, and not to override, the *City of Bayswater Standing Orders Local Law 2021*, the *Local Government Act 1995* or the *Local Government*

(Administration) Regulations 1996. Where there is any inconsistency, the local law or written law prevails.

The policy clarifies expectations regarding the rationale to be provided by Elected Members when lodging a Notice of Motion, the administrative assessment to be undertaken by the Chief Executive Officer and Governance to ensure the motion complies with the Standing Orders, the preparation of officer comment, the standard pathway by which a Notice of Motion may be referred for an officer report where further analysis is required, and the procedural treatment of amendments, withdrawal, lapse, deferral, revocation or change-of-decision motions, and recordkeeping.

The table below provides a synopsis of the key provisions in the draft *Notice of Motion Policy*:

Provision	Rationale
Purpose and scope	Explains that the Policy establishes the City's administrative framework for Elected Member Notices of Motion under the <i>Standing Orders Local Law 2021</i> , while confirming that it does not override the Local Law, the <i>Local Government Act 1995</i> , the <i>Local Government (Administration) Regulations 1996</i> or any other written law.
Pre-lodgement support	Encourages Members to discuss a proposed Notice of Motion with the Mayor, the Chief Executive Officer, the relevant Director or Governance before the lodgement deadline, particularly where the proposed motion may involve significant policy, budgetary, legal, risk or operational implications.
Lodgement requirements	Confirms the requirement under clause 5.3(2) of the Local Law for written notice to be given to the Chief Executive Officer at least 10 clear working days before the relevant meeting and identifies the information that is to be provided through the City's approved Notice of Motion form.
Originating Member rationale	Requires the Originating Member to provide a short and concise written rationale addressing the issue or opportunity, the public-interest purpose, the intended outcome, the strategic and community benefit, and any known financial, resourcing, legal, risk, stakeholder or implementation considerations.
Administrative assessment and exclusion of Notices of Motion	Provides for the Chief Executive Officer, through Governance, to assess each Notice of Motion for compliance with the Local Law and other written law, City jurisdiction, clarity and capability of implementation, and potential duplication or conflict with existing Council decisions, adopted plans, policies, strategies or programs of work. Reflects clause 5.3(3) of the Local Law, including the Chief Executive Officer's ability to amend the form (but not the substance) of a Notice of Motion in consultation with the Originating Member where practicable, and to exclude with the concurrence of the Mayor any Notice of Motion likely to involve a breach of the Local Law or other written law, with reasons documented and provided to Members.
Officer comment	Provides for officer comment under clause 5.3(3)(d) of the Local Law, including relevant or material facts and circumstances such as policy, budget, legal, financial, resourcing, procurement, contractual, risk and implementation implications.
CEO Recommendation	Provides for the Chief Executive Officer to make a recommendation to the Council on how a Notice of Motion should proceed, including either acceptance of the Notice of Motion and preparation of a material facts report for a future Ordinary Council Meeting, or immediate Council consideration where the matter is urgent or simple and sufficient information is available.

Provision	Rationale
Agenda, amendments, withdrawal and lapse	Clarifies inclusion of duly lodged Notices of Motion on the agenda under the order of business, the treatment of non-minor amendments under clause 5.3(6)-(7), and the Local Law provisions for withdrawal, alteration, lapse and deferral of motions under clauses 5.3(4)-(5), 10.8 and 10.15.
Revocation and change-of-decision motions	Identifies the statutory and Local Law requirements for motions to revoke or change a decision of Council, including support by at least one-third of the members of the Council or committee, and absolute majority requirements under regulation 10 of the <i>Local Government (Administration) Regulations 1996</i> where applicable.
Records and reporting	Requires Governance to maintain a register of Notices of Motion and ensure that records are created, captured and retained in the City's electronic records management system in accordance with the <i>State Records Act 2000</i> and the City's Recordkeeping Plan.

Notice of Motion Lodgement Form

Officers have drafted a Notice of Motion Lodgement Form, to assist Elected Members to meet the requirements of the draft Policy. The draft form can be found in **Attachment 2**.

LEGISLATIVE COMPLIANCE

City of Bayswater Standing Orders Local Law 2021

Local Government Act 1995 (WA)

Local Government (Administration) Regulations 1996 (WA)

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 Council Plan 2025 – 2035, the following applies:

Key Result Area: Leadership and Governance
Outcome 5.1 Good Governance
Objective 5.1.1 Provide ethical and accountable governance.

CONCLUSION

Adoption of the Notice of Motion Policy is recommended. The Policy provides a clear administrative framework that supports the Notice of Motion requirements in the City of Bayswater *Standing Orders Local Law 2021*, responds to the Policy Committee's request of 9 February 2026, and improves clarity and timeliness around Notices of Motion and motions to revoke or change a decision of Council.



Notice of Motion Policy

Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit	Governance and Strategy
Responsible Officer	Manager Governance and Strategy
Affected Business Units	Governance and Strategy
ECM Document Set ID	[insert ECM document set ID]

Purpose

This Policy establishes the City's administrative framework and governance support arrangements for the consistent implementation of Elected Member Notices of Motions and Revocation Motions in accordance with the *City of Bayswater Standing Orders Local Law 2021* (Local Law).

Scope

This Policy applies to Elected Members, the Chief Executive Officer (CEO) and employees of the City who are involved in administering meeting procedures for the Council under the *Standing Orders Local Law 2021*.

In particular, this Policy applies to the administration of:

- Notices of Motion lodged under clause 5.3 of the Local Law; and
- Motions to revoke or change a decision under clause 16 of the Local Law.

This Policy does not override, limit or duplicate the *Standing Orders Local Law 2021*, the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* or any other written law. Where any inconsistency arises, the Act, Regulations, Local Law and other written law prevail.

This Policy does not apply to:

- Officer reports and recommendations to the Council or committees;
- Urgent business raised under the Local Law (except that relating to Elected Member Notices of Motion and revocation or change motions);
- Public question time, petitions and deputations; or
- The conduct of meetings of electors and other meetings, except where the Local Law applies and the administrative processes in this Policy are relevant.

Definitions

For the purpose of this Policy —

Act means the *Local Government Act 1995*.

Administration Regulations means the *Local Government (Administration) Regulations 1996*.

CEO means the Chief Executive Officer of the City of Bayswater.

City means the City of Bayswater.

Clear working day means a working day that does not include the day on which notice is given or the day of the meeting, consistent with section 61(1)(f) of the *Interpretation Act 1984*.

Due form means motion wording that is suitable for inclusion in a Council or committee agenda because it is lawful, clear, capable of being understood and implemented, sufficiently specific as to the action sought (including any required responsibility, timing or reporting) and consistent with the *Standing Orders Local Law 2021*.

Local Law means the *City of Bayswater Standing Orders Local Law 2021*.

Member means a member of the Council of the City.

Notice of Motion means a written notice of a proposed motion given to the CEO under clause 5.3 of the Local Law for inclusion on the agenda of an Ordinary or Special Meeting of the Council.

Originating Member means the Member who lodges a Notice of Motion.

Policy Implications means the foreseeable impacts of a motion on adopted strategies, plans, policies, budgets, resources, operations, legal obligations or risk.

Revocation Motion means a motion to cancel or change a previous decision of Council or a Committee, made in accordance with the requirements of the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *Standing Orders Local Law 2021*.

Written Law has the meaning given in the *Interpretation Act 1984*.

Policy Statement

Pre-lodgement support for Members

1. Members are encouraged to discuss a proposed Notice of Motion with the Mayor, the CEO, the relevant Director or Governance before the lodgement deadline, particularly where the proposed motion may involve significant policy, budgetary, legal, risk or operational implications.
2. Employees may assist a Member with the form, clarity, process and factual context of a proposed motion.

Lodging a Notice of Motion

3. Under clause 5.3(2) of the Local Law, a Notice of Motion must be given in writing to the CEO at least 10 clear working days before the meeting at which it is to be considered.
4. A Notice of Motion is to be lodged with the CEO, through Governance, using the City's approved Notice of Motion form and should include:
 - (a) the proposed motion expressed in the third person and commencing with the words "That Council ...";
 - (b) a short descriptive title;
 - (c) the name of the Originating Member and the date of lodgement;
 - (d) the meeting at which the motion is intended to be considered;
 - (e) a written rationale for the motion (refer to clauses 6 and 7);
 - (f) the intended outcome and, where relevant, proposed timing and reporting arrangements;
 - (g) any supporting documents the Member wishes the Council to consider;
 - (h) any claim that the matter, or part of it, should be dealt with on a confidential basis, with the grounds for that claim by reference to section 5.23(2) of the Act; and

- (i) any strategic, policy, budgetary, resource, legal or risk considerations known to the Member.
5. Governance will acknowledge receipt of a Notice of Motion to the Originating Member within one working day of lodgement.

Originating Member rationale

6. The Originating Member must provide a short and concise written rationale for the proposed motion at the time of lodgement. The rationale should address:
- (a) The issue or opportunity the motion is intended to address;
 - (b) the public-interest purpose of the motion;
 - (c) the intended outcome and how the motion will achieve it;
 - (d) the strategic and community benefit, including any link to the City's adopted Strategic Community Plan or other adopted plans and policies; and
 - (e) any known financial, resourcing, legal, risk, stakeholder or implementation considerations.
7. Subject to confidentiality, relevance, defamation, adverse-reflection, privacy and any other legal or procedural requirements, the rationale provided by the Originating Member may be reproduced, in whole or in part, in the agenda paper or used by the CEO to inform officer comment provided to the Council under clause 5.3(3)(d) of the Local Law.
8. The CEO, after consultation with the Originating Member where practicable, may edit, summarise or omit parts of a rationale before publication where required to manage those considerations; such editing is administrative and should not alter the substance of the motion itself.

Administrative assessment and exclusion of Notices of Motion

9. On receipt of a Notice of Motion, the CEO (through Governance) will undertake an administrative assessment to identify whether the proposed motion and rationale:
- (a) complies with the Standing Orders Local Law and any other written law;
 - (b) is within the jurisdiction and powers of the City;
 - (c) is sufficiently clear and capable of being implemented; and
 - (d) does not inappropriately duplicate, conflict with or undermine an existing Council decision, adopted plan, policy, strategy or program of work.
10. In accordance with clause 5.3(3)(c) of the Standing Orders Local Law, the CEO may, after consultation with the Originating Member where practicable, make amendments to the form (but not the substance) of a Notice of Motion to bring it into due form.
11. Where the CEO considers that a Notice of Motion requires amendment to be in due form, Governance will, where practicable, consult the Originating Member and provide a suggested form. The Originating Member is requested to respond promptly to enable finalisation of the agenda in accordance with statutory timeframes.
12. If matters relating to form are not resolved before agenda finalisation, the CEO will determine the handling of the Notice of Motion in accordance with clause 5.3 of the Standing Orders Local Law and will notify the Originating Member.
13. In accordance with clause 5.3(3)(a) of the Standing Orders Local Law, the CEO may, with the concurrence of the Mayor, exclude from the agenda a Notice of Motion that is deemed to be, or likely to involve, a breach of the Standing Orders Local Law or any other written law. The CEO will inform

Members of any exclusion and the reasons and will advise the Originating Member in writing in advance where practicable.

Officer comment

14. Under clause 5.3(3)(d) of the Local Law, the CEO may provide to the Council any relevant or material facts and circumstances pertaining to a Notice of Motion, including on matters such as policy, budget and the law.
15. Officer comment included with a Notice of Motion may address:
 - (a) consistency with the Act, Regulations, Local Law and other written law;
 - (b) consistency with adopted plans, policies and budgets;
 - (c) financial, resourcing, procurement and contractual implications;
 - (d) legal and risk implications;
 - (e) operational and implementation implications; and
 - (f) any other matter the CEO considers relevant to inform the Council's decision.
16. Where a Notice of Motion would require detailed analysis, significant expenditure, community consultation, a procurement process, a statutory process or has significant operational impact, the CEO may recommend that the Council refer the Notice of Motion to a future Council meeting in accordance with the Standard Pathway referred to in clauses 17-20 below.

CEO Recommendation

17. For each Notice of Motion included on the agenda, the CEO will provide a recommendation on how the Notice of Motion should proceed. The Council considers and votes on that officer recommendation before any consideration of the Notice of Motion at that meeting.
18. The CEO recommendation will be one of the following:
 - (a) Where the matter requires further information, analysis, research, implementation planning, legal, financial or risk assessment, community consultation, stakeholder engagement or other material facts before the Council is in a position to make a final, informed decision:
"That Council accepts the Notice of Motion [item number] and requests the CEO to prepare a material facts report for consideration of the motion at the Ordinary Council Meeting of [insert appropriate date]."
 - (b) Where the matter is urgent or simple and sufficient information is available for the Council to consider the Notice of Motion without a future material facts report, the recommendation will be that the Council considers and votes on the Notice of Motion itself at that meeting.
19. The appropriate future meeting date in a recommendation under clause 17(a) is to be recommended by the CEO having regard to the complexity of the matter, research requirements, community consultation or stakeholder engagement needs, statutory or legal considerations, resourcing, agenda timeframes, and any other relevant implementation or risk matters.
20. The Council may, in accordance with the Local Law, resolve otherwise, including by amending or not adopting the officer recommendation and proceeding to consider and determine the Notice of Motion at the same meeting.

Inclusion on the agenda

21. In accordance with clauses 5.1 and 5.2 of the Local Law, a Notice of Motion that has been duly lodged and not excluded, deferred or withdrawn will be included on the agenda under the order of business item "Motions of which previous notice has been given". Confidential Notices of Motion will be included in the confidential items section of the agenda.
22. The agenda entry will include:
 - (a) The wording of the proposed motion;
 - (b) The name of the Originating Member;
 - (c) The rationale for the motion, provided by the Originating Member under clause 9; and
 - (d) Officer comment provided under clause 5.3(3)(d) of the Local Law.

Amendments to a Notice of Motion before the meeting

23. Under clause 5.3(6) of the Local Law, a non-minor amendment to a Notice of Motion cannot be considered unless written notice of the amendment is received by the CEO no later than 12.00pm on the last working day preceding the meeting.
24. Under clause 5.3(7) of the Local Law, the Presiding Member determines whether an amendment is minor, meaning it does not alter the basic intent of the primary motion. A minor amendment can be moved at any time before the motion is determined by the Council.
25. Governance may assist an Originating Member with the due form and identification of implications of a proposed amendment, consistent with this Policy.

Withdrawal, lapse and deferral

26. An Originating Member may request withdrawal of a Notice of Motion at any time before the agenda is published; the CEO will give effect to such a request where practicable. After publication, withdrawal, alteration and the lapsing of motions are governed by the Local Law, including clauses 5.3(4), 5.3(5), 10.8 and 10.15.
27. Under clause 5.3(4) of the Local Law, a Notice of Motion lapses unless the Originating Member, or another Member authorised in writing by the Originating Member, moves the motion at the meeting, or the Council agrees to defer the matter.
28. Under clause 5.3(5) of the Local Law, where a Notice of Motion has lapsed, a Notice of Motion of the same effect cannot be given again for at least three months.

Revocation and change-of-decision motions

29. A decision of the Council or a committee may only be revoked or changed in accordance with section 5.25(1)(e) of the *Local Government Act 1995*, regulation 10 of the *Local Government (Administration) Regulations 1996* and Part 16 of the Local Law. Notices of Motion to revoke or change a decision of Council are also subject to clause 5.3 of the Local Law and the provisions of this Policy.
30. A Notice of a motion to revoke or change a decision must be in writing and signed by members of the Council or committee numbering at least one-third of the number of offices (whether vacant or not) of members of the Council or committee, inclusive of the mover. The Member proposing the motion must collect the signatures, or other valid written endorsements accepted by the City, necessary to demonstrate that support before the notice is submitted to the CEO. Where an attempt to revoke or change the same decision has been made within the previous three months and has failed, any further motion to revoke or change that decision must be supported by an absolute majority. Any decision to revoke or change a previous decision of the Council or a committee must be made by an absolute majority.

31. Regulation 10 of the Administration Regulations does not apply to a change to a decision unless the effect of the change would be that the decision is revoked or becomes substantially different.
32. On receipt of a valid notice of motion to revoke or change a decision, the CEO is to confirm that the notice satisfies the applicable statutory support requirements before including the motion on the agenda for a Council or committee meeting. The motion must also comply with the additional procedural requirements and limitations set out in Part 16 of the Local Law.
33. In accordance with clause 16.3(4) of the Local Law, where the CEO receives a valid Notice of Revocation Motion before a decision has been implemented, implementation of that decision will be deferred until Council has determined the motion.

Records and reporting

34. Governance will maintain a register of Notices of Motion (including revocation motions) lodged with the CEO that records:
 - (a) The Originating Member;
 - (b) The meeting at which the motion was considered;
 - (c) The Council's resolution; and
 - (d) Any follow-up actions and the corresponding Council resolution.
35. Records relating to Notices of Motion will be created, captured and retained in the City's electronic records management system in accordance with the *State Records Act 2000* and the City's Recordkeeping Plan.

Related Legislation

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *City of Bayswater Standing Orders Local Law 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *State Records Act 2000*
- *Interpretation Act 1984*

Related Documentation

Notice of Motion Lodgement Form

Document details

Relevant delegations	Not applicable
Risk evaluation	Low
Strategic link	Council Plan 2025-2035 Key Result Area: Leadership and Governance Outcome 5.1: Good Governance Objective 5.1.1: Provide ethical and accountable governance
Council adoption	[insert adoption date] Resolution [insert item no.]
Next review due	4 years from adoption, or earlier if standardised meeting procedure regulations commence.



Notice of Motion Policy

Reviewed/modified	[insert date]	Resolution	[insert item no.]
Revision details	New policy		

draft



Notice of Motion Lodgement Form

Purpose and use of this form

This form is to be used by an Elected Member to lodge a Notice of Motion under clause 5.3 of the *City of Bayswater Standing Orders Local Law 2021* (Local Law) for inclusion on the agenda of an Ordinary or Special Meeting of the Council, consistent with the *Notices of Motion Policy*.

Members are encouraged to discuss a proposed Notice of Motion with the Mayor, the CEO, the relevant Director or Governance before the lodgement deadline, particularly where the matter may involve significant policy, budgetary, legal, risk or operational implications.

Under clause 5.3(2) of the Local Law, a Notice of Motion must be given in writing to the Chief Executive Officer (CEO) **at least 10 clear working days** before the meeting at which it is to be considered. A Notice of Motion is lodged with the CEO through Governance using this approved form.

Elected Member to complete

1. Lodgement details

Originating Member (name)	
Elected Member contact details	
Date of lodgement	
Intended meeting (Ordinary or Special Council Meeting and date)	
Pre-lodgement discussion	☐ Mayor ☐ CEO ☐ Relevant Director ☐ Governance ☐ Not yet discussed <i>Brief notes (date, with whom, key points):</i>

2. Proposed Notice of Motion

Express the motion in the third person, commencing with the words “**That Council ...**”. Include any required responsibility, timing or reporting.

Short descriptive title	
Proposed motion wording	That Council ...

Notice of Motion Lodgement Form**3. Written rationale**

Provide a short, concise rationale for the proposed motion. Each field below should be completed; write “not known” where appropriate.

Issue or opportunity the motion is intended to address	
Public-interest purpose of the motion	
Intended outcome and how the motion will achieve it	
Strategic and community benefit (including any link to the Strategic Community Plan or other adopted plans and policies)	
Known financial, resourcing, legal, risk, stakeholder or implementation considerations	

5. Supporting documents

List any supporting documents you wish the Council to consider. Attach copies with this form on lodgement.

#	Document title / description	Attached
1		☐ Yes ☐ No
2		☐ Yes ☐ No
3		☐ Yes ☐ No
4		☐ Yes ☐ No

6. Confidentiality

Identify any part of the motion, rationale or supporting material proposed to be dealt with on a confidential basis, with the grounds for that claim by reference to **section 5.23** of the *Local Government Act 1995*.

Confidentiality claimed?	☐ No, no part of this Notice of Motion is proposed to be confidential. ☐ Yes, in part or in whole — details below.
Material proposed to be confidential	
Basis for the claim under section 5.23	<i>Identify the applicable paragraph(s) of s 5.23 of the Local Government Act</i>

7. Elected Member declaration

I confirm that:

- I am lodging this Notice of Motion in writing for consideration in accordance with clause 5.3 of the *City of Bayswater Standing Orders Local Law 2021* and the *Notice of Motion Policy*.
- The proposed motion and rationale reflect my intended motion and have been prepared with regard to the public interest.
- To the best of my knowledge, I have identified any strategic, policy, budgetary, resource, legal, risk, stakeholder or implementation considerations known to me, and any matter that may warrant a confidentiality claim under section 5.23(2) of the *Local Government Act 1995*.
- I understand that the CEO may consult with me to amend the form (but not the substance) of the motion to bring it into due form, and that the CEO may, with the concurrence of the Mayor, exclude a Notice of Motion that is, or is likely to involve, a breach of the *Standing Orders Local Law 2021* or any other written law.
- I understand that the CEO may include officer comment with the Notice of Motion and may recommend that the matter be referred to a future Ordinary Council Meeting for consideration via a material facts report.
- I understand that records relating to this Notice of Motion will be created and retained in the City's electronic records management system in accordance with the *State Records Act 2000* and the City's Recordkeeping Plan.

Originating Member (printed name)	
Signature	
Date	

Please email your completed form to governance@bayswater.wa.gov.au.

9.3 Local Planning Policies

9.3.1 Local Planning Policy Review: Percent for Public Art

Responsible Branch:	Community Planning
Responsible Directorate:	Community Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Current Policy [9.3.1.1 - 4 pages] 2. Policy with Tracked Changes [9.3.1.2 - 5 pages] 3. Draft Policy [9.3.1.3 - 5 pages]
Refer:	Item: 9.1.3 OCM: 07.11.2017
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

The findings from the 2024-25 Annual Financial Report undertaken by the Office of the Auditor General recommended that the *Percent for Public Art Local Planning Policy* be updated for consistency with other developer contributions which reflect changes to the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The City has undertaken a minor review of the *Percent for Public Art Local Planning Policy* to address these findings and ensure that the Policy meets the City's financial responsibilities regarding the holding of developer contributions.

OFFICER'S RECOMMENDATION

That Council:

1. **Adopts the revised *Percent for Public Art Local Planning Policy* as contained in Attachment 3.**
2. **Considers the proposed amendment to the *Percent for Public Art Local Planning Policy* to be 'minor' under Schedule 2 Part 2 Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

BACKGROUND

The *Percent for Public Art Local Planning Policy* was adopted by Council in June 2013, with subsequent reviews and modifications considered by Council in March 2016 and November 2017. The Policy provides a framework for the provision of public art as a condition of major development proposals within the City to ensure the art work enhance the streetscape and public realm. The local planning policy is applicable to development proposals on private property where the construction cost is \$1 million or greater for commercial, non-residential or mixed use development. The local planning policy alternatively provides for a contribution to be paid to the City in lieu of provision of public art on site.

A copy of the existing *Percent for Public Art Local Planning Policy* is included in Attachment 1.

The Office of the Auditor General (OAG) undertook an audit of the City's 2024-25 Annual Financial Report and provided their findings to the City in November 2025. The findings identified that the City's policies relating to cash in lieu of parking and public art were not in compliance

with the legislative requirements specified in Clause 77I of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), and provided recommendations to the City accordingly.

EXTERNAL CONSULTATION

The amendment to the *Percent for Public Art Policy* is a minor administrative amendment which does not alter the strategic intent or application of the policy. Given this, in accordance with Clause 5 (2), Schedule 2 of the LPS Regulations, consultation with the public or other agencies is not required.

OFFICER'S COMMENTS

Council, at the 26 August 2025 Ordinary Meeting, resolved (in part) to “authorise the deferral of all scheduled reviews of City of Bayswater local planning policies remaining in 2025 and 2026”. The intent of this deferral was to enable the City to carry out a holistic review of the local planning policy framework. This includes undertaking out-of-cycle reviews and the preparation of new policies to streamline the City’s policy framework and support the implementation of draft *Local Planning Scheme No. 25*.

The *Percent for Public Art Local Planning Policy* was scheduled for review in 2025, and was deferred until a guiding strategy has been prepared. No operational issues have been identified in relation to the local planning policy.

OAG Audit Finding

The OAG Audit found that the City’s Payment-in-Lieu of Carparking framework and Percent for Public Art framework had not been updated to reflect amendments to the LPS Regulations. Clause 77I of Schedule 2 of the LPS Regulations states that “All money received by the local government in accordance with a payment in lieu of parking condition imposed on an approval of development in accordance with clause 77H must be paid into a reserve account established under the Local Government Act 1995 section 611 for the purposes set out in the relevant payment in lieu of parking plan for the development.” the City must also have an endorsed Payment-in-Lieu of Parking Plan and local planning policy to administer this.

Percent for Public Art contributions are not legislated under the LPS Regulations, however the Audit finding recommends that, in the absence of specific legislation, public art contributions should be treated in a similar manner as carparking. The City acknowledges that the *Percent for Public Art Local Planning Policy* has not been reviewed since 2017, and this review and administrative amendment mitigates risk with respect to financial management obligations.

Percent for Public Art Policy Implications

The key policy implication of this finding is a minor amendment of the type of account in which Percent for Public Art contributions are held.

The following revisions are proposed to the local planning policy:

Revision	Rationale
Policy format updated to be aligned with current policies. Clause numbers updated accordingly.	The Policy was last reviewed in November 2017 and changes to the City’s policy template have since occurred. All information from the existing policy has been reflected within the current policy structure. Minor changes which do not alter the provisions have been applied including: • Relocating information from ‘purpose’ to ‘objectives’; • An element from the ‘policy statement’ to ‘scope’; and • Updating the policy statement elements to be numerical values for ease of reference and assessment.

Revision	Rationale
Replacing the Trust Fund holdings to Reserve Account	The change reflects the advice provided by the Office of the Auditor General to update the Policy to reflect consistent treatment of cash in lieu funds. Public art contributions are to be held in a dedicated reserve account.

Other Implications

The City notes that the OAG comments with respect to the Cash-in-Lieu of Carparking framework are incorrect. The City's *Payment in Lieu of Parking Plan* was adopted by Council in 2023 and has a 10-year legislated lifespan. Associated local planning policies were reviewed and updated in 2023 and are due for review in 2027. No further action is required at this time.

Council, at the 24 March 2026 Ordinary Meeting, resolved as part of the Statutory Mid-Year Budget Review (in part) to:

Approve two new reserves and transfers:

- (a) *'Cash in Lieu – Carparking' for the purpose of 'to set aside cash received in lieu of parking conditions imposed on an approval of development.'*
- (b) *'Cash in Lieu – Public Art' for the purpose of 'to set aside cash received in lieu of public art conditions imposed on an approval of development.'*

A copy of the revised local planning policy, with amendments shown in 'tracked changes' is provided in **Attachment 2**. Note that formatting changes are not shown registered as tracked changes to ensure that the key changes are evident.

A copy of the revised local planning 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. The Regulations also stipulate that advertising is not required where the local government is of the opinion that 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	SR02 – Failure to strategically plan, deliver and maintain infrastructure and assets.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Social
Outcome 1.1 A Connected and Inclusive Community
Objective 1.1.1 Enhance our local identity through social and arts programs and events that celebrate our diverse cultures, history and heritage

Key Result Area: Built
Outcome 2.2 Built Infrastructure that Meets Current and Future Community Needs
Objective 2.2.1 Improve the amenity of our public spaces and streetscapes.
Objective 2.2.3 Plan, build and maintain current and future assets.

CONCLUSION

The City's *Percent for Public Art Local Planning Policy* provides a framework for the application of public art conditions of development approval, including the option for payment in lieu of on-site provision. A minor administrative amendment is proposed to address the findings of the City's 2024/25 Financial Audit and ensure the City is meeting its financial management obligations with respect to developer contributions.

In light of the above, it is recommended that Council adopt the amended *Percent for Public Art Local Planning Policy*.



PERCENT FOR PUBLIC ART POLICY

Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	Planning Manager
Affected Business Unit/s	Planning Services

PURPOSE:

This policy 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.

1. To facilitate public art that contributes towards creating a strong sense of place, which promotes the expression of local identity and responds to the culture and character of the community.
2. To facilitate public art that positively contributes to its streetscape.
3. To improve legibility by introducing public art which assists in making streets and buildings more identifiable.

POLICY STATEMENT:

This policy provides the parameters for which a percent contribution for public art may be taken for development with a construction value of \$1 million or greater.

The policy shall not be seen as replacing the developer's responsibility to provide a high quality development which positively interacts with the public realm, or to satisfy another condition of approval. Rather, the policy is a mechanism to further enhance a development's contribution to the public realm.

The policy applies where a development proposal on private property has a construction cost of \$1 million or greater and is a commercial, non-residential or mixed use development. The policy is to apply to all development proposals on private property. Those development proposals which do not require a local authority planning approval should utilise this policy as a guide for the implementation of the respective percent for art policy obligations, where applicable.

The cost of any public art provided under this policy is to be no less than 1% of the construction value of the eligible development proposal.

Type of Public Art

Public art is an original artistic work that is created by a professional artist and located for public accessibility. Public art is either clearly seen from the public realm, such as a street, park or urban plaza, or may be located in the public realm, to the satisfaction of the City of Bayswater.



Public art may be freestanding or integrated into building exteriors; or it may take the form of unique functional objects (such as seats or gates). Public art may include an interpretation of cultural heritage or place. Public art does not include:

- Advertisements, promotions, marketing or business logos;
- Directional elements such as supergraphics, signage or colour coding;
- 'Art objects' which are mass produced such as fountains, statuary or playground equipment;
- Most art reproductions, that is, the copying of an existing artwork without modification or interpretation;
- Landscaping or generic hardscaping elements which would normally be associated with the project;
- Services or utilities necessary to operate or maintain artworks; or
- Any discriminatory or offensive material or interpretation.

Professional Artist

Within this Policy, public art is required to be undertaken by a professional artist. A professional artist refers to a person who:

- Earns more than 50% of income from arts related activities, such as teaching, selling artwork or undertaking public art commissions; or
- Has a track record of exhibiting artworks; or
- Has a university qualification or high level technical college qualification in visual, graphic or fine art, or other art form where relevant.

Provision of Public Art

Under this policy public art may be provided by the owner/applicant, or by the City on behalf of the owner/applicant via a cash-in-lieu contribution.

The provision, installation and maintenance of public art will form a condition of planning approval. Where possible, it is recommended that the public art proposed for a development site is considered up-front as part of the development application, to ensure the proposed public art forms an intrinsic component of the development.

Cash-In-Lieu Option

Where the owner/applicant chooses the cash-in-lieu option, a cash-in-lieu payment of no less than 1% of the construction value is to be made to the City prior to submission for a building permit application. The funds will be held by the City in a trust fund and will only be expended after the development has been substantially commenced.

Cash-in-lieu payments will only be refunded to the owner/applicant if the development does not proceed or does not reach the stage of substantial commencement. If the development is substantially commenced the cash-in-lieu will not be refunded. Cash-in-lieu funds paid in relation to more than one development may be accrued for more comprehensive or detailed



public art projects as determined by the City. Any public art commissioned by the City under this policy will be owned and maintained by the City.

Owner/Applicant Provision of Public Art

All owner/applicant applications incorporating the provision of public art are to include the following:

1. Details of the artist's qualifications, experience and suitability for the project;
2. Detailed plans of the artwork(s) – to scale which include dimensions, materials, colours and installation details of the artwork and its relationship to the site;
3. A description of the artwork, including the motivation and meaning of the piece;
4. Details of cost calculations for the public art, including construction cost and the public art contribution costs. Contribution costs are limited to artist's fees, labour, materials, installation and naming plate. Building fabric that the art is attached to (such as fences and walls) or other construction costs are not to be included in the contribution cost;
5. Details of requirements and written consent from the artist for any ongoing care or maintenance of the artwork by the landowner(s); and
6. Written acknowledgement of the implications of the *Copyright Amendment (Moral Rights) Act 2000*, including how the artist will be acknowledged, consent for any required maintenance or relocation, and consent for the City of Bayswater to publish images of the artwork.

Artwork on Public Land

Artwork is typically provided onsite however, the City of Bayswater may consider artwork on public land, such as an adjacent street verge area, at the request of the owner/applicant.

Implementation by Owner/Applicant

Public artwork provided by the owner/applicant must be completed and installed prior to the first occupation of the new development, and maintained thereafter by the landowner(s).

All artwork is to be in a location where it is visible from the public realm for the life of the artwork.

Artworks that are low maintenance, robust, durable and resistant to vandalism will be encouraged. Artists will be required to present a copy of the maintenance schedule to the landowner(s) and City of Bayswater, at the completion of the commission.

All artwork is required to be identified with the artist's name, and the name of the artwork.

The landowner is to undertake the care, maintenance and ongoing management of the artwork in accordance with the artist's maintenance requirements.

Prior to the occupation of the development a final invoice(s) of the works associated with the commissioned artwork are to be provided to the City to demonstrate the costs of the artwork is not less than 1% of the construction value of the development.



Copyright of Artwork

Once an artwork has been completed and accepted by the City of Bayswater, copyright will be held mutually by the City of Bayswater and the artist. In practical terms, this means that the City of Bayswater has the right to reproduce extracts from the design documentation and photographic images of the artwork for non-commercial purposes such as annual reports, information brochures about the City and information brochures about the artwork. The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.

DEFINITIONS:

In this policy construction cost means all costs associated with site works, construction and full completion of a development, including all materials, labour, servicing, ancillary costs and GST. To ensure accurate calculation of public art contribution values the City of Bayswater, if necessary, may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction cost.

RELATED LEGISLATION:

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

RELATED DOCUMENTATION:

Nil.

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	25 June 2013
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	7 November 2017
Reviewed / Modified	Date	





Percent for Public Art Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This policy 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.

Scope

The policy applies where a development proposal on private property has a construction cost of \$1 million or greater and is a commercial, non-residential or mixed use development. The policy is to apply to all development proposals on private property. Those development proposals which do not require a local authority planning approval should utilise this policy as a guide for the implementation of the respective percent for art policy obligations, where applicable.

Objectives

1. To facilitate public art that contributes towards creating a strong sense of place, which promotes the expression of local identity and responds to the culture and character of the community.
2. To facilitate public art that positively contributes to its streetscape.
3. To improve legibility by introducing public art which assists in making streets and buildings more identifiable.

Definitions

For the purpose of this policy —

constructions cost means all costs associated with site works, construction and full completion of a development, including all materials, labour, servicing, ancillary costs and GST. To ensure accurate calculation of public art contribution values the City of Bayswater, if necessary, may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction cost.

Policy Statement

1. General

- a. This policy provides the parameters for which a percent contribution for public art may be taken for development with a construction value of \$1 million or greater.
- b. The policy shall not be seen as replacing the developer's responsibility to provide a high quality development which positively interacts with the public realm, or to satisfy another condition of approval. Rather, the policy is a mechanism to further enhance a development's contribution to the public realm.
- c. The cost of any public art provided under this policy is to be no less than 1% of the construction value of the eligible development proposal.

2. Type of Public Art

- a. Public art is an original artistic work that is created by a professional artist and located for public accessibility. Public art is either clearly seen from the public realm, such as a street, park or urban plaza, or may be located in the public realm, to the satisfaction of the City of Bayswater.
- b. Public art may be freestanding or integrated into building exteriors; or it may take the form of unique functional objects (such as seats or gates). Public art may include an interpretation of cultural heritage or place. Public art does not include:
 - i. Advertisements, promotions, marketing or business logos;
 - ii. Directional elements such as supergraphics, signage or colour coding;
 - iii. 'Art objects' which are mass produced such as fountains, statuary or playground equipment;
 - iv. Most art reproductions, that is, the copying of an existing artwork without modification or interpretation;
 - v. Landscaping or generic hardscaping elements which would normally be associated with the project;
 - vi. Services or utilities necessary to operate or maintain artworks; or
 - vii. Any discriminatory or offensive material or interpretation.

3. Professional Artist

- a. Within this Policy, public art is required to be undertaken by a professional artist. A professional artist refers to a person who:
 - i. Earns more than 50% of income from arts related activities, such as teaching, selling artwork or undertaking public art commissions; or
 - ii. Has a track record of exhibiting artworks; or
 - iii. Has a university qualification or high level technical college qualification in visual, graphic or fine art, or other art form where relevant.

4. Provision of Public Art

- a. Under this policy public art may be provided by the owner/applicant, or by the City on behalf of the owner/applicant via a cash-in-lieu contribution.
- b. The provision, installation and maintenance of public art will form a condition of planning approval. Where possible, it is recommended that the public art proposed for a development site is considered up-front as part of the development application, to ensure the proposed public art forms an intrinsic component of the development.

5. Cash-In-Lieu Option

- a. Where the owner/applicant chooses the cash-in-lieu option, a cash-in-lieu payment of no less than 1% of the construction value is to be made to the City prior to submission for a building permit application. The funds will be held by the City in a **trust fund reserve account** and will only be expended after the development has been substantially commenced.
- b. Cash-in-lieu payments will only be refunded to the owner/applicant if the development does not proceed or does not reach the stage of substantial commencement. If the development is substantially commenced the cash-in-lieu will not be refunded. Cash-in-lieu funds paid in relation to more than one development may be accrued for more comprehensive or detailed public art projects as determined by the City. Any public art commissioned by the City under this policy will be owned and maintained by the City.

6. Owner/Applicant Provision of Public Art

All owner/applicant applications incorporating the provision of public art are to include the following:

- a. Details of the artist's qualifications, experience and suitability for the project;
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7. Artwork on Public Land

- a. Artwork is typically provided onsite however, the City of Bayswater may consider artwork on public land, such as an adjacent street verge area, at the request of the owner/applicant.
- b. Public artwork provided by the owner/applicant must be completed and installed prior to the first occupation of the new development, and maintained thereafter by the landowner(s).
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- e. All artwork is required to be identified with the artist's name, and the name of the artwork.
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- g. Prior to the occupation of the development a final invoice(s) of the works associated with the commissioned artwork are to be provided to the City to demonstrate the costs of the artwork is not less than 1% of the construction value of the development.

8. Copyright of Artwork

- a. Once an artwork has been completed and accepted by the City of Bayswater, copyright will be held mutually by the City of Bayswater and the artist. In practical terms, this means that the City of Bayswater has the right to reproduce extracts from the design documentation and photographic images of the artwork for non-commercial purposes such as annual reports, information brochures about the City and information brochures about the artwork. The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.

Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Related Documentation

[List related documents]

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	low		
Strategic link	[link to Strategic Community Plan]		
Council adoption	25 June 2013	Resolution	[item no.]



Percent for Public Art Policy

Reviewed/modified	1 March 2016	Resolution	[item no.]
Reviewed/modified	7 November 2017	Resolution	[item no.]
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		
Next review due	[date]		

tracked changes



Percent for Public Art Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This policy 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.

Scope

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Objectives

1. To facilitate public art that contributes towards creating a strong sense of place, which promotes the expression of local identity and responds to the culture and character of the community.
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- c. Artwork is typically provided onsite however, the City of Bayswater may consider artwork on public land, such as an adjacent street verge area, at the request of the owner/applicant.
- a. Public artwork provided by the owner/applicant must be completed and installed prior to the first occupation of the new development, and maintained thereafter by the landowner(s).
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Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Related Documentation

[List related documents]

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	low		
Strategic link	[link to Strategic Community Plan]		
Council adoption	25 June 2013	Resolution	[item no.]



Percent for Public Art Policy

Reviewed/modified	1 March 2016	Resolution	[item no.]
Reviewed/modified	7 November 2017	Resolution	[item no.]
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		
Next review due	[date]		

draft

9.3.2 New Local Planning Policy: Child Care Premises

Responsible Branch:	Community Planning
Responsible Directorate:	Community Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Draft Policy [9.3.2.1 - 6 pages]
Refer:	Item: 10.5.1.3.2 OCM: 09.12.2025
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

The proposed *Child Care Premises Local Planning Policy* has been prepared to support clear, consistent and high-quality outcomes for the community, applicants, designers, operators and City officers. The draft local planning policy aims to provide greater clarity on the City's expectations while supporting the delivery of well-designed child care facilities in appropriate locations.

The draft Policy was publicly advertised with one submission received in support. Further detail on the submission and officer response is provided in the Officer Comments section.

Council consideration is now sought on the outcomes of community engagement and final adoption of the *Child Care Premises Local Planning Policy*.

OFFICER'S RECOMMENDATION

That Council:

- Notes the outcomes of community engagement.**
- Adopts the *Child Care Premises Local Planning Policy* as contained in Attachment 1.**

BACKGROUND

Council at its Ordinary Meeting held on 11 February 2020 adopted the *Non-residential Uses in Residential Zones Local Planning Policy* and revoked the *Child Day Care Centres Local Planning Policy*. As part of the 2025 review of the *Non-residential Uses in Residential Zones Local Planning Policy*, it was identified that the high volume of applications, and unique characteristics of child care premises provided sufficient rationale for a dedicated local planning policy. Council resolved to "support the City preparing a Child Care Premises Local Planning Policy for further consideration by Council" at the Ordinary Meeting held on 28 January 2025.

The review and preparation of the draft LPP used the Department of Planning, Lands and Heritage's (DPLH) draft *Position Statement: Child care premises* as a guide to the overall policy approach including identifying key development provisions which includes:

- Location suitability
- Noise and emissions
- Amenity and environment
- Building design, layout and car parking

- Traffic and vehicle access
- Land use permissibility.

Council at its Ordinary Meeting held on 9 December 2025 adopted the draft *Child Care Premises Local Planning Policy* for public advertising.

EXTERNAL CONSULTATION

A copy of the draft local planning policy was advertised for a period of 22 days from Thursday, 26 February 2026 to Friday, 20 March 2026, by way of:

- Information being placed on the City's engagement website, Engage Bayswater;
- Public Notice on the City's website;
- Notification in the Perth Now newspaper on Thursday 26 February 2026;
- A letter sent to all child care premises within the City of Bayswater, including those with recent development applications; and
- Hard copy of the documentation made available for inspection at the City's Civic Centre and libraries.

During the consultation period one submission was received in support of the draft local planning policy. The comments received are addressed in the Officer comments below.

OFFICER'S COMMENTS

The one submission received during the consultation period was in support of the local planning policy, however provided additional comment for the City's consideration. This is addressed in the table below:

Submitter Comment	City Response
Consideration to be given to multi-purpose use of child care premises outside of operating hours (e.g., places of worship, community groups/events) as a domain of quality for childcare centres is their community involvement (ACECQA Quality Area 6) The current operating hours are vague on operation on Sunday. The ability to build community connection on both weekend days, when a community is present or gathering, would be a valuable opportunity to achieve meaningful connection and cooperation.	The policy relates to the provisions for child care premises as defined under TPS 24 and applicable legislation. Use of the premises for a land use outside of the child care premises definition may require separate approval. Incidental land uses and operation outside of the hours and days specified, can be contemplated where it can be demonstrated that the use will not impact on the amenity of the surrounding area.

It is considered that no modifications to the local planning policy are necessary as sufficient approval and assessment mechanisms exist to consider this scenario.

A copy of the advertised version of the *Child Care Premises Policy* is contained in **Attachment 1**. No modifications are proposed as a result of community engagement.

Relationship to the *Non-residential Uses in Residential Zones Local Planning Policy*

As stated above, the City receives a high volume of development applications for child care premises within residential zones. *Town Planning Scheme No. 24* includes development

standards for child care premises, however these are broad and apply across all zones of the City. The *Non-residential Uses in Residential Zones Local Planning Policy* provides guidance to mitigate amenity impacts within residential areas, however this policy is also broad and applies to all land use classes. Given that the *Non-residential Uses in Residential Zones Local Planning Policy* does not include child care premises-specific provisions, it does not require amendment and can continue to operate effectively for any other land use proposed within residential zones.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for creating a local planning policy. Clause 4 of Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government publish notice of the policy in accordance with Clause 87.

RISK MANAGEMENT CONSIDERATION

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

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

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Built

Outcome 2.1 A Connected and Accessible City

Objective 2.1.2 Create liveable neighbourhoods and centres that include consideration of our built heritage.

Key Result Area: Economic

Outcome 4.1 Diverse Economic Opportunities

Objective 4.1.2 Support mixed-use precincts and developments.

CONCLUSION

It is recommended that the advertised version of the *Child Care Premises Local Planning Policy* is adopted.



Child Care Premises Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

Child care premises are an essential community service that are provided by both the public and private sector. The purpose of this policy is to provide clear direction on appropriate locations for **child care premises** within the City of Bayswater. This policy seeks to ensure that **child care premises** are designed and located to ensure the health and safety of children, and to preserve the amenity of the City's neighbourhoods.

Scope

1. This policy applies to all proposals for **child care premises** within the City of Bayswater, on zoned and reserved land.
2. Where this policy is inconsistent with City of Bayswater *Town Planning Scheme No. 24 (TPS 24)*, a structure plan or local development plan, the provisions of that planning instrument shall prevail to the extent of the inconsistency.

Objectives

The objectives of this policy are to:

1. Encourage **child care premises** to be co-located with education facilities, or within activity centres, station precincts or urban corridors to facilitate multi-purpose trips and access to public transport.
2. Establish suitable locational criteria to ensure that **child care premises** are compatible with the established or desired context.
3. Ensure the design of **child care premises** is compatible with, and minimises adverse amenity impacts on, adjoining land uses and the locality.
4. Appropriately manage and minimise traffic, safety and amenity impacts of **child care premises** within residential areas.
5. Ensure the design of **child care premises** respects the established or desired built form, landscape and streetscape character of the locality.
6. Ensure the landscaping of all **child care premises** is provided to a standard which mitigates development impacts on the amenity of the locality, and positively contributes to the desired streetscape character.

Definitions

For the purpose of this policy —

child care premises means premises —

- (a) where an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) where a child care service as defined in the *Child Care Services Act 2007* section 4 is provided; or
- (c) that is a 'child day care centre' as defined in TPS 24.

family day care means premises —

- (a) where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided; or
- (b) as defined in TPS 24.

Policy Statement

1. Exempted Development

Development Approval of the City is not required for **family day care** in the following circumstances:

- a. The **family day care** offers education and care for no more than seven children aged from birth to 13 years, including the educators' own children in the educators' own home; and
- b. The **family day care** offers education and care to no more than four children below pre-primary school age; and
- c. The **family day care** operates within the standards of the Children and Community Services Act 2004; and
- d. The **family day care** is located in the Centre, Residential, Medium and High Density Residential, Mixed Use or Maylands Activity Centre zone.

2. Locational Requirements

The following characteristics are considered suitable for the location of a child care premises:

- a. On, or adjacent to a school site or appropriate Public Purposes reserve; and/or
- b. Abutting non-residential land uses; and/or
- c. Corner sites with frontage to a local or district distributor road, or Other Regional Road reserve; and/or
- d. Within or abutting an activity centre or station precinct; and/or
- e. Within an urban corridor or local centre identified in the Local Planning Strategy; and/or

- f. Within 200 metres of a high frequency public transport station or stop; and
- g. With adequate pedestrian/cycle infrastructure such as footpaths/dual use paths; and
- h. Where the impacts of vehicle access and traffic movements on the safety and operation of the road network and amenity of adjoining properties is minimised; and
- i. Where **child care premises** can be designed to prevent conflict with residential amenity.

3. Building Design Requirements

- a. Design of **child care premises** is to comply with the development standards of any local planning scheme in effect and/or any any applicable structure plan, local development plan or local planning policy.
- b. Design of **child care premises** is to address the design principle of State Planning Policy 7.0, including any advice of the City's Design Review Panel.
- c. **Child care premises** should incorporate active street frontages at the ground and upper floors and may include unobscured window openings and outdoor play areas to encourage street activation and surveillance.
- d. Parking areas should be located at the rear of the building and/or screened from the street.
- e. Outdoor play areas should be located to minimise noise impacts on adjoining noise sensitive land uses.
- f. Air conditioners and all other mechanical/plan equipment are to be screened from view from the street and/or located at the rear of the building, where practicable.
- g. Bin storage areas to be:
 - i. Screened from view by a wall not less than 1.8 metres in height and located behind the primary street setback; and
 - ii. Accessible to waste collection vehicles and not conflict with car parking and vehicular and pedestrian access; and
 - iii. Designed and located to not result in adverse amenity impacts to adjoining residential properties due to odour or noise.

4. Traffic, Access and Car Parking Requirements

- a. Vehicle access should be provided from a local or district distributor road or other regional road.
- b. Corner sites with frontage to a primary regional road (e.g. Morley Drive or Guildford Road) should provide vehicle access from the lower-order road.
- c. Parking areas should be designed to enable vehicle to enter and exit in forward gear.
- d. Vehicle crossovers and parking areas should be located to avoid existing street trees.

- e. All vehicle movements and traffic circulation should be contained wholly within the lot.
- f. Safe pedestrian pathways should be provided between car parking areas and pedestrian access points.
- g. The number of car parking bays provided is to be in accordance with the requirements of TPS 24.
- h. The City's *Car Parking Dispensation* Local Planning Policy may be applied to **child care premises**.
- i. All required car parking bays shall be provided within the development site. The street verge shall not be relied upon and will not be supported to justify a shortfall.
- j. Tandem parking or the use of car stackers or similar will generally not be supported unless it is provided for staff parking only and can be appropriately controlled and managed without amenity impacts such as noise or additional vehicle movements.
- k. Bicycle parking shall be provided at a ratio of one bay per 10 staff.

5. Fencing and Landscaping

- a. Front fences within the primary street setback area shall be visually permeable above 1.2 metres of natural ground level, measured from the primary street side of the front fence.
- b. Front fences shall not exceed a maximum height of 1.8 metres above natural ground level, measured from the primary street side of the front fence.
- c. A sufficient dividing fence shall be provided in accordance with the City's *Fencing and Floodlighting* Local Law.
- d. Landscaping is to be provided in accordance with the requirements of TPS 24, and the City's *Landscaping and Sustainability in Design* local planning policies.

Application Requirements

1. The following information is required to be submitted with all applications for development approval for **child care premises**:
 - a. Site plan and architectural drawings including elevations and rendered streetscape images;
 - b. Operational Management Plan including the number of staff and children by age group;
 - c. Transport Impact Assessment (TIA) or Transport Impact Statement (TIS) as applicable;
 - d. Car Parking Management Plan;
 - e. Environmental Noise Acoustic Assessment;
 - f. Amenity Impact Assessment;
 - g. Transport Noise Mitigation Assessment for developments within the trigger distance of transport noise sources in accordance with *State Planning Policy 5.4 – Road and Rail Noise*;

- h. Waste Management Plan;
 - i. Outdoor Lighting Plan; and
 - j. Signage Strategy
2. The Operational Management Plan shall include the following:
 - a. Hours of operation being limited to between 7:00am and 7:00pm weekdays and Saturdays, unless it can be demonstrated that the use will not impact on the amenity of surrounding properties.
 - b. Servicing and deliveries to take place during operational hours, but not during peak morning drop-off or peak afternoon pick-up periods.
3. The TIS or TIA shall be prepared by a suitably qualified professional in accordance with the Western Australian Planning Commission *Transport Impact Assessment Guidelines (Volume 4)* to the satisfaction of the City.
4. Acoustic Assessments and Noise Management Plans shall be prepared by a suitably qualified professional to determine the noise impacts of the development and demonstrate that the proposal can adequately mitigate those impacts on adjoining noise sensitive land uses to the satisfaction of the City. Where mitigation measures are recommended, they shall be thereafter implemented and maintained to the satisfaction of the City.
5. Amenity Impact Assessments shall be prepared by a suitably qualified and/or experienced planning, architectural or urban design professional for all child care premises within or abutting residential zones or other noise sensitive land uses, and shall address the following:
 - a. Context analysis for the locality;
 - b. How the development satisfies the requirements of the applicable planning framework, including TPS 24 and any applicable structure plan, local development plan or local planning policy;
 - c. Design considerations which mitigate negative impacts on the amenity of adjacent properties and the locality; and
 - d. Measures proposed to address and mitigate adverse amenity impacts that could result from the development, including impacts to residential properties and visual amenity.

Related Legislation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Other related legislation includes:

- *City of Bayswater Town Planning Scheme No. 24*
- *Education and Care Services National Law (WA) 2012*



Child Care Premises Policy

- *Education and Care Services National Regulations (WA) 2012*
- *Environmental Protection (Noise) Regulations 1997*
- *Food Act 2008*
- *Food Regulations 2009*

Related Documentation

- Western Australian Planning Commission - *Draft Position Statement: Child Care Premises*

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	low		
Strategic link	[link to Strategic Community Plan]		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		

9.3.3 New Local Planning Policy: Development Approval Exemptions

Responsible Branch:	Community Planning
Responsible Directorate:	Community Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Advertised Draft Policy [9.3.3.1 - 4 pages] 2. Policy with Tracked Changes [9.3.3.2 - 4 pages] 3. Final Draft Policy [9.3.3.3 - 4 pages] 4. Temporary and Minor Development Policy [9.3.3.4 - 4 pages]
Refer:	Item: 10.5.1.3.1 OCM: 24.02.2026
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with section 5.23 of the Local Government Act 1995.

SUMMARY

The City has identified a range of minor, straightforward and low-impact forms of development that are suitable to be exempt from the requirement for development approval. The proposed exemptions represent a practical planning reform that will make it easier for residents to invest in their properties, support local businesses to invest and grow, and undertake development that is already anticipated by the planning framework.

The exemptions have been carefully developed to apply only where planning impacts are limited and compliance with established planning controls can be readily demonstrated. Exemptions have only been proposed where development is not expected to adversely affect residential amenity, heritage values, neighbourhood character or the public streetscape. Development will still be required to comply with the City of Bayswater Town Planning Scheme No. 24, the Residential Design Codes and any applicable local planning policies or structure plans.

The policy will reduce unnecessary red tape, improve certainty, lower costs and shorten project timeframes for residents and businesses. It will also enable City planning resources to be focused on more complex and higher-impact proposals, improving service delivery and contributing to a faster, more efficient and customer-focused planning system. Importantly, the proposed exemptions do not remove appropriate regulatory oversight, with building permits and other statutory approvals continuing to apply where required to ensure compliance with relevant building, safety and legislative standards.

Council consideration is sought on the outcomes of community engagement and final adoption of the amended Development Approval Exemptions Local Planning Policy, which will support investment, reduce regulatory burden and deliver a more efficient and contemporary planning framework for the City.

OFFICER'S RECOMMENDATION

That Council:

1. **Notes the outcomes of community engagement as discussed in the report.**
2. **Adopts the *Development Approval Exemptions Local Planning Policy* as contained in Attachment 3.**

3. Revokes the *Temporary and Minor Development Local Planning Policy* as contained in Attachment 4.

BACKGROUND

Council, at the 26 August 2025 Ordinary Meeting, resolved (in part) to “authorise the deferral of all scheduled reviews of City of Bayswater local planning policies remaining in 2025 and 2026”. The intent of this deferral was to enable the City to carry out a holistic review of the local planning policy framework. This includes undertaking out-of-cycle reviews and the preparation of new policies to streamline the City’s policy framework and support the implementation of draft *Local Planning Scheme No. 25*.

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) contains a number of categories of development, both land uses and works, which are exempt from requiring development approval, as well as the specific conditions for each exemption. Table Item 20 of clause 61(1) states the following works are also exempt:

	Column 1 Works	Column 2 Conditions
20.	Works specified in a local planning policy or local development plan that applies to the works that do not require development approval (other than works referred to in Item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.

The local planning policy was initiated following a review by the City which identified a number of categories of minor and low-impact development that, by exempting the requirement for development approval, have the potential to improve our community's experience when undertaking development within the City without compromising the amenity of the local area.

Council at its Ordinary Meeting held on 24 February 2026 adopted the draft *Development Approval Exemptions Policy* for public advertising (see Attachment 1).

EXTERNAL CONSULTATION

A copy of the draft local planning policy was advertised for a period of 28 days from Friday, 13 March 2026 to Friday, 10 April 2026 by way of:

- Information being placed on the City’s engagement website, Engage Bayswater;
- Public Notice on the City’s website;
- Notification in the Perth Now newspaper on Thursday 19 March 2026; and
- Hard copy of the documentation made available for inspection at the City’s Civic Centre and libraries.

During the consultation period, three submissions were received; two in support, and one objecting. The comments received are addressed in the officer comments below.

OFFICER'S COMMENTS

During the consultation period, one submission was received in objection and two submissions were received in support of the draft local planning policy. The submissions in support of the policy were from residents within the City of Bayswater, with one submission detailing their support as the policy would “speed up” the planning process.

The objection to the policy related to the exemption of cubby houses, specifically floor and building height and impacts on privacy. The comments and the Officer’s response are detailed in the table below:

Submitter Comment	City Response
The R-Codes principles require residential development to minimise overlooking and protect the reasonable privacy of adjoining properties. The 4m height allowable for cubby houses is inconsistent with the principles.	The cubby house exemption requirements contained in the draft LPP were intended to provide more flexibility for structures which are considered to have minimal impact on surrounding properties given they are not utilised for extended periods of time and are not habitable buildings. The City notes the comments received in relation to the height of 4m. Although not clearly stated, the 4m height was the maximum permitted height of the overall structure from natural ground level (ngl), rather than being the proposed floor level (i.e 4m total building height above the permissible 2m max floor height). In considering the submission received, the privacy impact, the existing exemptions in the LPS Regulations and Building Regulations, the cubby house provisions are recommended to be removed from the policy, and the exemptions contained with the LPS Regulations will apply. Anything exceeding these requirements will require a development application. The provisions in the LPS Regulations will assist in reducing the overall privacy impact on adjoining properties, however it should be noted that there is still the potential for an exempt cubby house structure to be visible above a standard dividing fence.
A cubby house up to 4m in height is more than double the typical boundary fence height of 1.8m. This effectively creates an elevated structure that can directly look into neighbouring properties, including private open spaces areas and habitable rooms.	
The cubby house provision is not considered to be consistent with the policy, with the policy defining exempt development as 'low impact' or 'minor' as: • The height significantly exceeds standard fencing and screening intended to protect privacy; • The permitted floor height (up to 2 metres above ground level) enables direct lines of sight into adjoining properties; • The structure may function as a raised viewing platform rather than a simple play structure; • The potential for noise and visual intrusion is increased due to elevation.	
Allowing cubby house structures to be exempt removes the opportunity for development assessment, neighbour consultation, and the application of design measures to mitigate overlooking, which are core principles of residential planning.	
Other local governments generally apply more restrictive controls to similar structures, with lower height thresholds or requirements for approval where overlooking may occur. The proposed 4 metre exemption is excessive and inconsistent with established planning practice.	
Recommendation: • The maximum height for exempt cubby houses be reduced to no more than legal fence height; • Any cubby house with a raised floor level be subject to development approval; and	

Submitter Comment	City Response
Consideration be given to increased setbacks or mandatory screening to prevent overlooking. These changes would ensure that only genuinely low-impact structures are exempt, while maintaining appropriate protections for privacy, amenity, and neighbourhood harmony.	

In considering the submissions received and the existing exemptions in the LPS Regulations, minor modifications are proposed to the policy. The draft amended *Development Approval Exemptions Local Planning Policy* with tracked changes is contained in **Attachment 2**.

The table below outlines the recommended changes to the draft local planning policy:

Revision	Rationale
Remove Cubby Houses (Clause 6c) from the advertised version of the policy. Minor formatting and numbering changes. Renumber clauses accordingly.	Cubby houses are already exempt in the LPS Regulations, subject to the following conditions: <i>The cubbyhouse is not erected or installed in the street setback area of a building.</i> <i>The floor of the cubbyhouse is no more than 1 m above the natural ground level.</i> <i>The wall height of the cubbyhouse is no more than 2.4 m above the natural ground level.</i> <i>The building height of the cubbyhouse is no more than 3 m above the natural ground level.</i> <i>The area of the floor of the cubbyhouse is no more than 10 m².</i> <i>The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.</i> The cubby house exemption contained in the draft LPP increased the permitted overall and floor height by 1m. In considering the additional parameters, alongside the concerns raised with the heights and the impact on privacy, the standards within the LPS Regulations are considered adequate and more aligned with the intent of 'minor development'. The LPS Regulations also already ensure that cubby houses can be exempt from requiring development approval and therefore excluding them from the City's policy will not result in low scale cubby houses needing development approval.

	The existing LPS Regulations exemption is more closely aligned with the <i>Building Regulations 2012</i> exemptions, with cubby houses which are less than 10m ² and 2.4m high being exempt from requiring a building permit.
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Planning Reform

The City understands that the Department of Planning, Lands and Heritage is currently investigating expansion of cl. 61(1) exemptions, including the exemption of grouped dwellings where they meet the deemed-to-comply requirements of the R-Codes. This has not yet been formally progressed to a draft amendment of the LPS Regulations, however it is considered that the City's *Development Approval Exemptions Local Planning Policy* is generally consistent with the intent of this amendment. Should this amendment proceed, the exemption in the LPS Regulations will prevail if it exceeds the City's exemption. A minor administrative amendment to reflect this change within the local planning policy can be undertaken by the City if/when this occurs.

Temporary and Minor Development

During preparation of the draft local planning policy, some overlap in intent and provisions was identified with the City's *Temporary and Minor Development Local Planning Policy*. Relevant provisions and definitions contained within the *Temporary and Minor Development Local Planning Policy* have been included in the draft *Development Approval Exemptions Local Planning Policy*. The draft *Development Approval Exemptions Local Planning Policy* offers greater flexibility and utility than the *Temporary and Minor Development Local Planning Policy* and is anticipated to enhance the customer experience while streamlining approval processes.

Given that the provisions of the *Temporary and Minor Development Local Planning Policy* can be adequately administered by the *Development Approval Exemptions Local Planning Policy*, it is recommended that the *Temporary and Minor Development Local Planning Policy* is revoked.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for creating a local planning policy. Clause 4 of Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government publish notice of the policy in accordance with Clause 87.

Cl.61(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out works which are exempt from requiring development approval, and the conditions under which they are exempt. Cl. 61(1) also provides that local government may exempt additional works through a local planning policy.

Schedule 2 Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the statutory head of power to authorise the City to exempt works components of development through 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	Medium
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. SR05 - Inability to manage stakeholder expectation through early and ongoing engagement.	

FINANCIAL IMPLICATIONS

The intent of the draft local planning policy is for fewer minor development applications to be required. This will have the impact of less application fees being received by the City. The development application fee for works less than \$50,000 is \$147.00, with the majority of exempt works likely to fall within this category.

Given the above, it is considered that the financial implications will be low and will be offset by operational efficiencies; allowing Officer time to be spent on more complex development applications and improving customer experience.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Built
Outcome 2.1 A Connected and Accessible City
Objective 2.1.2 Create liveable neighbourhoods and centres that include consideration of our built heritage.

Key Result Area: Leadership and Governance
Outcome 5.2 Stakeholder Leadership
Objective 5.2.2 Provide excellent customer service and ensure the City is easy to do business with.

Key Result Area: Leadership and Governance
Outcome 5.3 Optimised Performance
Objective 5.3.1 Focus on operational efficiency, effective delivery and innovation to ensure our services are fit for purpose, contemporary and secure.

CONCLUSION

The City is reviewing and amending the local planning framework to support implementation of *Local Planning Scheme No. 25*. As part of this review and reform project, the City has identified a number of minor and low-impact categories of development which currently require Development Approval, but which have minimal impact on local amenity where clear conditions are met. It is anticipated that the *Development Approval Exemptions Local Planning Policy* will streamline development within the City and improve customer experience, while creating operational efficiencies for Officers.

In light of the above, it is recommended that Council adopts the amended draft *Development Approval Exemptions Local Planning Policy*, as contained in **Attachment 3**, and revokes the *Temporary and Minor Development Local Planning Policy*, as contained in **Attachment 4**.

Development Approval Exemptions Policy

Responsible Division	Office of the CEO
Responsible Business Unit	Property and Economic Development
Responsible Officer	Manager Property and Economic Development
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This policy outlines the conditions and requirements for categories of development within the City of Bayswater to be exempt from requiring Development Approval. These exemptions are in addition to those specified in cl.61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Development for which development approval is not required*, and is prepared pursuant to table item 20 of cl.61(1).

Scope

1. This Policy applies to all land within the City of Bayswater subject to *Town Planning Scheme No. 24* (TPS 24), including development in residential and non-residential zones, unless otherwise stated.
2. The scope of this policy is limited to providing additional pathways for exempted development. It does not apply to the assessment of development applications and does not replace, modify, or supplement any development standards.
3. This policy does not apply to:
 - (a) Land or buildings entered on the State Register of Heritage Places under the *Heritage Act 2018*; or
 - (b) Land or buildings the subject of an order under the *Heritage Act 2018* Part 4 or Part 11, Division 4; or
 - (c) Land or buildings included on the City of Bayswater Heritage List; or
 - (d) Land or buildings within an area designated under TPS 24 as a Heritage Area; or
 - (e) Land or buildings subject to a Heritage Agreement entered into under the *Heritage Act 2018*; or
 - (f) Development required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
 - (g) Land subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - (h) Development which includes the removal of trees.

4. This policy does not exempt any requirement for approval to be sought under other legislation (e.g. the *Building Act 2011*).

Objectives

1. To streamline and support development within the City of Bayswater by exempting low impact categories of development.
2. To establish clear criteria and definitions of low impact development.
3. To provide flexibility for minor works that align with the existing and desired context envisioned in TPS 24, the Local Planning Strategy, and other relevant local planning frameworks.

Definitions

Terms have the meanings given in TPS 24, the Residential Design Codes or the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

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

Policy Statement

Temporary and Minor Development

Exempt where the development:

1. Is in place for no more than 6 months cumulatively within a 12-month period; or
2. Is the replacement of a previously approved structure/building of similar setbacks and height; and
3. Development has no significant effect on the operation of an existing land use or the appearance of the land or buildings; and
4. Any structures are located outside of any visual sightline areas (i.e. truncations), to maintain safe pedestrian and vehicular access.

Works Exempt from Requiring Development Approval

Refer to cl. 61(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for works for which development approval is not required, in addition to the following.

1. Additions and Alterations to Existing Non-Residential Buildings

Exempt where the development:

- (a) Does not increase the overall building height;
- (b) There is no proposed change or new land use as part of the proposed development; and
- (c) Meets all requirements of TPS 24 and the applicable local planning framework.

2. Additions to Grouped Dwellings

Exempt where the development:

- (a) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the applicable local planning framework.

3. New Grouped Dwellings

Exempt where the development:

- (a) Proposes no greater than three dwellings on a single parent lot; and
- (b) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the relevant local planning framework.

4. Advertisements (Signage) on City owned/managed land

All signage is exempt from development approval where it is installed by the City of Bayswater, or with the City's written approval, on land under the City's care, control and management.

5. Advertisements (Signage) on private land

Exempt where:

- (a) The signage meets all requirements of the City of Bayswater *Signage Policy*.
- (b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.
- (c) The signage does not contain moving, flashing lights, noise, digital screens, or electronic variable messaging.
- (d) The signage is compatible with the amenity, safety, heritage values, and streetscape character of the locality, and does not adversely impact motorists, pedestrians, or cyclists.

6. Incidental Structures:**a. Solar Panels/Collectors**

Exempt where the overall height (inclusive of the solar panels) does not exceed the permitted building height limits that apply to the site.

b. Water Tanks

Exempt where:

- i. The tank is not located between the primary street and building (unless entirely underground).
- ii. The tank does not exceed a height of 3m (as measured from natural ground level).

c. Cubby Houses

Exempt where:

- i. The cubby house is not located between the primary street and building .
- ii. The overall height of the cubby house does not exceed 4 metres tall.
- iii. The floor of the cubbyhouse is no more than 2 metres above the natural ground level.
- iv. The floor area of the cubby house does not exceed 10m².
- v. The cubby house is not within 1 metre of a lot boundary.

d. Sales Offices

Exempt where the sales office is in place for less than 6 months cumulatively within a 12-month period.

e. Pergolas / Shade Sails

Exempt in all scenarios.

Uses Exempt from Requiring Development Approval

Refer to cl. 61(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for land uses for which development approval is not required.

Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015.

Town Planning Scheme No. 24.

Heritage Act 2018

Building Act 2011

City of Bayswater Signage Policy

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	4.1. Diverse Economic Opportunities 5.3 Optimised Performance		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		

Development Approval Exemptions Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This policy outlines the conditions and requirements for categories of development within the City of Bayswater to be exempt from requiring Development Approval. These exemptions are in addition to those specified in cl.61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Development for which development approval is not required*, and is prepared pursuant to table item 20 of cl.61(1).

Scope

1. This Policy applies to all land within the City of Bayswater subject to *Town Planning Scheme No. 24 (TPS 24)*, including development in residential and non-residential zones, unless otherwise stated.
2. The scope of this policy is limited to providing additional pathways for exempted development. It does not apply to the assessment of development applications and does not replace, modify, or supplement any development standards.
3. This policy does not apply to:
 - (a) Land or buildings entered on the State Register of Heritage Places under the *Heritage Act 2018*; or
 - (b) Land or buildings the subject of an order under the *Heritage Act 2018* Part 4 or Part 11, Division 4; or
 - (c) Land or buildings included on the City of Bayswater Heritage List; or
 - (d) Land or buildings within an area designated under TPS 24 as a Heritage Area; or
 - (e) Land or buildings subject to a Heritage Agreement entered into under the *Heritage Act 2018*; or
 - (f) Development required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
 - (g) Land subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - (h) Development which includes the removal of trees.

4. This policy does not exempt any requirement for approval to be sought under other legislation (e.g. the *Building Act 2011*).

Objectives

1. To streamline and support development within the City of Bayswater by exempting low impact categories of development.
2. To establish clear criteria and definitions of low impact development.
3. To provide flexibility for minor works that align with the existing and desired context envisioned in TPS 24, the Local Planning Strategy, and other relevant local planning frameworks.

Definitions

Terms have the meanings given in TPS 24, the Residential Design Codes or the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

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

Policy Statement

Temporary and Minor Development

Exempt where the development:

1. Is in place for no more than 6 months cumulatively within a 12-month period; or
2. Is the replacement of a previously approved structure/building of similar setbacks and height; and
3. Development has no significant effect on the operation of an existing land use or the appearance of the land or buildings; and
4. Any structures are located outside of any visual sightline areas (i.e. truncations), to maintain safe pedestrian and vehicular access.

Works Exempt from Requiring Development Approval

Refer to cl. 61(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for works for which development approval is not required, in addition to the following.

1. Additions and Alterations to Existing Non-Residential Buildings

Exempt where the development:

- (a) Does not increase the overall building height;
- (b) There is no proposed change or new land use as part of the proposed development; and
- (c) Meets all requirements of TPS 24 and the applicable local planning framework.

2. Additions to Grouped Dwellings

Exempt where the development:

- (a) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the applicable local planning framework.

3. New Grouped Dwellings

Exempt where the development:

- (a) Proposes no greater than three dwellings on a single parent lot; and
- (b) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the relevant local planning framework.

4. Advertisements (Signage) on City owned/managed land

All signage is exempt from development approval where it is installed by the City of Bayswater, or with the City's written approval, on land under the City's care, control and management.

5. Advertisements (Signage) on private land

Exempt where:

- (a) The signage meets all requirements of the City of Bayswater *Signage Policy*.
- (b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.
- (c) The signage does not contain moving, flashing lights, noise, digital screens, or electronic variable messaging.
- (d) The signage is compatible with the amenity, safety, heritage values, and streetscape character of the locality, and does not adversely impact motorists, pedestrians, or cyclists.

6. Incidental Structures:**a. Solar Panels/Collectors**

Exempt where the overall height (inclusive of the solar panels) does not exceed the permitted building height limits that apply to the site.

b. Water Tanks

Exempt where:

- i. The tank is not located between the primary street and building (unless entirely underground).
- ii. The tank does not exceed a height of 3m (as measured from natural ground level).

~~c. Cubby Houses~~

~~Exempt where:~~

- ~~i. The cubby house is not located between the primary street and building.~~
- ~~ii. The overall height of the cubby house does not exceed 4 metres tall.~~
- ~~iii. The floor of the cubbyhouse is no more than 2 metres above the natural ground level.~~
- ~~iv. The floor area of the cubby house does not exceed 10m².~~
- ~~v. The cubby house is not within 1 metre of a lot boundary.~~

c. ~~e.~~ Sales Offices

Exempt where the sales office is in place for less than 6 months cumulatively within a 12-month period.

d. ~~e.~~ Pergolas / Shade Sails

Exempt in all scenarios.

Uses Exempt from Requiring Development Approval

Refer to cl. 61(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for land uses for which development approval is not required.

Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015.

Town Planning Scheme No. 24.

Heritage Act 2018

Building Act 2011

City of Bayswater Signage Policy

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	4.1. Diverse Economic Opportunities 5.3 Optimised Performance		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		

Development Approval Exemptions Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This policy outlines the conditions and requirements for categories of development within the City of Bayswater to be exempt from requiring Development Approval. These exemptions are in addition to those specified in cl.61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Development for which development approval is not required*, and is prepared pursuant to table item 20 of cl.61(1).

Scope

1. This Policy applies to all land within the City of Bayswater subject to *Town Planning Scheme No. 24* (TPS 24), including development in residential and non-residential zones, unless otherwise stated.
2. The scope of this policy is limited to providing additional pathways for exempted development. It does not apply to the assessment of development applications and does not replace, modify, or supplement any development standards.
3. This policy does not apply to:
 - (a) Land or buildings entered on the State Register of Heritage Places under the *Heritage Act 2018*; or
 - (b) Land or buildings the subject of an order under the *Heritage Act 2018* Part 4 or Part 11, Division 4; or
 - (c) Land or buildings included on the City of Bayswater Heritage List; or
 - (d) Land or buildings within an area designated under TPS 24 as a Heritage Area; or
 - (e) Land or buildings subject to a Heritage Agreement entered into under the *Heritage Act 2018*; or
 - (f) Development required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
 - (g) Land subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - (h) Development which includes the removal of trees.

4. This policy does not exempt any requirement for approval to be sought under other legislation (e.g. the *Building Act 2011*).

Objectives

1. To streamline and support development within the City of Bayswater by exempting low impact categories of development.
2. To establish clear criteria and definitions of low impact development.
3. To provide flexibility for minor works that align with the existing and desired context envisioned in TPS 24, the Local Planning Strategy, and other relevant local planning frameworks.

Definitions

Terms have the meanings given in TPS 24, the Residential Design Codes or the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

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

Policy Statement

Temporary and Minor Development

Exempt where the development:

1. Is in place for no more than 6 months cumulatively within a 12-month period; or
2. Is the replacement of a previously approved structure/building of similar setbacks and height; and
3. Development has no significant effect on the operation of an existing land use or the appearance of the land or buildings; and
4. Any structures are located outside of any visual sightline areas (i.e. truncations), to maintain safe pedestrian and vehicular access.

Works Exempt from Requiring Development Approval

Refer to cl. 61(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for works for which development approval is not required, in addition to the following.

1. Additions and Alterations to Existing Non-Residential Buildings

Exempt where the development:

- (a) Does not increase the overall building height;
- (b) There is no proposed change or new land use as part of the proposed development; and
- (c) Meets all requirements of TPS 24 and the applicable local planning framework.

2. Additions to Grouped Dwellings

Exempt where the development:

- (a) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the applicable local planning framework.

3. New Grouped Dwellings

Exempt where the development:

- (a) Proposes no greater than three dwellings on a single parent lot; and
- (b) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the relevant local planning framework.

4. Advertisements (Signage) on City owned/managed land

All signage is exempt from development approval where it is installed by the City of Bayswater, or with the City's written approval, on land under the City's care, control and management.

5. Advertisements (Signage) on private land

Exempt where:

- (a) The signage meets all requirements of the City of Bayswater *Signage Policy*.
- (b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.
- (c) The signage does not contain moving, flashing lights, noise, digital screens, or electronic variable messaging.
- (d) The signage is compatible with the amenity, safety, heritage values, and streetscape character of the locality, and does not adversely impact motorists, pedestrians, or cyclists.

6. Incidental Structures:**a. Solar Panels/Collectors**

Exempt where the overall height (inclusive of the solar panels) does not exceed the permitted building height limits that apply to the site.

b. Water Tanks

Exempt where:

- i. The tank is not located between the primary street and building (unless entirely underground).
- ii. The tank does not exceed a height of 3m (as measured from natural ground level).

c. Sales Offices

Exempt where the sales office is in place for less than 6 months cumulatively within a 12-month period.

d. Pergolas / Shade Sails

Exempt in all scenarios.



Development Approval Exemptions Policy

Uses Exempt from Requiring Development Approval

Refer to cl. 61(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for land uses for which development approval is not required.

Related Legislation

- Planning and Development (Local Planning Schemes) Regulations 2015.*
- Town Planning Scheme No. 24.*
- Heritage Act 2018*
- Building Act 2011*
- City of Bayswater Signage Policy

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	4.1. Diverse Economic Opportunities 5.3 Optimised Performance		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		



Temporary and Minor Development Policy

Responsible Division	Office of the CEO
Responsible Business Unit	Property and Economic Development
Responsible Officer	Manager Property and Economic Development
Affected Business Units	Statutory Planning and Compliance Property and Economic Development
ECM Document Set ID	4867114

Purpose

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

Objectives

The objectives of this policy are to:

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

Introduction

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

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

Scope

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

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

Definitions

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

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

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

Requirements

Development approval

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

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

Temporary developments

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

1. The development will not be located in a residential zone.
2. The development will not be in place for more than 6 months cumulatively within a 12 month period.
3. The development will not operate outside of the hours of 7:00 a.m. to 10:00 p.m.
4. Any works component will be small in scale.

5. Any works component will not involve the alteration of, or addition to existing buildings.
6. The development will not compromise the safety of those using the space where it will be conducted.
7. The development will not require the placement of more than one temporary sign with a maximum area of 1.5m².
8. The development will not involve the removal of trees.

Minor development

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

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

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

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

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

Signs

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

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

Solar collectors

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

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

Water tanks

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

1. The tank will not be located between any building and the primary street, unless entirely underground.

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

Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015.

Town Planning Scheme.

Residential Design Codes.

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	Goal E1 and Goal L4		
Council adoption	21 June 2016	Resolution	10.11
Reviewed/modified	28 January 2020	Resolution	9.2
Reviewed/modified	26 August 2025	Resolution	10.5.1.5
Next review due	26 August 2029		

9.3.4 New Local Planning Policy: Short-Term Rental Accommodation

Responsible Branch:	Community Planning
Responsible Directorate:	Community Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Draft Policy - Advertised [9.3.4.1 - 6 pages] 2. Draft Guidelines - Advertised [9.3.4.2 - 5 pages] 3. Policy with Tracked Changes [9.3.4.3 - 7 pages] 4. Guidelines with Tracked Changes [9.3.4.4 - 5 pages] 5. Revised Draft Policy [9.3.4.5 - 5 pages] 6. Revised Draft Guidelines [9.3.4.6 - 5 pages] 7. Summary of Submissions [9.3.4.7 - 38 pages]
Refer:	Item: 10.5.1.3.1 OCM: 09.12.2025
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

A range of reforms have recently been undertaken relating to short-term rental accommodation (STRA) as distinct land uses. These changes included new legislation and amended planning regulations.

Amendment 101 to City of Bayswater *Town Planning Scheme No. 24* introduced STRA to the City's planning scheme, aligning the City's planning framework with State reforms. In support of implementing this emerging land use planning context, a new local planning policy has been prepared to provide guidance to applicants, operators and Officers when considering applications for short-term rental accommodation. Key considerations of the policy include location, amenity, and management of proposed short-term rental accommodation developments.

The draft local planning policy was advertised for public comment for 22 days from Thursday, 26 February 2026 to Friday, 20 March 2026, during which 26 submissions were received. Several modifications to the policy and guidelines are proposed as a result of the submissions.

Council consideration is sought on the outcomes of community engagement and final approval of the amended draft *Short-Term Rental Accommodation Policy and Guidelines*.

OFFICER'S RECOMMENDATION

That Council:

1. **Notes the outcomes of community engagement.**
2. **Adopts the *Short-Term Rental Accommodation Local Planning Policy* as contained in Attachment 5.**
3. **Notes the *Short-term Rental Accommodation Guidelines* as contained in Attachment 6.**

BACKGROUND

The State Government has recognised short-term rental accommodation (STRA) as a separate land use by introducing new definitions and provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations). These include 'hosted STRA' (where

the owner/operator resides and is present), and 'unhosted STRA' (where guests have exclusive use of the entire dwelling).

In September 2024, the Minister for Planning advised the City that the LPS Regulations had been amended and planning scheme amendments could now be initiated. Council, at the 28 January 2025 Ordinary Meeting, initiated Amendment No. 101 (Amd. 101) to *Town Planning Scheme No. 24* (TPS 24) accordingly. Amd 101 was approved by the Minister for Planning on 12 January 2026. 'Hosted STRA' is now a 'P' (permitted) land use class in all zones where dwellings can be approved, consistent with exemptions in the LPS Regulations, and 'unhosted STRA' is now included in TPS 24 zoning tables, as a 'D' (discretionary) or 'A' (discretionary subject to advertising) land use class in all zones where dwellings can be approved. At the time of initiating the amendment Council also resolved to prepare a short-term rental accommodation local planning policy.

At the Ordinary Meeting held 9 December 2025, Council resolved:

"That Council:

1. *Adopts the draft Short-Term Rental Accommodation Policy as contained in Attachment 1 for the purposes of public advertising, subject to the following modification:*
 - (a) *The Map in Attachment 2 be replaced with the alternate Preferred Locations Map (Attachment 4) for the purposes of public advertising.*
 - (b) *Objectives cl. 2 amended as follows: Ensure unhosted STRA is appropriately located within the City of Bayswater's activity centres and station precincts, to safeguard the primary purpose of residential areas in providing residential dwellings for long term accommodation.*
 - (c) *Policy Statement – Preferred Locations amended as follows: STRA may be supported in planning areas identified in the City of Bayswater Local Planning Strategy as Centres and Station Precincts, excluding the Ashfield District Centre. This includes the use of single, grouped and multiple dwellings as STRA.*
2. *Notes the draft Short-Term Rental Accommodation Guidelines as contained in Attachment 2 as a supplementary document to the policy"*

A copy of the advertised versions of the draft *Short-term Rental Accommodation Local Planning Policy* and *Guidelines* are contained in **Attachments 1 and 2**.

EXTERNAL CONSULTATION

The draft local planning policy and associated guidelines were advertised for a period of 22 days from Thursday, 26 February 2026 to Friday, 20 March 2026, by way of:

- Information being placed on the City's engagement website, Engage Bayswater;
- Public Notice on the City's website;
- Notification in the Perth Now newspaper on Thursday 26 February 2026;
- Letters and emails sent to existing STRA operators;
- Hard copies of the draft local planning policy being made available for inspection at the City's Civic Centre and libraries.

26 submissions on the local planning policy and guidelines were received during the consultation period. The majority of the submissions did not support the policy, with 24 objecting or noting concerns, and 2 submissions in support. Nine of the submissions were from a STRA management company with offices based in Stirling, relating to two properties they manage in Bayswater and Maylands.

Eleven of the submissions were from residents of the City of Bayswater and 14 from owners or managers of STRA within the City. Of the owners and managers who made submissions, four also reside in the City.

A full summary of the submissions is contained in **Attachment 7** with a summary of the comments received discussed below.

OFFICER'S COMMENTS

Submissions

Submissions received from residents and operators generally raised different concerns. In general, residents raised concerns with amenity, enforcement, and impact on housing, schools and social cohesion. Operators and owners generally had concerns that the policy is too restrictive. These are addressed in the tables below:

Residents

Submitter Comment	City Response
Encouraging STRA incentivises preferred areas, can lead to undermining stable long term housing for local residents, particularly within the residential areas of the Morley Activity Centre and adjacent to schools (Infant Jesus and Morley Primary Schools) to protect vulnerable students. Recommend buffer around schools.	It is recommended that preferred locations be removed from the draft LPP. It is noted that unhosted STRA can be approved in all zones where dwellings can be approved under TPS 24. Since the draft LPP was prepared, the volume and geographical distribution of STRA applications within the City is more well understood. Registered STRA within the City currently makes up approximately 0.74% of all dwellings, with the majority of these being outside preferred locations. Given the scale of the sector within the City and substantial community feedback, the use of preferred locations as a controlling mechanism for STRA is not considered warranted at this time. The areas mentioned around Morley Primary School and Infant Jesus School are zoned 'Centre' under the City's local planning scheme and form part of the Morley Strategic Activity Centre. Applications for STRA near schools will be assessed on their merits on a case by case basis in accordance with the relevant planning framework.
Should not allow STRA in the City of Bayswater, tourists can use hotels and motels, and STRA will increase pressure on the current economic and housing crisis.	Land use permissibility is not the subject of the draft policy, and hosted STRA is a 'permitted' land use within residential areas under the LPS Regulations. Notwithstanding, the City also has a limited amount of traditional tourist accommodation, with only one hotel within the City. Registered STRA within the City, including both hosted and unhosted, constitutes 0.74% of the City's total dwellings. 'Unhosted' STRA currently constitutes 0.39% of the City's dwellings. STRA is therefore not considered to have a significant

Submitter Comment	City Response
	impact on housing availability within the City of Bayswater at this time and the purpose of the draft policy is to provide guidance on the design, development, location, assessment and approval, including operational management, of STRA within the City. The policy, in conjunction with the State register, will enable the City to continuously monitor the impact of STRA on the housing sector.
Suggest cap, such as a maximum of 5%, to prevent excessive concentration.	Capping STRA approvals does not have a clear legal implementation mechanism and is not considered feasible or warranted at this time. As above, STRA currently makes up approximately 0.74% of all housing within the City.
Inconsistent with the City's 2025–2035 Council Plan. These frameworks highlight key priorities including population growth, housing accessibility, community wellbeing, social cohesion, and support for vulnerable residents.	'Unhosted STRA' currently represents approximately 0.4% of dwellings within the City. It is currently not considered to have a substantial impact on housing accessibility or the other key priorities outlined in the Council Plan.
Lack of enforcement of STRA requirements, potential increase in antisocial behaviour, noise management is reactive and penalties and enforcement should be explicit and consistently applied. Policy places unreasonable responsibility on neighbours.	In instances where compliance matters have been raised, the City's compliance team have carried out enforcement. Overall, there are few compliance matters in relation to STRA, with the majority of STRA operating without complaints, and appear to be operating harmoniously with neighbours. There is no evidence to suggest that STRA increases antisocial behaviour. The City applies appropriate and enforceable conditions on all STRA approvals to mitigate impact on amenity, and the draft LPP will reinforce the City's approach.
12 month approval is excessive, suggest initial 6 months. Long term 3 years is unclear.	It is recommended that the reference to 12 months temporary approval and three years be removed from the draft policy to provide flexibility for the City to use its discretion to apply timeframes on a case by case basis, as discussed below.

STRA Operators

Submitter Comment	City Response
Preferred areas are too restrictive, and that areas outside the preferred locations, such as the Maylands peninsula, Beaufort Street corridor and Bayswater Station, should be considered. The City of Bayswater in general should be included due to proximity to the airport.	'Unhosted STRA' are 'D' or 'A' uses in all TPS 24 zones where dwellings can be approved. The majority of current STRA within the City are located outside of the preferred locations identified in the draft policy. Whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy, and all applications for STRA be required to submit locational justification, as discussed below. It is noted that the Bayswater Town Centre is

	under the Planning Authority of DevelopmentWA and subject to the METRONET East Redevelopment Scheme and associated policies.
Excessive parking requirements.	The proposed car parking ratios ensure that guest car parking is provided on site, in order to limit impacts of on street parking in residential areas. It is recommended that the parking requirements be re-worded for clarity, as discussed below.
Policy should focus on management rather than location. Well managed STRA mitigates risks for owners and neighbours, and can result in well cared for properties. Overly restrictive requirements can impact on the STRA sector, may inadvertently penalize compliant operators.	The draft policy includes requirements for both location and management. It is noted that where STRAs are well managed there may be little or no impact on residential amenity. It is recommended that the preferred locations be removed from the Policy, with more focus on management procedures.
Restricting use of residential properties for STRA is government overreach. Restrictions on strata title properties being used for STRA is inequitable. Strata sign off should not be required.	Regulation of STRA has been mandated by the State Government, and the City has been updating its planning framework accordingly. STRA may generally not be supported in grouped and multiple dwelling developments to protect the amenity of existing residential areas, however applications relating to strata properties will be assessed on their individual merits. It is recommended that the requirement for strata consent be removed from the policy, and allowance made for grouped and multiple dwellings to be considered as STRA where appropriate, as discussed below.
Guest limits should be reasonable, and established on the number of bedrooms. Policy should clarify if a guest includes children and infants	Guest calculations are based on the City's <i>Health Local Law 2023</i> (as amended in 2024) and Department of Health <i>General Health Provisions for Short Term Accommodation</i>, based on the per cubic meter of airspace in each bedroom: <i>"3.4(b) (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and</i> <i>(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or any garage or shed to be used for sleeping purposes."</i> No modifications to the policy are proposed, however the City's standard STRA DA condition relating to maximum number of guests will be reworded to better reflect the local law's requirements, to allow flexibility between the maximum number of adult and children guests, calculated per bedroom cubic meterage. Infants under the age of 12 months are not included in the calculations for guests as the <i>Health Local</i>

	<i>Law 2023</i> is silent on this age bracket.
The application process should be streamlined. The Guidelines could include templates for Management Plans and Codes of Conduct, to make it easier to apply for Development Approval.	It is proposed to streamline the STRA determination process through modifications to approval conditions for clarity around guest numbers and temporary timeframes as discussed below. The City can also consider a fast track process for STRA approval renewals where a STRA has demonstrable good management practices in place. It is also proposed to remove the need for strata consent, and wider consultation, where appropriate.

Policy revisions

As a result of the submissions, the following revisions are proposed to the draft Policy and Guidelines:

Revision	Rationale
Policy format updated	Minor change to update the policy statement elements and guidelines to be numerical values for ease of reference and assessment, which does not alter the policy or guidelines provisions.
Alternative policy objective to address unhosted STRA without reference to activity centres and station precincts	Preferred locations are not considered necessary to control STRA within the City of Bayswater at this time, due to their current geographical distribution outside of the identified locations (approximately 90% of STRA approvals), and small volume (approximately 0.74% of all housing within the City). Given the majority of the approved STRA within the City are located outside of the draft policy preferred locations, the inclusion of the modified objective will provide further guidance for the City and applicants when considering applications.
Removal of Preferred Locations, substituted with Locational Guidance	As noted above, it is considered that Preferred Locations are not necessary within the City, at this time. The majority of STRA are located outside of preferred locations, and since the commencement of the STRA register and the STRA DA process, it has been demonstrated that the management of STRA has a significantly greater impact on residential amenity than location. It is considered that STRA can be effectively managed through the register and policy, without explicitly prescribing preferred locations.
Removal of Plan 1 – Preferred Locations Map	It is recommended that the preferred locations be replaced with Locational Criteria, with consideration given to locations within an activity centre or station precinct, and access to high frequency public transport.
Clarification to car parking provisions	Clause reworded to clarify that the number of car parking bays is not additional to the minimum R-Codes requirements and is based on approved occupancy.
Grouped and multiple dwellings	The clause restricting the use of grouped and multiple dwellings has been reworded to enable these to be considered when appropriate.
Relocation of requirement of strata company as part of Application for Development Approval, to “Other Approvals”	Strata consent is not considered implementable as a requirement of lodgement for a change of use development application as it is not prescribed for Development Approval. This does not negate the need for strata consent to <i>operate</i> a STRA, and would be subject to the <i>Strata Titles Act 1985</i> and any applicable strata by-laws. The modified draft policy proposes to remove strata consent from ‘Application requirements’ to ‘Other Approvals’ so that applicants are advised that they may need to seek separate consent from their strata company, even if a development approval is issued. Regardless of

Revision	Rationale
	whether strata consent is required, adjoining strata owners would be consulted in instances where they may be impacted by a STRA proposal through the public consultation period. Additionally, operators are required to provide a copy of their management plan which includes their contact details to all adjoining property owners. The strata consent template is also proposed to be removed from the draft Guidelines.
Removal of requirement for consultation with properties on the opposite side of the street	The City currently advertises only to impacted landowners, which may not necessarily include properties on the opposite side of the street. Modifying the consultation requirement to include adjoining landowners as a minimum will still enable the City to advertise to a wider area, including across the street, in instances where it is considered that the impacts of the proposed STRA will be greater. This is also proposed to be removed from the draft Guidelines.
Removal of specific timeframes for initial temporary approvals and renewals	Removal of the reference to specific timeframes for temporary approvals and subsequent renewals provides the City with greater discretion to apply specific timeframes on a case by case basis when determining applications for STRA. This may include shorter or longer temporary approvals and include a renewal which results in another temporary approval.

A copy of the modified draft policy and guidelines, with amendments shown as ‘tracked changes’ is provided in **Attachments 3 and 4**.

A copy of the modified draft policy, with amendments included, is provided in **Attachments 5 and 6**.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for preparing and adopting 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	Medium
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area:	Built
Outcome 2.1	A Connected and Accessible City
Objective 2.1.2	Create liveable neighbourhoods and centres that include consideration of our built heritage.
Objective 2.1.3	Advocate and plan for diverse and quality housing choices utilising a contemporary planning framework that encourages growth.

CONCLUSION

It is considered that adopting the draft *Short-term Rental Accommodation Policy* will assist in ensuring that STRA is well managed through enforceable conditions of Development Approval, and minimises impact on the amenity of established residential communities. It is therefore recommended that the modified draft *Short-term Rental Accommodation Local Planning Policy* and *Guidelines* be adopted.



Short-Term Rental Accommodation Policy

Responsible Division	Office of the CEO
Responsible Business Unit	Property and Economic Development
Responsible Officer	Manager Property and Economic Development
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This Policy provides a framework to manage the use of residential properties for **unhosted short-term rental accommodation** (STRA).

Scope

This policy applies to all development applications for **unhosted STRA** under all local planning schemes in effect within the City of Bayswater. **Unhosted STRA** may only be contemplated in zones where residential dwellings can be approved.

Objectives

1. Provide guidance on the requirements for the establishment of **unhosted STRA** within the City of Bayswater.
2. Ensure **unhosted STRA** is appropriately located within the City of Bayswater's activity centres, and station precincts, to safeguard the primary purpose of residential areas in providing residential dwellings for long term accommodation.
3. Provide a high level of amenity for both long-term residents of adjoining properties and the occupants of **unhosted STRA**.
4. Provide guidance to the operators of **unhosted STRA** as to the operator's responsibilities and obligations.

Definitions

For the purpose of this policy —

Anti social behaviour means actions and behaviours that threaten the amenity of the locality, and includes but is not limited to swearing, shouting, abusive, threatening behaviour, raised voices, parties and loud music.

Guest means a person, who is accommodated within a short-term accommodation on a temporary basis for a fee but is not subject to a Residential Tenancy Agreement

Hosted short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Short-term rental arrangement has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Unhosted short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Policy Statement

Assessment Criteria

In exercising discretion to determine an application for development approval, **unhosted STRA** will generally only be supported where the following criteria are met:

Zoning

STRA can only be supported on land in zones where residential dwellings are capable of approval under the applicable local planning scheme.

Preferred Locations

STRA may be supported in planning areas identified in the City of Bayswater Local Planning Strategy as Centres and Station Precincts, excluding the Ashfield District Centre, as indicated in **Plan 1** attached. This includes the use of single, grouped and multiple dwellings as STRA.

Development applications for STRA located outside of preferred areas will require justification including, but not limited to, the following matters:

1. Proximity to regional community and/or health facilities;
2. Protection of amenity of the locality;
3. Vehicle access, car parking, public transport and other matters related to accessibility;
4. Appropriateness of the development with regard to land tenure. Generally **unhosted STRA** will not be supported in existing grouped dwelling or multiple dwelling developments outside of preferred areas;
5. Non-tangible amenities such as proximity to parks may not be considered sufficient justification to be located outside of a preferred area.

Note: Bayswater District Centre is under planning control of DevelopmentWA and is not subject to the provisions of this Local Planning Policy.

Car parking

Car parking is to be provided on site in accordance with the minimum requirements of the Residential Design Codes for dwellings, with additional parking bays (if required) provided in accordance with the table below. The number of guest cars should not exceed the number of bays available on site. In

Short-Term Rental Accommodation Policy

instances where shared visitor car parking is provided in common property, such as strata and community title development, the shared visitor parking shall not be relied upon for use of the STRA.

Number of Guests*	Minimum Parking Bays required
1-3	1 bay
4-6	2 bays
7-9	3 bays
10-12	4 bays

*Note: For the purpose of calculating car parking, children do not count as **guests**.*

Number of Guests

The maximum number of guests shall be calculated as per the City of *Bayswater Health Local Law 2023 (as amended in 2024)* and *Department of Health General Health Provisions for Short Term Accommodation*, based on the per cubic meter of airspace in each bedroom. A condition may be included on any Development Approval limiting the number of guests as required.

Amenity

- The City will evaluate the potential amenity impacts of each STRA proposal, considering their individual circumstances and the specific local context.
- STRA proposals that detrimentally impact the surrounding locality's amenity will not be supported.
- The evaluation of a proposal will focus on the inherent suitability of each proposed use, as presented in the application, with specific attention to its details and how it impacts the amenity of the locality. Conditions of approval should not be used to support proposals that are inherently unsuitable.
- In reviewing STRA proposals, the City will assess proposed management measures to consider if they are reasonable, enforceable, and effective in maintaining amenity.
- STRA proposals must, at a minimum, demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*. However, compliance does not automatically translate into acceptable noise impacts from a planning amenity perspective. The City will consider factors such as arrival times, use of outdoor areas, proximity to adjoining dwellings, installation of noise monitoring devices, and other relevant aspects.

Strata and community titles

The use of grouped and multiple dwellings, and dwellings part of a strata or community title scheme for STRA will only be considered within preferred locations.

Where a STRA is proposed outside of a preferred location generally only single dwellings will be supported.

Signage

On residential zoned land a maximum of one sign on the site identifying the STRA is permitted. The sign is not to exceed 0.2m² in area, and is to be incorporated into a front fence, wall, structure or building.

Application requirements

In addition to the application Development Approval requirements set out in Schedule 2 Part 8 cl.63 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and City of Bayswater [Planning Application Forms and Fees - City of Bayswater](#), the following is required to be submitted. Detailed information regarding these requirements is included in the *Short-term Rental Accommodation Guidelines*:

1. Cover letter
2. Consent of strata company or community corporation to lodge application, in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, where applicable.
6. Site and floor plan showing the use of the premises
7. Justification for location
3. Management Plan
4. Guest code of conduct
5. Bushfire evacuation measures, if applicable.

Consultation

Applications for **unhosted STRA** may be advertised in accordance with the advertising procedures defined in Schedule 2 Part 8 cl.64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Where an application involves short-term accommodation in a strata or community title situation, all owners and occupiers are to be notified of the proposal. **Unhosted STRA** in strata and community title situations will not be supported except where the consent of the strata company/council of owners has been given in accordance with the provisions of the *Strata Titles Act 1985* and associated by-laws.

At a minimum, all adjoining landowners and on the opposite side of the street will be included in the consultation, as detailed in the *Short-term Rental Accommodation Guidelines*.

Conditions of Development Approval

In approving an application for development approval, the City may impose conditions including, but not limited to, the following:

- Maximum number of guests
- Temporary approval for a 12 month period, after which renewal, via an application to amend Development Approval will be required. In considering a renewal, due regard will be given to the history of the STRA operation. Subsequent approvals may be granted for a further time limited period of up to three years.
- The approved Management Plan to be implemented.
- The number of guest cars to not exceed the number of bays available on site.
- Supplying the emergency contact details of the management agent or owner to address issues
- The landowner shall maintain a complaint register and outline the measures taken to address any complaints.

- The minimum length of stay.
- Installation of noise monitoring equipment
- Specification of quiet times.

Compliance

Unhosted STRA is to comply with all conditions of Development Approval. Noise monitoring may be undertaken in the event of nuisance complaints.

Other Approvals

This policy does not exempt **unhosted STRA** from the requirement to obtain any other necessary approvals, such as under the *Building Act 2011* and *Building Regulations 2012*.

Related Legislation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Other related legislation includes the City of Bayswater *Town Planning Scheme No. 24*.

Related Documentation

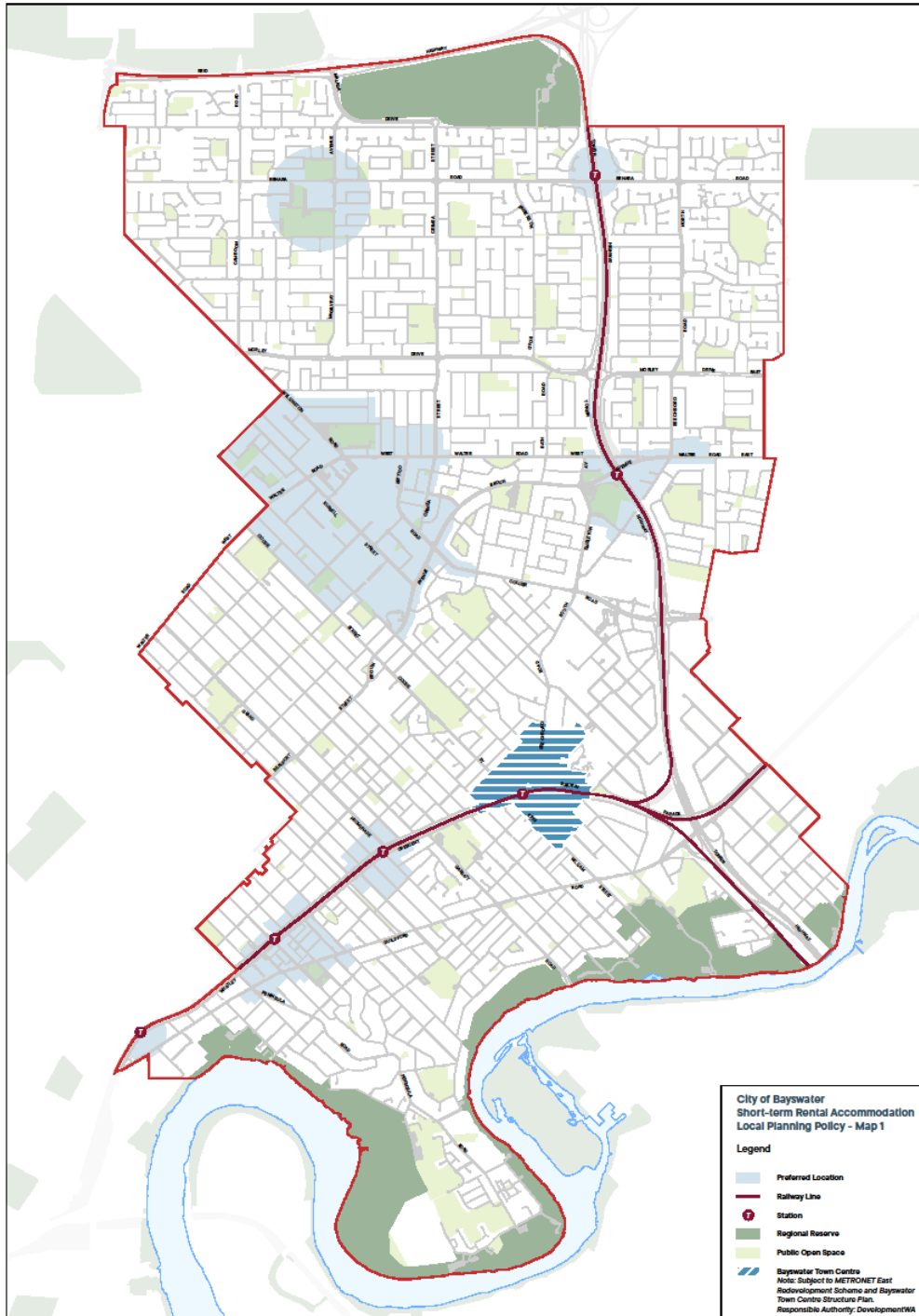
Western Australian Planning Commission *Unhosted Short-Term Rental Accommodation Guidelines*

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	Low		
Strategic link	Objective 2.1.2 Create liveable neighbourhoods and centres that include consideration of our built heritage. Objective 2.1.3 Advocate and plan for diverse and quality housing choices utilising a contemporary planning framework that encourages growth.		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		

Short-Term Rental Accommodation Policy

Plan 1 – locations





Short-Term Rental Accommodation 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	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Introduction

These guidelines provide detailed information for landowners wishing to operate an unhosted Short-Term Rental Accommodation for more than 90 days in any 12 month period, in accordance with the Unhosted Short-Term Rental Accommodation Policy.

Guidelines

Note: These guidelines are a supplement to the specific requirements of lodging an application for Development Approval. They can be used as a checklist by applicants when preparing and application for unhosted STRA operating more than 90 days in a 12 month period.

Cover letter and application form	☐
A cover letter should be provided with every application for Development Approval, detailing, but not limited to, the following: - Management – owner or managing agent - Justification for location, - Likely frequency and duration of bookings, - Number of guests, and visitors (if proposed) - Any variations to the policy provisions Note that all application for Development Approval must be accompanied by a Management Plan	
Template consent of strata to lodge application for Development Approval	☐

I / We.....being representative of the strata body forgive consent for the application for Development Approval for unhosted short-term rental accommodation to be lodged at.....[Unit and address].....
Strata body[signature].....

Site and Floor Plan

☐

Site plan and floor plan to be submitted clearly indicating site boundary, location of car parking, available bedrooms and the number and size of beds within each bedroom, cubic meterage of each bedroom, external lighting, outdoor entertaining areas, and any areas not accessible to guests.

Example:

Scale: 1:200

Location Justification

Where an unhosted STRA is proposed to be located outside of a preferred location, detailed justification is to be provided, including but not limited to:

- Noise amelioration management
- Appropriateness of location

Management Plan



The Management Plan is to address, but is not limited to, the following:

- Control of anti-social behaviour and the potential conflict between guests and permanent residents of the area;
- Minimum and maximum lengths of stay;
- Maximum occupancy limit;
- Guest arrival and departure procedures; including check in / check out times;
- Car parking management;
- Complaints management and after-hours complaints procedure including:
 - Nature of complaint
 - Date and time of complaint
 - Complainant details
 - Description of how complaint was addressed and whether feedback was provided to the complainant.
 - The provision of a contact telephone number of the accommodation owner and operator to neighbouring properties for business-hours and after-hours complaints;
 - Details of intended response timeframe, and process for notification or eviction of guests
- Explanation of how guests are informed of the Code of Conduct prior to and on arrival.
 - Details of any external lighting, and to be turned off after 9pm
 - Details of installation of noise monitoring devices
 - Guest Screening, including referrals and reviews from online booking platforms

Guest code of conduct



The Code of Conduct is to address, but is not limited to, the following matters:

- The expected behaviour of guests.
- Periods of 'quiet time', 7pm -7am Monday to Friday and 9pm to 7am on weekends ;
- Parties are not permitted;
- Reasonable noise expectations (in compliance with the *Environmental Protection (Noise)*)

Regulations 1997);

- Details regarding guest check-in and check-out procedures. Check in / check out of guests to be restricted during quiet hours;
- Expected control and maintenance of pets (if permitted at the property);
- Details of any car parking restrictions applicable to the area, and clarification on:
 - the maximum number of vehicles that can park on a property; and
 - that parking on surrounding properties and within the street and verge area is not permitted;
- Details regarding waste management which specifies the expectations on guests about general rubbish and bin collection;
- Rules and maintenance relating to the use of all common property and common facilities (if applicable);
- Information on relevant strata by-laws (if applicable);
- Emergency contact information;
- Contact details of emergency services; and
- Implications of breaching the code of conduct, including but not limited to, consequences such as eviction.

The Code of Conduct shall be provided in the form of an information booklet for guests at the accommodation, and online prior to arrival.

Bushfire



Where a STRA is located within a Bushfire Prone Area, in addition to the requirements under the relevant legislation, the application is to address, but is not limited to, the following:

- Emergency evacuation plan for visitors in the event of a bushfire. This should include a map of the area, provide advice on what to do in the event of a bushfire, identifies the subject property, access routes and suitable evacuation destinations.
- Installation of directional signage clearly indicating possible evacuation directions from the property.

Consultation

At a minimum, all adjoining landowners and on the opposite side of the street will be included in the consultation.



Short-Term Rental Accommodation Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This Policy provides a framework to manage the use of residential properties for **unhosted short-term rental accommodation** (STRA).

Scope

This policy applies to all development applications for **unhosted STRA** under all local planning schemes in effect within the City of Bayswater. **Unhosted STRA** may only be contemplated in zones where residential dwellings can be approved.

Objectives

1. Provide guidance on the requirements for the establishment of **unhosted STRA** within the City of Bayswater.
2. ~~Ensure **unhosted STRA** is appropriately located within the City of Bayswater's activity centres and station precincts, to safeguard the primary purpose of residential areas in providing residential dwellings for long-term accommodation.~~
3. Provide a high level of amenity for both long-term residents of adjoining properties and the occupants of **unhosted STRA**.
4. Provide guidance to the operators of **unhosted STRA** as to the operator's responsibilities and obligations.
5. ~~Ensure that **unhosted STRA** within the City of Bayswater are appropriately designed, located and managed to minimise impacts on residential amenity.~~

Definitions

For the purpose of this policy —

Anti social behaviour means actions and behaviours that threaten the amenity of the locality, and includes but is not limited to swearing, shouting, abusive, threatening behaviour, raised voices, parties and loud music.

Guest means a person, who is accommodated within a short-term accommodation on a temporary basis for a fee but is not subject to a Residential Tenancy Agreement

Hosted short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Short-term rental arrangement has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Unhosted short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Policy Statement

Assessment Criteria

In exercising discretion to determine an application for development approval, **unhosted STRA** will generally only be supported where the following criteria are met:

Zoning

STRA can only be supported on land in zones where residential dwellings are capable of approval under the applicable local planning scheme.

Preferred Locations Locational Requirements

~~STRA may be supported in planning areas identified in the City of Bayswater Local Planning Strategy as Centres and Station Precincts, excluding the Ashfield District Centre, as indicated in Plan 1 attached. This includes the use of single, grouped and multiple dwellings as STRA.~~

~~Development applications for STRA located outside of preferred areas will require justification including, but not limited to, the following matters Appropriate locational considerations for unhosted STRA may include, but are not limited to, the following:~~

- ~~i. Within or adjacent to an activity centre or station precinct; and/or~~
- ~~ii. Witin or abutting an urban corridor or local centre identified in the Local Planning Strategy; and/or~~
- ~~iii. Access to high frequency public transport; and/or~~
- ~~iv. Abutting non-residential land uses; and/or~~
- ~~v. Proximity to regional community and/or health facilities; and/or~~
- ~~vi. Sites where the Protection of amenity of the locality can be retained and protected; and~~

- vii. ~~Vehicle access, car parking, public transport and other matters related to accessibility; Where the impacts of vehicle access and traffic movements on the safety and operation of the road network and amenity of adjoining properties is minimised; and~~
- viii. Appropriateness of the development with regard to land tenure. Generally **unhosted STRA** ~~will not be supported~~ is discouraged in existing grouped dwelling or multiple dwelling developments ~~outside of preferred areas.~~
- 1. Non-tangible amenities such as proximity to parks may not be considered sufficient locational justification ~~to be located outside of a preferred area.~~

Note: Bayswater District Centre is under planning control of DevelopmentWA and is not subject to the provisions of this Local Planning Policy.

Car parking

Car parking is to be provided on site in accordance with the minimum requirements of the Residential Design Codes for dwellings, with additional parking bays (if required) based on an approved occupancy. Total number of parking bays shall be provided in accordance with the table below. The number of guest cars should not exceed the number of bays available on site. In instances where shared visitor car parking is provided in common property, such as strata and community title development, the shared visitor parking shall not be relied upon for use of the STRA.

Number of Guests*	Minimum Parking Bays required
1-3	1 bay
4-6	2 bays
7-9	3 bays
10-12	4 bays

*Note: For the purpose of calculating car parking, children do not count as **guests**.*

Number of Guests

The maximum number of guests shall be calculated as per the City of *Bayswater Health Local Law 2023 (as amended in 2024)* and *Department of Health General Health Provisions for Short Term Accommodation*, based on the per cubic meter of airspace in each bedroom. A condition may be included on any Development Approval limiting the number of guests as required.

Amenity

- The City will evaluate the potential amenity impacts of each STRA proposal, considering their individual circumstances and the specific local context.
- STRA proposals that detrimentally impact the surrounding locality's amenity will not be supported.
- The evaluation of a proposal will focus on the inherent suitability of each proposed use, as presented in the application, with specific attention to its details and how it impacts the amenity of the locality. Conditions of approval should not be used to support proposals that are inherently unsuitable.
- In reviewing STRA proposals, the City will assess proposed management measures to consider if they are reasonable, enforceable, and effective in maintaining amenity.

Short-Term Rental Accommodation Policy

- STRA proposals must, at a minimum, demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*. However, compliance does not automatically translate into acceptable noise impacts from a planning amenity perspective. The City will consider factors such as arrival times, use of outdoor areas, proximity to adjoining dwellings, installation of noise monitoring devices, and other relevant aspects.

Strata and community titles

The use of grouped and multiple dwellings, and dwellings part of a strata or community title scheme for STRA ~~will only be considered within preferred locations.~~

~~Where a STRA is proposed outside of a preferred location generally only single dwellings will be supported. is discouraged, however may be considered where it can be demonstrated that the property can be operated in accordance with the provisions of the policy.~~

Signage

On residential zoned land a maximum of one sign on the site identifying the STRA is permitted. The sign is not to exceed 0.2m² in area, and is to be incorporated into a front fence, wall, structure or building.

Application requirements

In addition to the application Development Approval requirements set out in Schedule 2 Part 8 cl.63 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and City of Bayswater [Planning Application Forms and Fees - City of Bayswater](#), the following is required to be submitted. Detailed information regarding these requirements is included in the *Short-term Rental Accommodation Guidelines*:

1. Cover letter
 - ~~Consent of strata company or community corporation to lodge application, in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, where applicable.~~
2. Site and floor plan showing the use of the premises
3. Justification for location
4. Management Plan
5. Guest code of conduct
6. Bushfire evacuation measures, if applicable.

Consultation

Applications for **unhosted STRA** may be advertised in accordance with the advertising procedures defined in Schedule 2 Part 8 cl.64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Where an application involves short-term accommodation in a strata or community title situation, all owners and occupiers are to be notified of the proposal. **Unhosted STRA in strata and community title**

~~situations will not be supported except where the consent of the strata company/council of owners has been given in accordance with the provisions of the Strata Titles Act 1985 and associated by-laws.~~

At a minimum, all adjoining landowners ~~and on the opposite side of the street~~ will be included in the consultation, as detailed in the *Short-term Rental Accommodation Guidelines*.

Conditions of Development Approval

In approving an application for development approval, the City may impose conditions including, but not limited to, the following:

- Maximum number of guests
- Temporary approval ~~for a 12-month period~~, after which renewal, via an application to amend Development Approval will be required. In considering a renewal, due regard will be given to the history of the STRA operation. Subsequent renewals may ~~be granted for a further~~ also be time limited ~~period of up to three years~~.
- The approved Management Plan to be implemented.
- The number of guest cars to not exceed the number of bays available on site.
- Supplying the emergency contact details of the management agent or owner to address issues.
- The landowner shall maintain a complaint register and outline the measures taken to address any complaints.
- The minimum length of stay.
- Installation of noise monitoring equipment
- Specification of quiet times.

Compliance

Unhosted STRA is to comply with all conditions of Development Approval. Noise monitoring may be undertaken in the event of nuisance complaints.

Other Approvals

This policy does not exempt **unhosted STRA** from the requirement to obtain any other necessary approvals, such as under the *Building Act 2011* and *Building Regulations 2012*.

Consent of strata company or community corporation may be required under the Strata Titles Act 1985. Applicants are encouraged to liaise with their strata company prior to submitting an application.

Related Legislation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Other related legislation includes the City of Bayswater *Town Planning Scheme No. 24*.

Related Documentation



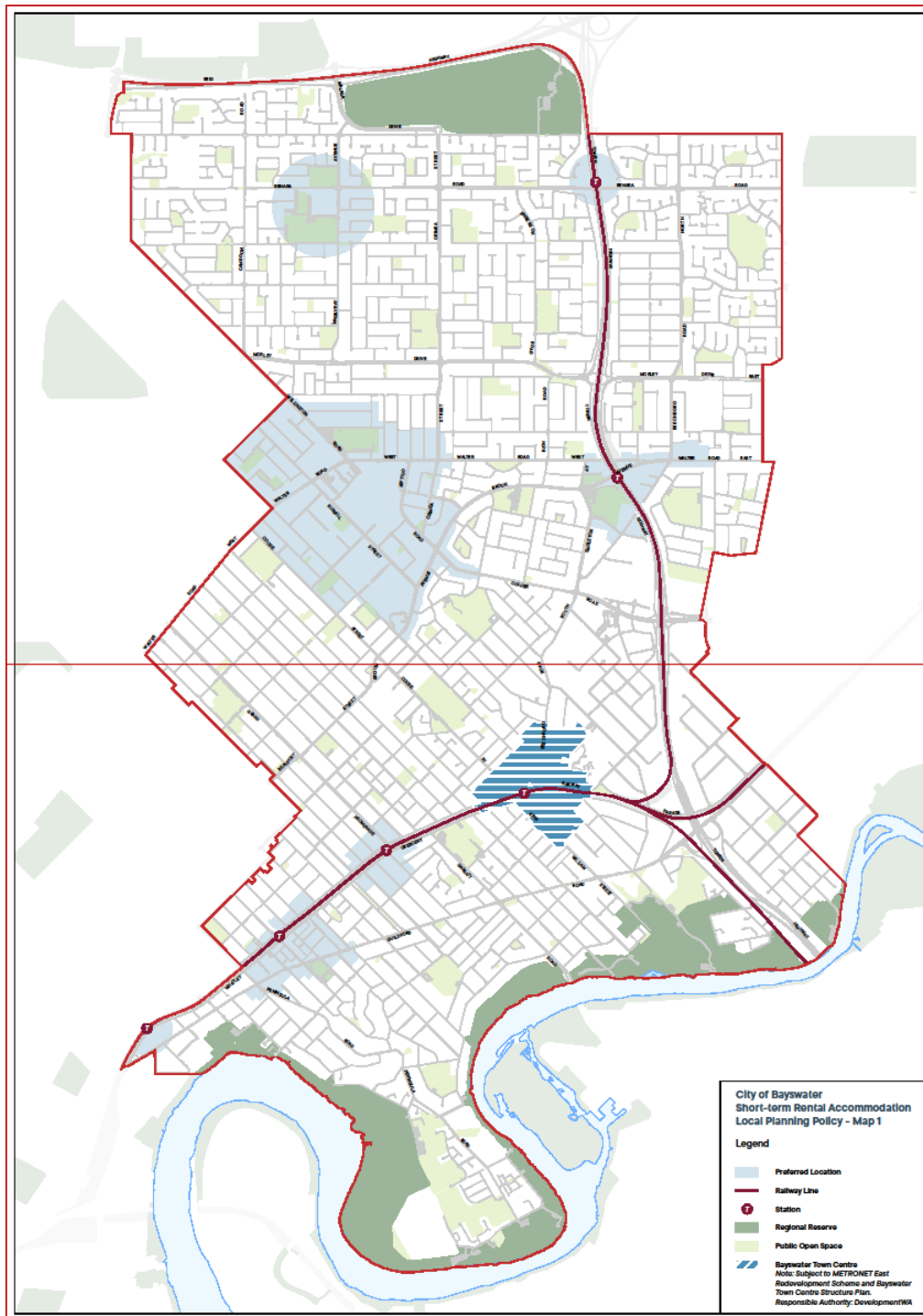
Short-Term Rental Accommodation Policy

Western Australian Planning Commission *Unhosted Short-Term Rental Accommodation Guidelines*

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	Low		
Strategic link	Objective 2.1.2 Create liveable neighbourhoods and centres that include consideration of our built heritage. Objective 2.1.3 Advocate and plan for diverse and quality housing choices utilising a contemporary planning framework that encourages growth.		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		

Plan 1—locations





Short-Term Rental Accommodation Guidelines

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Introduction

These guidelines provide detailed information for landowners wishing to operate an unhosted Short-Term Rental Accommodation for more than 90 days in any 12 month period, in accordance with the Unhosted Short-Term Rental Accommodation Policy.

Guidelines

Note: These guidelines are a supplement to the specific requirements of lodging an application for Development Approval. They can be used as a checklist by applicants when preparing and application for unhosted STRA operating more than 90 days in a 12 month period.

Cover letter and application form	☐
A cover letter should be provided with every application for Development Approval, detailing, but not limited to, the following: - Management – owner or managing agent - Justification for location, - Likely frequency and duration of bookings, - Number of guests, and visitors (if proposed) - Any variations to the policy provisions Note that all application for Development Approval must be accompanied by a Management Plan	

Template consent of strata to lodge application for Development Approval	☐

I/We.....being representative of the strata body forgive consent for the application for Development Approval for unhosted short-term rental accommodation to be lodged at.....[Unit and address].....

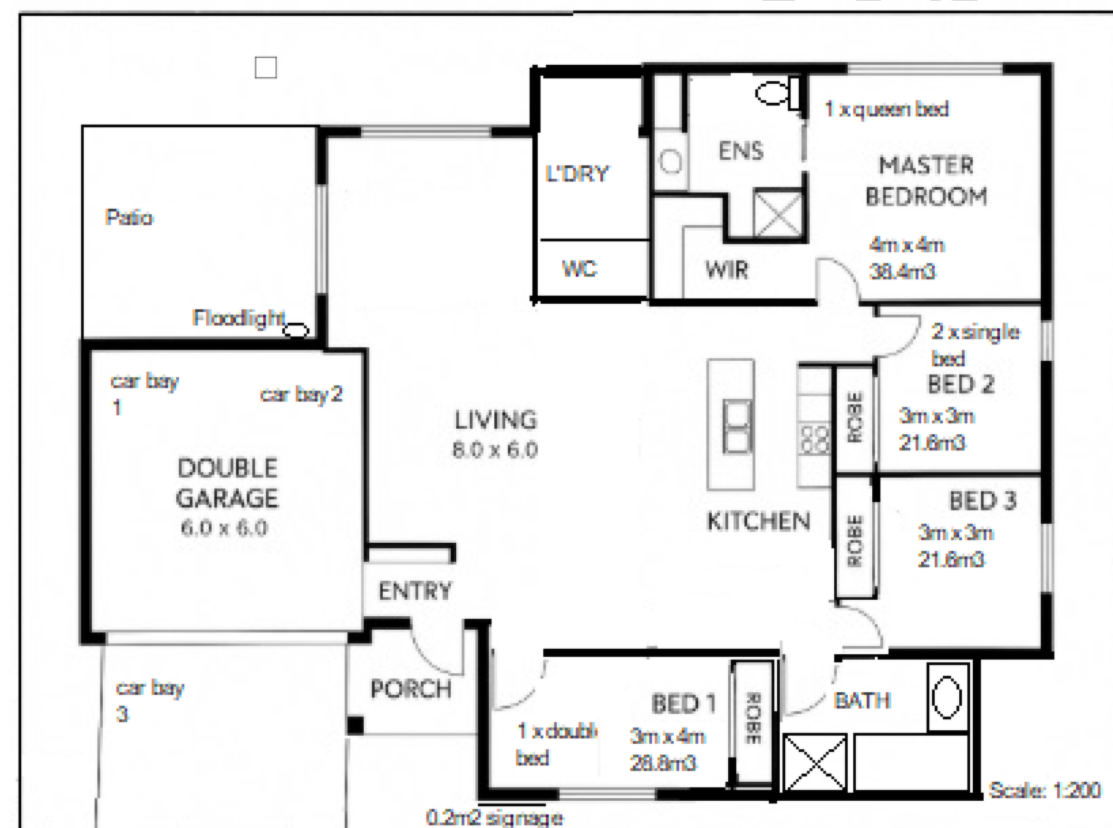
Strata body[signature].....

Site and Floor Plan



Site plan and floor plan to be submitted clearly indicating site boundary, location of car parking, available bedrooms and the number and size of beds within each bedroom, cubic meterage of each bedroom, external lighting, outdoor entertaining areas, and any areas not accessible to guests.

Example:



Location Justification

Where an unhosted STRA is proposed ~~to be located outside of a preferred location~~, detailed justification is to be provided, including but not limited to:

- Noise amelioration management
- Appropriateness of location

Management Plan



The Management Plan is to address, but is not limited to, the following:

- Control of anti-social behaviour and the potential conflict between guests and permanent residents of the area;
- Minimum and maximum lengths of stay;
- Maximum occupancy limit;
- Guest arrival and departure procedures; including check in / check out times;
- Car parking management;
- Complaints management and after-hours complaints procedure including:
 - Nature of complaint
 - Date and time of complaint
 - Complainant details
 - Description of how complaint was addressed and whether feedback was provided to the complainant.
 - The provision of a contact telephone number of the accommodation owner and operator to neighbouring properties for business-hours and after-hours complaints;
 - Details of intended response timeframe, and process for notification or eviction of guests
- Explanation of how guests are informed of the Code of Conduct prior to and on arrival.
 - Details of any external lighting, and to be turned off after 9pm
 - Details of installation of noise monitoring devices
 - Guest Screening, including referrals and reviews from online booking platforms

Guest code of conduct



The Code of Conduct is to address, but is not limited to, the following matters:

- The expected behaviour of guests.
- Periods of 'quiet time', 7pm -7am Monday to Friday and 9pm to 7am on weekends ;
- Parties are not permitted;
- Reasonable noise expectations (in compliance with the *Environmental Protection (Noise)*)

Regulations 1997);

- Details regarding guest check-in and check-out procedures. Check in / check out of guests to be restricted during quiet hours;
- Expected control and maintenance of pets (if permitted at the property);
- Details of any car parking restrictions applicable to the area, and clarification on:
 - the maximum number of vehicles that can park on a property; and
 - that parking on surrounding properties and within the street and verge area is not permitted;
- Details regarding waste management which specifies the expectations on guests about general rubbish and bin collection;
- Rules and maintenance relating to the use of all common property and common facilities (if applicable);
- Information on relevant strata by-laws (if applicable);
- Emergency contact information;
- Contact details of emergency services; and
- Implications of breaching the code of conduct, including but not limited to, consequences such as eviction.

The Code of Conduct shall be provided in the form of an information booklet for guests at the accommodation, and online prior to arrival.

Bushfire



Where a STRA is located within a Bushfire Prone Area, in addition to the requirements under the relevant legislation, the application is to address, but is not limited to, the following:

- Emergency evacuation plan for visitors in the event of a bushfire. This should include a map of the area, provide advice on what to do in the event of a bushfire, identifies the subject property, access routes and suitable evacuation destinations.
- Installation of directional signage clearly indicating possible evacuation directions from the property.

Consultation

At a minimum, all adjoining landowners ~~and on the opposite side of the street~~ will be included in the consultation.





Short-Term Rental Accommodation Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

This Policy provides a framework to manage the use of residential properties for **unhosted short-term rental accommodation** (STRA).

Scope

This policy applies to all development applications for **unhosted STRA** under all local planning schemes in effect within the City of Bayswater. **Unhosted STRA** may only be contemplated in zones where residential dwellings can be approved.

Objectives

1. Provide guidance on the requirements for the establishment of **unhosted STRA** within the City of Bayswater.
2. Provide a high level of amenity for both long-term residents of adjoining properties and the occupants of **unhosted STRA**.
3. Provide guidance to the operators of **unhosted STRA** as to the operator's responsibilities and obligations.
4. Ensure that **unhosted STRA** within the City of Bayswater are appropriately designed, located and managed to minimise impacts on residential amenity.

Definitions

For the purpose of this policy —

Anti social behaviour means actions and behaviours that threaten the amenity of the locality, and includes but is not limited to swearing, shouting, abusive, threatening behaviour, raised voices, parties and loud music.

Guest means a person, who is accommodated within a short-term accommodation on a temporary basis for a fee but is not subject to a Residential Tenancy Agreement

Hosted short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Short-term rental arrangement has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Unhosted short-term rental accommodation has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*

Policy Statement

1. Assessment Criteria

In exercising discretion to determine an application for development approval, **unhosted STRA** will generally only be supported where the following criteria are met:

a. Zoning

STRA can only be supported on land in zones where residential dwellings are capable of approval under the applicable local planning scheme.

b. Locational Criteria

Appropriate locational considerations for **unhosted STRA** may include, but are not limited to, the following:

- i. Within or adjacent to an activity centre or station precinct; and/or
- ii. Within or abutting an urban corridor or local centre identified in the Local Planning Strategy; and/or
- iii. Access to high frequency public transport; and/or
- iv. Abutting non-residential land uses; and/or
- v. Proximity to regional community and/or health facilities; and/or
- vi. Sites where the amenity of the locality can be retained and protected; and
- vii. Where the impacts of vehicle access and traffic movements on the safety and operation of the road network and amenity of adjoining properties is minimised; and
- viii. Appropriateness of the development with regard to land tenure. Generally **unhosted STRA** is discouraged in existing grouped dwelling or multiple dwelling developments.
- ix. Non-tangible amenities such as proximity to parks may not be considered sufficient locational justification.

Short-Term Rental Accommodation Policy

Note: Bayswater District Centre is under planning control of DevelopmentWA and is not subject to the provisions of this Local Planning Policy.

c. Car parking

Car parking is to be provided on site in accordance with the minimum requirements of the Residential Design Codes for dwellings, with additional parking bays (if required) based on an approved occupancy. Total number of parking bays shall be provided in accordance with the table below. The number of guest cars should not exceed the number of bays available on site. In instances where shared visitor car parking is provided in common property, such as strata and community title development, the shared visitor parking shall not be relied upon for use of the STRA.

Number of Guests*	Minimum Parking Bays required
1-3	1 bay
4-6	2 bays
7-9	3 bays
10-12	4 bays

*Note: For the purpose of calculating car parking, children do not count as **guests**.*

d. Number of Guests

The maximum number of guests shall be calculated as per the City of *Bayswater Health Local Law 2023 (as amended in 2024)* and *Department of Health General Health Provisions for Short Term Accommodation*, based on the per cubic meter of airspace in each bedroom. A condition may be included on any Development Approval limiting the number of guests as required.

e. Amenity

- i. The City will evaluate the potential amenity impacts of each STRA proposal, considering their individual circumstances and the specific local context.
- ii. STRA proposals that detrimentally impact the surrounding locality's amenity will not be supported.
- iii. The evaluation of a proposal will focus on the inherent suitability of each proposed use, as presented in the application, with specific attention to its details and how it impacts the amenity of the locality. Conditions of approval should not be used to support proposals that are inherently unsuitable.
- iv. In reviewing STRA proposals, the City will assess proposed management measures to consider if they are reasonable, enforceable, and effective in maintaining amenity.
- v. STRA proposals must, at a minimum, demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*. However, compliance does not automatically translate into acceptable noise impacts from a planning amenity perspective. The City will consider factors such as arrival times, use of outdoor areas, proximity to adjoining dwellings, installation of noise monitoring devices, and other relevant aspects.

f. Strata and community titles

The use of grouped and multiple dwellings, and dwellings part of a strata or community title scheme for STRA is discouraged, however may be considered where it can be demonstrated that the property can be operated in accordance with the provisions of the policy.

g. Signage

On residential zoned land a maximum of one sign on the site identifying the STRA is permitted. The sign is not to exceed 0.2m² in area, and is to be incorporated into a front fence, wall, structure or building.

2. Application requirements

In addition to the application Development Approval requirements set out in Schedule 2 Part 8 cl.63 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and City of Bayswater [Planning Application Forms and Fees - City of Bayswater](#), the following is required to be submitted. Detailed information regarding these requirements is included in the *Short-term Rental Accommodation Guidelines*:

- a. Cover letter
- b. Site and floor plan showing the use of the premises
- c. Justification for location
- d. Management Plan
- e. Guest code of conduct
- f. Bushfire evacuation measures, if applicable.

3. Consultation

Applications for **unhosted STRA** may be advertised in accordance with the advertising procedures defined in Schedule 2 Part 8 cl.64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Where an application involves short-term accommodation in a strata or community title situation, all owners and occupiers are to be notified of the proposal.

At a minimum, all adjoining landowners will be included in the consultation, as detailed in the *Short-term Rental Accommodation Guidelines*.

4. Conditions of Development Approval

In approving an application for development approval, the City may impose conditions including, but not limited to, the following:

- a. Maximum number of guests
- b. Temporary approval, after which renewal, via an application to amend Development Approval will be required. In considering a renewal, due regard will be given to the history of the STRA operation. Subsequent renewals may also be time limited.
- c. The approved Management Plan to be implemented.
- d. The number of guest cars to not exceed the number of bays available on site.
- e. Supplying the emergency contact details of the management agent or owner to address issues.

- f. The landowner shall maintain a complaint register and outline the measures taken to address any complaints.
- g. The minimum length of stay.
- h. Installation of noise monitoring equipment
- i. Specification of quiet times.

5. Compliance

Unhosted STRA is to comply with all conditions of Development Approval. Noise monitoring may be undertaken in the event of nuisance complaints.

6. Other Approvals

This policy does not exempt **unhosted STRA** from the requirement to obtain any other necessary approvals, such as under the *Building Act 2011* and *Building Regulations 2012*.

Consent of strata company or community corporation may be required under the *Strata Titles Act 1985*. Applicants are encouraged to liaise with their strata company prior to submitting an application.

Related Legislation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Other related legislation includes the City of Bayswater *Town Planning Scheme No. 24*.

Related Documentation

Western Australian Planning Commission *Unhosted Short-Term Rental Accommodation Guidelines*

Document details

Relevant delegations	TP-D01 Local Planning Schemes		
Risk evaluation	Low		
Strategic link	Objective 2.1.2 Create liveable neighbourhoods and centres that include consideration of our built heritage. Objective 2.1.3 Advocate and plan for diverse and quality housing choices utilising a contemporary planning framework that encourages growth.		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		



Short-Term Rental Accommodation Guidelines

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Introduction

These guidelines provide detailed information for landowners wishing to operate an unhosted Short-Term Rental Accommodation for more than 90 days in any 12 month period, in accordance with the Unhosted Short-Term Rental Accommodation Policy.

Guidelines

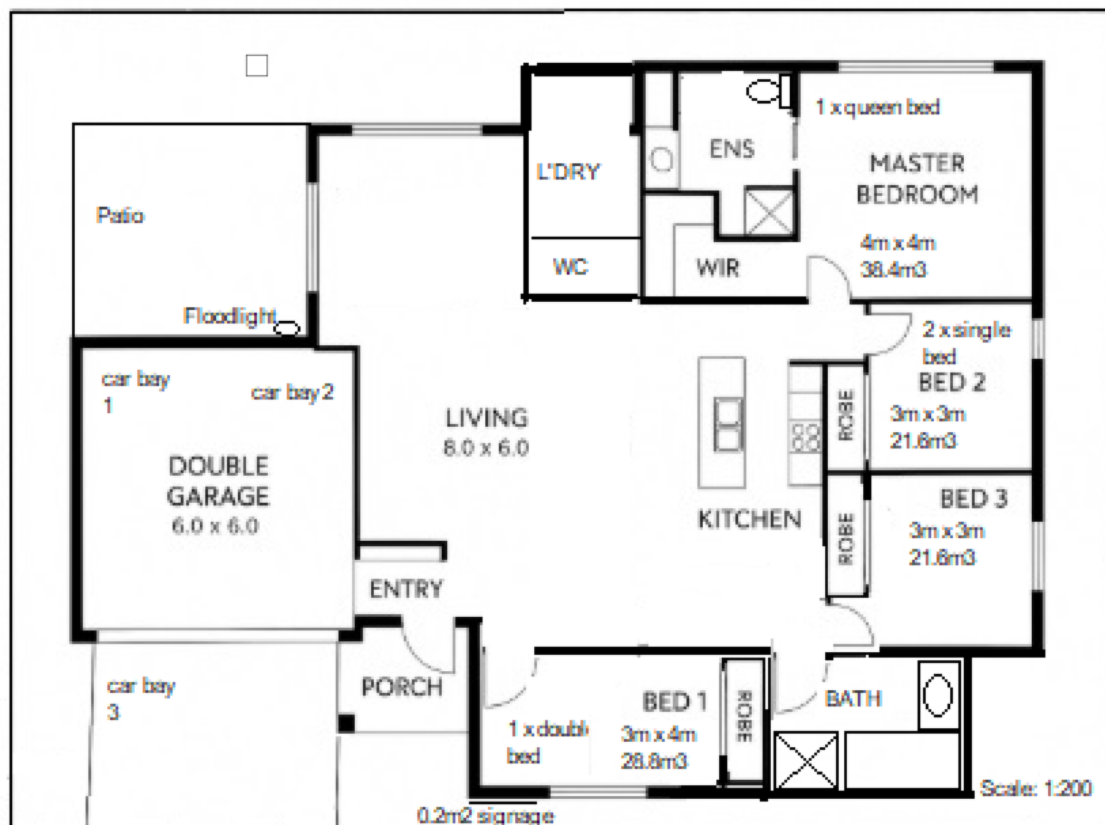
Note: These guidelines are a supplement to the specific requirements of lodging an application for Development Approval. They can be used as a checklist by applicants when preparing and application for unhosted STRA operating more than 90 days in a 12 month period.

1. Cover letter and application form	☐
A cover letter should be provided with every application for Development Approval, detailing, but not limited to, the following: - Management – owner or managing agent - Justification for location, - Likely frequency and duration of bookings, - Number of guests, and visitors (if proposed) - Any variations to the policy provisions Note that all application for Development Approval must be accompanied by a Management Plan	

2. Site and Floor Plan

Site plan and floor plan to be submitted clearly indicating site boundary, location of car parking, available bedrooms and the number and size of beds within each bedroom, cubic meterage of each bedroom, external lighting, outdoor entertaining areas, and any areas not accessible to guests.

Example:

**3. Location Justification**

Where an unhosted STRA is proposed, detailed justification is to be provided, including but not limited to:

- Noise amelioration management
- Appropriateness of location

4. Management Plan

The Management Plan is to address, but is not limited to, the following:

- Control of anti-social behaviour and the potential conflict between guests and permanent residents of the area;
- Minimum and maximum lengths of stay;
- Maximum occupancy limit;
- Guest arrival and departure procedures; including check in / check out times;
- Car parking management;
- Complaints management and after-hours complaints procedure including:
 - Nature of complaint
 - Date and time of complaint
 - Complainant details
 - Description of how complaint was addressed and whether feedback was provided to the complainant.
 - The provision of a contact telephone number of the accommodation owner and operator to neighbouring properties for business-hours and after-hours complaints;
 - Details of intended response timeframe, and process for notification or eviction of guests
- Explanation of how guests are informed of the Code of Conduct prior to and on arrival.
 - Details of any external lighting, and to be turned off after 9pm
 - Details of installation of noise monitoring devices
 - Guest Screening, including referrals and reviews from online booking platforms

5. Guest code of conduct

The Code of Conduct is to address, but is not limited to, the following matters:

- The expected behaviour of guests.
- Periods of 'quiet time', 7pm -7am Monday to Friday and 9pm to 7am on weekends ;
- Parties are not permitted;
- Reasonable noise expectations (in compliance with the *Environmental Protection (Noise) Regulations 1997*);
- Details regarding guest check-in and check-out procedures. Check in / check out of guests to be restricted during quiet hours;
- Expected control and maintenance of pets (if permitted at the property);
- Details of any car parking restrictions applicable to the area, and clarification on:
 - the maximum number of vehicles that can park on a property; and

- that parking on surrounding properties and within the street and verge area is not permitted;
- Details regarding waste management which specifies the expectations on guests about general rubbish and bin collection;
- Rules and maintenance relating to the use of all common property and common facilities (if applicable);
- Information on relevant strata by-laws (if applicable);
- Emergency contact information;
- Contact details of emergency services; and
- Implications of breaching the code of conduct, including but not limited to, consequences such as eviction.

The Code of Conduct shall be provided in the form of an information booklet for guests at the accommodation, and online prior to arrival.

6. Bushfire



Where a STRA is located within a Bushfire Prone Area, in addition to the requirements under the relevant legislation, the application is to address, but is not limited to, the following:

- Emergency evacuation plan for visitors in the event of a bushfire. This should include a map of the area, provide advice on what to do in the event of a bushfire, identifies the subject property, access routes and suitable evacuation destinations.
- Installation of directional signage clearly indicating possible evacuation directions from the property.

7. Consultation

At a minimum, all adjoining landowners will be included in the consultation.



Summary of Submissions – Draft Short-Term Rental Accommodation Policy and Guidelines

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
1.		Own or manage a short-term rental accommodation in the City of Bayswater	- For tourism purposes it is worth considering short term accommodation outside the “preferred areas”. Tourists and travellers love to stay in air bnbs around Bardon Park, along the river in Wall Street and along the river on Kirkham Hill Terrace. Tourists often spend more at local hospitality venues (and take away), making the café strip more lively. Many tourists hire cars, and parking is better away from the “preferred areas”. Not every traveller is going to want to stay within 500m of the train station, and alternatively there may be many permanent locals that want to be right in the town centre. Forcing all the short term accommodation into one area may not be good for either tourism or locals who would prefer the accommodation closer to the transport nodes (locals in these areas may be more likely to be commuters and need a quick commute than tourists do). - Could provide clearer feedback on what strata properties may or may not be suitable. Eg. A block of 100 apartments may be unsuitable, but a small strata complex may be ideal. Some larger stratas may find short term accommodation advantageous if the hosts keep the properties looking nicer than similar rentals. Flexibility may be a good idea.	- Noted. Unhosted STRAs are ‘D’ or ‘A’ uses in accordance with TPS 24 zoning tables where dwellings can be approved. Whilst the draft policy does not prohibit STRAs in other areas such as the Maylands peninsula, STRA proposals outside preferred locations would require additional planning justification. Given the majority of the approved STRA within the City are located outside of preferred areas (approximately 90%) and the low volume (approximately 0.75% of dwellings within the City), it is recommended that preferred locations be removed from the draft policy and applications for STRA be assessed on locational criteria on a case by case basis. - Noted. With the recommended removal of preferred locations from the draft policy, applications relating to strata properties will be assessed on their individual merits. If an applicant can demonstrate their STRA can operate without impacting on the residential amenity, there may be scope to support the proposal. It should be noted that separate to any development (planning) approval, consent from the strata may also be required in accordance with the <i>Strata Titles Act 1985</i>.
2.		Submission on behalf of Owner or manager of a short-term rental accommodation in the City of Bayswater	Opportunity to improve the draft STRA Policy and Guidelines to streamline the process and provide greater flexibility. Policy impacts on client’s property in the ‘Maylands / Bayswater South Residential Investigation Area’. The City is currently considering a change of use to the property to enable STRA. Our comments also have wider relevance.	Noted. Comments are addressed below.

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			Recent State Government laws and regulations require Local Governments to include STRA within their Local Planning Schemes. We consider that the creation of a new use for one form of residential rental occupancy is counterproductive and an administrative burden. Using it in any way that hinders the rights which owners have enjoyed under common law is an overextension of government power. Nationally, STRA comprises approximately 1% of the housing stock. Many STRAs are rented when owners make life changes, and the properties may otherwise be empty. Instead, they provide accommodation and tourism potential. The requirement to register STRA with the DLGIRS is already sufficient regulation and the appropriate way to manage government monitoring. The Draft Policy should do all it can to minimise the impact on the City resulting from the State using the Local Government planning framework as a backstop to State powers.	- Noted. Land use permissibility and legislated registration requirements do not form part of the matter currently being consulted on. - The draft policy and guidelines have been prepared to assist implementation of State Government STRA reforms. Through TPS 24 Amendment 101, as modified and approved by the Hon. Minister for Planning, STRA are a 'D' or 'A' land use in all zones where dwellings can be approved, and are not exempt from the requirement for Development Approval. The purpose of a local planning policy is to assist the guidance of discretion; as such, the policy and guidelines contain provisions related to location, amenity and management, ensuring STRA is appropriately located, designed and managed.

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			• Administrative Efficiency - Where a dwelling is lawfully approved for residential use, the policy should permit STRA as-of-right, in a manner similar to how a home office is managed in the City of Bayswater. All properties are subject to compliance with environmental health legislation, noise regulations, local laws and waste controls. Where substantiated complaints occur, enforcement powers could enable suspension or conditioning of the right to operate. The Draft Policy confirms that a development application is needed. The Guide includes information requirements for the development application. These are very helpful and should go as far as possible in ensuring the development application requirements are minimal. The Draft Policy and Guidelines also outline a need for Management Plans and Codes of Conduct. In practice, these are mostly the same across properties. If the Draft Policy requires these, the City should provide a comprehensive, editable document for the Management Plan and the Code of Conduct. It is essential that owners can apply without needing a professional planner and extensive reporting. Requiring strata members sign off and proceeding with advertising to neighbours should not be required. Co-signing and neighbourhood advertising imply a concern by the Council and place an application's rights at the whim of strata members and neighbours. Where there is no change to the buildings, advertising should not be a requirement. Neighbours are not invited to vet renters and future occupants, and STRA should be no different. Any assumptions that STRA is less controlled and occupants are an issue are incorrect. The sector is well managed.	• As above. Land use permissibility is controlled by TPS 24. Amd 100, as modified and approved by the Hon. Minister for Planning, classifies unhosted STRA as a 'D' or 'A' land use within residential zones, therefore a Development Application (DA) is required and advertising is required in some cases. It is considered that unhosted STRA is an intensification of residential land use which has the potential, if unmanaged, to result in amenity impacts due to the distinct tenure of STRA occupants compared to long-term residential tenants and owner/occupiers. The City considers that conditions of Development Approval are the most appropriate mechanism to manage any compliance issues that occur. The City can consider preparing templates and examples for Management Plans and Codes of Conduct, noting that these will be a guide only and will vary depending on the circumstances of each individual application. Similar to 'home business' and 'home occupation' STRA is a distinct use class predicated on the use of a dwelling. The Deemed Provisions include specific exemptions related to these use classes, as well as 'hosted STRA'. • In regard to streamlining the process, it is acknowledged that the strata company consent may not be required for the DA process for applying for a STRA, and it is recommended that the requirement for strata consent be removed from the draft policy. It should be noted that this does not remove the need for Strata approval which may still be required in accordance with the <i>Strata Titles Act 1985</i> and any applicable strata by-laws.

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			• <u>Maylands / Bayswater South Residential Investigation Area</u> – client's property in Maylands, is located between the Maylands Activity Centre, the Swan River and the Maylands Health Precinct, including St John of God Mt Lawley Hospital. The area is urban and mixed-use in character, contains apartments and higher-density housing, and is identified for planning investigation and urban evolution. The Maylands / Bayswater South Residential Investigation Area should be a preferred area for STRA. It cannot be assumed that visitors are best served by only having access to STRA in town centres. People have different holiday needs – some may be staying near the hospital to support relatives. Overall, for an area with a vibrant mixed-use centre, sweeping river frontage and a significant medical precinct, Maylands provides very little accommodation of any kind. Almost none of the existing STRA options are in the preferred precincts. This Policy could extinguish the few available options. The right to use properties on the 'The Maylands / Bayswater South Residential Investigation Area' for STRA is logical and contextually appropriate in this strategically significant precinct. The policy should, at a minimum, include this as a 'preferred area'.	• Unhosted STRAs are 'D' or 'A' uses in accordance with TPS 24 zoning tables where dwellings can be approved. Whilst the draft policy prefers STRA to be located within town centres and station precincts where access to transport options and services are concentrated, it is recommended that the preferred locations map be removed from the policy, and all proposed STRA will need to submit locational justification in order to mitigate any potential amenity impacts in areas which retain community expectation of long-term residential tenure.

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			- Land Title and Planning Relevance - The Draft Policy prohibits STRA within strata title developments outside the preferred zone, being the Maylands Activity Centre. Strata title is a tenure arrangement rather than a land use. Planning Schemes are intended to regulate land use impacts, not ownership structures. The proposed restriction disproportionately affects owners outside the preferred zones and strata owners relative to other owners. This creates inequality without clear evidence of differentiated impact. - Recommended Amendments – Summary: 1. Permit STRA within lawfully approved dwellings, including strata, as-of-right. 2. Avoid blanket exclusion based solely on strata title. 3. Focus the policy on suspension mechanisms triggered by substantiated complaints. 4. Extend the preferred STRA area to include land between the Maylands Activity Centre and the Swan River, including Deeley Street. 5. Ensure applications do not need a professional planner and extensive information to apply. Since the adoption of the State's STRA Planning Regulations, our company has helped a range of clients through the application process. We have found that most Local Governments are quite supportive of STRA in practice, including on	- The intention of the policy is to provide guidance for STRA, and protect the amenity of residential areas. It is recommended the policy be modified to enable Strata properties to still be considered for STRA, however additional justification would need to be provided, noting that strata developments usually have common property, security concerns, party walls and shared visitor car parking which could impact on the appropriateness of STRA. - In accordance with Amendment 101 recently approved by the Minister for Planning, all unhosted STRAs require development approval. - As noted above, in some instances STRA may not be appropriate in a strata development. The policy does not provide a blanket exclusion to strata titled properties. - Temporary approvals and stringent DA conditions are in place to ensure STRAs are operating in accordance with their approved Management Plans. Where there are concerns raised, these conditions provide the City with compliance enforcement powers and sufficient justification for potential non-renewal of approvals. - As noted above, it is recommended that the preferred areas be removed from the draft, with each application for STRA to be considered on its merits. - Noted. It is considered that the draft policy and guidelines, provide sufficient guidance for non-planners to navigate the application process, in consultation with City Officers. In response to the comments regarding streamlining processes, the City is reviewing the conditions of Development

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			Strata properties. The Draft Policy should not constrain the City from being supportive of all property owners and a diversity of rental and accommodation options. The City of Bayswater often demonstrates a balanced, appropriate approach to emerging planning issues. The Maylands Activity Centre Zone has been a template for many others. We hope these suggestions are incorporated into the City's Draft Short-Term Rental Accommodation Policy and Guidelines, and they become a template for others to follow.	Approval to determine if there are ways to provide an easier path for STRA renewals.
3.	Object	Live in the City of Bayswater	We should not allow Airbnb style accommodation in Bayswater. People who need short term accommodation should use hotels/motels. Allowing STRA just further decreases the amount of housing available to people who need or to live and instead provides more income to landlords, and accommodation for wealthy people on holiday. It is another cruel obstacle to people who are just struggling to find a place to live	Noted. The City has limited hotel/motel availability, with only one hotel within the City's boundary. The State Government reforms have resulted in hosted STRA being a permitted land use within residential areas. Registered STRA within the City, including both hosted and unhosted, constitute 0.74% of the City's dwellings. The policy is applicable only to unhosted STRA which currently constitutes 0.39% of the City's dwellings. STRA is therefore not considered to have a significant impact on housing availability.
4.	Object	Live in the City of Bayswater	There is a housing shortage at the moment, this will create more issues. I drove past a home open for a rental yesterday there was at least 30 cars waiting to see the place.	Noted. The State Government reforms have resulted in hosted STRA being a permitted land use within residential areas. Registered STRA within the City, including both hosted and unhosted, constitute 0.74% of the City's dwellings. The policy is applicable only to unhosted STRA which currently constitutes 0.39% of the City's dwellings. STRA is therefore not considered to have a significant impact on housing availability.
5.	Object	Live in the City of Bayswater	My concern with the policy is the lack of enforcement of existing requirements in Bayswater. I have short term housing across the road directly behind my driveway that has been approved for 12 months. Despite the restriction that the short term accommodation is only meant to park in the designated bays those using the housing have been parking behind my driveway instead. The restrictions are not enforced. As a result, I accidentally reversed into one Car and despite insurance had to pay \$1000 for repairs for a car that should never have been there by the	No compliance matters have been raised with the City's Compliance Team in regards to the specific STRA noted in this submission. However, in instances where compliance matters have been raised, the City's Compliance Team have carried out enforcement when required. Overall there are few compliance matters in relation to STRA, with the majority of STRA operating without complaints, and appear to be operating harmoniously with neighbouring properties. The operator's management plan is to include relevant contact details for neighbouring properties should any

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			parking restrictions. There is no one for me to call to resolve as wherever the short term accommodation providers details were meant to be left near the accommodation- they are not there. The result is for a car that should never have been parked there, I pay and my daughter goes with less speech sessions. My biggest issue is lack of enforcement or penalties in the policy. Also for the lack of amenity and impact residents near these facilities now have.	complaints arise. A condition is also imposed for operators to provide a copy of the management plan to the surrounding properties (including on the opposite side of the road).
6.	Support	Live in the City of Bayswater	Clarity around this subject is very much appreciated	Noted
7.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	- I respectfully request two key amendments to the list of Preferred Locations for unhosted STRA - Including all properties within 250m of Beaufort Street and all properties within 800m of the Bayswater Train Station. <u>Beaufort Street – 250m</u> - Strategic Importance of Beaufort Street as a High-Frequency Transport Corridor - Beaufort Street is one of Perth's most significant high-frequency transit corridors, providing a direct, efficient, all-day public transport connection into the Perth CBD. Its role in supporting sustainable travel aligns with the policy's objectives of Ensuring STRA is appropriately located near transport and activity corridors; and Supporting centres and station precincts as outlined in the Policy. Including areas within 250m of Beaufort Street would therefore reinforce the intent of locating STRA where accessibility, services and transport capacity already exist, without placing pressure on lower-amenity residential streets. - Consistency With the City of Stirling's STRA - The City of Stirling's STRA Preferred Location Map clearly shows that corridors along Beaufort Street are identified as preferred areas for STRA, recognising the high-frequency public	- As above, Unhosted STRAs are 'D' or 'A' uses in accordance with TPS 24 zoning tables where dwellings can be approved. In reviewing the policy following consultation it is recommended that the preferred locations be removed from the draft policy and each application for STRA be considered on its merits. - As above, rather than extending the preferred locations to include Beaufort Street it is recommended that the preferred locations be removed from the draft policy and each application for STRA be considered on its merits. - As above, it is recommended that the preferred locations be removed from the draft policy and each application for STRA be considered on its merits.

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			transport function of Beaufort Street, its mixed-use character and existing commercial-residential interface and Lower risk of amenity impacts due to higher activity levels and existing visitor accommodation patterns. This demonstrates a sensible regional planning approach. Aligning with the City of Stirling would create policy continuity along the shared boundary and reduce administrative inconsistency for operators and residents moving between local government areas. • Alignment With the City of Bayswater's Policy Objectives - The City's draft STRA Policy states that STRA should generally be supported in activity centres and station precincts, and that proposals outside preferred areas require strong justification. Beaufort Street functionally operates as an Activity Corridor, with Established restaurants, cafes and retail offerings, Strong pedestrian activity, Frequent bus services, proximity to the CBD and surrounding employment centres These characteristics are entirely consistent with the policy's intent, and therefore areas within 250m of Beaufort Street should logically qualify as Preferred Locations. • Reduced Amenity Risk Compared With Residential Neighbourhoods - The Draft Guidelines emphasise amenity considerations, noise, parking, and proximity to neighbours. Properties in close proximity to Beaufort Street, Already experience higher background activity levels, Benefit from greater access to public transport (reducing parking pressure), and Are less likely to experience conflict between visitors and long-term residents Recognising this corridor as a Preferred Location would reduce the number of STRA applications requiring complex justification processes and would concentrate visitor accommodation in the most suitable areas.	• As above • As above

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			- Based on the above, request that the City of Bayswater: Include a new Preferred Location category defined as: "All residential properties located within 250 metres of Beaufort Street." This amendment would, align Bayswater's policy with neighbouring LGAs, especially the City of Stirling, Support the policy's broader strategic and planning objectives, Improve clarity and consistency for applicants, Concentrate STRA in locations best suited to absorb visitor activity, and Reduce pressure on quieter residential areas elsewhere in the City <u>Bayswater Station – 800m radius</u> - The draft STRA Policy strongly supports STRA within station precincts and activity centres. However, the preferred area does not fully leverage the significant transport and amenity benefits of the newly redeveloped Bayswater Station, a major METRONET interchange. An 800m radius represents a standard, well-recognised walkable catchment for high-capacity public transport. Including this area as a Preferred Location would align with, The policy's stated objective to focus STRA near station precincts, the City's broader planning strategy that identifies Bayswater Station as a major activity node, The Guidelines' emphasis on accessibility, transport availability, and reduced amenity risk. - The station precinct naturally supports STRA through, Exceptional access to Perth CBD, Airport Line, Midland Line, and future Morley Ellenbrook Line, Reduced reliance on on-street parking, A transit-oriented environment already suited to visitor movement, and Existing and emerging mixed-use development patterns. By expanding the Preferred Location boundary to include all properties within 800m of Bayswater Station, the City would ensure policy consistency with its strategic intent while relieving approval pressure on non-preferred residential neighbourhoods.	- As above, it is not recommended that the draft policy be amended to include Beaufort Street as a preferred location, however it is considered that the preferred locations should be removed from the draft policy and each STRA application considered on its individual merits. - The area surrounding the Bayswater Station is currently administered by DevelopmentWA and controlled by the METRONET East Redevelopment Scheme. STRA is a preferred land use around the Bayswater Station under the scheme. The area outside of the redevelopment scheme has not been included in the draft policy as a preferred location as it does not align with the City's Local Planning Strategy. - As above. Rather than extend the preferred areas to include Beaufort Street and Bayswater Station it is recommended that the preferred locations map be removed from the draft policy and each STRA application be considered on its individual merits.

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			- Recommendation - To ensure strong alignment with the draft policy's objectives, regional consistency, and a more strategic distribution of STRA, I respectfully request that the City: 1. List all residential properties within 250 metres of Beaufort Street as Preferred Locations. 2. List all residential properties within 800 metres of the Bayswater Train Station as Preferred Locations. - These additions will Align with transit-oriented development principles, Support regional uniformity with neighbouring LGAs, Strengthen the City's planning framework for visitor accommodation, Reduce conflicts in lower-amenity residential streets, and Promote sustainable access and minimise parking impacts 	
8.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	- If Council were to establish "preferred locations" then "non-preferred locations" would mean new short stay properties will not be given an opportunity by guests to utilise local businesses in that district. We want tourists to be able to stay and spend in every suburb in the City of Bayswater. - The proposed parking requirements is too excessive for most properties. When families stay in Airbnbs they only hire 1 car, there's no need to demand 2 car bays for 2-bedroom properties for 4 people, or 3 car bays for a potential 3-bedroom	'Unhosted STRA' are 'D' or 'A' uses in all TPS 24 zones where dwellings can be approved. The majority of current STRA within the City are located outside of the preferred locations identified in the draft policy. Whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy. - The proposed car parking ratios ensure that guest car parking is provided on site, to limit impacts of on street parking in residential areas.

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			property. This is an excessive and unrealistic ask of owners. When a short stay property is professionally managed, it mitigates risks for owners and neighbours with measures in place such as guest vetting, noise monitors and 24/7 on-call assistance. We look forward to continuing to offer tourists at-home accommodation options in the City of Bayswater.	Professional management may be a risk mitigation factor, however professional management is not a requirement of the draft Policy. Operational Management Plans are required as a condition of development approval to ensure that both professionally managed and owner managed STRA have appropriate measures in place.
9.	Object	Live in the City of Bayswater	- The areas suggested are extremely restrictive considering the expectation for unhosted STR are so carefully defined. Why are you restricting the area where people can rent their homes. Considering the shortage of short term accommodation and the potential to have more visitors to our residential areas that are close to the airport. - Every person should be able to rent their home if they are away for a short period of time. Many retirees use this method to fund their travel around Australia. You should not be intervening and preventing Owners from benefiting from their investment.	- Noted. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy. - The State Government STRA reforms have declared STRA to be a distinct land use from residential dwellings. The draft policy provides a framework for the City to assess applications for STRA.
10.	Object	Live in the City of Bayswater	It does not outline the rights of the residence living next to or opposite one of these sites. It only talks about notifying them. That is not sufficient. The other residents should have equal rights as to whether they want this, any concerns they have, who to complain to if there are issues. If there are issues the contract of the use of the property for Air BnB etc should be cancelled. The whole residential, family feel of the neighbourhood will change. Why is this being done? It could increase crime and drug issues in the area which is already a problem.	Under the LPS and policy affected landowners will be consulted during the DA process. The policy proposes the use of time limited approvals and rigorous DA conditions to provide the City with compliance enforcement powers where management plans are not adhered to. There is no evidence to demonstrate that STRA increases antisocial behaviour.
11.	Support	Own or manage a short-term rental accommodation in the City of Bayswater	Feedback relating to the proposed limit on the number of guests. I have a 3-bedroom unit for short-term rent. The policy now is only limiting the maximum number of guests to 3 people, which does not appear practical or reasonable. 3	Guest calculations are based on the City's <i>Health Local Law 2023</i> (as amended in 2024) and Department of Health <i>General Health Provisions for Short Term Accommodation</i>,

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			bedrooms dwelling is generally designed to accommodate families (2 adults + 2 kids most popular family member informs) or small groups comfortably. Under normal residential occupancy standards, it would be reasonable to expect at least 4 guests, and often more, to stay in such a property without causing any negative impact on the neighbourhood amenity. - I respectfully suggest that the city consider adopting a more practical & flexible occupancy guideline such as allowing a maximum 5 guests for 3 bedroom dwelling, or establishing a guest limit based on the number of bedrooms (maximum 2 pp / room) - A reasonable guest allowance would still enable the city to maintain neighbourhood amenity while supporting responsible tourism and property use within the community. The STRA sector provides accommodation options for visitors, family members, and workers travelling to the area, and it contributes positively to the local economy. A balanced policy that reflects realistic occupancy standards will help ensure that STRA operations remain practical while still protecting the interests of local residents.	based on the per cubic meter of airspace in each bedroom: <i>“3.4(b) (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and</i> <i>(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or any garage or shed to be used for sleeping purposes.”</i> No modifications to the policy are proposed, however the City's standard STRA DA condition relating to maximum number of guests will reflect the local laws requirements, to allow flexibility between the maximum number of adult and children guests, calculated per bedroom cubic meterage. Infants under the age of 12 months are not included in the calculations for guests as the <i>Health Local Law</i> is silent on this age bracket.
12.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	PREFERRED LOCATIONS Short-term accommodation demand is not limited to activity centres or transit hubs. Visitors may travel for a range of purposes including, Visiting family or friends, Temporary relocation during housing transitions, Work assignments, Access to hospitals or education facilities, Events and tourism. Restricting STRA to specific planning areas does not reflect the diverse reasons visitors stay in residential areas and unnecessarily limits accommodation supply across the municipality. There is also no found documentation that STRA negatively affects local amenities. PARKING	Noted. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy.

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			- The proposed parking ratios assume that each group of guests will arrive in multiple vehicles, however this is often not the case. For example, many groups travel together in a single vehicle. Families commonly share one car regardless of guest numbers. Visitors may use rideshare services, taxis, or public transport. Because of this, linking parking requirements directly to guest numbers does not accurately reflect real parking demand and may result in unnecessary parking provisions. Secondly, it is inconsistent with the residential parking requirements. The proposed parking ratios are significantly higher than standard residential parking requirements under typical planning frameworks. For example, many residential planning schemes require 2 bays per dwelling regardless of occupancy. Under this STRA policy, a property hosting 7–9 guests requires 3 bays and a property hosting 10–12 guests requires 4 bays. This means a short-stay property could be required to provide double the parking of a normal dwelling, even though the physical house and driveway remain the same. This creates a biased planning standard for STRA compared with permanent residential use. SIGNAGE - Placing signs on properties advertising that they are short stays increases the chances of a property being targeted for theft. Opportunists will see this sign, and will know it is vacant at some times and is not habitable all the time. This is unsettling to owners and for the agents managing these properties. STRATA DWELLINGS - Restricting STRA in grouped dwellings, multiple dwellings, and strata-titled properties creates an uneven regulatory framework that unfairly disadvantages certain property owners. Owners of apartments, townhouses, and strata dwellings have the same property rights as owners of single dwellings. Preventing them from	- The proposed car parking ratios ensure that required guest car parking is provided on site, to limit impacts of on street parking in residential areas. Car parking is calculated on the maximum number of adult guests, which is based on the <i>Health Local Law 2023</i> occupancy rates per bedroom. - Signage is not mandatory under the provisions of the draft policy. - Unhosted STRA are no longer a residential land use, and require Development Approval. STRA may not be supported in grouped and multiple dwelling developments to protect the amenity of existing residents where there is higher likelihood of land use conflict and amenity impacts, however applications relating

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			participating in the short-term rental market, particularly outside “preferred locations” effectively limits their ability to utilize their property in the same way as other homeowners. Strata and community title schemes already operate under structured governance systems with, By-laws regulating behaviour, Strata councils or committees, Dispute resolution processes and Management oversight. Because of this, grouped or strata dwellings are often better regulated internally than standalone houses. If nuisance or operational issues arise from STRA activity, strata bodies have the ability to enforce rules directly, meaning additional planning restrictions are unnecessary. We welcome a structured short stay policy, if its reasonable and fair.	to strata properties will be assessed on their individual merits. If an applicant can demonstrate their STRA can operate without impacting on the residential amenity, there may be scope to support the proposal. It should be noted that separate to any development (planning) approval, consent from the strata may also be required in accordance with the <i>Strata Titles Act 1985</i>.
13.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	- I do not agree with the parking advice at all it - if clients are traveling from overseas they wont have 2 cars, many couples staying in a 2 bedroom house would travel together it makes no sense to require 2 car bays etc - I do not want to restrict the short term accommodation in the city of Bayswater	- The proposed car parking ratios ensure that sufficient guest car parking is provided on site, to limit impacts of on street parking in residential areas. Given that the STRA land uses can only occur in an approved dwelling, car parking will already have been considered and provided in accordance with the R-Codes. For larger dwellings with higher occupancy, there is greater potential for more vehicles; the parking requirements ensure that this can be accommodated within the subject property without impacting adjoining properties or the locality. - Noted. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy.
14.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	We support the council’s intention to ensure safe and responsible short-term rentals. However, we are concerned that the proposed ‘preferred locations’ restrictions and parking requirements may be excessive and unnecessarily restrictive. Responsible operators already maintain high standards of safety, cleanliness, and parking management. We request the council to reconsider these measures to allow operators to	The City appreciates the management of existing responsible STRA operators. The policy seeks to ensure that appropriate controls and management are in place for all STRA developments, along with clear and actionable conditions of approval as a mechanism to resolve any operational issues which may arise. As above, it is recommended that the preferred locations be removed from the policy. The

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			continue contributing positively to the community and local economy	proposed car parking ratios ensure that guest car parking is provided on site, to limit impacts of on street parking in residential areas.
15.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	- I object to the following components of this draft Policy: - Parking requirements are far too excessive for the typical parking requirements of short term accommodation. Typically groups of guests up to 6 will either have zero cars, or possibly one car. Requiring 2 minimum parking bays is far too onerous and restrictive. I suggest that 1 parking bay be required up to 6 guests and 2 bays be required for 7 - 10 guests and 3 bays for 10 - 12 guests. - Establishing "preferred" areas is also extremely restrictive and draconian. The vast majority of the council is made up of "non-preferred areas" by the City's definition. A vast number of guests we host (16,000+ guests per annum) prefer to integrate into suburban areas and use the properties no differently than an owner occupier or tenant from the neighbourhood, thus there is no logical merit to restrict their stays to only busy activity centres/areas. Our management plans effectively mitigate any implied or perceived risk of amenity disruption to the area and we have demonstrated this consistently for 8+ years with hundreds of properties. Suggest amending this to allow permissible use in these areas so long as a comprehensive management plan is submitted including 24/7 contact numbers. security team on standby, many employed property management and admin staff and local cleaners available to handle issues if they arise which is negligible frequency at best. We have never received a complaint from City of Bayswater in 8+ years, nor other surrounding LGAs we deal with regularly. This needs to be considered so as not to paint our extreme and comprehensive management protocols with the same brush as absentee owners and hosts.	- The proposed car parking ratios ensure that guest car parking is provided on site, to limit impacts of on street parking in residential areas. The policy proposes a minimum of 1 bay. Off-street car parking is already a requirement of the R-Codes and generally will have been provided for any existing dwelling that STRA is proposed within. - As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy.. It is noted that where STRAs are well managed there may be little to no impact on residential amenity, mitigating complaints.

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16.	Object	Live in the City of Bayswater	- I wish to formally raise concerns regarding the proposed designation of unhosted STRA precincts surrounding the Galleria activity centre. While I support policies that encourage appropriate urban density and housing supply, the current proposal risks undermining the primary purpose of residential zoning: the provision of stable, long-term housing for local residents. - The proposed precinct model creates a strong financial incentive for investors—including those from outside the local area—to purchase or redevelop residential properties specifically for unhosted short-term accommodation. This effectively diverts newly constructed high-density housing away from long-term residents and into short-stay tourism use. Such an outcome contradicts the broader intent of state and local planning reforms that promote increased density in activity centres in order to expand housing supply for an ever growing population. - Short-term accommodation typically generates significantly higher nightly returns compared with long-term rental income. As a result, the concentration of unhosted STRA within residential precincts may reduce the available stock of long-term rental housing and place additional upward pressure on rents during a period already characterised by a severe housing and cost-of-living crisis. The groups most affected by reduced housing availability are often those who rely most heavily on proximity to local infrastructure and services, including families, young people, older	- Noted. It is noted that unhosted STRA can be approved in all zones where dwellings can be approved under TPS 24. Since the draft LPP was prepared, the volume and geographical distribution of STRA applications within the City is more well understood. Registered STRA within the City currently makes up approximately 0.74% of all dwellings, with the majority of these being outside preferred locations. Given the scale of the sector within the City and substantial community feedback, the use of preferred locations as a controlling mechanism for STRA is not considered warranted at this time. It is recommended that preferred locations be removed from the draft LPP. - The draft policy does not seek to create STRA hubs or precincts, merely identify locations consistent with the established strategic planning framework that are preferred by virtue of their access to infrastructure and amenities and therefore better able to support this form of tourist accommodation. As above, it is recommended that preferred locations be removed from the draft LPP. - When preparing the draft policy, the City investigated the scale of the sector and found that approximately 0.75% of residential dwellings within the City are currently registered as STRA. This policy, in conjunction with the State register, will enable the City and the State Government to continuously monitor the impact of STRA on the housing sector.

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			residents, and individuals without access to private transport. - In addition to housing supply concerns, the clustering of unhosted short-stay accommodation has the potential to alter the social and functional character of residential neighbourhoods. A high turnover of short-term occupants reduces neighbourhood stability, weakens social cohesion, and can increase the risk of antisocial behaviour. Unlike traditional accommodation providers such as hotels or motels, unhosted STRA typically operate without on-site management, meaning that any impacts associated with these properties are often borne by neighbouring residents, council compliance services, and local law enforcement. - I am particularly concerned about the inclusion of streets directly connected to Morley Primary School and Infant Jesus Primary School within the proposed STRA precinct boundaries. These streets serve as important pedestrian links between residential housing, schools, and key community amenities including the Morley Recreation Centre and Coventry Markets. Many children and families rely on safe, walkable access to these facilities. Maintaining stable residential occupancy in these areas is essential to preserving a safe and supportive community environment for families and school children. Council documentation relating to the 9 December 2026 meeting emphasises the importance of ensuring that unhosted STRA is appropriately located within activity centres and station precincts in order to safeguard the primary purpose of residential areas as places for long-term housing. In my view, the inclusion of school-adjacent residential streets within STRA precincts is inconsistent with this objective.	All STRA requiring approval from the City have strict management plans and guest code of conduct. There is no evidence to suggest that STRA increase antisocial behaviour, with the majority of the existing STRA in the City operating without complaint. The areas mentioned around Morley Primary School and Infant Jesus School are zoned 'Centre' under the City's local planning scheme and form part of the Morley Strategic Activity Centre. Applications for STRA near schools will be assessed on their merits on a case by case basis in accordance with the relevant planning framework.

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			- I therefore encourage the council to consider a more balanced regulatory approach. This could include implementing a cap on unhosted STRA properties—such as a maximum of 5% within any residential complex, precinct, or across the City of Bayswater—to prevent excessive concentration and protect long-term housing supply. Additionally, streets immediately surrounding schools should be excluded from STRA precinct zoning in order to maintain safe, stable residential environments for families. - Where additional short-stay accommodation is desirable to support tourism and economic activity, there are more appropriate locations within the Galleria redevelopment area for purpose-built facilities such as hotels or professionally managed accommodation. Potential sites could include areas associated with the former Morley Markets, surrounding car park land, the former Bunnings site, or integrated developments near the bus interchange. - Finally, I respectfully request that the council assess this proposal in the context of its 2025–2035 Integrated Strategic Community Plan and Corporate Business Plan. These frameworks highlight key priorities including population growth, housing accessibility, community wellbeing, social cohesion, and support for vulnerable residents. Policies that allow large-scale conversion of residential housing into unhosted short-stay accommodation risk undermining these strategic objectives. - For these reasons, I respectfully oppose the current proposal to introduce concentrated unhosted STRA precincts within established residential areas and request that the council prioritise long-term housing supply, neighbourhood stability, and community wellbeing in its final policy framework.	- Unhosted short term rental accommodation currently makes up approximately 0.4% of dwellings within the City and is not considered to be a significant contributor to housing affordability/availability pressures within the City at this time. There is no clear legal or policy mechanism available to the City to implement a cap on an otherwise approvable land use. Therefore the City does not consider capping STRA approvals to be feasible at this time. - The sites mentioned in the submission also form part of the Morley Strategic Activity Centre and are located within the 'Central Core' Precinct. Hotel is a 'P' permitted land use within the 'Central Core', however there are no current proposals for any accommodation on these sites. - Unhosted short term rental accommodation is currently not large scale, and represents approximately 0.4% of dwellings within the City. It is not considered to have a significant impact on housing accessibility, community wellbeing, and the other key priorities outlined in the City's Integrated Strategic Community Plan and Corporate Business Plan at this time. The draft policy, in conjunction with the State register, will enable the City and State Government to continuously monitor the impact of STRA on the housing sector. - The policy does not create "STRA precincts", but provides a framework for the assessment and operation of STRA within the City. Areas within the City that established strategic planning has identified for growth and development, including greater density and diversity of housing, such as activity centres

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				and station precincts are identified in the policy, however are no longer delineated as preferred locations.
17.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	- As a representative of a short-term rental management operation, I would like to express our concerns regarding several aspects of the proposed policy, particularly where requirements may be considered overly restrictive or impractical for responsible operators. We acknowledge and support the intent of the policy to maintain neighbourhood amenity and ensure appropriate management of short-term rental properties. As professional operators, we are aligned with this objective and already implement strict processes, including guest screening, clear house rules, and rapid response systems to address any issues that may arise. However, we respectfully submit objections to the following elements of the draft policy: - Preferred Location Restrictions - The introduction of "preferred locations" for unhosted STRA may significantly limit the viability of existing and future operations. This approach risks creating an uneven playing field and may unfairly impact property owners who have responsibly operated in good faith under previously relaxed frameworks. We recommend a more flexible, performance-based approach that assesses operators on compliance and management standards rather than geographic limitations. - Excessive Car Parking Requirements - The proposed parking requirements appear disproportionate to actual usage patterns observed in short-term rentals. Many guests utilise rideshare services or public transport, and enforcing strict parking minimums may create unnecessary barriers, particularly for properties in established residential areas where additional parking is not feasible. We suggest aligning parking requirements with realistic demand and	- Noted. It is acknowledged that the use of professional STRA managers may reduce instances of non-compliance or impact on residential amenity, however is not an enforceable requirement. - Noted. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy.. In instances where STRA have demonstrated responsible management the City may consider fast tracking renewals. The policy is not retroactive and will not impact existing approved STRA. - The proposed car parking ratios have been established to ensure that guest car parking is provided on site to limit impacts of on street parking in residential areas.

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			allowing discretion based on property type and location. 3. Application and Approval Burden - The extent of documentation and approval requirements outlined in the draft guidelines may be overly burdensome, particularly for smaller-scale operators. While we understand the need for accountability, the process should remain accessible and not discourage compliance through complexity. We recommend streamlining application requirements and avoiding duplication with existing approvals. 4. Operational Constraints and Conditions - Certain proposed conditions, including limits on guest numbers and additional compliance measures, may be unnecessarily restrictive when applied uniformly. Responsible operators already manage occupancy and guest behaviour effectively through internal policies and monitoring systems. We encourage the City to consider a risk-based approach, where proven, compliant operators are not subject to the same level of restriction as those with a history of complaints or non-compliance. 5. Impact on Established Operators and Industry Sustainability - The cumulative effect of the proposed measures may significantly impact the sustainability of the short-term rental sector within the City of Bayswater. This industry supports local tourism, employment, and the broader economy, including cleaners, maintenance providers, and other service personnel. It is important that the policy strikes a fair balance between regulation and enabling continued operation of responsible businesses. We strongly encourage the City of Bayswater to reconsider elements of the draft policy that may be unnecessarily onerous and instead adopt a balanced, practical framework that supports	- Applications for STRA are processed under the requirements of the LPS regs, with a 60 / 90 day determination timeframe, provided all required information is submitted. The City may consider fast tracking renewals in instances where STRA have been operating without any concerns or compliance issues. - Noted. Guest limits are proposed as per the City's <i>Health Local Law 2023</i>. The City may consider fast tracking renewals for STRA, however conditions of DA such as comprehensive management plans are still necessary to provide the City with a mechanism for compliance enforcement if necessary. - Noted. - As above, the draft policy seeks to provide the City with a framework to consider applications for STRA, and a mechanism for compliance matters through DA conditions. Following

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			responsible operators while addressing community concerns.	community engagement, further amendments are proposed.
18.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	- As a professional and responsible short-term rental operator within the Perth metropolitan area, I welcome the opportunity to provide feedback on the City's draft policy. While I support the City's goal of maintaining local amenity, several requirements within this draft are excessively onerous and may inadvertently penalize compliant operators without achieving the desired planning outcomes. I wish to lodge formal objections to the following points: - The proposed parking table is disconnected from the reality of modern travel. Requiring four on-site bays for a group of 10–12 guests is often physically impossible for many residential lots. Many guests utilize ride-sharing services or public transport, particularly in a city moving toward reduced car dependency. Furthermore, the prohibition on using shared visitor parking in strata developments, even when such bays are underutilized, is an unnecessary constraint. - The policy limits the support of STRA primarily to identified "Centres and Station Precincts". This is an overly restrictive approach that fails to recognize the diverse needs of travellers, such as those visiting family in suburban areas or requiring proximity to specific health facilities. Furthermore, the general lack of support for grouped or multiple dwellings outside these areas is discriminatory against modern housing formats and reduces the availability of high-quality, professional accommodation options. - Thank you again for considering this feedback. I hope these points are taken into account to ensure the final policy is balanced, fair, and supports a professional short-term rental sector within the City of Bayswater.	- Noted. - The proposed car parking ratios have been established to ensure that guest car parking is provided on site, in order to limit impacts of on street parking in residential areas. Car parking is based on the maximum number of adults, as calculated under the City's <i>Health Local Law 2023</i>. Reliance on strata common property for STRA car parking is not considered an appropriate solution. - Noted. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy.. There is greater risk of amenity impacts and land use conflict in grouped and multiple dwelling developments, and applications for STRA will be considered on their individual merits.
19.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	Parking requirements must be reasonable and evidence-based. Parking expectations should reflect the dwelling's lawful residential parking	The proposed car parking ratios ensure that guest car parking is provided on site, to limit impacts of

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			provision and the realistic travel behaviour of guests. Requiring excessive additional bays or inflexible parking standards would be unreasonable, particularly where many residential properties operate successfully without amenity impacts. Any parking assessment should be based on demonstrated local context, not a blanket assumption that STRA creates abnormal demand. • Guest number controls should be flexible and tied to the dwelling itself. Guest limits should be based on the dwelling's approved bedroom count, design, and safe occupancy capacity, rather than arbitrary formulae that unnecessarily reduce viability. Responsible operators already have a strong incentive to align guest numbers with the size and functioning of the property. Overly restrictive caps risk penalizing compliant operators without improving amenity outcomes • Mandatory signage should not be required. The policy appears to contemplate signage controls for STRA. Signage should not be mandatory for ordinary residential STRA, as external identification can undermine neighborhood character, create privacy and security concerns, and effectively single out lawful operators. If signage is allowed, it should be optional and only where genuinely necessary.	on street parking in residential areas. The policy requires a minimum of 1 parking bay. • Occupancy capacity is calculated in accordance with the City's <i>Health Local Law 2023</i> (as amended in 2024) and Department of Health <i>General Health Provisions for Short Term Accommodation</i>, based on the per cubic meter of airspace in each bedroom. The City's standard STRA DA condition relating to maximum number of guests will be reworded to better reflect the local laws requirements, to allow flexibility between the number of adult and children guests. • Signage is not mandatory in the draft policy. The policy provides guidance where signage is proposed.
20.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	• We appreciate the City's commitment to ensuring that STRA is well-managed and considerate of neighbourhoods, and we welcome the chance to contribute to a balanced and practical framework. We write as responsible STRA operators and professional managers of residential properties. Our operations prioritise guest screening, clear house rules, noise monitoring, and rapid response to neighbour concerns. We are committed to maintaining residential amenity while providing safe, high-quality accommodation for visitors. Below are the feedback on specific aspects of the policy where we believe adjustments could make	• Noted. It is acknowledged that the use of professional STRA managers may reduce instances of non-compliance or impact on residential amenity, however is not an enforceable requirement.

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			the framework more practical, consistent, and supportive of responsible STRA operation: • Zoning- We fully support STRA being permitted in areas zoned for residential use. Residential dwellings are already approved for occupancy, and temporary accommodation aligns with this purpose. Additional restrictions beyond the existing zoning appear unnecessary and may limit otherwise suitable properties. Recommendation: STRA should be permitted in all residential zones where dwellings are approved, with assessment focused on operational management and amenity impacts rather than additional location constraints. • Preferred Locations- The proposed focus on “Centres and Station Precincts” is overly restrictive. Many visitors prefer quiet residential neighbourhoods, and limiting STRA to activity centres reduces flexibility for family stays, visiting professionals, and short-term contractors. Requiring applications outside these areas to justify location introduces unnecessary bureaucracy and subjectivity. Recommendation: Allow STRA across residential areas, assessed on operational management and amenity considerations rather than geographic location alone. • Car Parking- The proposed guest-to-parking ratios may not reflect real-world behaviour. Many guests use rideshare, public transport, or travel in a single vehicle, even in larger groups. Restricting STRA from using shared visitor parking in strata developments is inconsistent with how these spaces are intended to function. Recommendation: Parking requirements should align with standard residential provisions, and shared visitor parking in strata developments should be acceptable where permitted by strata bylaws. • Guest Numbers- Calculating maximum occupancy based on cubic metres of airspace adds complexity without clear benefit. Existing	• As directed by the Minister for Planning, the City’s TPS24 has been updated, with unhosted STRA being ‘D’ or ‘A’ uses where dwellings can be permitted. • Noted. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy.. • As above. The proposed car parking ratios, based on maximum adult guest numbers, ensure that guest car parking is provided on site, to limit impacts of on street parking in residential areas. The policy proposes a minimum of 1 bay. Reliance on strata common property for STRA car parking is not an appropriate solution, and may conflict with applicable strata by-laws. Additionally, STRA operators in strata premises are bound by the <i>Strata Titles Act 1985</i> and may be subject to approval from the Strata. • This is a legislative requirement. Occupancy capacity is calculated in accordance with the City’s <i>Health Local Law 2023</i> (as amended in

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			bedroom-based occupancy limits, combined with safety and booking platform rules, are more practical. • Signage- The signage limitation appears reasonable. However, requiring identification signage at STRA properties may create unnecessary visibility and attract unwanted attention to residential properties that otherwise operate quietly within neighbourhoods. Recommendation: Signage should be optional rather than mandatory. • We appreciate the opportunity to provide feedback and would be happy to work with the City to develop practical and effective approaches that balance neighbourhood amenity with the benefits of STRA.	2024) and Department of Health <i>General Health Provisions for Short Term Accommodation</i>, based on the per cubic meter of airspace in each bedroom. The City's standard STRA DA condition relating to maximum number of guests will reflect the local laws requirements, to allow flexibility between the number of adult and children guests. • Signage is not mandatory in the draft policy.
21.	Object	My grandchildren go to Morley Primary and their parents live in the catchment area for the school	• I feel it's going to affect the area around the school and it does little to provide long term accommodation for people who do not have a home of their own and need to rent. It seems to be geared towards short term stays which does not address the current housing crisis. It also does not have a limit on any proposal for new dwellings to be short term ie air bnb - I agree that more housing needs to be provided to meet shortages but if Council was to cap air bnb short stays to around 5% of developments that would allow any development to be focused more on long term rentals.	• Unhosted STRA can be approved in all zones where dwellings can be approved under TPS 24. Since the draft LPP was prepared, the volume and geographical distribution of STRA applications within the City is more well understood. Registered STRA within the City currently makes up approximately 0.74% of all dwellings, with the majority of these being outside preferred locations. Given the scale of the sector within the City and substantial community feedback, the use of preferred locations as a controlling mechanism for STRA is not considered warranted at this time.. Proximity to schools can be considered by the City in determining applications for STRA. Given the limited number of residential dwellings within the City currently registered as STRA the City does not consider capping STRA approvals to be feasible at this time.

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22.	Object	Own or manage a short-term rental accommodation in the City of Bayswater	- We strongly object to the proposed Short-Term Rental (STR) preferred area boundaries in their current form. The exclusion of properties located just 100–200 meters outside the designated boundary—such as ours in Maylands—is arbitrary and unsupported by a clear or defensible planning rationale. There is no material difference in land use, infrastructure, or neighborhood character across this boundary, yet the policy imposes materially different outcomes. This results in inconsistent and inequitable treatment of comparable properties. - The proposal also raises concerns regarding procedural fairness and the reasonable expectations of existing property owners. Many STRA operators have made significant financial commitments in good faith—acquiring, furnishing, and operating properties under the existing or reasonably anticipated regulatory framework. The introduction of restrictive boundaries without appropriate accommodation for existing operators risks causing immediate and disproportionate financial harm, including loss of income and property value. - STRs, when professionally managed, deliver clear economic benefits to the local area by supporting surrounding businesses and increasing visitation. Our property is operated responsibly, with strict guest controls and a strong emphasis on maintaining neighborhood amenity. There is no evidence to suggest that properties in close proximity to preferred areas—such as ours—generate impacts that would justify outright exclusion. If the City’s objective is to manage amenity and housing supply, a rigid geographic restriction is an overly blunt and imprecise tool. A performance-based framework—focused on compliance, management standards, and enforceable operating conditions—would more effectively address these concerns while ensuring fair and proportionate treatment.	- Unhosted STRAs are ‘D’ or ‘A’ uses in accordance with TPS 24 in all zones where dwellings can be approved. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy. - A key component of renewing STRA approvals will be the successful operation and management of the STRA. Existing STRA approvals will not be affected. - Noted. It is acknowledged that good operation and management can minimise impact. Where STRA are being operated well it is possible for the City to consider fast tracking renewals.

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			- At a minimum, the policy should: - Include grandfathering provisions or transitional protections for existing STR operators - Introduce a reasonable proximity buffer to avoid arbitrary boundary outcomes - Ensure consistency in treatment of comparable properties - Be supported by clear, evidence-based justification for any restrictions imposed - As currently drafted, the proposal introduces arbitrary distinctions, undermines reasonable investment-backed expectations, and exposes existing operators to unnecessary financial harm. Without appropriate revisions, it risks failing basic principles of fairness, proportionality, and sound planning policy. We strongly urge the City to reconsider and amend the framework to ensure it is balanced, evidence-based, and equitable.	- Existing approved STRA will not be impacted. As above, whilst the draft policy does not prohibit other areas, it is recommended that the preferred locations be removed from the policy.. By introducing a policy, the City is better able to consistently apply requirements and communicate expectations to applicants. Requirements of the policy have been developed with regard to existing statutory and strategic planning, industry benchmarking, and community and Council input. - The draft policy guides the matters that the City will have regard to in determining applications for unhosted STRA. As noted above demonstrated management techniques can be taken into account in determining and renewing and application.
23.	Object	Live in the City of Bayswater	I write to provide feedback regarding the City of Bayswater's approach to the mapping and regulation of the proposed unhosted short-term accommodation within residential areas, specifically in relation to the vicinity of Morley Primary School. I strongly recommend that any mapping or permissible zones for short-term accommodation explicitly exclude the immediate and surrounding perimeters of Morley Primary School given the risks of Increased noise and short-term occupancy turnover, Traffic and parking conflicts during school peak periods, and Reduced residential amenity for permanent residents. This exclusion is necessary to protect the safety, stability, character of the local community, impact of local housing supply, amenity issues such as noise, waste, and anti-social behaviour. 1. Child Safety and Vulnerable Road Users	- Noted. The area mentioned around Morley Primary School is zoned 'Centre' under the City's local planning scheme and forms part of the Morley Strategic Activity Centre. Concerns are addressed below. - Morley Primary School has 40km/hr school zones on all three roads surrounding it. All three

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			Morley Primary School accommodates approximately 220–230 students from Kindergarten to Year 6, representing a significant concentration of young children in the immediate area. Primary school-aged children are among the most vulnerable road users and pedestrians. The introduction of short-term accommodation in close proximity to the school is likely to increase Unfamiliar vehicle traffic, Short-term visitors with limited awareness of local school zones, and Parking congestion during peak drop-off and pick-up times. These factors elevate the risk of accidents and reduce the effectiveness of established school safety measures such as reduced speed zones and supervised crossings. 2. High Proportion of Children and Families in the Area The suburb of Morley has a significant population of children and families, with approximately, 16.1% of residents aged 0–14, and over 1,500 children attending primary school. This demonstrates that the surrounding area is strongly family-oriented and relies on stable, predictable neighbourhood conditions. Increased transient occupancy from short-term accommodation may undermine this stability and reduce the suitability of the area for families with young children. 3. Residential Zoning and Land Use Compatibility The area surrounding Morley Primary School is primarily low-density residential, with approximately 71% owner-occupied dwellings, and predominantly family households. Short-term accommodation introduces a quasi-commercial land use into a suburban residential setting. This is inconsistent with the intended planning character of the area and may result in noise disturbances, increased turnover of occupants and reduced long-term neighbour relationships. Establishing exclusion zones around schools aligns with good planning	roads are straight, with footpaths and clear lines of sight. Traffic and parking associated with unhosted STRA are generally similar to existing traffic movements associated with residential dwellings, with car parking to be accommodated on site. STRAs located in the proximity of schools are not expected to materially increase traffic or safety risk beyond existing conditions. - Approximately 0.3% of residential dwellings in the suburb of Morley are registered/approved unhosted STRA, which is slightly less than the unhosted STRA 0.4% of dwellings in the whole of the City of Bayswater. It is considered that the low number of STRA in the suburb is unlikely to have a material negative impact on neighbourhood stability. - As above, the area mentioned around Morley Primary School is zoned 'Centre' under the City's TPS 24 and forms part of the Morley Strategic Activity Centre as 'Inner City Residential'. Given the limited number of STRA located in the area it is unlikely that there will be increased impact on amenity, and the policy specifically includes provisions to assist with managing any amenity impacts. A buffer around the primary school would not prohibit STRA in these locations, as unhosted STRA is an approvable land use in the Morley Activity Centre.

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			practice by ensuring sensitive land uses (such as primary schools) are buffered from incompatible or higher-impact activities. 4. Precedent for Protective Buffer Zones Urban planning frameworks commonly establish buffer zones around sensitive uses such as, schools, childcare centres, and parks and playgrounds. Excluding short term accommodation from the immediate vicinity of Morley Primary School would be consistent with these principles and demonstrate a precautionary approach to safeguarding children and maintaining residential amenity. • Conclusion - Given the concentration of young children, the family-oriented demographic, and the importance of maintaining a stable and safe environment, it is both reasonable and necessary that short-term accommodation mapping excludes a defined perimeter around Morley Primary School. Such an approach would enhance child safety, support long-term residents and align with sound urban planning principles. I respectfully urge the City of Bayswater to incorporate these considerations into its short term accommodation mapping and regulatory framework.	• As above, A buffer around the primary school is not considered necessary, as unhosted STRA is generally compatible with residential land uses, and sensitive land uses such as schools. All applications for unhosted STRA are required to demonstrate that the property and location are suitable, car parking and access arrangements can be accommodated, and amenity impacts can be managed. Applications are required to be supported by a management plan and guest code of conduct at minimum. All applications will be referred to adjoining property owners for comment. Further, the City includes conditions of approval such as limiting number of guests, provision of temporary or time-limited approvals, mandating minimum length of stay and/or installation of noise monitoring equipment, as necessary. It is considered that these measures are adequate to mitigate impact on residential amenity. Conditions of approval provide the City the statutory basis to undertake enforcement action if STRA is poorly managed or creating amenity impacts.
24.	Object	Live in the City of Bayswater	• I am writing to oppose the Draft Short-Term Rental Accommodation Policy and Guidelines and request the following changes in order to protecting access to stable long-term housing	• Noted. Concerns are addressed below.

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			and maintaining strong community connections within our local area. - I am concerned that the proposed unhosted STRA precincts around the Galleria may unintentionally reduce the availability of long-term housing for local residents. These precincts could allow investors from outside the area to purchase existing homes or development sites and convert them into high-density complexes dedicated to short-term accommodation. While I strongly support increased housing density zoning changes from the government to provide more housing for our growing population, this policy risks diverting those new dwellings away from long-term residents such as small families, young people, singles, elderly, and those community members with disability who rely on accessible housing close to local amenities. - Short-term accommodation can generate significantly higher nightly returns than long-term rentals, creating a strong incentive to convert residential properties into unhosted STRA. This will likely reduce the pool of available long-term rentals and place further upward pressure on rents during an already challenging cost-of-living and housing crisis. As a result, vulnerable groups may be pushed further away from the infrastructure and services they depend on. - Concentrations of unhosted short-stay properties will likely change the social character of neighbourhoods by creating a more transient population with limited long-term investment in the community. High turnover of occupants can reduce neighbourhood familiarity and may increase the risk of antisocial behaviour, placing additional pressure on residents, council resources, and local services.	- Noted. Unhosted STRA can be approved in all zones where dwellings can be approved under TPS 24. Since the draft LPP was prepared, the volume and geographical distribution of STRA applications within the City is more well understood. Registered STRA within the City currently makes up approximately 0.74% of all dwellings, with the majority of these being outside preferred locations. Given the scale of the sector within the City and substantial community feedback, the use of preferred locations as a controlling mechanism for STRA is not considered warranted at this time. It is recommended that preferred locations be removed from the draft LPP. - Noted. When preparing the draft policy, the City investigated the scale of the sector and found that approximately 0.75% of residential dwellings within the City are currently registered as STRA. This policy, in conjunction with the State register, will enable the City and the State Government to continuously monitor the impact of STRA on the housing sector. - Approximately 0.3% of dwellings in Morley are currently used for STRA. Morley is a strategic activity centre which is identified for significant growth in density and diversity of residential dwellings. Due to the recent STRA reforms, the majority of applications the City has approved over the past 24 months have been pre-existing STRA which previously did not require approval. The intent of the policy is to streamline the process for STRA approval in appropriate locations.

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			- I am particularly concerned about streets directly connected to Morley Primary School and Infant Jesus Primary School being included within the proposed precinct boundaries. These streets provide important walking routes between homes, schools, and nearby amenities such as the Morley Recreation Centre and Coventry Markets. Many local families rely on safe, walkable access to these facilities, and the presence of stable long-term residents plays an important role in maintaining a safe and supportive environment for children and families. - More broadly, our community is already managing a range of local challenges such as cars hooning, anti social behaviour on the street, large loud house parties, theft, house and car break is and introducing concentrated unhosted STRA may further destabilise neighbourhood cohesion. Residents should not bear responsibility for managing issues that arise from commercial short-stay operations that lack on-site management. - I respectfully ask the council to consider its 2025–2035 Integrated Strategic Community Plan, particularly its commitments to homelessness, community wellbeing, housing access, diversity, and support for an ageing population. Policies that prioritise long-term housing supply and neighbourhood stability are essential to meeting these goals of supporting wellbeing, connection and cohesion. - In my view, a reasonable approach would be to introduce limits on unhosted STRA—such as a cap of approximately 5% within any housing complex, precinct, or across the City of Bayswater. Additionally, streets directly surrounding schools such as Vera St and Mangini St should be excluded from these	- As above, it is recommended that preferred locations be removed from the draft LPP. The areas mentioned around Morley Primary School and Infant Jesus School are zoned 'Centre' under the City's TPS 24 and form part of the Morley Strategic Activity Centre. Applications for STRA near schools will be assessed on their merit and on a case by case basis in accordance with the relevant planning framework. - Noted. All STRA requiring approval from the City have strict management plans and guest code of conduct. Conditions of approval provide the City enforcement powers over ongoing non-compliance. There is no evidence to suggest that STRA increases antisocial behaviour, with the majority of the existing STRA in the City operating without complaint. - Noted. Unhosted short term rental accommodation is currently not large scale, and represents approximately 0.4% of dwellings within the City. It is therefore unlikely to have any substantial impact on housing accessibility and community wellbeing, and the other key priorities outlined in the City's Integrated Strategic Community Plan and Corporate Business Plan. - As above, unhosted short term rental accommodation is currently not large scale, and represents approximately 0.4% of dwellings within the City. Therefore the City does not consider capping STRA approvals to be feasible at this time. It is not considered necessary to exclude areas around schools as

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			precincts to preserve safe, family-focused residential areas. - There are also more suitable locations within the Galleria redevelopment area where purpose-built hotels or managed short-stay accommodation could support tourism without displacing residential housing—for example, sites such as the former Morley Markets area, surrounding car parks, the former Bunnings site, or integrated developments near the bus port. - For these reasons, I respectfully oppose the inclusion of excessive unhosted STRA within established residential neighbourhoods and encourage the council to prioritise long-term housing and community stability.	STRA is generally compatible with residential and sensitive land uses such as schools. - Noted. The sites mentioned in the submission also form part of the Morley Strategic Activity Centre and are located within the 'Central Core' Precinct. Hotel is a 'P' permitted land use within the 'Central Core', however there are no current proposals for any accommodation on these sites. - Under the City's TPS 24, unhosted STRA can be considered in any zone where residential dwellings can be approved. This includes all residential, mixed use and centre zones. The draft policy seeks to provide guidance on the requirements for applicants when establishing unhosted STRA within the City, considers potential amenity impacts on adjoining properties, and provides guidance to STRA operators regarding their responsibilities and obligations.
25.	Object	Live in the City of Bayswater	My concern is these proposed unhosted short stay precincts around the Galleria allows investors from other regions, other states or overseas to purchase a house which was either owner occupied or long term rented. To then knock it down and build high density housing which should become available for sale or rent to community groups like small families, young people, singles, the elderly, those who don't drive to be able to access right sized stable long term housing close to the amenities our community pay for and support. Higher density housing to provide long term stable housing for community is something I fully support. However, these proposed precinct hubs allow these developers to convert entire new complexes into unhosted short stay accommodation. Essentially locking these community members listed above out of right	Noted. Unhosted STRA can be approved in all zones where dwellings can be approved under TPS 24. Since the draft LPP was prepared, the volume and geographical distribution of STRA applications within the City is more well understood. Registered STRA within the City currently makes up approximately 0.74% of all dwellings, with the majority of these being outside preferred locations. Given the scale of the sector within the City and substantial community feedback, the use of preferred locations as a controlling mechanism for STRA is not considered warranted at this time. It is recommended that preferred locations be removed from the draft LPP.

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			sized housing close to amenities and significantly reducing the diversity of our community. Government changes to increase housing density is meant to increase access to more housing as our local population grows. This unhosted short stay precincts proposal undoes this increased density zoning changes. Locking long term owners and renters out of these properties for the huge financial beneficial of a few outside investors while being detrimental to the local community's cohesion. Unhosted short stay units already in close proximity to the galleria are around \$600 a night where as long term unit rentals are more likely to be around \$600 a week. Rents will increase to align with the higher price of short stay and the demand for housing in the cost of living crisis and rental crisis we are already experiencing and exacerbated by the reduced pool of rentals as they are converted to unhosted short stay accommodation (at greater cost) under this new proposal. These more vulnerable groups which are part of the wide diversity in the city of Bayswater will be pushed further away from local infrastructure and amenities to make way for unhosted short stay tourists. These vulnerable community groups often need to be closer to amenities and often have reduced capacity to transport themselves to these amenities as they are pushed further away due to increased cost and reduced access to housing options. Grouping of unhosted short stay dramatically changes the social environment, creating a more transient community who may invest short term in the local area but have no long term bonds to community. High turnover of occupants leads to increased risk or antisocial behaviour, weekend party houses and breakdown of neighbourhood familiarity which assists in stable safe communities.	- The draft policy does not seek to create STRA hubs or precincts, and it is recommended that the preferred locations be removed from the draft LPP. Currently, unhosted STRA makes up approximately 0.3% of dwellings in Morley and is not having a significant impact on the availability of housing within the suburb. The policy and the State register will enable the City to continuously monitor the impact of STRA on the housing sector. - Noted. All STRA requiring approval from the City have strict management plans and guest code of conduct. There is no evidence to suggest that STRA increase antisocial behaviour, with the majority of the existing STRA in the City operating without complaint.

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			- I have huge concerns with the streets directly connected to Morley Primary School and Infant Jesus Primary being included in the councils unhosted short stay precinct hub. The council meeting on the 9th Dec 2026 in regards to this proposal, page 291 council resolution committee recommendation 1. (b) makes amendments to "ensure unhosted STRA is appropriately located within the City of Bayswater's activity centres and station precincts, to safeguard the primary purpose of residential areas in providing residential dwellings for long term accommodation." The streets directly attached to the school such as Vera st and Mangini st should be removed from the unhosted short stay precinct because they provide essential links between community housing, schools and amenities such as the Morley Rec Centre and Coventry Markets. Many children walk to school, often without parents due to the cost of living crisis requiring dual incomes. Will high turn over transient occupants of short stay be aware for the schools proximity and be aware of watching out for young children learning how to safely walk to school? Having Morley Primary School / Infant Jesus Primary , rec centre, Morley Senior centre and Coventry markets all within walking distance of stable long term housing is essential for our family community members who require additional support. We need to adequately support these members of community who are already struggling before adding additional pressure from "tourism" which possibly may lead to further antisocial behaviour and community breakdown. - We own our own home, we own and rent out the house next door to a lovely elderly couple, my children go to Morley Primary. We are invested in this community. We have had issues with a house in our street we believe were selling drugs. We had issues with a house in our street remaining vacant for years and	- As noted above, it is recommended that preferred locations be removed from the draft LPP. The areas mentioned around Morley Primary School and Infant Jesus School are zoned 'Centre' under the City's TPS 24 and form part of the Morley Strategic Activity Centre. Applications for STRA near schools will be assessed on their merit and on a case by case basis in accordance with the relevant planning framework. - As above, all STRA requiring approval from the City have strict management plans and guest code of conduct. There is no evidence to suggest that STRA increase antisocial behaviour, with the majority of the existing STRA in the City operating without complaint.

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			having rounds of squatters causing antisocial behaviour and causing the property to become rundown. We listen to hoons in cars tearing around our streets multiple times per week. Adding more unhosted short stay accommodation to the community pressures we already face is a significant cost. I'm concerned the area around the Galleria is going to become a high-density high turnover and unstable with periods of vacant accommodation. This will change the way I interact with community. We will drive our kids to school instead of walk. We will use other rec centres in other suburbs away from air BnB pockets. We would be less likely to use the surrounding parks due to the reduction of familiar families playing and the increased risk to safety that a more transient occupancy brings. I'm all for supporting local businesses like the Bayswater Motel and hosted short stay. My concern is when the owners and managers of unhosted short stay accommodation especially when grouped together expect neighbours, community, council security and police to manage any antisocial behaviour because there are no staff onsite to manage these unhosted money making enterprises. It is not the responsibility of community to manage this and I request the council to act on behalf of its residents to support our local community and safeguard our access to long term residents' dwellings connected to local amenities and infrastructure. I request the council consider its 2025-2035 integrated strategic community plan and corporate business plan by focusing on the key points of the social strategic considerations. Focus on population growth, diversity, aging population, cost of living pressure, homelessness while supporting community wellbeing physical activity connection and cohesion. https://www.bayswater.wa.gov.au/CityOfBayswater/media/Documents/Community/COB183	

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			3 Council Plan - Final (spreads) Digital LR-(1).pdf - Ultimately, I believe there should be a limit (say 5%) on the number of unhosted short stay properties within a housing complex, within a precinct and within the city of Bayswater in general. The directly connected streets around schools should also be safeguarded for community use and excluded from excessive unhosted short stay accommodation. Together this will support community in both the short and long term. - There are sites within the galleria zone such as the old Morley markets or surround car park, old bunning site or integration into the bus port which could be built into hotels, motels, or other forms of short stay accommodation to support tourists in the area. On this basis I wish to reject to the councils unhosted short stay as proposal within residential community areas.	- The City does not consider capping STRA approvals to be feasible at this time. When preparing the draft policy, the City investigated the scale of the sector and found that approximately 0.75% of residential dwellings within the City are currently registered as STRA. The policy, in conjunction with the State register, will enable the City and the State Government to continuously monitor the impact of STRA on the housing sector. - Noted. The sites mentioned in the submission also form part of the Morley Strategic Activity Centre and are located within the 'Central Core' Precinct. Hotel is a 'P' permitted land use within the 'Central Core', however there are no current proposals for any accommodation on these privately owned sites. As above, under the City's TPS 24 STRA can be approved in all zones where residential dwellings can be approved, whilst the policy provides the framework for assessment and management.
26.	Object	Live in the City of Bayswater	- We do not support the draft STRA Policy as advertised by the City in its current form. Living next door to a STRA property and having had our concerns with it be repeatedly dismissed, we believe the policy requires significantly more detail, stronger safeguards, and clearly defined consequences for breaches. Please find our queries and recommendations below. - Definitions and Clarity The term "<i>guest</i>" must be clearly defined to ensure children and infants are included in occupancy limits. Although the policy states that a guest is "a person" the STRA property adjacent to us has repeatedly excluded children and infants from its declared numbers, despite the City's approval specifying a maximum of three guests. The draft poly should be amended to ensure children and infants are	- Noted. - Number of guests will be capped through a condition of approval and determined based on the City's <i>Health Local Law</i> and Department of Health <i>General Health Provisions for Short Term Accommodation</i>. To allow sufficient flexibility between the maximum number of adult and children guests, this is calculated per bedroom cubic meterage. Infants under the age of 12 months are not included in the

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			counted accordingly with regards to occupancy limits. Additionally, when defining the term “guest” the draft policy includes the wording “<i>for a fee</i>”. Given such a clause, the operator of a STRA may argue only adults are being charged a fee to stay, and the children/infants are being accommodated WITHOUT a fee. Children/infants can then arguably be excluded from the City’s definition of a “guest”. The policy should be amended to ensure that no such loophole is allowed. - Noise and Neighbour Impact Noise management is currently reactive, relying solely on neighbours to lodge complaints after disturbances have already occurred. The policy should include proactive measures to prevent the burden of monitoring and reporting from falling on residents. - Density and Distribution of STRA Properties A limit should be placed on the total number of STRA approvals within the City of Bayswater to prevent excessive concentration of investor-owned short-stay properties at the expense of permanent residents. Additional caps should apply at the street, complex (grouped/multiple dwellings), or neighbourhood level to avoid entire areas becoming dominated by STRA operations. - Penalties and Enforcement Penalties for ongoing breaches must be explicit, enforceable, and consistently applied.	calculations for guests as the <i>Health Local Law 2023</i> is silent on this age bracket. - The reference to the ‘fee’ in the policy refers to the group being accommodated as a whole, under one booking. This definition includes wording from the definitions provided by the State Government for STRA. Platforms such as AirBnB generally charge a flat fee regardless of the number of guests, or whether they are adults or children. The occupancy of the building will be capped at a maximum number of adult guests, allowing flexibility for additional children when there are fewer adults staying. - In instances where compliance matters have been raised, the City’s Compliance Team have carried out enforcement when required. Overall there are few compliance matters in relation to STRA, with the majority of STRA operating without complaints, and appear to be operating harmoniously with neighbours. The City has the discretion to refuse to reissue a STRA approval in instances where it is considered the STRA is not being managed appropriately. - Noted. The State Government reforms have resulted in hosted STRA being a permitted land use within residential areas. Registered STRA within the City, including both hosted and unhosted, constitute 0.74% of the City’s dwellings. The policy is applicable only to unhosted STRA which currently constitutes 0.39% of the City’s dwellings. STRA is therefore not considered to have a significant concentration in the City. There is not a suitable legal or policy mechanism available to the City at this time to restrict an approvable land use on this basis. - As noted above, the City undertakes compliance enforcement as required, and has its own internal procedures for enforcement and penalties. Clear and actionable conditions

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			At present, cancellation of approval appears to be the only consequence, and based on our experience, it is unlikely to be used. We propose a tiered “three-strikes” system, for example: 1st breach: 1-month suspension of bookings 2nd breach: 3-month suspension of bookings 3rd breach: Cancellation of STRA approval (with no ability to simply revert to 90-days allowance without permit) 90-Day Allowance Without a Permit The draft STRA guidelines state an allowance of “<i>no more than 90 days in a 12 month period</i>”. Subsequent correspondence from the City has stated “<i>90 nights per calendar year</i>”. The wording the guidelines (and the lack of wording in the STRA policy) leaves this 90-day allowance vague and open to interpretation. The policy should be amended to either remove this allowance completely (as per the following points) or amended to ensure any such allowance is explicitly clear. - More broadly, we question the rationale for allowing 90 days of operation without a permit, particularly when awaiting renewal. It should be the owner’s responsibility to ensure their approval does not lapse. How will the 90-day limit be monitored for compliance and enforced? There appears to be no requirement for the operator to supply booking histories or for periodic audits of booking, and regardless such details can simply be falsified by operators. The burden of ensuring compliance falls on neighbouring residents to actively monitor and report suspected breaches. What penalties apply if the limit is exceeded? How will compliance be enforced during this period when there is no approval to revoke? - Management Plans	of approvable provide the City with justification to enforce compliance action, with penalties available under various legislation as well as non-renewal of time-limited approvals. - The 90 days in a 12 month period refers to the State Government register, calculated from the date of registration and is governed by the Department of Local Government, Industry Regulation and Safety. - As noted above, unhosted STRA less than 90 days is exempt under the LPS Regulations, so therefore cannot be required to apply for approval. The DLGIRS register includes the number of bookings which is uploaded from the booking platforms. The <i>Short-Term Rental Accommodation Act 2024</i> outlines Infringement notices under the <i>Criminal Procedure Act 2004</i>. Operators are sent reminders by the DLGIRS for registration when their bookings near 90 days. Providing false or misleading information under the Act could incur a penalty of \$20,000. - Noted. City officers will investigate this matter.

No.	Support / Object	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
			A current and accurate management plan is required as a condition of approval. Despite repeated requests, we have not been provided with an up-to-date plan for the neighbouring STRA property. The version supplied contained clear errors that should have been identified by the City before being shared. Again, this places the burden of oversight on neighbours rather than the responsible authority. • Temporary Approvals The proposed 12-month temporary approval period is excessive. Most issues should become apparent within the first six months. We suggest: Initial approval: 6 months Subsequent approval: 12 months Longer-term approval (up to 3 years) only after a demonstrated history of minimal or no disruptions. The draft STRA policy is unclear on what happens at the end of this 3 year period. Is the policy proposing that the operators can apply again for another 3 years, or is there a total upper limit of 3 years? • Overall, the draft policy places an unreasonable level of responsibility on neighbours, who have no financial interest in STRA operations yet are expected to monitor compliance to protect their own quiet enjoyment. This is neither fair nor sustainable. We look forward to your response and to reviewing an updated policy that addresses these concerns. Please feel free to contact us should you require any further information or clarification.	• Noted. It is recommended that the reference to 12 months temporary approval and three years be removed from the draft policy to provide flexibility for the City to use its discretion to apply less or greater timeframes on a case by case basis. At the end of any temporary approval the operator may reapply for further approval. • Noted, as above, the City enforces conditions of DA when advised. This places the responsibility on the owner / operator to comply with conditions, as do all other Development Approvals issued by the City for works and land use.

9.3.5 New Local Planning Policy: Residential Development

Responsible Branch:	Community Planning
Responsible Directorate:	Community Services
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required.
Attachments:	1. Draft Policy [9.3.5.1 - 6 pages] 2. Summary of the Proposed R-Code Amendments [9.3.5.2 - 8 pages]
Refer:	
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

Council consideration is sought on a new local planning policy – Residential Development that modifies deemed-to-comply requirements of the Residential Design Codes.

The proposed Policy would effectively expand existing development approval exemptions and represents a practical planning reform that removes unnecessary regulatory burden for low-risk and compliant forms of residential development. By streamlining approval pathways, the City can improve customer experience, reduce costs and delays for residents, and encourage investment in housing and property improvements.

The reforms enable planning resources to be directed towards more complex applications where assessment adds the greatest value, while maintaining appropriate safeguards through the continued requirement for building permits and compliance with relevant construction, safety and legislative standards. Collectively, these measures support a more efficient, responsive and contemporary planning system that facilitates appropriate development of housing in the City.

OFFICER'S RECOMMENDATION

That Council adopts the draft *Residential Development Local Planning Policy* as contained in Attachment 1 for the purpose of public advertising.

BACKGROUND

Council, at the 26 August 2025 Ordinary Meeting, resolved (in part) to “authorise the deferral of all scheduled reviews of City of Bayswater local planning policies remaining in 2025 and 2026”. The intent of this deferral was to enable the City to carry out a holistic review of the local planning policy framework. This includes undertaking out-of-cycle reviews and the preparation of new policies to streamline the City’s policy framework and support the implementation of draft *Local Planning Scheme No. 25*.

Clause 3.0 of the *Residential Design Codes Volume 1* (R-Codes) allows local governments to amend, replace and/or argument provisions of the R-Codes. Provisions within the R-Codes can be modified without the consent of the Western Australian Planning Commission (WAPC), however others will require WAPC approval should Council resolve to adopt the local planning policy as proposed.

EXTERNAL CONSULTATION

The requirements for public consultation on a new local planning policy are set out in Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

If supported by Council the draft local planning policy will be advertised as follows:

- Notification in the local newspaper;
- Information being placed on the City's engagement website;
- Public Notice on the City's website; and
- Hard copies of the draft policy being made available for inspection at the City of Bayswater Civic Centre and libraries.

OFFICER'S COMMENTS

A copy of the draft *Residential Development Policy* is contained in **Attachment 1**.

The draft local planning policy aligns with the planning reform being undertaken across the State, with the *Action Plan for Planning Reform* seeking the following goals:

- Planning creates great places for people
- Planning is easier to understand and navigate; and
- Planning systems are consistent and efficient.

The draft local planning policy also takes into consideration reform initiatives which include:

- Local planning frameworks are more legible;
- Clear and concise guidance is readily available;
- Approvals are quicker and easier for small business in commercial and mixed-use centres
- Development assessment processes are streamlined and outcomes-focussed.

In the preparation of the draft local planning policy, review of processes and policies other local governments have implemented in relation to residential development exemptions and assessments was undertaken. The Cities of Stirling, Joondalup and Vincent, as well as the Town of Bassendean were reviewed and benchmarked. The intent of the draft local planning policy is to facilitate low-impact R-Code requirements as of right, replacing deemed-to-comply requirements which are commonly varied by applicants and supported by the City in development applications. This draft local planning policy will complement the draft *Development Approval Exemptions Local Planning Policy* by replacing various clauses of the R-Codes and functionally increasing the scope of that policy, as well as existing exemptions in the LPS Regulations.

In June 2025, the State Government announced that a major review of the R-Codes would be undertaken, acknowledging that over time, the R-Codes have become increasingly layered and difficult to navigate, adding complexity to residential development and inefficiency in implementation. Whilst a timeline for amendments to the R-Codes is not yet known, the City has identified improvements to the current planning framework.

Attachment 2 provides a summary of the proposed R-Code amendments in the draft *Residential Development Local Planning Policy*. The draft provisions replace those deemed-to-comply requirements of the R-Codes within the City.

Following consultation, a further report will be presented to Council on the outcomes of consultation. Should Council resolve to adopt the draft local planning policy, it will be forwarded to the WAPC for approval.

LEGISLATIVE COMPLIANCE

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for creating a local planning policy. Clause 4 of Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government publish notice of the policy in accordance with Clause 87.

Clause 3.0 of the *Residential Design Codes* sets out the specific deemed-to-comply provisions which may be modified by the local government without the consent of the Western Australian Planning Commission (WAPC). The local planning policy will need referral to the WAPC for consideration following adoption by Council.

RISK MANAGEMENT CONSIDERATION

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

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	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 following financial implications are applicable:

Item 1: Advertise the draft Policy

Asset Category: N/A

Source of Funds: Municipal

LTFP Impacts: Not itemised in the LTFP

Notes: Nil.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	600	-	-	-	-	-	\$6600.00

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Built

Outcome 2.1 A Connected and Accessible City

Objective 2.1.2 Create liveable neighbourhoods and centres that include consideration of our built heritage.

Key Result Area: Leadership and Governance

Outcome 5.2 Stakeholder Leadership

Objective 5.2.2 Provide excellent customer service and ensure the City is easy to do business with.

Key Result Area: Leadership and Governance

Outcome 5.3 Optimised Performance

Objective 5.3.1 Focus on operational efficiency, effective delivery and innovation to ensure our services are fit for purpose, contemporary and secure.

CONCLUSION

In considering the State Government's position on planning reform and streamlining the development application process, including the current major review of the R-Codes, the draft *Residential Development Local Planning Policy* will provide early and effective measures for new residential development and additional housing within the City to achieve a deemed-to-comply approval pathway without having a detrimental impact on local amenity.

In light of the above, it is recommended that Council adopts the proposed draft *Residential Development Local Planning Policy* for the purpose of public advertising.



Residential Development Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	[ECM document set ID]

Purpose

To improve development outcomes and planning processes related to residential development within the City of Bayswater by amending, replacing and augmenting the deemed-to-comply requirements of the R-Codes.

This Local Planning Policy is prepared in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 3.1 of the *Residential Design Codes Volume 1* (R-Codes).

Scope

1. This Policy applies to all land within the City of Bayswater subject to *Town Planning Scheme No. 24* (TPS24) where a dwelling is permitted.
2. This Policy amends and replaces selected provisions of the *Residential Design Codes* (R-Codes) and is to be read in conjunction with it. The R-Codes continue to apply in all instances except where provisions are varied by this policy.
3. This policy does not apply to:
 - a. Land or buildings entered on the State Register of Heritage Places under the *Heritage Act 2018*; or
 - b. Land or buildings the subject of an order under the *Heritage Act 2018* Part 4 or Part 11, Division 4; or
 - c. Land or buildings included on the City of Bayswater Heritage List; or
 - d. Land or buildings within an area designated under TPS 24 as a Heritage Area; or
 - e. Land or buildings subject to a Heritage Agreement entered into under the *Heritage Act 2018*; or
 - f. Development required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or

- g. Land subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - h. Development which includes the removal of trees.
4. This policy does not exempt any requirement for approval to be sought under other legislation (e.g. the *Building Act 2011*).

Objectives

1. To streamline residential development within the City of Bayswater by replacing and amending clauses of the R-Codes which will not have an adverse impact on the overall amenity of the locality or built form outcomes.
2. Provide clear local variations to the R-Codes to support residential development within the City of Bayswater.
3. Improve certainty and consistency in decision making for residential development by identifying locally appropriate planning standards.

Definitions

For the purpose of this policy, terms have the meaning given in the R-Codes.

Policy Statement

The following amends, replaces or augments the relevant clause of the *Residential Design Codes Volume 1 Part B*.

Context

Residential Design Codes Clause	Replacement/Modification to Clause
5.1.2 Street setback	C2.1iii is replaced with the following: any area of the building can protrude up to 50 percent into the street setback area, to a maximum of 50 percent of the lot frontage.

5.1.3 Lot boundary setbacks

C3.1i is replaced with the following:

• Buildings set back from lot boundaries in accordance with the table below; and

• the second storey of walls shall be setback in accordance with the table below for a maximum wall length of 14m (including any balconies). Where a portion of wall exceeds 14m in length, the wall is to contain a minimum 2m x 2m separation from the lot boundary.

Wall height Rounded to nearest 0.1m	Minimum lot boundary setback
Up to 3.5m	1m
3.6m – 7.0m	1.5m
7.1m – 10.0m	3m
10.1m and above	3m

C3.1ii is replaced with the following:

for carports, patios, verandahs or equivalent structures (with pillars or posts with a horizontal dimension of 450mm by 450mm, or less), the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*:

• is not more than 10m in length and 3.5m in building height;

• is located behind the primary street setback;

• has eaves, gutters and roofs set back at least 450mm from the lot boundary.

C3.2iii is replaced with the following:

in areas coded R30 to R40, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to any number of site boundaries.

5.1.6 Building height

C6 is replaced with the following:

Buildings which comply with the following table for category B area buildings, except where stated otherwise in the scheme, the relevant local planning policy, structure plan or local development plan (refer Figure Series 7).

Building category	Maximum height of wall (m)	Maximum total building height (m)	
		Gable, Skillion and concealed roof	Hipped and pitched roof
Category A	3.5	5	7
Category B	7.5	8.5	10.5
Category C	9	10	12

Residential Design Codes Clause	Replacement/Modification to Clause
5.2.1 Setback of garages and carports	C1.2 is replaced with the following: Carports are permitted with a 1.5m primary street setback where: i. the width of the carport does not exceed 60 percent of the frontage; ii. the carport is open to all sides; and iii. the carport does not exceed 3.5m in building height.
5.2.2 Garage width	C2 is replaced with the following: A garage door and its supporting structures (or a garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street (refer Figure 8c). This may be increased up to 60 percent where an upper floor or balcony extends a minimum of 25 percent over the garage and the entrance to the dwelling is clearly visible from the primary street.
5.2.5 Sight lines	C5 is amended to include C5.1 and C5.2 with the following additional 'deemed-to-comply' requirements: C5.1 Development no higher than 0.75m above natural ground level within 1.5m of where: i. a driveway that intersects a street, right-of-way or communal street; and ii. two streets that intersect. C5.2 Notwithstanding C5.1, fencing within 1.5m of where a driveway meets a street is permitted subject to the following: i. solid walls to a maximum height of 0.75m above natural ground level ii. one support pier to a maximum height of 1.8m above natural ground level, with a maximum horizontal dimension of 400mm; and iii. Up to two fence panels (including a sliding or swinging gate) may be installed in this area, provided they use open-style infill which individually achieve a minimum 1:10 spacing ratio (e.g. 10mm picket with 100mm spacing between pickets).

Site planning and design

Residential Design Codes Clause	Replacement/Modification to Clause
5.3.1 Outdoor living area	C1.1 is replaced with the following: An outdoor living area to be provided: i. in accordance with Table B; ii. behind the street setback area;

	iii. directly accessible from the primary living space of the dwelling; iv. with a minimum length and dimension of 4m; and v. with at least one-third of the required area without permanent roof cover.
5.3.2 Landscaping	C2.1 is replaced with the following: Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following: - the street setback area developed without car parking, except for visitors' bays; - one tree to provide shade for every four uncovered car parking spaces (in addition to the trees required in C2.2), with the total number of trees to be rounded up to the nearest whole number; and - trees which are greater than 3m in height shall be retained, in communal open space which is provided for the development.
5.3.5 Vehicle access	C5.1 is replaced with the following: Where a road is designated as a distributor road or higher, vehicle access shall be provided from a right-of-way or secondary street where available. C5.4 is replaced with the following: Driveways designed to allow for vehicles to enter the street in forward gear where: - the driveway serves five or more dwellings; - the distance from an on-site car parking space to the street is 30m or more; or - the street to which it connects is designated as a primary distributor or integrator arterial road.
5.3.7 Site works	C7.2 is replaced with the following: Retaining walls and fill within the site and behind the required street setback to comply with Table 4.

Building design

Residential Design Codes Clause	Replacement/Modification to Clause
5.4.3 Outbuildings	C3 is amended as follows: Outbuildings associated with a dwelling site are to: individually or collectively does not exceed 60m² in area of 10 percent in aggregate of the site area, whichever is the lesser;

	ii. set back in accordance with 3.1i of Clause 5.1.3 lot boundary setbacks iii. does not exceed a wall height of 3.0m; iv. does not exceed a ridge height of 4.2m; v. not located within the primary street setback area; and vi. does not reduce the open space and outdoor living requirements in Table B. <i>Note: boundary walls to outbuildings which are less than 10m² and are less than 2.7m high do not contribute to the dimension of boundary walls under clause 5.1.3.</i>
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Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 24

Residential Design Codes Volume 1

Draft Development Approval Exemptions Policy

Document details

Relevant delegations	TP-D01		
Risk evaluation	low		
Strategic link	2.1 A Connected and Accessible City 5.2 Stakeholder Leadership 5.3 Optimised Performance		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		

The provisions below do not require WAPC approval:

Current Provision	Proposed Provision	Rationale
<i>Clause 5.1.2 Street setback</i>		
C2.1iii. reduced by up to 50 per cent provided that the area of any building, including a garage encroaching into the setback area, is compensated for by at least an equal area of open space that is located between the street setback line and a line drawn parallel to it at twice the setback distance (refer Figure 2a and 2c).	Replace C2.1iii. as follows: any area of the building can protrude up to 50 percent into the street setback area, to a maximum of 50 percent of the lot frontage.	The modification to the clause removes the needs for average setback calculations, which have the potential to have inconsistent results, particularly where lots are an irregular shape. A building protruding forward to half the required setback (e.g. 3m where 6m is DTC) is considered to reduce bulk to the street regardless of the setback of the remaining portion of the building.
<i>Clause 5.1.3 Lot boundary setback</i>		
C3.2iii in areas coded R30 to R40, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to up to two site boundaries.	Replace C3.2iii as follows: in areas coded R30 to R40, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to any number of site boundaries.	In practice 'any number' of boundaries' would relate to one additional boundary than the current clause permits, as no boundary wall is permitted to the street boundary. For angled lots or lots with multiple boundaries, boundary walls may result in more effective use of space on site and restricting the number could have an impact on a dwellings functionality. The addition of boundary walls will not impact any single adjoining property as the walls will be to separate boundaries. Open space and OLA requirements remain as per the DTC, so additional boundary walls will not reduce space or increase bulk on the site.
<i>Clause 5.1.6 Building height</i>		
C6 Buildings which comply with Table 3 for category B area buildings, except where stated otherwise in the	Replace C6 as follows: Buildings which comply with the following table for category B area buildings, except where stated otherwise in the	The increase by 0.5m to the building height limits will allow for character retention with new dwellings and or additions more likely to achieve the roof pitch

Current Provision	Proposed Provision	Rationale																		
scheme, the relevant local planning policy, structure plan or local development plan (refer Figure Series 7).	scheme, the relevant local planning policy, structure plan or local development plan (refer Figure Series 7). <table><tr><th rowspan="2">Building category</th><th rowspan="2">Maximum height of wall (m)</th><th colspan="2">Maximum total building height (m)</th></tr><tr><th>Gable, Skillion and concealed roof</th><th>Hipped and pitched roof</th></tr><tr><td>Category A</td><td>3.5</td><td>5</td><td>7</td></tr><tr><td>Category B</td><td>7.5</td><td>8.5</td><td>10.5</td></tr><tr><td>Category C</td><td>9</td><td>10</td><td>12</td></tr></table>	Building category	Maximum height of wall (m)	Maximum total building height (m)		Gable, Skillion and concealed roof	Hipped and pitched roof	Category A	3.5	5	7	Category B	7.5	8.5	10.5	Category C	9	10	12	heights and allow for smaller lots to have greater floor to ceiling heights. The additional heights are considered to be negligible and have little impact on the existing and desired heights and streetscapes within the City. It should be noted that any existing City policies which have building height restricts will take precedence over this policy.
Building category	Maximum height of wall (m)			Maximum total building height (m)																
		Gable, Skillion and concealed roof	Hipped and pitched roof																	
Category A	3.5	5	7																	
Category B	7.5	8.5	10.5																	
Category C	9	10	12																	
Clause 5.2.1 Setback of garages and carports																				
C1.2 Carports set back in accordance with the primary street setback requirements of clause 5.1.2 C2.1(i), except that the setback may be reduced by up to 50 per cent of the minimum setback stated in Table B where: i. the width of the carport does not exceed 60 per cent of the frontage; ii. the construction allows an unobstructed view between the dwelling and the street, right-of way or equivalent; and iii. the carport roof pitch, colours and materials are compatible with the dwelling.	Replace C1.2 as follows: Carports are permitted with a 1.5m primary street setback where: i. the width of the carport does not exceed 60 percent of the frontage; ii. the carport is open to all sides; and iii. the carport does not exceed 3.5m in building height.	The reduction in the setback of a carport to the street is considered appropriate without significantly compromising the appearance of the streetscape as carports are open structures. Given the structures are open, it is not considered detrimental that the structure is compatible with the existing dwelling, particularly when considering roof pitch. The height will ensure that carports are of a sufficient height for larger vehicles, without seeing carports dominating the visual appearance of the respective dwelling.																		
Clause 5.2.2 Garage width																				
C2 A garage door and its supporting structures (or a garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street (refer Figure 8c). This may be increased up to	Replace C2 as follows: A garage door and its supporting structures (or a garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 percent of the frontage at the setback line as viewed from the street (refer Figure 8c). This may be increased up to	It is considered that any portion of an upper floor extending over a garage below assists in mitigating bulk as viewed from the street. Having 25 percent of the garage width ensures that the extension of the upper floor has depth and will provide for articulation to the street.																		

Current Provision	Proposed Provision	Rationale
60 per cent where an upper floor or balcony extends for more than half the width of the garage and its supporting structures (or a garage wall where a garage is aligned parallel to the street) and the entrance to the dwelling is clearly visible from the primary street.	60 percent where an upper floor or balcony extends a minimum of 25 percent over the garage and the entrance to the dwelling is clearly visible from the primary street.	
<i>Clause 5.2.5 Sight lines</i>		
C5 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin: i. a driveway that intersects a street, right-of-way or communal street; ii. a right-of-way or communal street that intersects a public street; and iii. two streets that intersect. (refer Figure 9a)	Amend C5 as follows to include an additional deemed-to-comply requirement: C5.1 Development no higher than 0.75m above natural ground level within 1.5m of where: i. a driveway that intersects a street, right-of-way or communal street; and ii. two streets that intersect. C5.2 Notwithstanding C5.1, fencing within 1.5m of where a driveway meets a street is permitted subject to the following: i. solid walls to a maximum of 0.75m above natural ground level; ii. one support pier to a maximum height of 1.8m above natural ground level, with a maximum horizontal dimension of 400mm; and iii. up to two fencing panels (inclusive of a sliding or swinging gate) may be installed in this area, provided they use open style infill which individually	The inclusion of above natural ground level will result in the height of the wall being more relative to the existing site levels for individual development sites and will improve visual sight lines. The pier width of 400mm is considered to allow for adequate sight lines provided the infill fencing adjoining the pier and within the 1.5m truncation area is open style and the solid portion of fence does not exceed 0.75m high.

Current Provision	Proposed Provision	Rationale
	achieve a minimum 1:10 spacing ratio (e.g. 10mm picket with 100mm spacing between pickets).	
Clause 5.3.5 Vehicle access		
C5.1 Access to on-site car parking spaces to be provided: - where available, from a communal street or right-of-way available for lawful use to access the relevant site and which is adequately paved and drained from the property boundary to a constructed street; or - from a secondary street where no right-of-way or communal street exists; or - from the primary street frontage where no secondary street, right-of way, or communal street exists.	Replace C5.1 with the following: Where a road is a designated as a distributor road or higher, vehicle access shall be provided from a right-of-way or secondary street where available.	Vehicle access being from the same street as the front door to a dwelling (where there are dual frontages), is considered appropriate expect where the road is a distributor road or higher. At present, where a lot has two frontages, vehicle access (car parking areas) are to be located on the opposite frontage to the primary entry of the dwelling, with no engineering or traffic requirements for this to occur. This can lead to confusion for visitors to a site and alter a dwellings design, layout and functionality.
Clause 5.3.7 Site works		
C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4.	Replace C7.2 as follows: Retaining walls and fill within the site and behind the required street setback to comply with Table 4.	The removal of excavation in the deemed-to-comply requirement is considered to have little impact on adjoining properties from a planning assessment perspective, particularly as retaining walls will still be considered. Excessive excavation would require appropriate measures to ensure impacts to neighbouring properties is mitigated through the building process.
Clause 5.4.3 Outbuildings		
C3 Outbuildings associated with a dwelling site address either: - the standards for small outbuildings (A. Small outbuilding); or - the standards for large and multiple	Amend C3 as follows: Outbuildings associated with a dwelling site are to: individually or collectively does not exceed 60m² in area of 10 percent in	The outbuildings requirements have changed over time with the focus on smaller outbuilding being exempt from planning approval. The removal of the 'small' and 'large' outbuilding provisions and

Current Provision	Proposed Provision	Rationale
outbuildings (B. Large and multiple outbuildings) A. Small outbuilding i. no more than one outbuilding per dwelling site; ii. has no more than two boundary walls; iii. does not exceed 10m² in area; iv. does not exceed a wall height of 2.7m; v. not located within the primary or secondary street setback area; and vi. does not reduce open space and outdoor living area requirements in Table B. OR B. Large and multiple outbuildings i. individually or collectively does not exceed 10m² in area or 10 percent in aggregate of the site area, whichever is the lesser; ii. set back in accordance with Table B; iii. does not exceed a wall height of 2.4m; iv. does not exceed a ridge height of 4.2m; v. not located within the primary or secondary street setback area; and vi. does not reduce the open space and outdoor living area requirements in Table B.	aggregate of the site area, whichever is the lesser; ii. set back in accordance with 3.1.i of Clause 5.1.3 lot boundary setbacks iii. does not exceed a wall height of 3.0m; iv. does not exceed a ridge height of 4.2m; v. not located within the primary street setback area; and vi. does not reduce the open space and outdoor living requirements in Table B. <i>Note: boundary walls to outbuildings which are less than 10m² and are less than 2.7m high do not contribute to the dimension of boundary walls under clause 5.1.3.</i>	reverting to one provision for all outbuildings will not result in additional requirements for small scale outbuildings as they can be incorporated into the overall requirement. The 3.0m wall height, and the overall height (ridge to 4.2m) will allow for more residents to have outbuildings which do not require development approval. The 3m wall height is consistent with the heights for boundary wall and lot boundary setback wall height and is of a height which will allow for sufficient clearances for multiple uses in the space.

Following consultation, the above can be considered by Council and be operational.

The provisions below will require consent from the WAPC prior to implementation:

Current Provision	Proposed Provision	Rationale										
Clause 5.1.3 Lot boundary setback												
C3.1i. buildings set back from lot boundaries in accordance with Table B and Tables 2a and 2b (refer to Figure Series 3 and 4)	C3.1i is replaced with the following: - Buildings set back from lot boundaries in accordance with the table below; and - the second storey of walls shall be setback in accordance with the table below for a maximum wall length of 14m (including any balconies). Where a portion of wall exceeds 14m in length, the wall is to contain a minimum 2m x 2m separation from the lot boundary. <table><tr><th>Wall height Rounded to nearest 0.1m</th><th>Minimum lot boundary setback</th></tr><tr><td>Up to 3.5m</td><td>1m</td></tr><tr><td>3.6m – 7.0m</td><td>1.5m</td></tr><tr><td>7.1m – 10.0m</td><td>3m</td></tr><tr><td>10.1m and above</td><td>3m</td></tr></table>	Wall height Rounded to nearest 0.1m	Minimum lot boundary setback	Up to 3.5m	1m	3.6m – 7.0m	1.5m	7.1m – 10.0m	3m	10.1m and above	3m	The existing setbacks specified in Tables 2a and 2b results in discrepancies in assessments, within the City and across the local governments. Aligning setback assessments (the proposed provision) to be as per Part C creates less ambiguity and ease of assessment for officers and developers and the public.
Wall height Rounded to nearest 0.1m	Minimum lot boundary setback											
Up to 3.5m	1m											
3.6m – 7.0m	1.5m											
7.1m – 10.0m	3m											
10.1m and above	3m											
C3.1ii. for carports, patios, verandahs or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*: - is not more than 10m in length and 2.7m in height; - is located behind the primary street setback; and - has eaves, gutters and roofs set back at least 450mm from the lot boundary.	C3.1ii is replaced with the following: for carports, patios, verandahs or equivalent structures (with pillars or posts with a horizontal dimension of 450mm by 450mm, or less), the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*: - is not more than 10m in length and 3.5m in building height; - is located behind the primary street setback; and - has eaves, gutters and roofs set back at least 450mm from the lot boundary.	The 3.5m height is consistent with the lot boundary setback requirements, with these open structures having less of an impact on the adjoining property being open. The 3.5m incorporates the overall height (ie to a pitch and concealed roof).										
Clause 5.3.1 Outdoor living area												
C1.1 An outdoor living area to be provided:	Replace C1.1 as follows: An outdoor living area to be provided:	With open space provisions in place, an additional portion of a covered outdoor living area (OLA) will not have										

Current Provision	Proposed Provision	Rationale
i. in accordance with Table B; ii. behind the street setback area; iii. directly accessible from the primary living space of the dwelling; iv. with a minimum length and dimension of 4m; and v. with at least two-thirds of the required area without permanent roof cover.	i. in accordance with Table B; ii. behind the street setback area; iii. directly accessible from the primary living space of the dwelling; iv. with a minimum length and dimension of 4m; and v. with at least one-third of the required area without permanent roof cover.	significant impact on open areas around the development site. An increase covered OLA will provide for additional area within a site for occupants to recreate year-round during the varying weather condition.
Clause 5.3.2 Landscaping		
C2.1 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following: i. the street setback area developed without car parking, except for visitors' bays; ii. pedestrian access providing wheelchair accessibility connecting entries to all ground floor buildings with the public footpath and car parking areas; iii. one tree to provide shade for every four uncovered car parking spaces (in addition to the trees required in C2.2), with the total number of trees to be rounded up to the nearest whole number; iv. lighting to pathways, and communal open space and car parking areas; v. bin storage areas conveniently located and screened from view;	C2.1 is replaced with the following: Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following: i. the street setback area developed without car parking, except for visitors' bays; ii. one tree to provide shade for every four uncovered car parking spaces (in addition to the trees required in C2.2), with the total number of trees to be rounded up to the nearest whole number; and iii. trees which are greater than 3m in height shall be retained, in communal open space which is provided for the development.	The existing landscaping clause includes a number of provisions which are not relevant to providing landscaping on site. The modification to the clause removes the elements which do not relate to landscaping and therefore simplifies the requirements and makes the provision more legible and applicable.

Current Provision	Proposed Provision	Rationale
vi. trees which are greater than 3m in height shall be retained, in communal open space which is provided for the development; vii. adequate sightlines for pedestrians and vehicles; viii. clear line of sight between areas designated as communal open space and at least two habitable room windows; and ix. clothes drying areas which are secure and screened from view.		
<i>Clause 5.3.5 Vehicle access</i>		
C5.4 Driveways designed for two-way access to allow for vehicles to enter the street in forward gear where: - the driveway serves five or more dwellings; - the distance from an on-site car parking space to the street is 15m or more; or - the street to which it connects is designated as a primary distributor or integrator arterial road.	Replace C5.4 as follows: Driveways designed to allow for vehicles to enter the street in forward gear where: - the driveway serves five or more dwellings; - the distance from an on-site car parking space to the street is 30m or more; or - the street to which it connects is designated as a primary distributor or integrator arterial road.	The modification relates to the reversing distance a vehicle is permitted to make, increasing this from 15m to 30m. This change is consistent with Part C of the R-Codes and as such considered to be appropriate and provide for a consistent approach. Previous discussions with the Department of Planning Lands and Heritage, note that the change should occur in the next revision of the R-Codes.

10 GENERAL BUSINESS

Nil.

11 NEXT MEETING

The next meeting of the Policy Committee will take place in the Committee Room, 61 Broun Avenue, Morley, on 7 September 2026 commencing at 5:30pm.

12 CLOSURE