



City of **Perth**

Minutes

Ordinary Council Meeting
24 September 2024

Michelle Reynolds
Chief Executive Officer
27 September 2024

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature _____

Date _____

Information

This information is provided on matters which may affect members of the public. If you have any queries on procedural matters, please contact a member of the City's Governance team via governance@cityofperth.wa.gov.au.

Question Time for the Public

An opportunity is available at Council meetings for members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible to allow the City time to prepare a response.

The Presiding Person may nominate a member of staff to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion can take place on any question or answer.

To ask a question, please complete the Public Question Time form available on the City's website www.perth.wa.gov.au/council/council-meetings.

Disclaimer

Members of the public should note that in any discussion during a meeting regarding any item, a statement or indication of approval by any council member, committee member or officer of the City is not intended to be, and should not be taken as, notice of approval from the City. No action should be taken on any item discussed at a meeting of a Committee prior to written advice on the Committee or Council's resolution being received.

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Table of Contents

1.	Declaration of Opening.....	5
2.	Acknowledgement of Country/Prayer.....	5
3.	Attendance	5
3.1	Apologies.....	6
3.2	Leave of Absence	6
3.3	Applications for Leave of Absence	6
4.	Announcements by the Lord Mayor.....	6
4.1	2024 Extraordinary Election.....	6
4.2	School Holiday Activities	6
5.	Disclosures of Interests.....	7
6.	Public Participation	8
6.1	Responses to Public Questions Previously Taken on Notice	8
Nil.	8	
6.2	Public Questions.....	8
7.	Confirmation of Minutes	9
8.	Questions by Members which due Notice has been Given.....	9
9.	Correspondence	9
10.	Petitions.....	9
11.	Planning and Economic Development Alliance Reports.....	11
11.1	Draft Brown and Kensington Streets Character Area Local Planning Policy.....	11
11.2	Draft Royal Street Neighbourhood Centre Character Area Local Planning Policy.....	33
11.3	Draft Hay Street Neighbourhood Centres Character Areas Local Planning Policy	55
11.4	Proposed Designation of East End Heritage Area and draft East End Heritage Area Local Planning Policy	78
11.5	City Planning Scheme No. 2 - Planning Policy 4.6 - Signs	124
11.6	Proposed designation of Pier Street Heritage Area and draft Pier Street Heritage Area Local Planning Policy	236
12.	Community Development Alliance Reports	277
12.1	New and Innovative Events and Activations	277
13.	Infrastructure and Operations Alliance Reports.....	317
Nil.		
14.	Commercial Services Alliance Reports.....	317

Nil.

15. Corporate Services Reports 318

 15.1 Monthly Financial Statements - July 2024 318

 15.2 Schedule of Accounts Paid - July 2024 374

16. Chief Executive Officer Reports 441

 16.1 Local Law Review - Proposed Amendment Local Law and Waste Local Law 441

 16.2 Adoption of the City of Perth Parking Amendment Local Law 2024 689

17. Committee Reports 758

 Nil.

18. Motions of which Previous Notice has been Given 758

 Nil.

19. Matters for which the meeting may be closed..... 758

 Nil.

20. Urgent Business 758

21. Closure 758

1. Declaration of Opening

The Presiding Member declared the Ordinary Council Meeting for the City of Perth open at 5:00pm.

2. Acknowledgement of Country/Prayer

The Presiding Member gave an Acknowledgement of Country:

I respectfully acknowledge the Traditional Owners of the land on which we meet, the Whadjuk Nyoongar people of Western Australia, and pay my respects to Elders past and present. It is a privilege to be standing on Whadjuk Nyoongar country.

The Chief Executive Officer recited a prayer:

Almighty God, under whose providence we hold responsibility for this City grant us wisdom to understand its present needs, foresight to anticipate its future growth, and grace to serve our fellow citizens with integrity and selfless devotion. And to Thee, be all blessing and glory forever. Amen.

3. Attendance

Members in Attendance

Lord Mayor	Basil Zempilas (Presiding Member)
Councillors	Raj Doshi
	Liam Gobbert
	David Goncalves
	Viktor Ko
	Catherine Lezer
	Bruce Reynolds

Officers in Attendance

Chief Executive Officer	Michelle Reynolds
General Manager Infrastructure and Operations	Allan Mason
A/General Manager Community Development	Rebecca Taylor
General Manager Commercial Services	Steve Holden
Alliance Manager City Planning	Robert Farley
General Manager Corporate Services	Wendy Attenborough
Chief Financial Officer	Michael Kent
Alliance Manager Council Governance and Policy	Charlie Clarke
Council Governance and Policy Coordinator/Minute Taker	Ebony Mackey

Public Gallery

There were approximately 8 members of the public in the gallery.

3.1 Apologies

Nil.

3.2 Leave of Absence

Deputy Lord Mayor Clyde Bevan (28 August 2024 to 30 September 2024, inclusive).

3.3 Applications for Leave of Absence

Council Resolution (OCM-24/09-001)

Mover: Councillor Bruce Reynolds

Secunder: Councillor Raj Doshi

That Council APPROVES the following leave of absence application:

1. Councillor Liam Gobbert for the period 1 November 2024 to 8 November 2024, inclusive

CARRIED UNOPPOSED (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

4. Announcements by the Lord Mayor

4.1 2024 Extraordinary Election

The Lord Mayor informed the meeting that ballot papers for the 2024 Extraordinary Election have been sent out and should be arriving soon. He also emphasised the importance of returning them by 6 PM on Friday, October 18. The Lord Mayor stated that if anyone believes they should have received a ballot but has not, they should contact the City of Perth for a replacement package. He also expressed enthusiasm about the high turnout for returning ballot papers and extended his best wishes to the five candidates competing in the election.

4.2 School Holiday Activities

The Lord Mayor noted that it is currently school holidays, filled with various activities. He encouraged everyone to visit '[Visit Perth](#)' for information on upcoming events and announcements

5. Disclosures of Interests

Name	Councillor Catherine Lezer
Item number and title	11.2 Draft Royal Street Neighbourhood Centre Character Area Local Planning Policy
Nature of interest	Proximity Interest
Interest description	<i>"a person closely associated owns property in Royal Street adjacent to the area in this item."</i>

Name	Councillor Catherine Lezer
Item number and title	11.4 Proposed Designation of East End Heritage Area and draft East End Heritage Area Local Planning Policy
Nature of interest	Impartiality Interest
Interest description	<i>"For consistency and completeness I am a Councillor on the Heritage Council of WA."</i>

Name	Chief Executive Officer Michelle Reynolds
Item number and title	11.5 City Planning Scheme No. 2 - Planning Policy 4.6 - Signs
Nature of interest	Impartiality Interest
Interest description	<i>"Jason Potalivo from Saracen Properties is known to me through social interactions (our daughters are friends)."</i>

Name	Councillor Catherine Lezer
Item number and title	11.4 Proposed Designation of East End Heritage Area and draft East End Heritage Area Local Planning Policy
Nature of interest	Proximity Interest
Interest description	<i>"I own a property adjacent to the area in this item."</i>

Name	Councillor Catherine Lezer
Item number and title	11.6 Proposed designation of Pier Street Heritage Area and draft Pier Street Heritage Area Local Planning Policy
Nature of interest	Impartiality Interest
Interest description	<i>"For consistency and completeness I am a Councillor on the Heritage Council of WA."</i>

6. Public Participation

6.1 Responses to Public Questions Previously Taken on Notice

Nil.

6.2 Public Questions

Vicki Raniszewski – East Perth WA 6004	
Q1	How is this proposed Riverfront Masterplan development ever possible being that Langley Park was State Heritage listed in 2011 as an A Class Reserve?
Provided by the Acting General Manager Planning and Economic Development	
A1	The draft Riverfront Masterplan was endorsed by Council at its meeting on 27 August 2024 to enable public consultation to be undertaken on the draft document and the vision that it proposes. It is a visionary document which can be used to guide future planning and budgeting for the area, and building an agreed understanding between the City, the community and all levels of government about what the future of the area could be. It is at its very early stages and the long term implementation of the Masterplan, will be subject to various processes relating to land, planning, heritage and environmental matters, where impacts on the A Class Reservation and Heritage Listing of the site will be further reviewed and considered.
Glennys Marsdon – East Perth WA 6004	
Q1	For the Riverfront Masterplan Community Consultation, will the main image and supporting information/images provide details about the potential position and height of the tourist accommodation/hotels and the 35 restaurants? Similarly, will it show clear detail about the potential placement and details of the car park?
Provided by the Alliance Manager City Planning	
A1	The purpose of the masterplan is to set an overarching vision for the precinct. It is at its very early stages and the long term implementation of the Masterplan, will be subject to various processes relating to land, planning, heritage and environmental matters which will define the specific elements of the plan as it evolves.
Q2	For the Riverfront Masterplan Community Consultation, while the Elders Group has been consulted, will the other community advisory groups and groups such as the East Perth Community Group be consulted in their own right or will they have to submit their comments via post-it-notes at the large community consultation?
Provided by the Alliance Manager City Planning	
A2	The City will be engaging a community engagement consultant for the Riverfront Masterplan. The consultant will prepare and implement a Community Engagement Strategy that will include information sessions, industry round tables, stakeholder meetings as well as outcomes reports. It is expected that will include engagement with community groups.
Q3	Will the Riverfront Masterplan clearly state that the local community is a stakeholder?

Provided by the Alliance Manager City Planning

A3	The masterplan mentions the community and stakeholders to acknowledge the various government agencies that have a role or government interest in the precinct. The community is considered a stakeholder.
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The following members of the public submitted questions in writing less than 24 hours' prior to the meeting in relation to matters not on the agenda. These questions have been taken on notice and responses will be included in the Agenda for the Ordinary Council Meeting on 29 October 2024:

Sarah Booth – White Gum Valley WA 6162

Q1	With vacancy rates at 25% across the Perth CBD, how much has the City of Perth spent, in total, to activate the long vacant, city-owned tenancies on the corner of Pier & Murray Street? Are they now tenanted?
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7. Confirmation of Minutes

Council Resolution (OCM-24/09-002)

Mover: Councillor Liam Gobbert

Seconded: Councillor David Goncalves

That Council CONFIRMS the minutes of the Ordinary Council Meeting held on 27 August 2024 as a true and correct record.

CARRIED UNOPPOSED (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

8. Questions by Members which due Notice has been Given

Nil.

9. Correspondence

Nil.

10. Petitions

Nil.

Council Resolution (OCM-24/09-003)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Catherine Lezer

That the officer recommendation for items 11.1, 11.3, 15.1 and 15.2 be adopted en bloc, and the remaining items be dealt with separately.

CARRIED UNOPPOSED (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

11. Planning and Economic Development Alliance Reports

11.1 Draft Brown and Kensington Streets Character Area Local Planning Policy

Responsible Officer	Julia Kingsbury – Acting General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.1A – Brown and Kensington Streets Character Area Location Plan Attachment 11.1B – Brown and Kensington Streets Character Area Local Planning Policy

Purpose

For Council to consider the preparation and advertising of the draft *Brown and Kensington Streets Character Area Local Planning Policy* (LPP).

Recommendation

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), RESOLVES to prepare and advertise the draft *Brown and Kensington Streets Character Area Local Planning Policy* as shown in **Attachment B** to this report.

Background

Location

1. The Brown and Kensington Streets Character Area is in the Claisebrook neighbourhood. It is bound by Kensington Street and Tully Road to the north, Victory Terrace to the east, Fielder Street to the west, and Brown Street East, Brown Street West and Brook Street to the south. A location plan is at **Attachment A**.

Current Local Planning Policy

2. There are currently eight design guidelines which apply to the lots within the proposed Brown and Kensington Streets Character Area:
 - Area 2 – East Parade
 - Area 9 – Brook Street
 - Area 10 – Brook Street (P&O Site)
 - Area 11 – Chinese Consulate;
 - Area 31 – Brown and Kensington Street West;
 - Area 32 – Brown Street East;
 - Area 33 – Kensington Street East; and
 - Area 34 – Lot 119 Brown Street
3. It is intended that these will be replaced by the draft Brown and Kensington Streets Character Area LPP.

Local Planning Strategy

4. The City's *Local Planning Strategy* (Strategy) sets out the strategic direction for the future planning and development of the city, to be implemented via the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
5. The Strategy identifies several character areas within the city, including the Brown and Kensington Streets Character Area. These areas have unique built and landscape elements that create a special sense of place.
6. The Strategy includes an action to review planning provisions to ensure that important elements of the built and landscape character of the Brown and Kensington Streets Character Area are reinforced and enhanced in new development.

Draft Local Planning Scheme No. 3

7. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
8. Under the draft LPS3, the Brown and Kensington Streets Character Area is zoned Mixed Use and has a maximum base plot ratio of 3:1 and a maximum bonus plot ratio of 1:1 available. This generally reflects the built form parameters proposed for the area under the draft Brown and Kensington Streets Character Area LPP.
9. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft Brown and Kensington Streets Character Area LPP, intended to be advertised concurrently with the draft LPS3.

State Government Planning Framework

10. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State.
11. Local governments can prepare local planning policies for residential development that amend or replace certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.

Discussion

12. The Brown and Kensington Streets Character Area includes the Brown and Kensington Streets Character Area identified in the Strategy as well as additional land on the eastern side of East Parade. This additional land has been included given its proximity and that it has the same intended use and scale of development scale (i.e., low – medium scale mixed use) under the Strategy.

13. The following character statement describes the unique elements of the Brown and Kensington Streets Character Area:

The Brown and Kensington Streets Character Area forms part of the Claisebrook neighbourhood. The character area is largely comprised of simple utilitarian light industrial warehouses with a few newer low and medium density residential developments. The area is expected to maintain its mixed-use nature, with a greater emphasis on residential development to accommodate the City's increasing population. Future development in the area is intended to enhance the existing mature tree lined streets through generous street building setbacks and off-street at grade parking making way for landscaping and deep soil plantings. The palette and materials of new development will be complementary to, and enhance the established face brick, painted render, and natural stone masonry buildings.

14. This character statement informs the key objectives of the policy which are:
 - a. To encourage low-medium scale mixed use development within a high-quality pedestrian and landscaped setting.
 - b. To preserve and respect the material character of the area.
 - c. To enable pedestrian connectivity through the neighbourhood and continuation of the north-south pedestrian access.

Building Heights and Setbacks

Current

15. The current maximum building heights for buildings facing Brown Street is 9 metres (up to 3 storeys) increasing to 14 metres at the apex of the roof (maximum four storeys). The current maximum building height for buildings facing Kensington Street and East Parade is 14 metres (maximum four storeys).
16. The setback requirements currently vary from nil to 4 metres to the street, and nil side and rear setbacks.

Proposed

17. The Strategy identifies the Brown and Kensington Streets Character Area as a low -medium scale mixed use area within a landscape setting, with an indicative building height of up to 8 storeys. It is also identified as an intensification investigation area for plot ratio increases.

18. The draft LPP proposes a maximum built form of 8 storeys. The LPP proposes a 4.5 metre street setback, 3m secondary street setback, nil side and rear setbacks up to three storeys, and 4m setback above three storeys.
19. The proposed 4.5m street setback allows for landscaping to the street, supporting the area's transition to a landscape setting and providing amenity and privacy for occupants.
20. The nil side and rear setbacks up to 3 storeys reflects the form of existing buildings within the character area which presently have nil side and rear setbacks. Beyond 3 storeys, additional building height is required to be set back from the lot boundaries to alleviate the impact of building bulk and to provide internal amenity (i.e., access to natural light, ventilation, and privacy) for occupants.

Building Design

21. The draft LPP's building design provisions seek to enhance the character of the area and create high quality residential buildings which complement and provide a transition from the established surrounding built form on the northern side of Kensington Street and southern side of Brown Street East, as the built form in these surrounding areas are proposed to remain unchanged.
22. The provisions provide detailed guidance on articulation and detailing, materials and finishes, public realm interface, vehicular access and parking, landscaping and public accessway requirements.

Car Parking

23. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped, or screened to mitigate visual impacts.
24. The draft LPP requires car parking areas to be incorporated in a building (preferably within a basement). Where they are located at or above ground, they are to be sleeved with building entry lobbies or other land uses such as habitable floorspace, offices or shops. This is to prevent blank facades to the street. Screening is not considered sufficient as the parking areas will still be visible and present an inactive land use to the street.
25. This modification to the R-Codes will require the approval of the WAPC.

Landscaping

26. The R-Codes Volume 2 does not include a requirement for landscaping within the street setback area or for a percentage of the site to be landscaped. It only requires 10% of the site area to be provided with deep soil area and a minimum tree requirement.
27. The draft LPP requires a minimum of 75% of the required street setback to be comprised of soft landscaping. This landscaping will contribute to the already established landscaping and mature street trees within the character area.
28. The definition of 'soft landscape' in the R-Codes is any landscaped area with a minimum soil depth of 300mm that contains in-ground planting including turf. The draft LPP proposes to increase the minimum soil depth to 1 metre which will provide sufficient soil depth for the landscaped area to be planted with large shrubs and small trees.
29. These modifications to the R-Codes will require the approval of the WAPC.

Consultation

30. The draft LPP is required to be advertised for 21 days under the *Planning and Development (Local Planning Schemes) Regulations 2015* but given its relationship to the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

31. If Council supports the recommendation, the draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
32. If Council does not support the recommendation, draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The draft Brown and Kensington Streets Character Area LPP is consistent with the planning direction of the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 clause 4)
Authority of Council/CEO:	Under the LPS Regulations, the local government must resolve to prepare a local planning policy, which if supported, must be advertised in accordance with the Regulations.
Policy:	Nil.

Financial Implications

33. An amount of \$59,500 has been set aside as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
34. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers

Further Information

35. Nil.

Council Resolution (OCM-24/09-004)

Mover: Lord Mayor Basil Zempilas

Second: Councillor Catherine Lezer

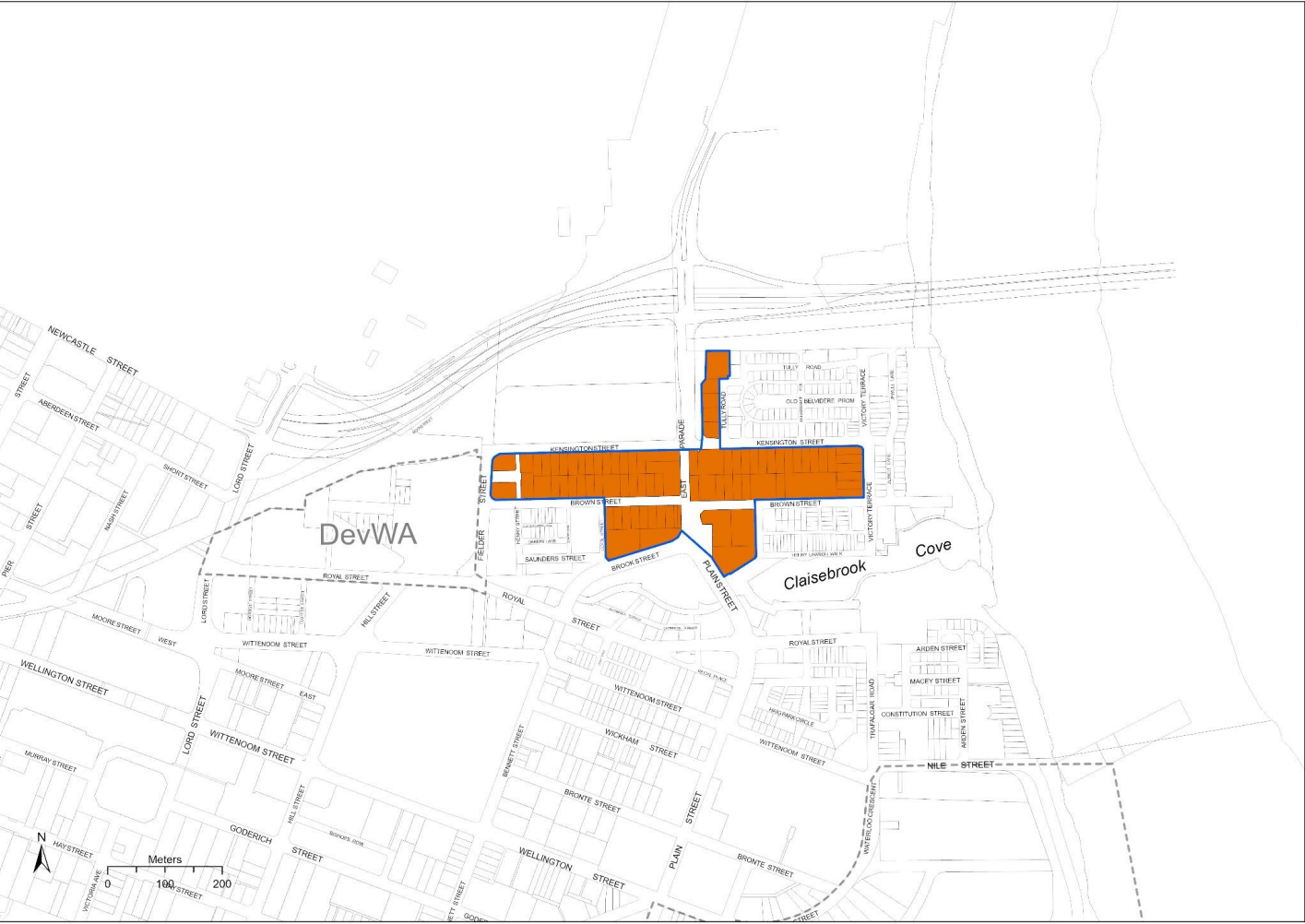
That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), RESOLVES to prepare and advertise the draft *Brown and Kensington Streets Character Area Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED EN BLOC (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

Attachment A – Brown and Kensington Street Character Area Location Plan



Brown and Kensington Streets Character Area Local Planning Policy

Draft September 2024

DRAFT



Brown and Kensington Streets Character Area Local Planning Policy – September 2024

Version Control

Version #	Date	Action
1	Date of Adoption (00/00/00)	Adopted
2	Date of Amendment	Amended
3	Date of Amendment	Amended

Contents

Contents 1

1. Citation..... 3

2. Purpose and Application 3

 2.1 Purpose 3

 2.2 Application 3

 2.3 Relationship to other Planning Documents 4

 2.3.1. Relationship to the Residential Design Codes4

3. Character Statement 5

4. Objectives 6

5. Development Provisions..... 6

 5.1 Building Heights and Setbacks 6

 5.1.1 Objectives.....6

 5.1.2 Provisions6

 5.2 Articulation and Detailing 8

 5.2.1 Objectives.....8

 5.2.2 Provisions9

 5.3 Materials and Finishes 9

 5.3.1 Objectives.....9

 5.3.2 Provisions10

 5.4 Public Realm Interface 10

 5.4.1 Objectives.....10

 5.4.2 Provisions10

 5.5 Vehicular Access and Parking 11

 5.5.1 Objectives.....11

 5.5.2 Provisions12

 5.6 Landscaping 12

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

5.6.1	Objectives.....	12
5.6.2	Provisions	12
5.7	Public Access Way	13
5.7.1	Objectives.....	13
5.7.2	Provisions	13

DRAFT

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

1. Citation

This is a local planning policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as the *Brown and Kensington Streets Character Area Local Planning Policy*.

2. Purpose and Application

2.1 Purpose

The purpose of this policy is to:

- (a) Define the boundaries of and the characteristics unique to the Brown and Kensington Streets Character Area.
- (b) Guide appropriate design outcomes for development within the character area.

2.2 Application

This policy applies to all applications for development approval within the Brown and Kensington Streets Character Area, the extent of which is shown in Figure 1.

This policy is structured to provide both objectives and provisions. Development must align with the objectives. The provisions provide a means of fulfilling the objectives. Variations to the provisions may be considered where consistent with the relevant objectives.

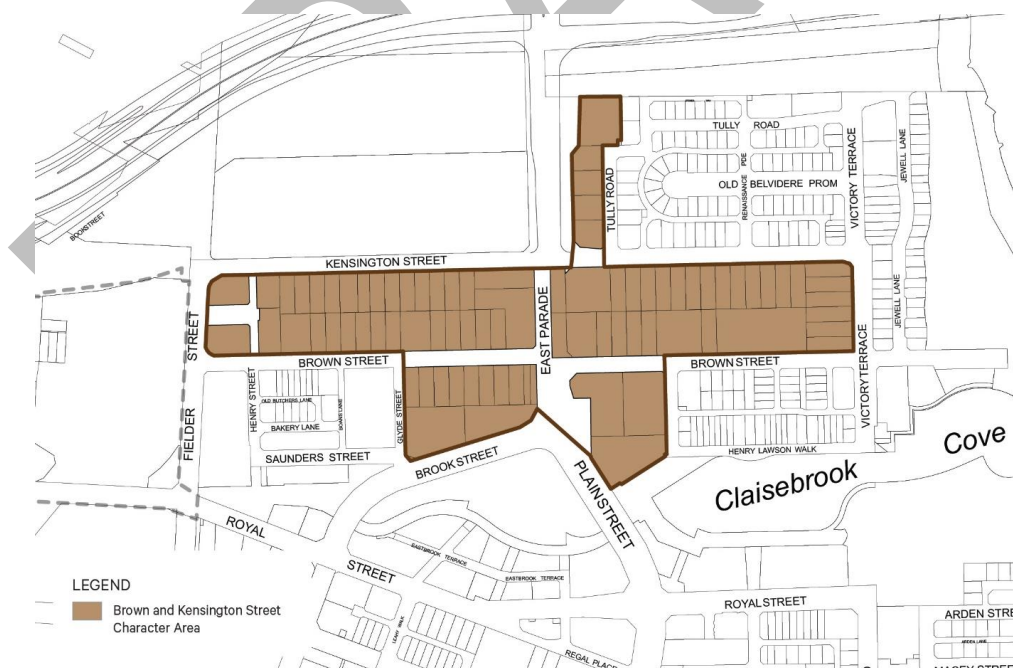


Figure 1. Brown and Kensington Streets Character Area

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

2.3 Relationship to other Planning Documents

This policy should be read in conjunction with the *City of Perth Local Planning Scheme No. 3* (LPS3) and other relevant local planning policies.

Where this policy is inconsistent with LPS3, the provisions of LPS3 prevail to the extent of any inconsistency.

Where this policy is inconsistent with other relevant local planning policies, the provisions of this policy prevail to the extent of any inconsistency.

2.3.1. Relationship to the Residential Design Codes

For residential development within the Brown and Kensington Streets Character Area, this policy should be read in conjunction the *Residential Design Codes Volume 1 and 2* (R-Codes Volume 1 and 2) and the *Residential Design (Variation of R-Codes) Local Planning Policy*.

This policy amends, replaces or augments the Deemed-to-Comply and Acceptable Outcomes of the R-Codes Volume 1 and 2 as detailed in Tables 1 and 2. This policy also contains additional Objectives that augment the Design Principles and Element Objectives of the R-Codes Volumes 1 and 2 and provide specific guidance to ensure that residential development aligns with the local context and characteristics of this character area.

Table 1 – Relationship to the R-Codes Volume 1

Design Element	Acceptable Deemed to Comply Modification	Applicable Provision
1.2 Trees and Landscaping	Delete C1.2.1 C1.2.2 C1.2.6	5.6.2(a), 5.6.2(b), 5.6.2(c) 5.6.2(a), 5.6.2(b), 5.6.2(c) 5.6.2(a), 5.6.2(c)
2.3 Parking	Augment C2.3.1 C2.3.4 and C2.3.5	5.5.2(a) 5.5.2(a)
2.5 Utilities	Augment C2.5.2	5.5.2(a)
3.3 Street setbacks	Replace C3.3.1 C3.3.2 C3.3.3 C3.3.4	5.1.2(a) 5.1.2(a) 5.1.2(a) 5.1.2(a)
3.4 Lot boundary setbacks	Delete C3.4.1	5.1.2(a), 5.1.2(c)
3.7 Access	Delete C3.7.7	5.4.2(e), 5.4.2(f), 5.4.2(g)

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

Table 2. Relationship to the R-Codes Volume 2

Design Element	Acceptable Outcome Modification	Applicable Provision
2.2 Building height	Replace A2.2.1	5.1.2(a)
2.3 Street setbacks	Replace A2.3.1	5.1.2(a)
2.4 Side and rear setbacks	Replace A2.4.1	5.1.2(a), 5.1.2(b), 5.1.2(c), 5.1.2(d)
2.7 Building separation	Replace A2.7.1	5.1.2(a), 5.1.2(b)
3.3 Tree canopy and deep soil areas	Augment A3.3.4 A3.3.5 Delete A3.3.6 A3.3.7	5.6.2(a), 5.6.2(b), 5.6.2(c) 5.6.2(a), 5.6.2(b), 5.6.2(c)
3.6 Public domain interface	Replace A3.6.2 A3.6.5 A3.6.6	5.5.2(a) 5.4.2(a) 5.4.2(f)
3.7 Pedestrian access and entries	Augment A3.7.1	5.4.2(a)
3.8 Vehicle access	Replace A3.8.1 A3.8.2 A3.8.5	5.5.2(b) 5.5.2(a) 5.5.2(b)
3.9 Car and bicycle parking	Replace A3.9.5 A3.9.6 A3.9.10	5.5.2(a) 5.5.2(a) 5.5.2(a)
4.10 Façade design	Replace A4.10.1 A4.10.3 Delete A4.10.2	5.2.2(a), 5.2.2(b) 5.2.2(a), 5.2.2(b)

3. Character Statement

The objectives of this policy have been informed by the following character statement which articulates the unique built and landscape elements that create a special sense of place and streetscape within the character area.

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

The Brown and Kensington Streets Character Area forms part of the Claisebrook neighbourhood. The character area is largely comprised of simple utilitarian light industrial/warehouses with a few newer low and medium density residential developments. The area is expected to maintain its mixed-use nature, with a greater emphasis on residential development to accommodate the City's increasing population. Future development in the area is intended to enhance the existing mature tree lined streets through generous street building setbacks and off-street at grade parking making way for landscaping and deep soil plantings. The palette and materials of new development will be complementary to, and enhance the established face brick, painted render and natural stone masonry buildings.

4. Objectives

- (a) To encourage low-medium scale mixed use development within a high-quality pedestrian and landscaped setting.
- (b) To preserve and respect the material character of the area.
- (c) To enable pedestrian connectivity through the neighbourhood and continuation of the north-south pedestrian access.

5. Development Provisions

5.1 Building Heights and Setbacks

5.1.1 Objectives

- (a) To enable building heights to reflect the desired low-medium scale character of the area.
- (b) To provide a high level of internal building amenity including access to natural light and ventilation by maintaining built form separation.
- (c) To provide sufficient space along the street to accommodate high quality landscaping.

5.1.2 Provisions

- (a) Building heights and setbacks shall be in accordance with Table 2, Figures 2 and 3.
- (b) Where two or more buildings are proposed on a single development site, they shall be set back from each other as though there were a boundary between them. Refer to Figure 4.
- (c) For narrow lots, variation of the side setback requirement may be considered where:
 - i. appropriate visual privacy and outlook is achieved; and
 - ii. provision of the required setbacks would unreasonably impact on the functionality of the building.
- (d) Basements constructed within the street setback area shall be setback a minimum of 3 metres from the street and shall be wholly located below natural ground level of the adjacent boundary.

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

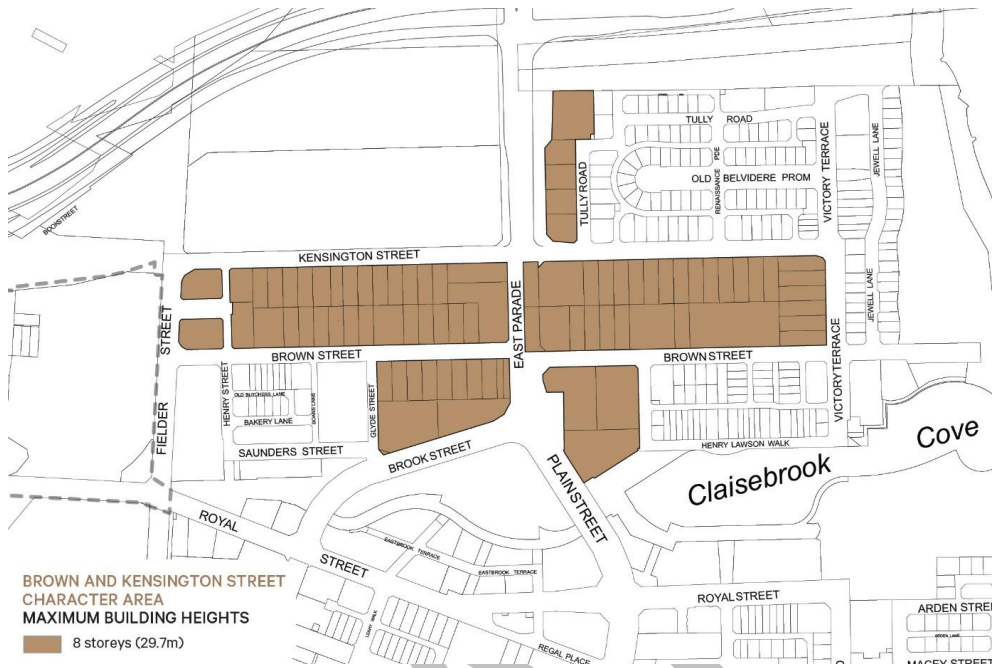


Figure 2. Maximum building heights

Table 2. Building Heights and Setbacks

	Built Form
Maximum Building Height	8 storeys (29.7m*)
Minimum Street Setback	4.5m
Minimum Secondary Street Setback	3m
Minimum Side and Rear Setbacks	Nil – up to 3 storeys (11.7m) 4m – above 3 storeys
Notes:	
	* plus maximum 600mm for roof structure

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

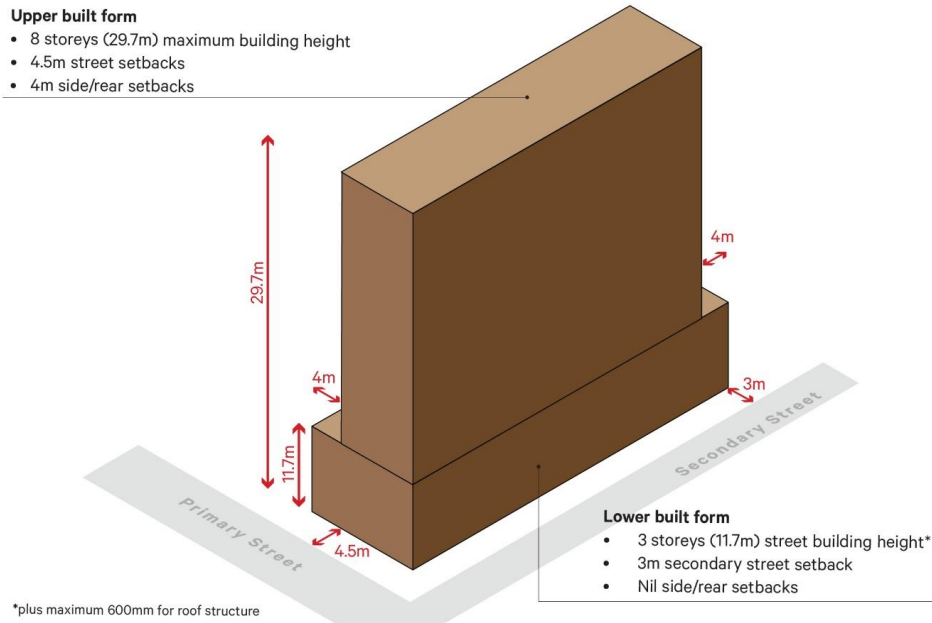


Figure 3. Building heights and setbacks

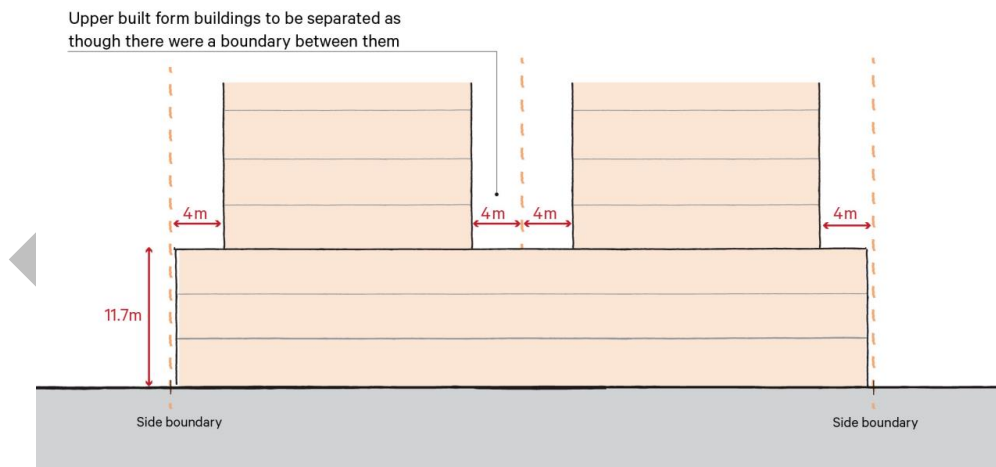


Figure 4. Separation between two buildings on the same development site

5.2 Articulation and Detailing

5.2.1 Objectives

- To ensure building articulation reflects the traditional streetscape rhythm, narrow lot frontages, and vertical articulation within the area and street.

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

- (b) To ensure buildings on corner sites are articulated to create visual prominence and a point of difference within the streetscape.

5.2.2 Provisions

- (a) Street building facades shall be articulated to reflect a vertical emphasis. Street building facades wider than 30m are to be articulated in 10m to 15m wide vertical bands or bays to achieve a finer grain of built form and reduce the overall appearance of bulk and width. Refer to Figure 5.
- (b) Windows are to have a vertical proportion. Where the overall window opening shape is of a horizontal nature, glazing shall be broken up to reflect the required vertical proportion.
- (c) Buildings shall be designed to allow for passive surveillance of adjoining public spaces. Blank walls abutting a public space must be minimised. Walls facing a public space shall be detailed to provide visual interest.
- (d) Corner buildings shall include additional articulation and detailing that emphasise and accentuate the street corner.
- (e) Balconies facing East Parade shall not project beyond the primary plane of the street building facade.

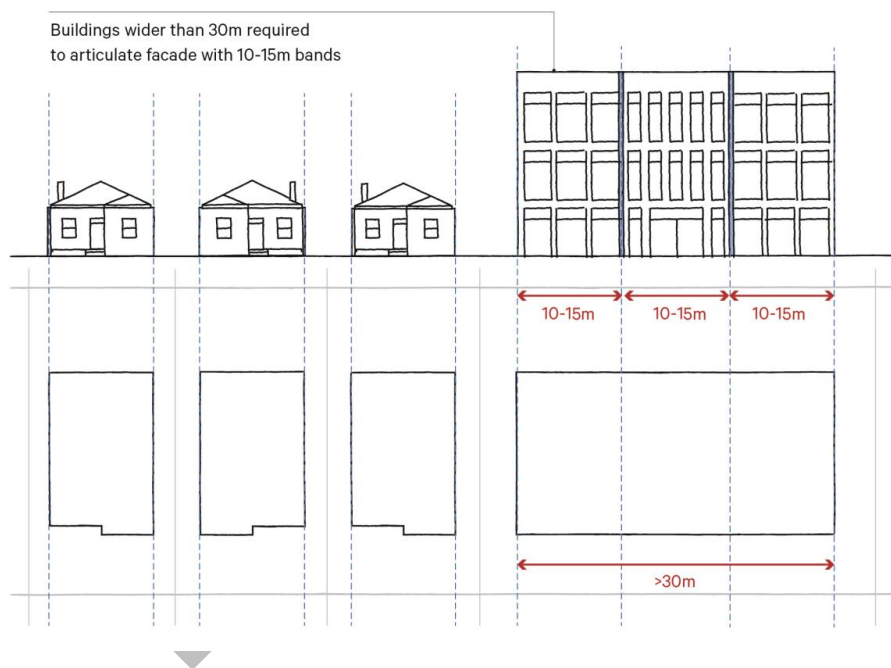


Figure 5. Vertical articulation of buildings

5.3 Materials and Finishes

5.3.1 Objectives

- (a) To ensure materials and finishes are high quality and complement the traditional materials and finishes of the area.

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

5.3.2 Provisions

- (a) Reflective, tinted, or obscured glass is not permitted at street level.
- (b) Buildings shall include high-quality materials that are durable and long lasting.
- (c) Building materials and exterior finishes shall be of, or complementary to the established painted render, natural stone masonry, rendered concrete and face brickwork finishes within the area.
- (d) Buildings shall have a balance of solid and open (glazed) construction.
- (e) Walls and letterboxes shall be constructed with colours and materials that complement the main building.

5.4 Public Realm Interface

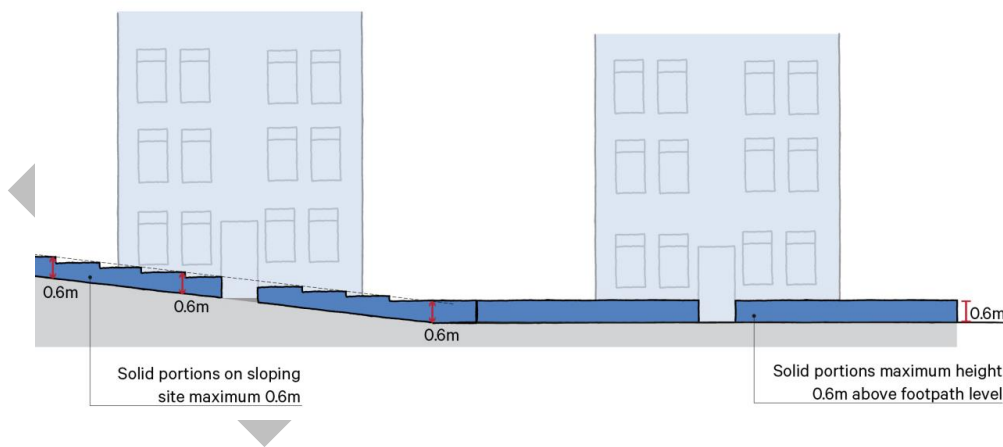
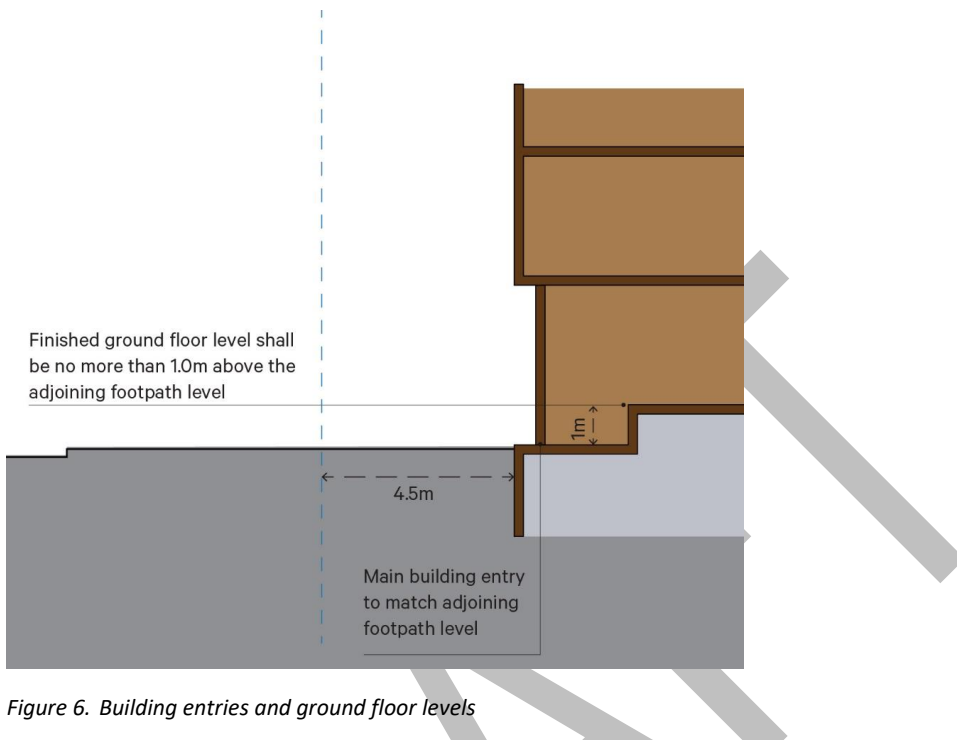
5.4.1 Objectives

- (a) To provide for buildings in a landscape setting.
- (b) To ensure building entry points are clearly visible and easily accessible from the street.
- (c) To maintain visual connection between the building and the street.

5.4.2 Provisions

- (a) The main building entry shall match the level of the adjoining footpath level. Any change in ground floor level must occur inside the building.
- (b) The finished ground floor level of buildings shall be no more than 1 metre above the adjoining footpath level. Refer to Figure 6.
- (c) Building entries shall be visually prominent and highlighted through design features such as shallow recesses, minor projections, decorative features, awnings, colours, or materials.
- (d) Corner buildings shall address both street frontages.
- (e) Structures within the street setback area will generally not be supported.
- (f) Walls within the street setback area shall have a maximum height of 0.6 metres above the adjoining footpath level. Refer to Figure 7.

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5.5 Vehicular Access and Parking

5.5.1 Objectives

- (a) To ensure car parking is not visible from the street or public realm.

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

- (b) To minimise disruption to the pedestrian experience along streets within the character area.

5.5.2 Provisions

- (a) Car parking areas should be incorporated within the building (preferably in a basement). Car parking areas located at, or above natural ground level shall be sleeved along the street with building entry lobbies or habitable or lettable floorspace. Refer to Figure 8.
- (b) Driveways shall be a maximum of 6m wide at the street boundary.

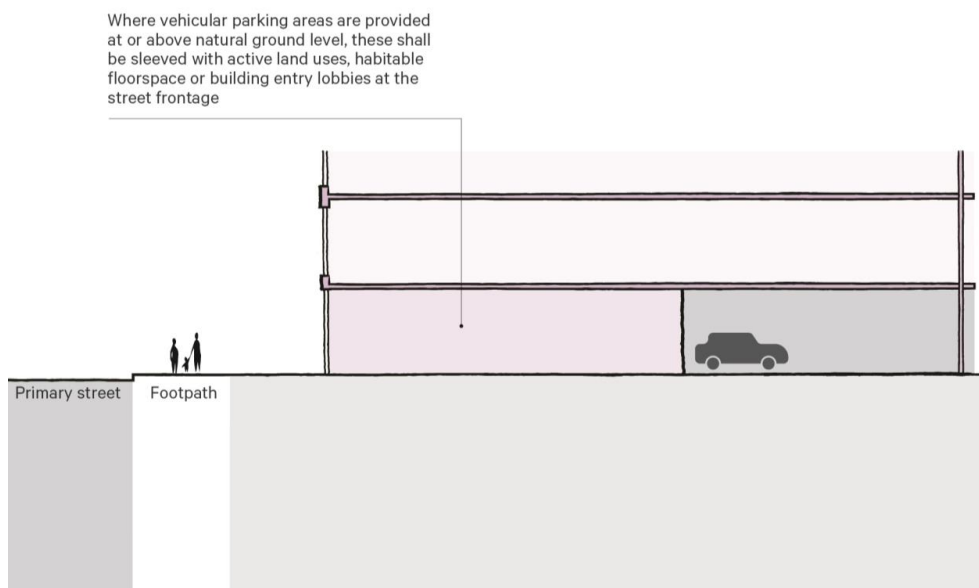


Figure 8. Vehicular parking areas to be sleeved at the street frontage

5.6 Landscaping

5.6.1 Objectives

- (a) To provide high quality landscaping that contributes to an attractive streetscape and enhances the private realm.
- (b) To encourage the retention and provision of trees as part of the landscaping in the area.

5.6.2 Provisions

- (a) A minimum of 75% of the required street setback area shall comprise soft landscaping. The majority of the required deep soil area shall be located in the street setback area. Refer to Figure 10.
- (b) The soft landscaping area shall have a minimum soil depth of 1 metre to accommodate large shrubs.
- (c) Clause 3.3 (tree canopy and deep soil areas) of the R-Codes Volume 2 applies to both residential and non-residential development.

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

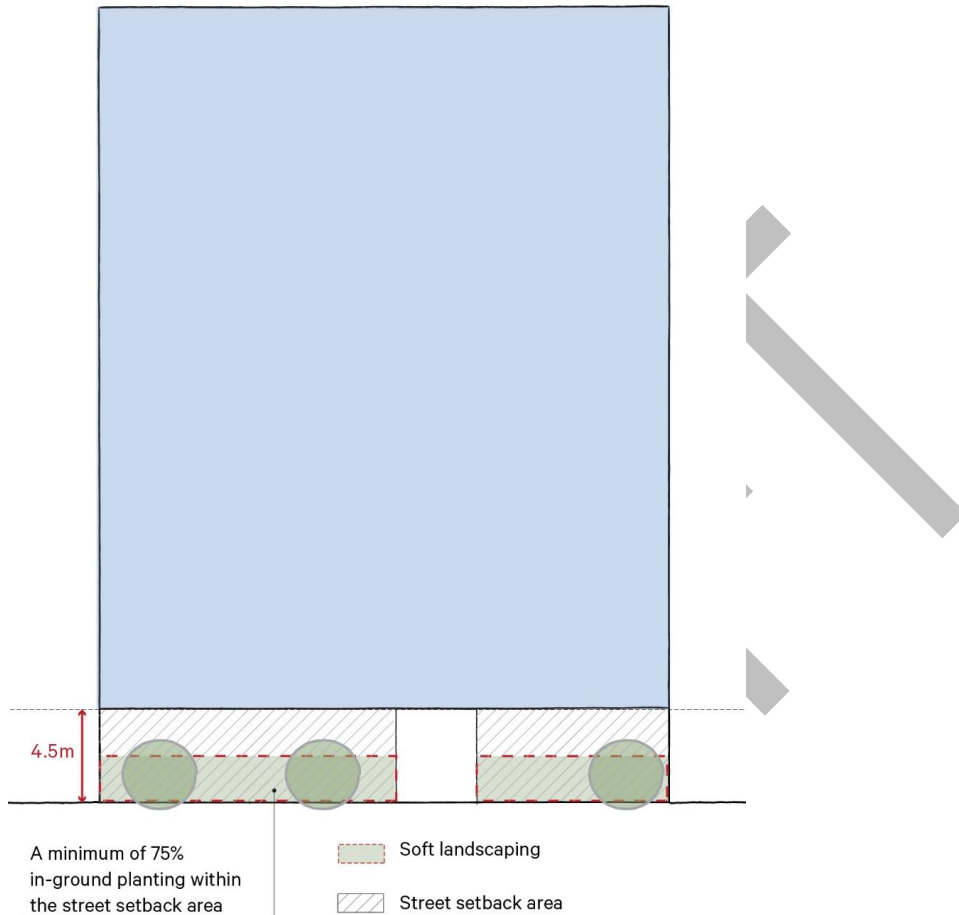


Figure 9. Landscaping requirements

5.7 Public Access Way

5.7.1 Objectives

- (a) To provide a continuation of the north-south pedestrian access way from Claisebrook Cove to Renaissance Avenue, consistent in scale with the pedestrian access way from Brown Street, Beacon Terrace, and Henry Lawson Walk.

5.7.2 Provisions

- (a) A public access way shall be created between Lot 100 Brown Street, and Lot 45 and Lot 46 Kensington Street.
- (b) The public access way shall be 6 metres wide.
- (c) A minimum 1800mm wide paved footpath shall be provided for the full length of the public access way.

Draft Brown and Kensington Streets Character Area Local Planning Policy - September 2024

- (d) Buildings adjacent to the public access way shall be orientated and designed to provide for passive surveillance of the public access way.



Figure 10. Public Access Way

5:13pm Councillor Catherine Lezer disclosed a Proximity Interest in relation to Item 11.2 (as detailed at Item 5), and departed the meeting accordingly.

11.2 Draft Royal Street Neighbourhood Centre Character Area Local Planning Policy

Responsible Officer	Julia Kingsbury – Acting General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.2A – Royal Street Neighbourhood Centre Character Area Location Plan Attachment 11.2B – Royal Street Neighbourhood Centre Character Area Local Planning Policy

Purpose

For Council to consider the preparation and advertising of the draft *Royal Street Neighbourhood Centre Character Area Local Planning Policy* (LPP).

Recommendation

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), RESOLVES to prepare and advertise the draft *Royal Street Neighbourhood Centre Character Area Local Planning Policy* as shown in **Attachment B** to this report.

Background

Location

1. The Royal Street Neighbourhood Centre Character Area is in the Claisebrook neighbourhood along Royal Street and Regal Place, bound by Bennett Street and Brook Street to the west and Plain Street to the east. A location plan is at **Attachment A**.

Current Local Planning Policy

2. There are currently four design guidelines which apply to the lots within the proposed Royal Street Neighbourhood Centre Character Area:
 - Area 18 – Eastbrook Terrace;
 - Area 19 – Regal Place Car Park;
 - Area 24 – Royal and Bennett Streets; and
 - Area 25 – Plain Street.

Local Planning Strategy

3. The City's *Local Planning Strategy* (Strategy) sets out the strategic direction for the future planning and development of the city, to be implemented via the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
4. The Strategy includes an action to strengthen the vitality of the neighbourhood centres within the city by encouraging appropriate land uses and residential population growth to improve viability of the centres.
5. The Strategy further identifies the opportunity to protect the unique character of Claisebrook whilst facilitating regeneration and increased activation and sets actions to review planning provisions to facilitate growth and activation of the Royal Street Neighbourhood Centre.

Draft Local Planning Scheme No. 3

6. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
7. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft Royal Street Neighbourhood Centre Character Area LPP, intended to be advertised concurrently with the draft LPS3.
8. As part of investigations during the preparation of LPS3, it was identified that all neighbourhood centres within the city should be included in character area policies to enhance development in the centres and to create vibrant neighbourhood centres. This includes Royal Street Neighbourhood Centre.
9. Under draft LPS3, the Royal Street Neighbourhood Centre is zoned Neighbourhood Centre and has a maximum base plot ratio of 3.5:1 for the whole area, and a maximum bonus plot ratio of 1:1 for the southern side of Royal Street and Regal Place. There is no bonus plot ratio available for the northern side of Royal Street.

State Government Planning Framework

10. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State.

11. Local governments can prepare local planning policies for residential development that amend or replace certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.

Discussion

12. The following character statement describes the unique elements of the Royal Street Neighbourhood Centre Character Area:

The Royal Street Neighbourhood Centre Character Area comprises the Claisebrook neighbourhood centre which provides the local community's daily to weekly shopping, service, and recreational needs – supporting day, night, and weekend activity along Royal Street and Regal Place. The area is characterised by mature tree-lined streets, where low scale mixed use buildings abut the footpath and awnings provide an attractive and comfortable pedestrian environment. Active uses are located at ground level, with office/commercial uses and residential development accommodated on upper levels. Built form within the area remains cohesive through the use of complementary materials such as face brickwork, masonry, and painted render, and vertically articulated facades. Buildings within the area have a balance of solid and open (glazed) materials. Ground floor facades are mostly glazed to offer a 'shopfront' manner, supporting activation, and creating interest for pedestrians. Future development in the area shall enhance the established streetscape through high quality design, articulation, detailing, and use of complementary materials.

13. This character statement informs the key objectives of the policy which are:
 - (a) *To encourage low-medium scale mixed use development with a low scale urban edge that supports the function of the area as a neighbourhood centre.*
 - (b) *To create a high quality, active and interesting pedestrian environment.*

Building Heights and Setbacks

Current

14. The Royal Street Neighbourhood Centre currently has the following maximum building heights:
 - a. 12 metres (approximately 3 storeys) for lots located on the northern side of Royal Street;
 - b. 15 metres (approximately 4 storeys) for lots located on the southern side of Royal Street; and
 - c. 22 metres (approximately 6 storeys) for lots located on the southern side of Regal Place.

Proposed

15. The Strategy identifies the Royal Street Neighbourhood Centre as low scale mixed use area on the northern side of Royal Street with an indicative building height of up to 4 storeys and low-medium scale mixed use area for the rest of the area with an indicative height of up to 8 storeys. The Strategy also identifies the area as urban setting and designates the portion of Royal Street within the Neighbourhood Centre as pedestrian priority area where comfortable microclimates are sought.
16. The draft LPP proposes a maximum lower built form of 3 storeys for all streets except for Plain Street which is proposed to have a lower built form height of 6 storeys. The lower built forms are proposed to have nil street, side, and rear setbacks. The maximum lower built form height of 3 storeys provides an appropriate scale of development for the pedestrian priority environment on Royal Street whilst the nil

setbacks reinforce the urban character of these areas and maximise opportunities for interaction between the public and private realms.

17. For lots on the northern side of Royal Street, additional development above the lower built form is to be contained within a 40° angle height plane measured from 3.5m off the boundary of the property on the southern side of Royal Street, with a maximum building height of 8 storeys. The angle height plane allows for sunlight access into the footpath on the southern side of the pedestrian priority street over a period in winter.
18. The proposed maximum building height of 8 storeys on the northern side of Royal Street, differs to the indicative building heights shown in the Strategy (up to 4 storeys), however provides for a more consistent scale of development either side of Royal Street. It also provides for growth in the neighbourhood centre to assist in its activation.
19. For lots on the southern side of Royal Street and Regal Place, a maximum building height of 8 storeys which is consistent with the heights envisaged under the Strategy.
20. Additional height above the lower built form is required to be set back from street, side, and rear lot boundaries. These setbacks are intended to alleviate the impact of building bulk on the street, provide views to the sky and to provide for internal amenity.

Building Design

21. The draft building design provisions seek to maintain the intent of the existing design guidelines and enhance the unique character of the area and provide for an interesting, active, and diverse pedestrian friendly environment.
22. The provisions provide guidance on articulation and detailing, materials and finishes, public realm interface, pedestrian shelter and vehicular access and parking.

Car Parking

23. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped, or screened to mitigate visual impacts.
24. The draft LPP requires car parking areas to be incorporated in a building (preferably within a basement). Where they are located at or above ground, they are to be sleeved with building entry lobbies or other land uses such as habitable floorspace, offices or shops. This is to prevent blank facades to the street. Screening is not considered sufficient as the parking areas will still be visible and present an inactive land use to the neighbourhood centre streetscape.
25. This modification to the R-Codes will require the approval of the WAPC.

Consultation

26. The draft LPP is required to be advertised for 21 days under the *Planning and Development (Local Planning Schemes) Regulations 2015* but given its relationship to the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

27. If Council supports the recommendation, the draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
28. If Council does not support the recommendation, the draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The draft Royal Street Neighbourhood Centre Character Area LPP aligns with the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 clause 4)
Authority of Council/CEO:	Under the LPS Regulations, the local government must resolve to prepare a local planning policy, which if supported, must be advertised in accordance with the Regulations.
Policy:	Nil.

Financial Implications

29. An amount of \$59,500 has been set aside as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
30. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers.

Further Information

31. Nil.

Council Resolution (OCM-24/09-005)

Mover: Councillor Liam Gobbert

Seconded: Councillor Viktor Ko

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), RESOLVES to prepare and advertise the draft *Royal Street Neighbourhood Centre Character Area Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED UNOPPOSED (6/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko and Bruce Reynolds

Against : Nil

11.3 Draft Hay Street Neighbourhood Centres Character Areas Local Planning Policy

Responsible Officer	Julia Kingsbury – Acting General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.3A – Hay Street Neighbourhood Centres Character Areas Location Plan Attachment 11.3B – Draft Hay Street Neighbourhood Centres Character Areas Local Planning Policy

Purpose

For Council to consider the preparation and advertising of the draft *Hay Street Neighbourhood Centres Character Areas Local Planning Policy* (LPP).

Recommendation

That Council in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), **RESOLVES** to prepare and advertise the draft *Hay Street Neighbourhood Centres Character Areas Local Planning Policy* as shown in **Attachment B** to this report.

Background

Location

1. The Hay Street West Neighbourhood Centre Character Area is in West Perth along Hay Street and is bound by Outram Street to the west and Mayfair Street and Emerald Terrace to the east. The Hay Street East Neighbourhood Centre Character Area is in East Perth along Hay Street between Hill Street and Bennett Street. A location plan is provided as **Attachment A**.

Local Planning Strategy

2. The City's *Local Planning Strategy* (Strategy) sets out the strategic direction for the future planning and development of the city, to be implemented via the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
3. The Strategy includes an action to strengthen the vitality of the neighbourhood centres within the city by encouraging appropriate land uses and residential population growth to improve viability of the centres.
4. The Strategy identifies several character areas within the city, including the Hay Street West Character Area. These areas have unique built and landscape elements that create a special sense of place.
5. The Strategy includes an action to develop planning provisions to ensure that important elements of built and landscape character in the Hay Street West Neighbourhood Centre are reinforced and enhanced in new development.
6. The Strategy also includes an action to review built form controls in Hay Street East Neighbourhood Centre to enhance the amenity, character and urban greening of the street interface between the public and private realms.

Draft Local Planning Scheme No. 3

7. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
8. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft Hay Street Neighbourhood Centres Character Areas LPP, intended to be advertised concurrently with the draft LPS3.
9. As part of investigations during the preparation of LPS3, it was identified that all neighbourhood centres within the city should be included in character area policies to enhance development in the centres and to create vibrant neighbourhood centres. Subsequently, given the commonalities in the character of the neighbourhood centres in East Perth and West Perth, the design guidelines for both neighbourhood centres have been grouped in one local planning policy.
10. This policy therefore covers two areas - Hay Street West Neighbourhood Centre Character Area and Hay Street East Neighbourhood Centre Character Area.
11. Under the draft LPS3, the Hay Street West Neighbourhood Centre Character Area is zoned Neighbourhood Centre and has the following plot ratios:
 - i. A maximum base plot ratio of 3.5:1 and a maximum bonus plot ratio of 1:1 for the northern side of Hay Street; and

- ii. A maximum base plot ratio of 5:1 and a maximum bonus plot ratio of 2:1 for the southern side of Hay Street.
12. Under the draft LPS3, the Hay Street East Neighbourhood Centre Character Area is zoned Neighbourhood Centre and has the following plot ratios:
- i. A maximum base plot ratio of 5:1 and a maximum bonus plot ratio of 1:1 for the northern side of Hay Street; and
 - ii. A maximum base plot ratio of 5.5:1 and a maximum bonus plot ratio of 2.5:1 for the southern side of Hay Street.

State Government Planning Framework

13. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State.
14. Local governments can prepare local planning policies for residential development that amend or replace certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.

Discussion

Hay Street West Neighbourhood Centre Character Area

15. The following character statement describes the unique elements of the Hay Street West Neighbourhood Centre Character Area:

The Hay Street West Neighbourhood Centre Character Area comprises the West Perth neighbourhood centre which provides day-to-day amenities and uses for the local office workers and residents of West Perth. The area is defined by traditional fine grain shopfronts with low scale buildings generally built to the street and side lot boundaries. Awnings along the street provide for a comfortable pedestrian environment. Mature trees line the street edge aligning with the landscape character of the surrounding area. Landmark buildings such as the Ross Memorial Church and Graham Flats provide distinction through their setbacks from the street and landscaping, providing breathing space from the surrounding built form.

Hay Street East Neighbourhood Centre Character Area

16. The following character statement describes the unique elements of the Hay Street East Neighbourhood Centre Character Area:

The Hay Street East Neighbourhood Centre Character Area comprises the East Perth neighbourhood centre which provides day-to-day shopping, eating and service needs for local workers and residents of East Perth. The area is characterised by a mix of traditional low scale fine grain shopfronts and newer medium scale residential buildings generally built to the street and side lot boundaries. Buildings on the northern side of the street are typically older with a building height of 1-2 storeys and significant potential for redevelopment. Buildings on the southern side of the street are a mixture of older 1-2 storey buildings and newer residential apartments typically 8-10 storeys in height with less potential for redevelopment. There is a combination of buildings with awnings and buildings without awnings which does not provide for a cohesive or comfortable pedestrian environment. Future development should enhance the streetscape through high quality design, articulation and improvement in the interface between the public and private realm.

17. The above character statements inform the key objectives of the policy which are:

- (a) *To encourage high scale mixed use development with a low scale urban edge that supports the function of the areas as neighbourhood centres.*
- (b) *To create a high quality, active and interesting pedestrian environment.*

Building Heights and Setbacks

Current

18. The Hay Street West Neighbourhood Centre currently has a maximum street building height (also known as lower built form) of 14 metres (3-4 storeys). For lots on the northern side of Hay Street, the maximum building height is contained within a 45° angle height plane measured from the street to the south. For lots on the southern side of Hay Street, the maximum overall building height is 45 metres (approximately 12 storeys).
19. The Hay Street East Neighbourhood Centre currently has a maximum street building height of 14 metres (3-4 storeys). For lots on the northern side of Hay Street, the maximum building height is contained within a 45° angle height plane measured from the street to the south. For lots on the southern side of Hay Street, there is no maximum prescribed height limit.
20. Buildings can have nil setbacks to the street, side and rear lot boundaries at the lower building levels, with additional height being required to be set back from street and lot boundaries. Setbacks are doubled above 65 metres (approximately 17 storeys) building height.

Proposed

21. The Strategy identifies both the Hay Street West and Hay Street East Neighbourhood Centres as high scale mixed use areas with an indicative building height of greater than 16 storeys. They are also identified as urban setting areas with the portion of Hay Street within the Neighbourhood Centres designated as pedestrian priority areas where comfortable microclimates are sought.
22. The draft LPP proposes a maximum lower built form height of 3 storeys with nil street and side setbacks. The 3-storey height reflects the existing scale of development in these areas whilst the nil setbacks reinforce the urban character of these areas and maximise opportunities for interaction between the public and private realms.
23. For lots on the northern side of Hay Street in both Neighbourhood Centres, additional development above the lower built form is to be contained within a 40° angle height plane measured from 4 metres off the boundary of the property on the southern side of the street. The angle height plane allows sunlight access into the footpath on the southern side of these pedestrian priority streets over a period in winter.
24. For lots on the southern side of Hay Street, a maximum building height of 20 storeys is proposed for Hay Street West Neighbourhood Centre and no maximum building height for Hay Street East Neighbourhood Centre, both consistent with the heights envisaged under the Strategy.
25. Additional height above the lower built form is required to be set back from street, side and rear lot boundaries, with these setbacks being doubled above 16 storeys. These setbacks are intended to alleviate the impact of building bulk on the street, provide views to the sky and to provide for internal amenity.

Building Design

26. The draft building design provisions seek to enhance and/or improve the character of these areas and provide for an interesting, active, and pedestrian friendly environment.

27. The provisions provide guidance on articulation and detailing, materials and finishes, public realm interface, pedestrian shelter and vehicular access and parking.

Car Parking

28. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped, or screened to mitigate visual impacts.
29. The draft LPP requires car parking areas be incorporated in a building (preferably within a basement). Where they are located at or above ground, they are to be sleeved along the street with building entry lobbies or other land uses such as habitable floorspace, offices or shops. This is to prevent blank facades to the street. Screening is not considered sufficient as the parking areas will still be visible and present an inactive land use to the street.
30. This modification to the R-Codes will require the approval of the WAPC.

Consultation

31. The draft LPP is required to be advertised for 21 days under the *Planning and Development (Local Planning Schemes) Regulations 2015* but given its relationship with the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

32. If Council supports the recommendation, the draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
33. If Council does not support the recommendation, draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The draft Hay Street Neighbourhood Centres Character Areas LPP aligns with the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 clause 4)
Authority of Council/CEO:	Under the LPS Regulations, the local government must resolve to prepare a local planning policy, which if supported, must be advertised in accordance with the Regulations.
Policy:	Nil.

Financial Implications

34. An amount of \$59,500 has been set aside as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
35. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers.

Further Information

36. Nil.

Council Resolution (OCM-24/09-006)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Catherine Lezer

That Council in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), **RESOLVES** to prepare and advertise the draft *Hay Street Neighbourhood Centres Character Areas Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED EN BLOC (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

Councillor Catherine Lezer disclosed an Impartiality Interest in relation to Item 11.4 (as detailed at Item 5).

Councillor Catherine Lezer disclosed a Proximity Interest in relation to Item 11.4 (as detailed at Item 5), and remained absent from the meeting.

11.4 Proposed Designation of East End Heritage Area and draft East End Heritage Area Local Planning Policy

Responsible Officer	Julia Kingsbury – Acting General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.4A – East End Heritage Area Location Plan Attachment 11.4B – Draft East End Heritage Area Local Planning Policy

Purpose

For Council to consider resolving to:

- give notice of the proposed designation of the East End Heritage Area; and
- prepare and advertise the draft *East End Heritage Area Local Planning Policy* (LPP).

Recommendation

That Council:

1. In accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* **RESOLVES** to give to each owner of land affected, notice of the proposed designation of the East End Heritage Area and the proposed *East End Heritage Area Local Planning Policy*.
 2. In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) **RESOLVES** to prepare and advertise the draft *East End Heritage Area Local Planning Policy* as shown in **Attachment B** to this report.
-

Background

Location

1. The East End Heritage Area is in the Central Perth neighbourhood along Murray Street, Victoria Square and Goderich Street - between Pier and Hill Streets. A location plan is at **Attachment A**.

Current Heritage Protection

2. Currently there are 19 places which have individual heritage protection by being listed on the City's Heritage List created under its local planning scheme and/or the State Register of Heritage Places.
3. A portion of the Royal Perth Hospital (RPH) site on the northern side of Murray Street, between Irwin Street and Victoria Square, is on the State Register of Heritage Places as a precinct (i.e., the Royal Perth Hospital Precinct).

Current Local Planning Policy

4. The *Goderich Street Design Policy* currently applies to the portion of the East End Heritage Area east of Victoria Avenue and Lord Street, and south of Goderich Street (i.e., the Mercedes College site).
5. It is intended that this policy will be replaced in part by the *East End Heritage Area LPP*.

Local Planning Strategy

6. The City's *Local Planning Strategy* (Strategy) outlines the strategic direction for the future planning and development of the city including the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
7. The Strategy identifies several heritage areas within the city, including the Murray Street East Heritage Investigation Area along Murray Street, between Barrack Street and Victoria Square. These areas have unique built and streetscape elements that create a special sense of place.
8. The Strategy includes an action to progress the listing of the Murray Street East Heritage Investigation Area with a supporting local planning policy to ensure that it is appropriately conserved.
9. A portion of the Murray Street East Heritage Investigation Area has been incorporated into the East End Heritage Area.

Draft Local Planning Scheme No. 3

10. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
11. Under the draft LPS3, the East End Heritage Area is zoned Mixed Use, except for the RPH sites on the northern side of Murray and Goderich Streets which are reserved under the State Government's Metropolitan Region Scheme (MRS) for Public Purposes – Hospital.
12. A maximum base plot ratio of 6:1 is proposed over the zoned portion of the East End Heritage Area under draft LPS3. No bonus plot ratio is available.
13. No plot ratio controls apply under the MRS for the reserved portion of the East End Heritage Area.
14. A portion of the East End Heritage Area is proposed to be included in the RPH Flight Path Protection Special Control Area (SCA) under draft LPS3 which restricts the height of development within the flight path to ensure the continued safe operation of the helicopter landing site at RPH. This SCA is currently in effect under City Planning Scheme No. 2 (CPS2).

15. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft *East End Heritage Area LPP*, intended to be advertised concurrently with the draft LPS3.

State Government Planning Framework

16. The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) states that if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, it may, by resolution, designate that area as a heritage area.
17. The Regulations state that if the local government designates an area as a heritage area, it must adopt a local planning policy for the area that sets out the following:
- a map showing the boundaries of the heritage area;
 - a statement about the heritage significance of the area; and
 - a record of places of heritage significance in the heritage area.
18. The State Government has prepared *Guidelines for Heritage Areas* to assist in the identification of heritage areas and the preparation of local planning policies for these. These have been referenced in the preparation of the draft *East End Heritage Area LPP*.
19. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State. Heritage areas often require some amendment or replacement of certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.

Discussion

20. The East End Heritage Area includes the portion of the Murray Street East Heritage Investigation Area identified in the Strategy along Murray Street, between Pier Street and Victoria Square, as well as land along Goderich Street, between Victoria Square and Hill Street. The portion of the Murray Street East Heritage Investigation Area along Murray Street, between Barrack Street and Pier Street, has been excluded from the East End Heritage Area given that a portion of this falls within the Barrack Street Heritage Area and the limited number of contributory buildings within it to warrant its inclusion. The additional land along Goderich Street has been included given the number of contributory buildings within it and to provide for a consistent approach to development along the view corridors to St Mary's Cathedral.
21. The East End Heritage Area also includes the RPH sites on the northern side of the Murray Street and Goderich Street which are reserved under the MRS. Whilst the City does not have planning control of this land it is considered important to have guidelines for development over it, particularly given the absence of these under the MRS, in order to provide a holistic vision for development of this important heritage area.
22. The Statement of Significance outlines that the East End Heritage Area has cultural heritage significance for the following reasons:
- *The East End Heritage Area demonstrates a unique concentration of government and institutional buildings, which through their architectural design, construction and historical uses*

convey a sense of gravity and status that is rare within the context of the city. The buildings reflect in their physical form an understanding of the historical, social, political, and economic development of the city and the State of Western Australia.

- *The East End Heritage Area forms a significant planned vista in the early design and layout of central Perth. This vista is enhanced by the finely crafted architectural qualities of its late 19th and early 20th century institutional buildings, the significant mature plantings, and the topography of the area as it rises from Barrack Street towards Victoria Square.*
- *The East End Heritage Area contains a high concentration of highly detailed heritage buildings which while varying in form, create a highly valued and visually appealing streetscape through their cohesive materials and generally intact physical arrangement.*
- *The relatively consistent building heights and setbacks of the late 19th to mid 20th century construction, together with their fine grain detailing and materials create a unique sense of place.*
- *The East End Heritage Area contains a large Moreton Bay Fig tree planted in c1886. It is a landmark tree that is also closely associated with the history of interaction between the Aboriginal people of Western Australia and the State institutions that were located in Murray Street.*

23. The draft *East End Heritage Area LPP* (at **Attachment B**) seeks to ensure that these important cultural heritage values and character elements are protected.

24. The objectives of the draft LPP are to:

- (a) retain and conserve the cultural heritage significance of the East End Heritage Area.*
- (b) encourage the use and sensitive adaptation of contributory buildings.*
- (c) ensure that development in the East End Heritage Area does not adversely affect its cultural heritage significance.*

Contributory and Non-Contributory Buildings

25. The draft LPP identifies buildings which contribute and those which do not contribute to the cultural heritage significance of the East End Heritage Area.

26. Contributory buildings are required to be retained and conserved. The draft LPP provides guidance on the retention, conservation, adaptation, and alteration of contributory buildings.

27. Non-contributory buildings may be demolished subject to not being of individual cultural heritage significance.

Building Heights and Setbacks

Current

28. Currently, within the zoned portion of the East End Heritage Area, a maximum lower built form height of 14 metres (3-4 storeys) applies. Nil setbacks apply to the lower built form from the street as well as side and rear lot boundaries, however any additional height is required to be setback. No maximum building heights apply except for land affected by the RPH Flight Path Protection Special Control Area (SCA).

29. The RPH Flight Path Protection SCA restricts the height of development within the flight path to ensure the continued safe operation of the helicopter landing site at Royal Perth Hospital. This SCA is currently in effect under CPS2.

30. No building height and setback controls apply under the MRS to the reserved portion of the East End Heritage Area.

Proposed

31. The Strategy identifies the zoned portion of the East End Heritage Area as a high scale mixed use (>16 storeys) and urban setting area, with the portions of Murray and Hay Street, between Pier Street and Irwin Street, being identified as pedestrian priority areas. The Mercedes College site is also identified as an Intensification Investigation Area given its location within the walkable catchment of the Hay Street East Neighbourhood Centre.
32. The indicative building heights identified in the Strategy for the East End Heritage Area have been broadly applied to the area. The Strategy states that the indicative building heights have been identified as a guide only and will be further investigated in the context of the neighbourhood and character areas through the planning scheme review.
33. The Strategy identifies the reserved portion of the East End Heritage Area as Public Purpose – Hospital and does not provide any guidance with respect to the appropriate scale of development.
34. The draft LPP proposes a maximum lower built form height of three storeys which generally corresponds with the scale of contributory buildings within the street. The lower built form may have nil street and side setbacks except for Kirkman House (sub area ME-8) and Ainslie House (sub area ME-9) where street setbacks apply to generally reflect existing setbacks.
35. Additional height (above the lower built form) is required to be set back 15m from Murray/Goderich Streets and 7.5m from other streets to showcase contributory buildings, open up the view corridor to St Mary's Cathedral and alleviate the impact of building bulk on the street.
36. Additional height (above the lower built form) is also required to be setback from side and rear lot boundaries to ensure views to the sky and to provide a high level of internal building amenity (i.e., access to natural light and ventilation, and privacy).
37. The draft LPP generally proposes lower maximum building heights on contributory building sites (i.e., 6 storeys) compared to non-contributory sites (i.e., 12 storeys), to respect and enhance the prominence of contributory buildings within the street. The exception to this being the non-contributory sites around Victoria Square, to provide for a consistency of approach around this landmark site; as well as within Mercedes College, given its heritage listing and school use, where lower maximum building heights (i.e., 6 storeys) have also been applied.
38. A maximum building height of 9 storeys has been applied to Victoria Square, to reflect the existing height of St Mary's Cathedral, and to Ainslie House (sub area ME-9) to allow for sunlight access into the footpath on the southern side of Murray Street (a pedestrian priority street) over a portion of winter.
39. Some lots within the heritage area may not be able to achieve the maximum base plot ratio under draft LPS3 given the proposed building heights and setbacks under the draft LPP. Draft LPS3 proposes to retain the current provisions which allow for landowners of heritage places or places within heritage areas to transfer maximum base plot ratio, which is unable to be used, without adversely affecting its cultural heritage significance, to other sites/landowners within the city for financial exchange.

Building Design

40. The draft LPP seeks to ensure that any new development respects and maintains the prominence of contributory buildings within the street. It provides detailed guidance with respect to the public realm interface, articulation and detailing, roof design, materials and finishes, vehicular access and parking, views and vistas, and subdivision and amalgamation.

Car Parking

41. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped, or screened to mitigate visual impacts. The draft LPP requires car parking areas to be incorporated within a building (preferably within a basement) and, where located at or above ground, they must be sleeved within habitable or lettable floorspace. This is to prevent blank facades to the street. Screening is not considered sufficient as the parking areas will still be visible and present an inactive land use to the street.
42. The R-Codes Volume 2 also allow basement parking to protrude a maximum of one metre above natural ground level. This is not considered appropriate in this heritage area as it is not in keeping with the character of the area. Any basement parking must be located below natural ground level so that it is not visible from the street.
43. These modifications to the R-Codes will require the approval of the WAPC.

Consultation

44. The *Planning and Development (Local Planning Schemes) Regulations 2015* state that before designating an area as a heritage area, the local government is required to:
 - a. give each owner affected by the proposed designation notification of the proposed designation and the proposed draft LPP; and
 - b. advertise the proposed designation, with a sign also being required to be erected in a prominent location within the area.
45. The proposed designation and draft LPP is required to be advertised for 21 days under the Regulations, but given its relationship with the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

46. If Council supports the recommendations, the proposed designation and draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
47. If Council does not support the recommendations, draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The proposed designation of the East End Heritage Area and draft East End Heritage Area LPP generally align with the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 clauses 4 and 9).
Authority of Council/CEO:	Under the Regulations, the local government must resolve to designate a heritage area but prior to doing so, must provide notification to affected landowners and advertise the intention. The local government must also resolve to prepare a local planning policy, which if supported, must be advertised.
Policy:	Nil.

Financial Implications

48. An amount of \$59,500 has been set aside as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
49. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers.

Further Information

50. Nil.

Council Resolution (OCM-24/09-007)

Mover: Councillor Liam Gobbert

Seconded: Councillor Bruce Reynolds

That Council:

1. In accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* **RESOLVES** to give to each owner of land affected, notice of the proposed designation of the East End Heritage Area and the proposed *East End Heritage Area Local Planning Policy*.
2. In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) **RESOLVES** to prepare and advertise the draft *East End Heritage Area Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED UNOPPOSED (6/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko and Bruce Reynolds

Against : Nil

5:15pm Councillor Catherine Lezer returned to the meeting, prior to Item 11.5.

Chief Executive Officer Michelle Reynolds disclosed an Impartiality Interest in relation to Item 11.5 (as detailed at Item 5).

11.5 City Planning Scheme No. 2 - Planning Policy 4.6 - Signs

Responsible Officer	Julia Kingsbury – Acting General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.5A – Revised Signs Policy Attachment 11.5B – Revised Signs Policy (changes shown) Attachment 11.5C – Capital cities third-party advertising requirements Attachment 11.5D – Sign examples Attachment 11.5E – Schedule of submissions

Purpose

For Council to consider the submissions received on the draft revised *Planning Policy 4.6 – Signs* and resolve whether to adopt the revised planning policy.

Recommendation

That Council:

1. ADOPTS draft revised City Planning Scheme No. 2 *Planning Policy 4.6 – Signs*, with modifications, as set out in **Attachment A**.
 2. NOTES the submissions received during the formal consultation as set out in **Attachment E**.
-

Background

1. The City Planning Scheme No. 2 (CPS2) *Planning Policy 4.6 – Signs* (existing Signs Policy) was first adopted by Council on 26 June 2001. Since then, numerous amendments have occurred, with the last significant update to the policy adopted in December 2016.
2. The City engaged consultants to undertake an independent review of the existing Signs Policy. The review included engaging with external and internal stakeholders from statutory planning, property development/leasing, advertising industries and economic development/ business support.
3. The review determined that in general the provisions of the existing Signs Policy are sound; albeit identifying opportunities to improve the policy structure and presentation. The review also identified areas where the policy could be refined.
4. At its Ordinary Council Meeting held on 21 November 2023, Council resolved to advertise the draft revised Signs Policy for consultation (advertised Signs Policy).
5. At the Ordinary Council Meeting held on 25 June 2024, a report was presented seeking Council's adoption of revised *Planning Policy 4.6 – Signs*, with modifications.
6. Deputations at the preceding Agenda Briefing Session and a written submission by a submitter prior to the Ordinary Council Meeting raised concerns with some of the limitations of the draft revised policy on the size of wall signage and street furniture, particularly in relation to third-party advertising.
7. Council resolved to defer consideration of the draft policy:
 - a. To facilitate further discussion at an Elected Member Engagement Session in August 2024; and
 - b. For resubmission to Council for consideration at the September 2024 Ordinary Council Meeting.
8. The reason for the deferral was to allow for additional information and discussion on the implication of wall signs, and impact on existing signage in the city that falls outside the new policy.
9. These matters were discussed at the Elected Member Engagement Session held on 6 August 2024.

Discussion

Intent of the Policy

10. The focus of the Signs Policy is to support businesses by providing guidance in the provision of signage that supports the identification and promotion of businesses, organisations, and buildings. The policy provides guidance on the size and type of signs depending on the character of the area.
11. The Signs Policy also focuses on signage as seen by the pedestrian, this is because of the link between pedestrians and creating places for people. The policy therefore focuses third-party advertising in areas with the greatest concentration of pedestrians such as Murray Street Mall, the neighbourhood centres, and the core of Northbridge.
12. In considering this policy for final adoption it is important for the Council to consider the strategic direction of the policy; that is, what it is seeking to achieve from the policy.

Key Issues from Consultation

13. For the most part the policy was supported, though concerns/issues were raised in relation to wall signs, third-party advertising signs, street furniture signs, and animated and variable content signs.
14. Three objections were received in relation to third-party advertising, being from:

- a. Outdoor Media Association, an organisation that represents companies that display advertisements.
 - b. A planning consultancy representing a landowner proposing a third-party sign as part of a development proposal.
 - c. A sign company with an existing large format third-party sign subject to a time-limited approval.
15. The concerns raised are primarily related to the proposed approach to third-party advertising, including:
- a. The limitation of 4m² for wall signs and third-party advertising signs.
 - b. Limiting the location for third-party advertising and animated or variable content signs to specific areas and within public spaces.
 - c. Reducing the size of street furniture signs from 2m² to 1m².

Third-Party Advertising

16. The outcomes of consultation confirm that the advertising industry wishes the policy to enable larger format third-party advertising. This type of advertising is not focused on the pedestrian per se, but in highly visible locations with the motorist as the target audience, which is contrary to the policy intent. Separate to this, the industry is seeking support for a larger standard sized third-party sign in the public realm.
17. There is an intertwining of planning policy and financial opportunities of third-party advertising in some of the submissions. Whether these are pursued or not by the City, these are not matters for the Council to consider in determining this planning policy.
18. Third-party advertising, if not carefully managed can create visual clutter and detract from the visual amenity of the city. The proliferation of third-party advertising can dominate an urban environment and detract from a city's public realm, wayfinding, and signage that supports local businesses. It is also contrary to the purpose of the policy which is to provide opportunities for signage that supports the identification and promotion of businesses, organisations, and buildings within the city.
19. Some submissions referred to the City of Brisbane and City of Gold Coast as a comparison for a permitted size of third-party advertising, allowing a maximum of 45m² and 48m² respectively. This policy setting is not appropriate for the City of Perth and would not align with objectives of the Signs Policy, which supports modest signage that assists local businesses and is complementary to its surroundings.
20. The Administration has liaised with the City of Sydney, City of Melbourne, and City of Adelaide to confirm the policy setting for third-party advertising (refer to Attachment C). All three local governments confirmed third-party signage is generally not supported. Where third-party signs can be considered by the local government, objectives are used to guide decision making and the suitability of the sign.

Response to Submissions – Modifications to the Signs Policy (Post Advertising)

21. It is acknowledged there may be some circumstances where a larger wall sign, or third-party advertising sign may be appropriate, and additional policy direction is needed to guide decision making.
22. In response to the submissions, the advertised Signs Policy has been amended (hereby referred to as the revised Signs Policy). The amendments are highlighted in Attachment B and include:
 - a. Increasing the maximum base size for wall signs located above the first-floor level (including third-party) from 4m² to 18m² or 25% of the wall area (whichever is lesser).
 - b. Restricting third-party advertising wall signs at the top of a building.

- c. Introducing 'exceptional circumstances' criteria which provides an opportunity for wall signs and street furniture signs (including third-party advertising) to be considered at a greater size and/or in alternative locations than otherwise specified through the policy.
- d. Introducing additional overall policy objectives to reinforce the focus on delivering signage that has pedestrians as the primary audience and supporting local businesses.
- e. Refining the Neighbourhood and Area Principles to clarify which locations in which third-party advertising signage may be appropriate.

Wall Signs Size

23. Increasing the base size for wall signs located above the first-floor level (including third-party advertising) from 4m² to 18m² or 25% of the wall area (whichever is lesser) offers the signage industry greater options for wall sign size, while ensuring the revised Signs Policy's objectives can still be achieved. Allowing larger wall signs above the first floor ensures the sign is of a legible scale, without compromising the public realm at the pedestrian level.
24. The 18m² requirement reflects one of the sizes identified by the Outdoor Media Association as an Industry Standard Signage size and is considered to respond appropriately to planning and design considerations. It is important to note that the industry standards are not Australian Standards, they are a set of sizes that the members of the advertising industry agreed upon.
25. The size for wall signs located at the first-floor level and below has not been increased in the revised Signs Policy. Increasing the size to be greater than 4m² at the lower levels of a building is not appropriate without consideration of the public realm and overall building facade through an 'exceptional circumstances' assessment.
26. The revised Signs Policy does not allow third-party wall signs to be located at the top of the building. Third-party advertising signs at the top of the building would not contribute to the city's skyline or streetscape and is not capable of meeting the policy objectives in terms of being readily seen by the pedestrian and creating spaces for people.

Exceptional Circumstances Criteria

27. Introduction of the 'exceptional circumstances' criteria provides a pathway for well-designed wall signs and street furniture signs (including third-party advertising) to be considered at a greater size and in alternative locations than otherwise specified in the policy.
28. The following exceptional circumstances criteria has been included in the revised Signs Policy:

Wall Signs

- i. The policy objective, neighbourhood principles and area principles have been met.
- ii. There is a maximum of one third-party advertising sign on the subject site.
- iii. The sign is not located on a residential building.
- iv. The sign is not facing a nearby residential dwelling where the sign face would be visible from the dwelling and have an adverse amenity impact on the occupant.
- v. The design and construction of the sign is fully integrated into the overall development.
- vi. The sign is orientated for pedestrian viewing and not aimed to solely attract driver attention.
- vii. The size of the sign does not visually dominate the wall it is attached to.

Street Furniture Signs

- i. Views of ground floor businesses are not interrupted.
 - ii. Pedestrian movement and views along the street are not unduly impacted.
 - iii. There is a maximum of one third-party advertising sign on the street furniture.
 - iv. The sign size is of a scale smaller than the street furniture it is attached to and appears incidental.
 - v. The size of the sign does not dominate the streetscape and complements the street environment.
29. To support the exceptional circumstances criteria, the Neighbourhood and Area Principles have also been modified to provide greater clarity on where third-party advertising may be appropriate.
30. Examples of existing signs compared to current, proposed, and updated provisions have been included in Attachment D.
31. The exceptional circumstances criteria will only allow exceptional proposals/outcomes to progress, providing opportunity for well-designed signs to be considered on an individual basis, having regard to its locational context and amenity impact.

Street Furniture Sign Size

32. The City of Perth is growing - both its worker and resident population is increasing. There is limited footpath space and competing demands on its use. There have been instances, such as in William Street, where the City, in concert with the Public Transport Authority, has removed bus shelters to help reduce street clutter and improve the pedestrian environment. This has been supported by landowners on William Street.
33. Not all streets and footpaths are the same width. Portions of St George's Terrace and the malls have more space, but these locations are where pedestrian numbers are higher. In this context, careful consideration needs to be given to continuing or introducing signage into the public realm and should only be contemplated where it is integrated into public infrastructure.
34. The base size for Street Furniture Signs of 1m² in the advertised Signs Policy has not been increased. The 1m² is a reduction on the 2m² permitted under the existing Signs Policy and was reduced to decrease the dominance of this signage. Notwithstanding, the introduction of the 'exceptional circumstances' criteria will allow larger Street Furniture Signs in limited situations and through additional assessment. Examples of a 1m² size sign is provided in Attachment D.

Other Modifications

35. In addition to the above, other minor modifications have been made to the policy to address the submissions, and to provide clarity and improve readability. These modifications do not change the intent of provisions and its requirements, and include:
- a. Alerting proponents to Main Roads policy in respect to signs visible from or adjacent to the State Road network.
 - b. Clarifying how the policy is to be used for signage proposals that need to be considered against multiple criteria, and what needs to be considered for signage that requires development approval.
 - c. Ground based signs and portable signs being located on private land.
 - d. Projecting signs providing adequate clearance for pedestrians and/or vehicle thoroughfares.
 - e. Street Furniture Signs that are double sided (often seen on bus shelters) are considered one sign.

- f. Restructuring provisions for Wall Signs to improve readability.
 - g. For animated and variable content, removing reference to large and small variable content signs and retaining reference to signs 2m² or less, or larger than 2m².
 - h. Definitions for pedestrian/public safety, and road users.
36. The revised Signs Policy will provide certainty to the community and stakeholders on what type of signage proposals will be supported by the City. The amendments in response to the submissions provide additional flexibility while maintaining a clear and transparent framework for the assessment of signage proposals.

Response to reasons for deferral

37. The advertising industry wants the policy to be amended to enable larger format third-party advertising (wall signs). As set out in this report, this type of signage is not consistent with the policy intent of being pedestrian focused per se or providing opportunities for signage that supports the identification and promotion of businesses, organisations, and buildings within the city. Third-party advertising, if not carefully managed can create visual clutter and detract from the visual amenity of the city.
38. The draft revised policy has provided a pathway through the 'exceptional circumstances' criteria for well-designed wall and street furniture signs (including third-party advertising) to be considered at a greater size and in alternative locations than otherwise specified in the policy. It provides clarity to industry and allows signs to be considered on an individual basis, having regard to its locational context and amenity impact.
39. In regard to the impact on existing signage in the city that falls outside the new policy, the following should be noted:
- a. The revised policy will not be applied retrospectively to signs that have already been approved under previous policy settings.
 - b. If a complaint is received about an existing sign that has never received approval, the City will manage the issue as per normal compliance procedures.

Consultation

40. The advertised Signs Policy was available for public comment from 30 November 2023 – 19 January 2024 (52 days).
41. The method of advertising included information being displayed on the Engage Perth website, a notice in the local newspaper, a notice displayed in Council House Foyer, and letters sent to eight stakeholders (four who attended discussions during the Signs Policy independent review, three who were identified as having a recent signage application within the City, and Main Roads WA).
42. A total of four submissions were received, including additional supplementary information to support two of the submissions. Three submissions objected to the advertised Signs Policy and one submission neither supported nor objected (however provided commentary).
43. The submissions primarily related to third-party advertising signs and objected to the following:
- a. A maximum area of 4m² for wall signs and third-party advertising signs does not allow for larger format third-party digital signs. The submissions referred to the City of Brisbane and City of Gold Coast where third-party signs are allowed to a maximum of 48m² and 45m² respectively.

- b. Limiting the location for third-party advertising signs and animated or variable content signs to specific areas and within public spaces and the inability for the policy to consider other circumstances.
 - c. Reducing the size of street furniture signs from 2m² to 1m² as this is too small and contrary to existing advertising, such as the Telstra Smart City payphones.
44. The Administration has met separately with two submitters - Outdoor Media Association (twice), and Urbis and Saracen Properties (once) - to discuss the content of their submissions and provide background information on the policy development.
45. Individual submissions and the Administration’s response is provided in Attachment E.
46. In accordance with Council’s deferred consideration of the draft policy, the draft policy was presented to Elected Members at an Elected Member Engagement Session on 6 August 2024.

Decision Implications

- 47. Council has the option to support (with or without modifications) or not support the revised Signs Policy.
- 48. If Council supports the recommendations, the existing Signs Policy will be replaced with the revised Signs Policy.
- 49. If Council does not support the recommendations, the existing Signs Policy will continue to be in effect.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<p>Local Planning Strategy</p> <p>The Local Planning Strategy seeks to ensure development positively contributes to the public realm and desired character of the Perth city neighbourhoods. The Signs Policy seeks to deliver high quality signage that supports local businesses and contributes positively to the public realm.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p>City of Perth Act 2016</p> <p>Clause 8(1)(c) to provide a safe, clean and aesthetic environment for community members, people who work in the City of Perth, visitors and tourists.</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>Clause 5(3) of the Deemed Provisions sets out the process for considering submissions on a local planning policy.</p>
Authority of Council/CEO:	<p>Clause 5(3) of the Deemed Provisions requires a local government to make a decision on a local planning policy following the consideration of submissions.</p>

Policy:	City Planning Scheme No. 2 – Planning Policy 4.6 – Signs
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Financial Implications

50. Nil.

Further Information

51. Questions and Responses forming part of the Agenda Briefing Session held on 17 September 2024 are as follows:

	Question	Response
1.	With reference to page 191 in our agenda and the comments provided by city and also in reference to statements made by the speaker earlier – that they were committed to safety, security and vibrancy; have main roads been sought for comment on the revised plan? It's my understanding the sign as its presented would still be non-compliant.	<p>The original draft policy was referred to Main Roads WA (MRWA) for comment. MRWA's feedback and the City's response is set out in Attachment 11.5E. It is considered that the modified policy addresses MRWA's feedback and therefore did not require re-referral to MRWA.</p> <p>In terms of the sign identified on page 191 of the agenda, the following advice is provided:</p> <p>The sign structure is 120m² in area. Section 8 of the Main Roads Policy sets out the circumstances where a digital sign will not be approved by Main Roads. This includes:</p> <ol style="list-style-type: none"> 1. It has a display area greater than 6m² and is on a road section or intersection that has a crash risk rating of level 4 2. The display area exceeds 100m² (may be assessed on a case-by-case basis in locations where the speed is 40 km/h or lower.
2.	Today we received some information from Urbis about 707 Murray Street and some other comments. Has the administration seen that or has it only gone to elected members?	<p>The Administration did not receive the Urbis memo prior to the meeting. The memo is requesting the Elected Members consider changes to the policy.</p> <p>Urbis's advocacy is on behalf of Saracen Properties as the proponent of a proposed mixed use development at 707 Murray Street, West Perth. The proposed development is the subject of an application for planning approval currently being assessed by the City.</p> <p>The premise of the requested changes is to modify the policy to enable the digital sign that is proposed as part of a current development application to be compliant with the policy.</p> <p>This is to assist with the feasibility of the development.</p> <p>Urbis has requested the following changes to the policy, and the Administrations response is below:</p> <p>Urbis requested change:</p> <p>Insert a new iii into Clause 5.3 – Wall Signs as follows:</p>

Column B – Sign Type Specific Provisions for Development Applications

- i. A wall sign located at first floor level or below should not exceed 4m² in area.
- ii. A wall sign located above the first-floor level of a building (excluding a wall sign identified in clause iii below) should not exceed 18m² in area or 25% of the wall area (whichever is less).
- iii. Where a wall sign comprises a digital sign forming part of a new development and does not meet (ii) above, the sign shall demonstrate is does not exceed 25% of the total wall area and meets the criteria outlined in Section 7.2.

Administration Response:

The purpose of this suggested change is to remove the reference to 18m² and instead rely on a percentage of the wall area.

Seeking to amend a city-wide policy to address a site and development specific matter is not recommended as it can have unintended consequences elsewhere in the city that have not been considered through the policy development.

Clause 7.2 of the policy is the correct assessment pathway to consider larger signs larger than 18m².

It is important to note that all third party signs require planning approval, so whether a proposal seeks approval as a compliant 18m² sign or a larger sign under the exceptional circumstances clause (Clause 7.2) this does not impact on the City's assessment process or resources.

Urbis requested change:

Amend clause 7.2 as follows:

'Third-party advertising Wall Signs and Street Furniture Signs that do not meet 7.1 above, may only be supported in exceptional circumstances where all the following criteria has been met considered and appropriately addressed through merit-based justification'

Administration Response

To remove the requirement to meet the criteria and only consider them, has a consequence that the criteria do not need to be met.

As part of any planning application the Administration assesses the extent to which a proposal meets the criteria.

It is worth noting that after criteria 7.2 (g) the following policy wording exists to assist achieving specific strategic outcomes:

		<p>“In addition to the above criteria, greater weight will be given to signs that form part of a new development that supports a commercial neighbourhood priority, planning direction or action in the Local Planning Strategy”</p> <p>The requested change is therefore not supported.</p> <p>Urbis requested change</p> <p>Requested clause 7.2(f) be deleted.</p> <p>Administration Response</p> <p>Clause 7.2(f) states:</p> <p>“The sign is orientated for pedestrian viewing and not aimed to solely attract driver attention”</p> <p>This policy has taken a contemporary urban planning place-based approach to signage. Focusing on how signage can contribute to places where people exist. This is reflected in clause 7.1 where it identifies areas of the city (mapped in appendix 3 of the policy) where third party signage may be considered appropriate.</p> <p>The clause does not preclude the consideration of motorists, it ensures that pedestrian viewing is appropriately considered in the design, size and location of the sign to contribute to the pedestrian environment.</p> <p>The requested change is therefore not supported.</p>
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Officer’s Recommendation

Mover: Councillor Liam Gobbert

Seconder: Councillor Raj Doshi

That Council:

1. ADOPTS draft revised City Planning Scheme No. 2 *Planning Policy 4.6 – Signs*, with modifications, as set out in **Attachment A**.
2. NOTES the submissions received during the formal consultation as set out in **Attachment E**.

During debate, the Lord Mayor moved the following amended motion:

Amended Motion (OCM-24/09-008)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Catherine Lezer

That Council:

1. ADOPTS draft revised City Planning Scheme No. 2 *Planning Policy 4.6 – Signs*, with modifications, as set out in **Attachment A**, with the following amendment:
 - a. In Section 5.3, Table 1, amend the Wall Sign provisions in Column B to replace ‘18m²’ with ‘20m²’ in clauses ii., iv. and Viii(b).
2. NOTES the submissions received during the formal consultation as set out in **Attachment E**.

CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against: Nil.

The amended motion was carried and incorporated into the substantive motion:

Substantive Motion

Mover: Councillor Liam Gobbert

Seconded: Councillor Raj Doshi

That Council:

1. ADOPTS draft revised City Planning Scheme No. 2 *Planning Policy 4.6 – Signs*, with modifications, as set out in **Attachment A**, with the following amendment:
 - a. In Section 5.3, Table 1, amend the Wall Sign provisions in Column B to replace ‘18m²’ with ‘20m²’ in clauses ii., iv. and Viii(b).
 2. NOTES the submissions received during the formal consultation as set out in **Attachment E**.
-

During debate, Councillor David Goncalves moved the following amended motion:

Amended Motion (OCM-24/09-009)

Mover: Councillor David Goncalves

Seconded: Councillor Viktor Ko

That Council:

1. ADOPTS draft revised City Planning Scheme No. 2 *Planning Policy 4.6 – Signs*, with modifications, as set out in **Attachment A**, with the following amendments:

a. In Section 5.3, Table 1, amend the Wall Sign provisions in Column B to replace ‘18m²’ with ‘20m²’ in clauses ii., iv. and Viii(b).

b. **In Section 7, Provisions 7.2:**

“7.2 Third-party advertising Wall Signs and Street Furniture Signs that do not meet 7.1 above, may only be supported in exceptional circumstances where all the following criteria has been met:

Wall Signs”

Replace with:

“7.2 Third-party advertising Signs that do not meet 7.1 above, may only be supported in exceptional circumstances where all the following criteria has been met:

Signs”

2. NOTES the submissions received during the formal consultation as set out in Attachment E **and the deputation made by Outdoor Media Association at the 17 September 2024 Agenda Briefing Session.**

LOST (1/6)

For: Councillor David Goncalves

Against: Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, Viktor Ko, Catherine Lezer and Bruce Reynolds

During debate, Councillor David Goncalves moved the following amended motion:

Amended Motion (OCM-24/09-010)

Mover: Councillor David Goncalves

Seconded: Councillor Viktor Ko

That Council:

1. ADOPTS draft revised City Planning Scheme No. 2 *Planning Policy 4.6 – Signs*, with modifications, as set out in **Attachment A**, with the following amendments:

a. In Section 5.3, Table 1, amend the Wall Sign provisions in Column B to replace ‘18m²’ with ‘20m²’ in clauses ii., iv. and Viii(b).

b. Page 171 – table “Street Furniture Sign” – Column B:

“iv. Sign face does not exceed 1m²”

Replace with:

““iv. Sign face does not exceed 2m²”

2. NOTES the submissions received during the formal consultation as set out in Attachment E **and the deputation made by Outdoor Media Association at the 17 September 2024 Agenda Briefing Session.**

LOST (2/5)

For: Councillors David Goncalves and Viktor Ko

Against: Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, Catherine Lezer and Bruce Reynolds

The substantive motion was then put:

Council Resolution (OCM-24/09-011)

Mover: Councillor Liam Gobbert

Seconded: Councillor Raj Doshi

That Council:

1. ADOPTS draft revised City Planning Scheme No. 2 *Planning Policy 4.6 – Signs*, with modifications, as set out in **Attachment A**, with the following amendment:
 - b. In Section 5.3, Table 1, amend the Wall Sign provisions in Column B to replace ‘18m²’ with ‘20m²’ in clauses ii., iv. and Viii(b).
2. NOTES the submissions received during the formal consultation as set out in **Attachment E**.

CARRIED UNOPPOSED (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

Reasons for Change:

The amendment responds to the matters raised by the advertising industry regarding standard sizes for digital signage, whilst preserving the intent of the City’s Signs Policy.

Councillor Catherine Lezer disclosed an Impartiality Interest in relation to Item 11.6 (as detailed at Item 5).

11.6 Proposed designation of Pier Street Heritage Area and draft Pier Street Heritage Area Local Planning Policy

Responsible Officer	Julia Kingsbury – Acting General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.6A – Pier Street Heritage Area Location Plan Attachment 11.6B – Draft Pier Street Heritage Area Local Planning Policy

Purpose

For Council to consider resolving to:

- give notice of the proposed designation of the Pier Street Heritage Area; and
- prepare and advertise the draft *Pier Street Heritage Area Local Planning Policy* (LPP).

Recommendation

That Council:

1. In accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to give to each owner of land affected, notice of the proposed designation of the Pier Street Heritage Area and the proposed *Pier Street Heritage Area Local Planning Policy*.
2. In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) RESOLVES to prepare and advertise the draft *Pier Street Heritage Area Local Planning Policy* as shown in **Attachment B** to this report.

Background

Location

1. The Pier Street Heritage Area is in the Central Perth neighbourhood along Pier Street between Murray and Hay Streets. A location plan is provided at **Attachment A**.

Current Heritage Protection

2. Currently there is one place within the proposed Pier Street Heritage Area that has individual heritage protection by being listed on the City's Heritage List created under its local planning scheme and/or the State Register of Heritage Places.
3. The City's Local Heritage Survey (LHS) was adopted by Council at its meeting on the 28 March 2023. In addition to the place listed above, the LHS identified 3 places as having 'Considerable' and 4 places as having 'Some/Moderate' cultural heritage significance within the Pier Street Heritage Area.

Local Planning Strategy

4. The City's *Local Planning Strategy* (Strategy) outlines the strategic direction for the future planning and development of the city including the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
5. The Strategy identifies several heritage areas within the city, including the Murray Street East Investigation Area, along Murray Street between Barrack Street and Victoria Square. These areas have unique built and streetscape elements that create a special sense of place.
6. The Strategy includes an action to progress the listing of the Murray Street East Heritage Investigation Area with a supporting local planning policy to ensure that it is appropriately conserved.
7. A portion of the Murray Street East Heritage Investigation Area is proposed to be incorporated into the Pier Street Heritage Area.

Draft Local Planning Scheme No. 3

8. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
9. Under the draft LPS3, the Pier Street heritage area is zoned Mixed Use and has a maximum base plot ratio of 6:1. No bonus plot ratio is available.
10. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft *Pier Street Heritage Area LPP*, intended to be advertised concurrently with the draft LPS3.

State Government Planning Framework

11. The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) states that if in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, it may, by resolution, designate that area as a heritage area.
12. The Regulations state that if the local government designates an area as a heritage area, it must

adopt a local planning policy for the area that sets out the following:

- a map showing the boundaries of the heritage area;
 - a statement about the heritage significance of the area; and
 - a record of places of heritage significance in the heritage area.
13. The State Government has prepared *Guidelines for Heritage Areas* to assist in the identification of heritage areas and the preparation of local planning policies for these. These have been referenced in the preparation of the draft *Pier Street Heritage Area LPP*.
14. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State. Heritage areas require some amendment or replacement of certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.

Discussion

15. The Pier Street Heritage Area includes a portion of the Murray Street East Heritage Investigation Area identified in the Strategy along Pier Street, from Murray Street to the mid street block point between Murray Street and Hay Street, as well as land along the remainder of Pier Street from the mid street block point referred to above to Hay Street.
16. The remainder of the Murray Street East Heritage Investigation Area is to be largely accommodated within the proposed East End Heritage Area.
17. It was determined that a separate heritage area (the Pier Street Heritage Area) was warranted given that the contributory buildings in Pier Street have a different character and history to those within Murray Street. The contributory buildings along Pier Street are largely commercial in nature whilst those along Murray Street are largely institutional in nature.
18. The Statement of Significance outlines that the Pier Street Heritage Area has cultural heritage significance for the following reasons:
- *The Pier Street Heritage Area retains a concentration of early commercial buildings which reflect in their physical form, an understanding of the social and economic development of the city and the State of Western Australia during the late nineteenth century. The pattern of development reflects the gold boom expansion of investment within the city centre and the growth of Pier Street as a centre of commercial activity, closely linked to adjacent areas of institutional significance.*
 - *The Pier Street Heritage Area contains a concentration of richly detailed heritage buildings which while varying in form and arrangement, create a highly valued and visually appealing streetscape through their cohesive heights and setbacks, consistent vertical rhythm, materials, and generally intact physical arrangement.*

The draft Pier Street Heritage Area LPP (at **Attachment B**) seeks to ensure that these important cultural heritage and character elements are protected.

19. The objectives of the draft LPP are to:
- (a) *retain and conserve the cultural heritage significance of the Pier Street Heritage Area.*

- (b) encourage the use and sensitive adaptation of contributory buildings.*
- (c) ensure that development in the Pier Street Heritage Area does not adversely affect its cultural heritage significance.*

Contributory and Non-Contributory Buildings

- 20. The draft LPP identifies buildings which contribute and those which do not contribute to the cultural heritage significance of the Pier Street Heritage Area.
- 21. Contributory buildings are required to be retained and conserved. The draft LPP provides guidance on the retention, conservation, adaptation, and alteration of contributory buildings.
- 22. Non-contributory buildings may be demolished subject to them not being of individual cultural heritage significance.

Building Heights and Setbacks

Current

- 23. Currently a maximum lower built form height of 14m (3-4 storeys) applies either side of Pier Street. Nil setbacks apply to the lower built form from the street as well as side and rear lot boundaries; however, any additional height is required to be set back.
- 24. On the eastern side of Pier Street, no maximum building heights apply. On the western side of Pier Street, additional height (above the lower built form height) is required to be contained within a 45-degree angle height plane measured from the top of the lower built form along Hay Street.

Proposed

- 25. The Strategy identifies the Pier Street Heritage Area as a high scale mixed use (>16 storeys) and urban setting area, as well as a pedestrian priority area.
- 26. The indicative building heights identified in the Strategy for the Pier Street Heritage Area have been broadly applied to the area. The Strategy states that the indicative building heights have been identified as a guide only and will be further investigated in the context of the neighbourhood and character areas through the planning scheme review.
- 27. The draft LPP proposes a maximum lower built form height of two storeys (11.7m) with nil street and side setbacks which generally corresponds with the scale and siting of contributory buildings within the street.
- 28. Additional height (above the lower built form) is required to be set back 7.5m from Pier Street to showcase contributory buildings and alleviate the impact of building bulk on the street.
- 29. Additional height (above the lower built form) is also required to be set back from side and rear boundaries to ensure views to the sky and provide a high level of internal amenity (i.e., access to natural light and ventilation, and privacy).
- 30. The draft LPP proposes lower maximum building heights on contributory building sites (i.e., 8 storeys) compared to non-contributory sites (i.e., 12 storeys), to respect and enhance the prominence of contributory buildings within the street.
- 31. Some lots within the heritage area may not be able to achieve the maximum base plot ratio under draft LPS3, given the proposed building heights and setbacks under the draft LPP. Draft LPS3 proposes to retain the current provisions which allow for landowners of heritage places or places within heritage areas to transfer maximum base plot ratio, which is unable to be used,

without adversely affecting its cultural heritage significance, to other sites/landowners within the city for financial exchange.

Building Design

32. The draft LPP seeks to ensure that any new development respects and maintains the prominence of contributory buildings within the street. It provides detailed guidance with respect to the public realm interface, articulation and detailing, roof design, materials and finishes, vehicular access and parking, views and vistas, and subdivision and amalgamation.

Car Parking

33. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped, or screened to mitigate visual impacts. The draft LPP requires car parking areas to be incorporated within a building (preferably within a basement) and, where located at or above ground, they must be sleeved with habitable or lettable floorspace. This is to prevent blank facades to the street. Screening is not considered sufficient as the parking areas will still be visible and present and inactive land use to the street.
34. The R-Codes Volume 2 also allow basement parking to protrude a maximum of one metre above natural ground level. This is not considered appropriate in this heritage area as it is not in keeping with the character of the area. Any basement parking must be located below natural ground level so that it is not visible from the street.
35. These modifications to the R-Codes will require the approval of the WAPC.

Consultation

36. The *Planning and Development (Local Planning Schemes) Regulations 2015* state that before designating an area as a heritage area, the local government is required to:
 - a. give each owner affected by the proposed designation notification of the proposed designation and the proposed draft LPP; and
 - b. advertise the proposed designation, with a sign also being required to be erected in a prominent location within the area.
37. The proposed designation and draft LPP is required to be advertised for 21 days under the Regulations, but given its relationship with the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

38. If Council supports the recommendations, the proposed designation and draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
39. If Council does not support the recommendations, draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The proposed designation of the Pier Street Heritage Area and draft Pier Street Heritage Area LPP generally aligns with the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 clauses 4 and 9).
Authority of Council/CEO:	Under the Regulations, the local government must resolve to designate a heritage area but prior to doing so, must provide notification to affected landowners and advertise the intention. The local government must also resolve to prepare a local planning policy, which if supported, must be advertised.
Policy:	Nil.

Financial Implications

40. An amount of \$59,500 has been set aside as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
41. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers.

Further Information

42. Nil.

Council Resolution (OCM-24/09-012)

Mover: Councillor Liam Gobbert

Seconder: Councillor Raj Doshi

That Council:

1. In accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* **RESOLVES** to give to each owner of land affected, notice of the proposed designation of the Pier Street Heritage Area and the proposed *Pier Street Heritage Area Local Planning Policy*.
2. In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) **RESOLVES** to prepare and advertise the draft *Pier Street Heritage Area Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED UNOPPOSED (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

12. Community Development Alliance Reports

12.1 New and Innovative Events and Activations

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.1A – Attachment A - Perth EV Kart Championship 2025 Attachment 12.1B – Attachment B - Perth K-Pop Festival

Purpose

To provide recommendations to Council for New and Innovative Events/Activations proposals.

Recommendation

That Council APPROVES* the following New and Innovative Events/Activations proposals totalling \$340,000 excluding GST:

Ref	Applicant/Event	2024/25 Commitment	2025/26 Commitment
a.	Concept Marketing / Perth EV Kart Championship 2025	\$170,000	
b.	K-Pop Culture Perth / Perth K-Pop Festival		\$170,000

**Approval subject to a suitable agreement being entered into by the City and all approved applicants listed above on terms acceptable to the City within three months.*

Further the City will not enter into any agreement with Concept Marketing and K-Pop Culture without evidence of secured funding to support an event that the City determines is the size and scale, commensurate with the proposal.

2025/26 financial commitment of \$170,000 will be positioned in the Long Term Financial Plan 2024/25-2033/34.

Background

1. *Council Policy 4.11 New and Innovative Events/Activations (the Policy)* was adopted by Council on 26 March 2024. The Policy is designed to foster innovation, and the development of relationships intended to benefit the City of Perth and its community.
2. Several market-led ideas were presented to Council for feedback at the Elected Member Engagement Session on 14 May 2024.
3. Three ideas progressed to the proposal stage following Elected Member support. These ideas were:
 - a. Perth EV Kart Championship 2025
 - b. Perth K-Pop Festival
 - c. Sugar Republic Sweet Museum
4. The City worked with each proponent to ensure the proposed event was suitable for City investment with concepts developed, details refined and dates and locations confirmed.
5. The three final proposals were submitted as required by 23 August 2024. All three proposals are dependent on additional funding sources including State Government.

Discussion

6. The proposals were assessed by a three-person panel, consisting of staff from the City's administration across the Infrastructure and Operations, CEO and Community Development Alliances.
7. All applications were assessed on the following criteria, as outlined in *the Policy*;
 - a. Can demonstrate new, unique or innovative ideas;
 - b. Are market-led as defined in the City's *2025 Events Strategy*;
 - c. Complement the City's calendar of events and activations;
 - d. Complement other City interests; and/or
 - e. Foster beneficial relationships for the City.
8. Funding recommendations are based on the scale, impact and significance of the events/activations and can include cash and/or in-kind support for the City's fees and charges.
9. The two proposals recommended for funding are provided in **Attachments A-B**. A brief outline of each is provided below:
 - a. The Perth EV Kart Championship will take place on Langley Park and surrounds on Sunday 20 April 2025. With the top 20 drivers from the global EV Karting World Championship competing, the event will showcase cutting-edge electric kart technology and driver skills, making it a high-energy and thrilling experience for spectators. This will be the first time the event has been held in Australia and it is expected to attract a broad audience including motor racing enthusiasts, international followers, locals and tourists.

The request to the City was \$170,000 and the full amount has been recommended.

The proposal is contingent on additional revenue sources including an estimated \$200,000 from State Government and corporate sponsorship.

- b. K-Pop Culture will bring the K-Pop sensation to Perth and fulfill desires for locals to enjoy and witness the K-Pop scene. K-Pop has amassed a large global following due to its broad appeal, adaptability, wholesome themes, exciting dance routines and the sense of belonging it fosters among fans. This single stage event will be held on Langley Park on Saturday 25 October 2025 and will be the first K-Pop event held in Perth or WA.

The request to the City was \$170,000 and the full amount has been recommended.

The proposal is contingent on additional revenue sources including an estimated \$694,000 from State Government.

10. Sugar Republic Sweet Museum withdrew their application on 5 September as the proponent was unable to secure Department of Local Government, Sports and Cultural Industries (DLGSC) funding.

Consultation

11. The applications are the result of ongoing engagement and consultation between the City and applicants. The City proactively works with applicants to determine how their event can align with City priorities and achieve desired outcomes.

Decision Implications

12. If Council supports the recommendation, the City will publish details of any approved proposals on their website (in summary format for transparency purposes) and in an annual report to the Audit and Risk Committee. The City will enter into an agreement with proponents for City support and at the completion of the event/activation, proponents are to report and acquit as per the City's requirements.
13. If Council does not support the recommendation, then the events/activations will not be financially supported by the City to occur.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	2025 Events Strategy <i>The Policy enables the City the opportunity to explore new, unique or innovative proposals for events and activations which compliments the City's year-round events calendar.</i>

Legislation, Delegation of Authority and Policy	
Legislation:	Local Government Act 1995 <ul style="list-style-type: none"> Section 1.3(2) City of Perth Act 2016 <ul style="list-style-type: none"> Section 4 and Section 8 <i>The Policy reflects these sections, and the proposals have been assessed in line with the Policy.</i>

Authority of Council/CEO:	Council is authorised to approve ideas or proposals in accordance with Council Policy 4.11 New and Innovative Events/Activations Policy
Policy:	CP 4.11 New and Innovative Events/Activations <i>Proposals have been assessed against the best interests of the City including but not limited to the criteria outlined in the Policy.</i>

Financial Implications

Financial Year 2024/25

The financial implications of the recommendation(s) are accommodated within the existing budget.

Account Number	1064-100-50-10911-7230	Operating
Account Description	New & Innovative Events/Activations	
Total Budget	\$300,000	
Budget – This report	\$170,000	
Remaining Budget	\$130,000	
Budget Impact	Accommodated within approved 2024/25 budget.	

Financial Year 2025/26

Account Number		Operating
Account Description	New & Innovative Events/Activations	
Total Budget	TBC	
Budget – This report	\$170,000	
Remaining Budget		
Budget Impact	The event funding of \$170,000 will be quarantined within the \$8M allocation provisioned for discretionary operating projects for 2025/26 in the Long Term Financial Plan 2024/25 - 2033/34.	

Further Information

14. Nil.

Council Resolution (OCM-24/09-013)

Mover: Councillor Catherine Lezer

Seconded: Councillor David Goncalves

That Council APPROVES* the following New and Innovative Events/Activations proposals totalling \$340,000 excluding GST:

Ref	Applicant/Event	2024/25 Commitment	2025/26 Commitment
a.	Concept Marketing / Perth EV Kart Championship 2025	\$170,000	
b.	K-Pop Culture Perth / Perth K-Pop Festival		\$170,000

**Approval subject to a suitable agreement being entered into by the City and all approved applicants listed above on terms acceptable to the City within three months.*

Further the City will not enter into any agreement with Concept Marketing and K-Pop Culture without evidence of secured funding to support an event that the City determines is the size and scale, commensurate with the proposal.

2025/26 financial commitment of \$170,000 will be positioned in the Long Term Financial Plan 2024/25-2033/34.

CARRIED UNOPPOSED (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

13. Infrastructure and Operations Alliance Reports

Nil.

14. Commercial Services Alliance Reports

Nil.

15. Corporate Services Reports

15.1 Monthly Financial Statements - July 2024

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.1A – Statement of Financial Activity - P1 Attachment 15.1B – Notes on Significant Variances - P1 Attachment 15.1C – Supplementary Notes to SFA - P1 Attachment 15.1D – Monthly Financial Statistics - P1 Attachment 15.1E – Statement of Financial Position - P1 Attachment 15.1F – Alliance Operating Variances - P1 Attachment 15.1G – Capital Variances - P1 Attachment 15.1H – Investment Report - P1 Attachment 15.1I – Rates Monthly Debtors Report - P1

Purpose

This suite of reports provides Council with timely, meaningful financial insights regarding the City’s operating activities, financial performance, and financial position.

Recommendation

That Council RECEIVES the following (interim) financial reports for the period ended 30 July 2024:

- a. Statement of Financial Activity (SFA) - **Attachment 15.1A.**
- b. Notes on Significant Variances - **Attachment 15.1B.**
- c. Supplementary Notes to the Statement of Financial Activity - **Attachment 15.1C.**
- d. Monthly Financial Statistics - **Attachment 15.1D.**
- e. Statement of Financial Position - **Attachment 15.1E.**
- f. Alliance Operating Variances - **Attachment 15.1F**
- g. Capital Variances - **Attachment 15.1G**
- h. Investment Report - **Attachment 15.1H.**
- i. Rates Monthly Debtors Report - **Attachment 15.1I.**

Background

1. Presentation of a monthly financial report to Council is both a statutory obligation and good financial management practice that:
 - a. Demonstrates the City's commitment to managing its operations in a financially responsible and sustainable manner.
 - b. Provides timely identification of variances from budget expectations for revenues and expenditures and identification of emerging opportunities or changes in economic conditions.
 - c. Ensures proper accountability to the community for the use of financial resources.
2. Preparation of a monthly Statement of Financial Activity (SFA) is the minimal statutory requirement of the *Local Government Act 1995* and regulation 34 of the *Local Government (Financial Management) Regulations 1996*. It is also a responsible financial management practice to allow Council to effectively execute their financial management responsibilities.
3. Financial information that is required to be reported directly to Council monthly includes:
 - a. Operational financial performance against budget expectations.
 - b. Explanations for identified variances from expectations.
 - c. Financial position of the City at each given month end.
4. This statutory financial information is supported by additional supplementary information including investments performance and reports on rates and general debtors.

Understanding the Financials

5. When reading the financial information provided in this report, 'variances' (deviations from budget expectations) are classified as being either:
 - a. Favourable variance.
 - b. Unfavourable variance.
 - c. Timing variance.
6. A timing variance relates to a budgeted revenue or expense that has not occurred at the time it was expected, but which is still expected to occur within the budget year. That is, the financial transaction will still occur - but just in a different month. There should be no impact on the projected budget surplus by year end.
7. A realised favourable or unfavourable variance is different to a timing variance. It represents a genuine difference between the actual and budgeted revenue or expenditure item.
8. A realised favourable year to date variance on a revenue item is a positive outcome for the City as it increases the projected budget surplus. An unfavourable variance on a revenue item has the opposite effect, resulting a decrease to the projected budget surplus.
9. A realised favourable variance on an expenditure item may have either of two causes - one being a saving because the outcome was achieved for a lesser cost, which has the effect of increasing the projected budget surplus. The other cause may be that the proposed expenditure may not have been undertaken and is not expected to be incurred in that financial year. Whilst this may seem positive from the financial position perspective, it may not be a positive outcome for the community if the service or project is not delivered.

10. A realised unfavourable year to date variance on an expenditure item, (over-expenditure) results in a decrease to the projected budget surplus.
11. The Schedule of Significant Variances (**Attachment 15.1B**) provides commentary on whether the nature of the variance is savings related, timing related or otherwise.
12. If a realised favourable or unfavourable variance is material in value (of significant size), it will be amended through a formal budget review process.

Discussion

13. It is a statutory requirement to present a set of Monthly Management Accounts within two months of the end of the month to which they refer.
14. The SFA by Nature & Type - **Attachment 15.1A** presents a whole of organisation perspective on the attainment of revenue and expenditure targets overall - classified by nature and type.
15. The headline data from the SFA is shown in Table 1 below.

Table 1:

Item Details	Annual Budget	YTD Budget	YTD Actual 24/25	Variance	F/ U
Operating Revenue	\$ 121.69 M	\$ 19.74 M	\$ 20.23 M	\$ 495 K	F
Rates Revenue	\$ 107.29 M	\$ 107.44 M	\$ 107.32 M	\$ 124 K	U
Cash Operating Exp	\$ 186.65 M	\$ 13.52 M	\$ 13.04 M	\$ 472 K	F
Non-Operating Revenue	\$ 4.86 M	\$ 1.25 M	\$ 1.25 M	\$ 0 K	-
Capital - Infrastructure	\$ 31.35 M	\$ 70 K	\$ 521 K	\$ 451 K	U
Property, Plant & Equip	\$ 32.21 M	\$ 101 K	\$ 744 K	\$ 643 K	U
Capital Contributions	\$ 17.75 M	\$ 0.00 M	\$ 0.00 M	\$ 0.00 M	-

16. Material operating revenue and expenditure variances from **Attachment 15.1A** are detailed (with explanatory comments) in the Notes on Significant Variances (**Attachment 15.1B**).
17. Each line item listed in the SFA by Nature & Type **Attachment 15.1A** can be cross referenced (using the Note reference) back to the relevant note.
18. Examining the SFA (**Attachment 15.1A**) in more detail; the aggregation of operating revenues and operating expenses reflects a year-to-date Net Cash Position from Operations of \$114.51M compared to a year-to-date budgeted surplus of \$113.67M. This is a favourable variance of \$844K at the end of the month.
19. Investing activities reflect a result of (\$9K) compared to a year-to-date budget of \$1.08M. This is an unfavourable variance of \$1.08M. The actual expenditure relates almost entirely to incomplete projects carried forward from 2023/24.
20. Construction of infrastructure to month end is \$451K ahead of budget expectations due to expenditure related to incomplete projects carried forward from 2023/24 as noted at paragraph 19.

21. Acquisition of non-infrastructure to month end is \$642K ahead of budget expectations due to expenditure related to incomplete projects carried forward from 2023/24 as noted at paragraph 19.
22. Adjusting for opening funds (Net Current Position), generates the Budget Deficiency before Rates. This then indicates the Amount Required to be Raised from Rates. The difference between the Rates amount, and the Deficiency before Rates, is the Closing Position.
23. The SFA for the period to 31 July shows that a rate yield of \$107.32M has been levied compared to the budget of \$107.29M - noting that heritage rates concessions will reduce that amount in future.
24. The disclosed SFA Closing Position of \$127.87M compares unfavourably to the projected year to date budget closing position of \$134.90M - due to the carry forward projects not phased to appear until the August Management Accounts are presented to Council.
25. Key financial statistics at each month end are presented graphically in **Attachment 15.1D** as an alternative representation of the data.
26. The Net Current Position Note (**Attachment 15.1C**) at month end reflects an indicative adjusted Net Current Position value of \$127.87M compared the year to date value of \$134.90M and a year-end projection of \$6.12M.
27. Headline data from this month's Net Current Position report is shown in Table 2 below.

Table 2:

Item Details	June 24 Actual	June 25 Annual Budget	July 24 Actual
Current Assets	\$ 243.86 M	\$ 204.71 M	\$ 371.25 M
Current Liabilities	(\$ 44.73 M)	(\$ 42.93 M)	(\$ 57.63 M)
Unadjusted Net Assets	\$ 199.13 M	\$ 161.78 M	\$ 313.62 M
Less Restricted Items & Adjustments	(\$ 175.52 M)	(\$ 155.66 M)	(\$ 185.75 M)
Adjusted Net Current Position	\$ 23.61 M	\$ 6.12 M	\$ 127.87 M

28. The Net Current Asset position at year end is favourably impacted by the factors noted at paragraph 24 above.
29. A Statement of Financial Position as at month end (showing 2023/24 Actual balances, the Revised 2024/25 Budget and the 2024/25 Year to Date Actual balances) is presented as **Attachment 15.1E**.
30. In line with recent local government financial management reporting changes, **Attachments 15.1A to Attachment 15.1C** form the portion of monthly management accounts that is a statutory obligation.
31. The remaining **attachments 15.1D through to 15.1I** are supplementary information provided to give Council additional transparency of the City's financial management performance.
32. **Attachment 15.1H** - Investment Report for July 2025 presents detail of the City's cash investment portfolio in terms of performance, percentage exposure of total portfolio by credit risk, counterparty exposure and maturity profile.
33. The report indicates the City has adequate cash flow to meet its financial obligations as and when they will fall due; and it has achieved compliance with the various Investment Policy limits.
34. **Attachment 15.1I** - Rates Debtors provides a monthly update and analysis of rates collections by differential property rating category and overall. The 2024/25 rates notices were issued on 26 July.

Consultation

35. Nil.

Decision Implications

36. Council's acknowledgement of receiving the Statement of Financial Activity and supporting documents will meet its statutory obligation in respect of overseeing the City's financial resources.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.4(1) and (2) of the Local Government Act 1995 Regulation 34(1) of the Local Government (Financial Management) Regulations 1996</p> <p>This section of the Act and the related regulation prescribe the requirement to prepare and present to Council a Monthly Financial Report including a Statement of Financial Activity (SFA). That Statement of Financial Activity (SFA) should contain:</p> <ul style="list-style-type: none"> • Annual Budget estimates, and approved revisions to these for comparison purposes. • Actual amounts of income and expenditure to the end of the month of the SFA. • Material variances between the comparable amounts and commentary on reasons for these variances. <p>The Monthly Financial Report should also contain:</p> <ul style="list-style-type: none"> • A Statement of Financial Position at the end of the month. • An explanation of the composition of the Net Current Position at the end of the month to which the SFA relates. <p>Any other information which the local government deems relevant.</p>
Authority of Council/CEO:	The above legislation prescribes that this report be presented to Council on a monthly basis.
Policy:	CP 2.1 Management of Investments.

Financial Implications

37. There are no direct financial implications of receiving this report as it reflects a historical accounting of financial transactions. When material variances are noted, appropriate remedial action will be initiated by the administration in a timely and prudent manner.

Further Information

38. Nil.

Council Resolution (OCM-24/09-014)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Catherine Lezer

That Council RECEIVES the following (interim) financial reports for the period ended 30 July 2024:

- a. Statement of Financial Activity (SFA) - **Attachment 15.1A.**
- b. Notes on Significant Variances - **Attachment 15.1B.**
- c. Supplementary Notes to the Statement of Financial Activity - **Attachment 15.1C.**
- d. Monthly Financial Statistics - **Attachment 15.1D.**
- e. Statement of Financial Position - **Attachment 15.1E.**
- f. Alliance Operating Variances - **Attachment 15.1F**
- g. Capital Variances - **Attachment 15.1G**
- h. Investment Report - **Attachment 15.1H.**
- i. Rates Monthly Debtors Report - **Attachment 15.1I.**

CARRIED EN BLOC (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

15.2 Schedule of Accounts Paid - July 2024

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.2A – Schedule of Accounts Paid - July 2024

Purpose

For Council to note details of payments made under delegated authority for the month of July 2024.

Recommendation

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 31 July 2024 as attached as **Appendix 15.2A**.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$27,899,159.49
Trust Fund	0
Total - All Funds	\$27,899,159.49

Background

1. In accordance with Regulation 13(2) and 13(3) of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The Chief Executive Officer is delegated this authority under Delegation 2.14.
2. This authority has then been subdelegated by the Chief Executive Officer.
3. The listing of payments with full disclosure of all required information, is presented as an attachment to this report.
4. The listing of payments was made available to the Elected Members via the Council Hub, ahead of the agenda distribution, to provide additional time for review.
5. This summary report then facilitates the acknowledgement of the listing having been received.

Discussion

6. The Schedule of Accounts Paid (**Attachment 15.2A**) contains the following payments made under Delegated Authority 2.14 - Payments from the Municipal & Trust Fund:

Schedule of Accounts Paid – July 2024		
Municipal Fund		
EFT & Cheque Payments	Direct Creditor Payments	22,142,776.93
Sub Total - EFT & Cheques		22,142,776.93
Direct Debits	Bank Charges and Merchant Fees	15,356.12
Sub Total - Direct Debits		15,356.12
Payroll	02/07/2024	1,888,622.07
	16/07/2024	1,907,622.81
	30/07/2024	1,921,986.51
Sub Total - Payroll		5,718,231.39
Corporate Cards		22,795.05
Sub Total - Cards		22,795.05
Total per Attachment 15.2A		27,899,159.49
Total Payments from Municipal Fund		27,899,159.49
Investments in Term Deposits		9,000,000.00
Trust Fund		
Trust EFT & Cheques		0
Total - Trust Funds		0

Consultation

Nil.

Decision Implications

- Council's acknowledgement of receiving the Schedule of Accounts Paid will meet its statutory obligation under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Annual Budget

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.10 of the <i>Local Government Act 1995</i>. Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>.</p> <p>This section of the Act and the related regulation prescribes the requirement to prepare a list of all payments made for each month and to present them to Council. The Schedule of Accounts Paid (the 'list') should contain, for each payment:</p> <ul style="list-style-type: none"> Payee Name. Amount of the Payment. Date of the Payment. Sufficient information to identify the transaction.
Authority of Council/CEO:	In accordance with Regulation 13(2) and 13(3) of the <i>Local Government (Financial Management) Regulations 1996</i> , where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council.
Policy:	Nil.

Financial Implications

- There are no direct financial implications of receiving this report as it reflects a historical accounting of financial transactions that were provided for in the adopted budget (as amended).

Further Information

- Nil.

Council Resolution (OCM-24/09-015)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Catherine Lezer

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 31 July 2024 as attached as **Appendix 15.2A**.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$27,899,159.49
Trust Fund	0
Total - All Funds	\$27,899,159.49

CARRIED EN BLOC (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

16. Chief Executive Officer Reports

16.1 Local Law Review - Proposed Amendment Local Law and Waste Local Law

Responsible Officer	Charlie Clarke – Alliance Manager Council Governance and Policy
Voting Requirements	Absolute Majority
Attachments	Attachment 16.1A – Table of proposed changes - Local Government Property Local Law 2005 Attachment 16.1B – Table of proposed changes - Thoroughfares and Public Places Local Law 2017 Attachment 16.1C – Proposed City of Perth Amendment Local Law 2025 Attachment 16.1D – City of Perth Consolidated Local Government Property Local Law 2005 - showing changes Attachment 16.1E – City of Perth Thoroughfares and Public Places Local Law 2017 - showing changes Attachment 16.1F – City of Perth Consolidated Health Local Law 2000 - showing changes Attachment 16.1G – Proposed City of Perth Waste Local Law 2025

Purpose

To present the outcome of the statutory review of the *City of Perth Local Government Property Local Law 2005* and the *Thoroughfares and Public Places Local Law 2017*; and initiate the process to make a:

- a. *City of Perth Amendment Local Law 2025*; and
- b. *City of Perth Waste Local Law 2025*.

Recommendation

That Council:

1. In accordance with section 3.16(3) of the *Local Government Act 1995*, NOTES that no submissions were received during the public submission period in response to the public notice given of the statutory review of the:
 - a. *City of Perth Local Government Property Local Law 2005*; and
 - b. *City of Perth Thoroughfares and Public Places Local Law 2017*.
2. In accordance with section 3.16(4) of the *Local Government Act 1995*, DETERMINES that the following local laws are to be amended:
 - c. *City of Perth Local Government Property Local Law 2005*; and
 - d. *City of Perth Thoroughfares and Public Places Local Law 2017*.
3. In accordance with section 3.12(3) of the *Local Government Act 1995*, APPROVES the giving of local public notice of the City's intention to make a:

- a. *City of Perth Amendment Local Law 2025*, as detailed in **Attachment C**, with the purpose and effect being:

Purpose: To amend the *City of Perth Local Government Property Local Law 2005, Thoroughfares and Public Places Local Law 2017* and the *City of Perth Health Local Law 2000*.

Effect: The *City of Perth Local Government Property Local Law 2005, Thoroughfares and Public Places Local Law 2017* and the *City of Perth Health Local Law 2000* are amended.

- b. *City of Perth Waste Local Law 2025*, as detailed in **Attachment G**, with the purpose and effect being:

Purpose: To provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district.

Effect: To control activities and manage influences on waste collection, recycling, reuse and disposal within the district.

Background

1. At the Ordinary Council Meeting held on 30 April 2024, Council approved a review of the following City of Perth local laws:
 - a. *Local Government Property Local Law 2005*; and
 - b. *Thoroughfares and Public Places Local Law 2017*.
2. Section 3.26 of the *Local Government Act 1995* requires a report of the review to be presented to Council following local public notice, for determination of whether or not it considers that the local laws should be repealed or amended.

Discussion

Local Government Property Local Law 2005 and Thoroughfares and Public Places Local Law 2017

3. The proposed review of the *Local Government Property Local Law 2005* and the *Thoroughfares and Public Places Local Law 2017* was advertised for public submissions in accordance with section 3.16(2) of the *Local Government Act 1995*.
4. No public submissions were received during the public consultation period.
5. The local laws were also reviewed internally in consultation with the impacted Alliances and a table of proposed changes is included for the following:
 - a. *Local Government Property Local Law 2005*, as provided at **Attachment A**.
 - b. *Thoroughfares and Public Places 2017*, as provided at **Attachment B**.
6. It should be noted that the report presented to Council at its ordinary meeting held on 30 April 2024 stated that the aim of the review was to increase the penalty for an offence relating to tree vandalism from \$500 to \$5000 in the *City of Perth Thoroughfares and Public Places 2017*.
7. However, an increase to the penalty as described above is not possible. A modified penalty in a local law cannot exceed \$500, as confirmed through the receipt of legal advice.
8. To support the intention to better protect the City's street trees, new clauses that aim to support the city in recouping the costs to repair or replace street trees from a person who causes damage, have been recommended for inclusion into the local law.

Waste Local Law

9. Section 61 of the *Waste Avoidance and Resource Recovery Act 2007* provides local governments with the power to make local laws so that it can perform its functions under the *Waste and Resource Recovery Act 2007*.
10. The development of a Waste Local Law is one of the actions contained in the Implementation Plan of the City of Perth Waste Plan, as endorsed by Council on 23 February 2021.
11. As the current *Thoroughfares and Public Places Local Law 2017* contains provisions relating to waste, it is an opportune time, while it is under review, to remove these provisions from that local law and replace them with a City of Perth Waste Local Law.

12. The proposed Waste Local Law is provided at **Attachment G** and has been developed using the Waste Local Law Template and Guidance Notes developed by WALGA, with the following minor modifications:

Clause	Modification
3.1 Duties of an owner or occupier	Addition of subclause (c)(iv): [(c) take all reasonable steps to -] (iv) keep the lid of the receptacle closed at all times, except when depositing rubbish or refuse or cleaning the receptacle; and
Schedule 1 – Meaning of ‘Non-Collectable Waste’	Amendment to subclause (b), as follows: (b) household hazardous waste, including aerosols, fluorescent globes , paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;

Health Local Law 2000

13. During the review of the *Local Government Property Local Law 2005* and the *Thoroughfares and Public Places Local Law 2017*, and in line with the recommendation for the city to adopt a Waste Local Law, it was identified that there were some duplicated provisions relating to waste in the city’s current Health Local Law. It is recommended that those provisions are deleted as part of this review and to support the adoption of a waste local law.
14. The proposed *City of Perth Amendment Local Law 2025* is provided at **Attachment C**, which incorporates all of the amendments that are recommended to be made to facilitate the outcomes of this review, to the current City of Perth:
- a. *Local Government Property Local Law 2005*;
 - b. *Thoroughfares and Public Places Local Law*; and
 - c. *Health Local Law 2000*.

Supporting information

15. In addition to attachments ‘Proposed City of Perth Amendment Local Law 2025’ and ‘Proposed City of Perth Waste Local Law 2025’ which contain the local laws proposed to be advertised for adoption, the following information has been provided in the attachments to this report:

Attachment	Contents
Table of proposed changes - <i>Local Government Property Local Law 2005</i> Table of proposed changes - <i>Thoroughfares and Public Places Local Law 2017</i>	These attachments include a table of each proposed change to the individual local law under review and the justification for each change.
Consolidated <i>Local Government Property Local Law 2005</i> - showing changes <i>Thoroughfares and Public Places Local Law 2017</i> - showing changes Consolidated <i>Health Local Law 2000</i> - showing changes	These attachments include a copy of each local law under review with the proposed changes shown in red strikethrough text intended for deletion and green text intended for insertion.

Consultation

16. Local public notice was given in accordance with the *Local Government Act 1995*, and the public submission period ran between 20 May 2024 and 5 July 2024. No public submissions were received during the submission period.
17. Extensive internal consultation was undertaken to determine the changes required to align with current City practices.
18. Legal advice was received on the proposed changes to the local laws under review and to support the proper drafting of the Amendment Local Law.

Decision Implications

19. If Council supports the recommendation:
 - a. The City will have completed its statutory review of the *Local Government Property Local Law 2005* and the *Thoroughfares and Public Places Local Law 2017*; and
 - b. The process will be initiated to make the proposed:
 - i. *City of Perth Amendment Local Law 2025*; and
 - ii. *City of Perth Waste Local Law 2025*.
20. If Council does not support the recommendation:
 - a. The statutory review of the *Local Government Property Local Law 2005* and the *Thoroughfares and Public Places Local Law 2017* will be incomplete.
 - b. The process will not be initiated to make the proposed:
 - i. *City of Perth Amendment Local Law 2025*; and
 - ii. *City of Perth Waste Local Law 2025*.
 - c. The development of a Waste Local Law action contained in the Implementation Plan of the City of Perth Waste Plan will be further delayed.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Sections 3.12 and 3.16 of the <i>Local Government Act 1995</i></p> <p>Section 3.12 outlines the procedure for making local laws.</p> <p>Section 3.16 contains the provisions relating to the periodic review of local laws.</p> <p>Section 61 of the <i>Waste Avoidance and Resource Recovery Act 2007</i></p>

	Section 61 provides local governments with the power to make Waste Local Laws.
Authority of Council/CEO:	Council. It is a legislative function of local government to make local laws.
Policy:	Nil.

Financial Implications

21. The financial implications will include the costs for advertising.

Further Information

22. Questions and Responses forming part of the Agenda Briefing Session held on 17 September 2024 are as follows:

	Question	Response
1.	<p>pages 612, 621</p> <p>These parts/clauses apply to lodging houses and sleeping accommodation. Does this extend to short-term rental accommodation?</p>	<p>These provisions form part of the City's current Health Local Law 2000 and are not proposed for amendment at this time.</p> <p>In terms of the specific query, the lodging house clauses can be applied, but only when short-term accommodation meets the lodging house definition from the Health (Miscellaneous Provisions) Act 1911 (see below). It should also be noted that the Public Health Act 2016 is being implemented in a 5-stage process and the City's local law will be revoked upon stage 5 of the Public Health Act 2016 implementation. The Department of Health aims to complete this within the next 2 years.</p> <p>Part V, Division 2 of the Health Act 1911 sets out provisions for lodging houses, which most local governments have adopted local laws for.</p> <p>Under the Health (Miscellaneous Provisions) Act 1911 (current provisions which stage 5 above will revoke), a lodging house refers to:</p> <p>"any building or structure permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding of more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward, except for licensed premises, private student accommodation and residential flats"</p>
2.	<p>Regards health local law 2000.</p> <p>Division 5 – Morgues.</p> <p>Is this something the city still needs to do?</p>	<p>If the City had non-hospital related morgues within our jurisdiction these provisions would need to be applied. However, this is not currently the case, and it should be noted this, and all City of Perth Health Local Law provisions will be revoked upon stage 5 of the Public Health Act 2016 implementation. The Department of Health aims to complete this within the next 2 years.</p>

<p>3.</p>	<p>Is there any consequence for removing this from our local laws? I agree with most of the other updates, such as electric rideable and e-cigarettes.</p>	<p>The removal of morgues from the Health Local Law would have negligible impact. However, wholesale changes to the Health Local Law are not within the scope of amendments currently under consideration. The removal of waste management provisions from the Health Local Law is only being recommended for the purposes of facilitating the proposed Waste Local Law.</p>
<p>4.</p>	<p>THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2017 and AMENDMENT LOCAL LAW 2024: "Riding any bicycle, electric rideable device or wheeled recreational device within a mall, an arcade or verandah of a shopping centre", modified penalty \$125. Which will not be changed in the amendment. Question: Has anyone been fined under this local law?</p>	<p>For the financial year 2023-2024, City of Perth Rangers issued one fine under this local law. During the same period, Rangers stopped members of public cycling / riding through the malls on 865 occasions. Enforcement of this local law occurred through rider education as the preferred tool to achieve compliance.</p>
<p>5.</p>	<p>Part 4A is very broad. I see on page 544 of our agenda under "Terms Used" there is no definition of "alteration", although the term is used. The context for my comments is if the City wants to have more maintenance, renovating, along with development in the city then anything the City can do to remove barriers like paperwork and for trades to come to the city is welcome. The City's dwellings are 94% strata living. Is this intended to include maintenance and renovations? I suggest to avoid paperwork for renovators, replacing carpet, upgrading a kitchen or redoing a bathroom this needs it needs to be clearly defined as what an alteration is defined as.</p>	<p>Alteration is not defined in the local law, however the <i>Building Regulations 2012 – Schedule 2 – subclause 2</i> does define the works that do not require a building permit. This includes the following: <i>Renovation, alteration, improvement, repair or maintenance of a building or incidental structure if the building work –</i> (a) <i>will not adversely affect the structural soundness of the building or incidental structure and does not include –</i> (i) <i>an increase or decrease in the floor area or height of the building or incidental structure; or</i> (ii) <i>underpinning or replacement of footings; or</i> (iii) <i>the removal or alteration of any element of the building or incidental structure that is contributing to the support of any other element of the building or incidental structure</i> (b) <i>is done using materials commonly used for the same purpose as the material being replaced.</i> A construction management plan will only be required for building works that require a building permit in accordance with the Building Act 2011. However, as this may be unclear in the current amendment, an amended officer's recommendation will</p>

		be distributed to update the definition for “building works’ for clarity.
	<p>I see on page 545 of our agenda under "Terms Used", the definition of minor building works uses \$5000.</p> <p>DEMIRS uses a figure of \$7500 before a contract for building works is needed.</p> <p>https://www.commerce.wa.gov.au/sites/default/files/atoms/files/home_building_contracts_act_factsheet_0.pdf</p> <p>Any dwelling flooring replacement (my most recent apartment renovation was well over \$10,000 to replace carpet with carpet as an example) and sure it does not need the extra paperwork. One exhaust motor in a strata building will be over \$10,000 as will be a automatic gate replacement for some other examples of common property buildings works. Kitchen replacements are generally \$30,000 - \$50,000, bathroom tiling is \$10,000. I could go on.</p> <p>I suggest the figure for the definition of minor building works for Part 4a Construction Management Plans be increased to \$20,000.</p> <p>I am considering moving a deferral for these to be further clarified.</p>	<p>In undertaking the review, the Administration identified the City of Melbourne Activities Local Law 2024 as an up-to-date law that has defined minor works. This includes a limit of \$5,000.</p> <p>The need for Construction Management Plans is to ensure the amenity of residents is not unduly affected by the operations of contractors. These potential impacts include traffic management, waste, noise and hours of work.</p> <p>The increase to \$20,000 may have the unintended consequence of works occurring that impact residents without an appropriate oversight by the City of how the contractor undertakes their work.</p> <p>However, it is considered appropriate to align this figure with the limit required under the Home Building Contracts Act 1991 and an amended officer's recommendation will be distributed to update the definition for “minor building work’ for clarity.</p>

Prior to the meeting, an amended Officer’s Recommendation was tabled as follows:

Amended Officer’s Recommendation

That Council:

1. In accordance with section 3.16(3) of the *Local Government Act 1995*, NOTES that no submissions were received during the public submission period in response to the public notice given of the statutory review of the:
 - a. City of Perth Local Government Property Local Law 2005; and
 - b. City of Perth Thoroughfares and Public Places Local Law 2017.

2. In accordance with section 3.16(4) of the *Local Government Act 1995*, DETERMINES that the following local laws are to be amended:
 - a. City of Perth Local Government Property Local Law 2005; and
 - b. City of Perth Thoroughfares and Public Places Local Law 2017; **with further amendment to the definition of building works and minor building work in the proposed new section 4A – Construction Management Plans to read as follows:**

“building works includes works, activities, events and practices for or in connection with the construction, alteration, demolition or removal of a building for which a building permit is required under the Building Act 2011;

minor building work means building work valued at less than 7,500 but excludes demolition and removal of buildings and structures (regardless of value)”

3. In accordance with section 3.12(3) of the *Local Government Act 1995*, APPROVES the giving of local public notice of the City’s intention to make a:
- a. City of Perth Amendment Local Law 2025, as detailed in Attachment C, with the purpose and effect being:
 - Purpose:** To amend the City of Perth Local Government Property Local Law 2005, Thoroughfares and Public Places Local Law 2017 and the City of Perth Health Local Law 2000.
 - Effect:** The City of Perth Local Government Property Local Law 2005, Thoroughfares and Public Places Local Law 2017 and the City of Perth Health Local Law 2000 are amended.
 - b. City of Perth Waste Local Law 2025, as detailed in Attachment G, with the purpose and effect being:
 - Purpose:** To provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district.
 - Effect:** To control activities and manage influences on waste collection, recycling, reuse and disposal within the district.

Council Resolution (OCM-24/09-016)

Mover: Councillor Catherine Lezer

Seconded: Councillor Liam Gobbert

That Council:

1. In accordance with section 3.16(3) of the *Local Government Act 1995*, NOTES that no submissions were received during the public submission period in response to the public notice given of the statutory review of the:
 - a. City of Perth Local Government Property Local Law 2005; and
 - b. City of Perth Thoroughfares and Public Places Local Law 2017.
2. In accordance with section 3.16(4) of the *Local Government Act 1995*, DETERMINES that the following local laws are to be amended:
 - a. City of Perth Local Government Property Local Law 2005; and
 - b. City of Perth Thoroughfares and Public Places Local Law 2017; with further amendment to the definition of building works and minor building work in the proposed new section 4A – Construction Management Plans to read as follows:

“building works includes works, activities, events and practices for or in connection with the construction,

alteration, demolition or removal of a building for which a building permit is required under the Building Act 2011;

minor building work means building work valued at less than 7,500 but excludes demolition and removal of buildings and structures (regardless of value)”

3. In accordance with section 3.12(3) of the *Local Government Act 1995*, APPROVES the giving of local public notice of the City’s intention to make a:

a. City of Perth Amendment Local Law 2025, as detailed in Attachment C, with the purpose and effect being:

Purpose: To amend the City of Perth Local Government Property Local Law 2005, Thoroughfares and Public Places Local Law 2017 and the City of Perth Health Local Law 2000.

Effect: The City of Perth Local Government Property Local Law 2005, Thoroughfares and Public Places Local Law 2017 and the City of Perth Health Local Law 2000 are amended.

b. City of Perth Waste Local Law 2025, as detailed in Attachment G, with the purpose and effect being:

Purpose: To provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district.

Effect: To control activities and manage influences on waste collection, recycling, reuse and disposal within the district.

CARRIED BY ABSOLUTE MAJORITY (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

16.2 Adoption of the City of Perth Parking Amendment Local Law 2024

Responsible Officer	Charlie Clarke – Alliance Manager Council Governance and Policy
Voting Requirements	Absolute Majority
Attachments	Attachment 16.2A – City of Perth Parking Amendment Local Law 2024 Attachment 16.2B – Consolidated City of Perth Parking Local LAW - showing changes

Purpose

For Council to consider the adoption of the *City of Perth Parking Amendment Local Law 2024*.

Recommendation

That Council:

1. NOTES that no submissions were received during the public submission period.
2. In accordance with section 3.12 of the *Local Government Act 1995*, ADOPTS the *City of Perth Parking Amendment Local Law 2024* as contained in Attachment A, for the purpose and effect as follows:

Purpose: To provide for the updated management and regulation of parking within the district.

Effect: To amend the City of Perth Parking Local Law 2017.

Background

- Following the adoption of the *City of Perth Parking Amendment Local Law 2023*, the Joint Standing Committee on Delegated Legislation (JSCDL) reviewed the local law and required some actions to be undertaken by the City. The report on the JSCDL review was presented to the Ordinary Council Meeting on 26 March 2024, where Council resolved as follows:

“That the Council of the City of Perth resolves to UNDERTAKE to the Joint Standing Committee on Delegated Legislation that:

- 1. Within 6 months it will amend clause 2.3(2) to include the word ‘not’ I the first line.*
 - 2. Not enforce the Amendment Local Law to the contrary before it is amended in accordance with Undertaking 1.*
 - 3. Ensure all consequential amendments arising for the undertakings will be made.*
 - 4. Where the Amendment Local Law is publicly available by the City, whether in hardcopy or electronic form, ensure that is it accompanied by a copy of the undertakings.”*
- At the Ordinary Council Meeting held on 25 June 2024, to facilitate the undertakings made to the JSCDL and to further review the *City of Perth Parking Local Law 2017*, Council resolved to initiate the making of the *City of Perth Parking Amendment Local Law 2024* as follows:

“The Council APPROVES, in accordance with Section 3.12(3) of the Local Government Act 1995, that local public notice be given, of its intention to make the City of Perth Parking Amendment Local Law 2024, as detailed in Attachment A, with the purpose and effect being:

Purpose: *To provide for the updated management and regulation of parking within the district.*

Effect: *To amend the City of Perth Parking Local Law 2017.”*

Discussion

- The City gave local public notice of the proposal to make the Parking Amendment Local Law on 9 July 2024 and the submission period ran from 9 July 2024 to 26 August 2024, in accordance with section 3.12(3)(a) of the *Local Government Act 1995*.
- A copy of the proposed local law and the local public notice was sent to the Minister for Local Government on 12 July 2024, in accordance with section 3.12(3)(b) of the *Local Government Act 1995*.
- No public submissions were received during the submission period.
- The Department of Local Government, Sport and Cultural Industries (DLGSC) provided comments in relation to the proposed local law. A summary of their comments and officer response is provided below.

Feedback from the DLGSC		Officer response
1.	The City should be aware that the Act now requires several kinds of notice to be issued in order for “local public notice” to have occurred (e.g. notice on website). The City should ensure that these additional elements have also been met.	The local public notice requirements have been met. Local public notice was given by publication on the City’s website and three additional ways as required by regulation 3A of the <i>Local Government (Administration) Regulations 1996</i> . These are outlined below in ‘Consultation’.

2.	<p>This appears to be the first time a local law has referred to an app. While there is no precedent in regard to this matter, the City may wish to consider the following issues:</p> <ul style="list-style-type: none"> • If the local law effectively forces a person to use the City’s app, this may be an issue since it is forcing the person to download software on their phone which may be unwelcome. • The use of the app may raise potential privacy and cybersecurity issues, particularly if the app allows for the making of payments or requires the creation of a personal profile on which information is kept by the City. • If the City’s app were ever to malfunction or shut down, it would effectively create a scenario where complying with the local law becomes impossible. <p>It is also possible that some of these issues can be mitigated if the app was one of several possible means of payment, rather than a single mandatory option.</p>	<p>The City has not moved to an App only payment model. Customers have the option of making payment via the App, by cash or card at a parking meter or use of our digital permit system.</p>
3.	<p>The City should ensure that all amendments are checked for consistency and the accuracy of all references and cross references are confirmed.</p>	<p>All amendments have been checked for consistency, and the accuracy of all references and cross references have been confirmed.</p>

7. Section 3.12(4) of the *Local Government Act 1995* states that after the last day of submissions, the local government is to consider any submissions made and may make the local law as proposed or make a law that is not significantly different from what was proposed.

Consultation

8. Consultation was undertaken in accordance with sections 3.12(3)(a) and 1.7 of the *Local Government Act 1995*:
- a. Local public notice was published on the City’s official website.
 - b. A notice was also placed:
 - i. in the West Australian Newspaper,
 - ii. on the noticeboards at Council House and the Library, and
 - iii. on the City of Perth LinkedIn site.

9. The Minister for Local Government was provided with a copy of the proposed local law and a copy of the local public notice, as required under section 3.12(3)(b) of the *Local Government Act 1995*.

Decision Implications

10. If Council support the recommendation to make the *City of Perth Parking Amendment Local Law 2024*, the Administration will commence the process to gazette the local law and send a copy to the Joint Standing Committee on Delegated Legislation in accordance with ministerial direction under section 3.12(7) of the *Local Government Act 1995*.
11. If Council do not support the recommendation, the process to make the local law will cease and the City will not fulfil the undertakings provided to the Joint Standing Committee on Delegated Legislation.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Corporate Business Plan

Legislation, Delegation of Authority and Policy	
Legislation:	Section 3.12 of the <i>Local Government Act 1995</i> : This section outlines the procedure for making local laws.
Authority of Council/CEO:	Council
Policy:	Nil.

Financial Implications

12. The 2023/24 annual budget includes provision for minor costs associated with advertising and gazettal. Any additional financial implications of the recommendation(s) related to amending the local law are accommodated within the existing budget.

Further Information

Nil.

Council Resolution (OCM-24/09-017)

Mover: Councillor Catherine Lezer

Seconded: Councillor Liam Gobbert

That Council:

1. NOTES that no submissions were received during the public submission period.
2. In accordance with section 3.12 of the *Local Government Act 1995*, ADOPTS the *City of Perth Parking Amendment Local Law 2024* as contained in Attachment A, for the purpose and effect as follows:

Purpose: To provide for the updated management and regulation of parking within the district.

Effect: To amend the City of Perth Parking Local Law 2017.

CARRIED BY ABSOLUTE MAJORITY (7/0)

For : Lord Mayor Basil Zempilas; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer and Bruce Reynolds

Against : Nil

17. Committee Reports

Nil.

18. Motions of which Previous Notice has been Given

Nil.

19. Matters for which the meeting may be closed

Nil.

20. Urgent Business

Nil.

21. Closure

There being no further business, the Presiding Member declared the meeting closed at 5:44pm.