City of
Bayswater

Temporary and Minor Development Policy

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

Purpose

This policy 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.

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.

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 1.5m^2.
8. The development will not involve the removal of trees.

Minor developments

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.

Alfresco dining on public thoroughfares

Development approval is not required for alfresco dining areas on public thoroughfares where:

1. The alfresco dining area is located adjacent to the associated business.
2. A minimum clear footpath width of 2m is maintained for pedestrians.
3. An alfresco dining permit has been approved under the City's Activities on Thoroughfares and Public Places and Trading Local Law.

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.

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 of WA, 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

This policy is adopted under all Local Planning Schemes in force within the City of Bayswater, in accordance with Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Delegations	TP-D01
Council Adoption	21 June 2016
Reviewed / Modified	11 February 2020