



City of **Perth**

Minutes

Ordinary Council Meeting
30 April 2024

Michelle Reynolds
Chief Executive Officer
3 May 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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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)
Deputy Lord Mayor	Clyde Bevan
Councillors	Raj Doshi
	Brent Fleeton
	Liam Gobbert
	David Goncalves
	Catherine Lezer
	Bruce Reynolds

Officers in Attendance

Chief Executive Officer	Michelle Reynolds
General Manager Infrastructure and Operations	Allan Mason
General Manager Commercial Services	Steve Holden
General Manager Community Development	Kylie Johnson (<i>retired 5:18pm</i>)
General Manager Planning and Economic Development	Dale Page
General Manager Corporate Services	Wendy Attenborough
Alliance Manager Council Governance and Policy	Charlie Clarke
Alliance Manager City Events	Louise Vescovo (<i>arrived 5:18pm</i>)
Council Governance and Policy Officer/Minute Taker	Ebony Mackey

Public Gallery

There were approximately 10 members of the public in the gallery.

3.1 Apologies

Councillor Viktor Ko.

3.2 Leave of Absence

Councillor David Goncalves (23 April 2024 to 30 April 2024, inclusive).

3.3 Applications for Leave of Absence

Council Resolution (OCM-24/04-001)

Mover: Councillor Brent Fleeton

Seconded: Deputy Lord Mayor Clyde Bevan

That Council APPROVES the following leave of absence applications:

1. Councillor David Goncalves for the period 7 May 2024 to 28 May 2024, inclusive.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

4. Announcements by the Lord Mayor

4.1 Response to Minister Announcement – East Perth Primary School

The Lord Mayor addressed Minister for Education; Aboriginal Affairs; Citizenship and Multicultural Interests, Hon Dr Tony Buti's recent announcements regarding school development funding, highlighting an error in Minister Buti's statement about correspondence with the City of Perth.

He further clarified that the most recent communication was initiated by the City of Perth to Minister Buti and the Director-General of Education, rather than vice versa.

Additionally, the Lord Mayor reaffirms the City of Perth's commitment to negotiating in good faith, referencing previous correspondence and decisions of Council.

The Lord Mayor also briefly touched on Minister Buti's comments regarding the timing of school announcements.

Concluding, the Lord Mayor reaffirmed his commitment to rectifying misinformation about the City of Perth whenever necessary.

5. Disclosures of Interests

Nil.

6. Public Participation

6.1 Responses to Public Questions Previously Taken on Notice

Nil.

6.2 Public Questions

David Lim – Crawley WA 6009	
Q1	<p>Public light enhancements Page 282 ABS Agenda Installation of light upgrades: Park Avenue, Crawley Nedlands completed - Installation for Park Avenue is complete and the City is waiting for Western Power to activate Design of lighting upgrades: Park Road, Tareena Street, Kanimbla Road, Megalong Street, Karrella Street and Hardy Road, Crawley-Nedlands completed. Is this something that can be followed up administratively with regards to: Has Western Power activated Park Avenue since the report was prepared?</p>
<p>Provided by the General Manager Infrastructure and Operations</p>	
A1	<p>The Park Avenue lighting has been installed but is currently non-operational. Western Power were contacted on 7 March 2024 to advise City works had been completed and Western Power have subsequently scheduled to energise the Park Avenue lighting in June 2024 although they have not advised an actual date.</p>
Q2	<p>With designs being completed, when is installation planned?</p>
<p>Provided by the General Manager Infrastructure and Operations</p>	
A2	<p>Park Road and associated construction works are scheduled to commence in October 2024.</p>
Stuart Chapman – West Perth WA 6005	
Q1	<p>I refer to Investigation Report CAS-286097-K4G7S6; A response from Christopher (who refuses to tell me his surname) Team leader, Complaints, on 25 Jan stated: Additionally, your feedback on the use of “must” in the protest notification form has prompted a re-evaluation of its wording. The intent was to encourage community notifications of planned activities impacting the local area, not to imply a legislative requirement. A change of wording has not occurred even though the City was aware over three months ago that there was no requirements for applicants to notify the City to hold a public meeting. Repeated emails have been sent to the City reminding the City that it was falsely claiming that notification must be sent to the City to hold a public meeting. 16 Jan 2024; 22 Jan 2024; 17 Jan 2024; 18 Jan 2024; 21 Jan 2024; 20 April 2024; 26 April 2024. Furthermore, the City falsely claims that it only requests notification. On 18 Jan 2024 Christopher wrote to me stating, We request the public notify us of any proposed gatherings, works, events, or similar events to assess for any potential issues. That was a false statement. The city still has on their website https://perth.wa.gov.au/forms-and-payments/hire-and-bookings/protest-form that in order for applicants to hold a public</p>

	<p>meeting they Need to complete this form and then even more emphatically state , Notification must be sent to the City.</p> <p>The City is knowingly and deliberately continuing to display disinformation on their website in complete contempt of their admission that the information is completely false. The City has shown disdain towards me and the people of Perth. Even WAPOL have written to me stating that I am correct on this matter and have stated there is no requirement for me to notify the City with regards to holding a public meeting.</p> <p>And yet the City ignores WAPOL and ignores its Team Leader Christopher and completely ignores my repeated emails correctly stating that the City is in error. When will the City apologise for failing to act on this matter?</p>
<p>Provided by the General Manager Community Development</p>	
<p>A1</p>	<p>The City’s webpage states:</p> <p>“The Protests, Marches and Rallies notification form is for anyone wanting to hold a public assembly, such as a rally, demonstration, or protest, in the public realm managed by the City of Perth. The City does not approve or issue permits for these public assemblies; however, notification must be sent to the City for assessment of venue suitability and availability prior to providing an opinion to the Western Australian Police Force (WAPOL).”</p> <p>The City acknowledges WAPOL issue approving permits for a public assembly. However, there may be other activations or works approved by the City at the same location and time as the proposed public assembly. Therefore, it is essential public assembly organisers check with the City to ensure the site is available and there is no conflict with activities approved by the City. Conflicting activities cause disruption and confusion to both parties, and this can be mitigated if the City is aware of when and where public assemblies are taking place, prior to WAPOL approval and public assembly attendees being notified.</p> <p>The word “must” instead of “should” relates to importance of the City knowing when and where a public assembly will take place on City managed land to ensure the space requested is available.</p>
<p>Q2</p>	<p>When will the City stop knowingly and deliberately spreading disinformation?</p>
<p>Provided by the General Manager Community Development</p>	
<p>A2</p>	<p>The information on the City’s website is accurate.</p>
<p>Debbie-Lee Carroll – Perth WA 6000</p>	
<p>Q1</p>	<p>On behalf of myself and the other tenants who reside in the Goderich Street Apartments that were formally managed by “Housing Choices”, 111-133. As tenants we are having to contend with excessive noise that comes from the Backpackers accommodation that is in Hay Street. The individuals who seek temporary accommodation there play loud music, shout and create public disturbance during the week nights until well past 12am. In addition the carpark that is managed by the City of Perth is also a problem to tenants. The lights remain on late into the night, individuals whom park their vehicles and utilise the facility on a regular basis; sound their horns, squeak their tires, do not attend to their car alarms in a timely manner, talk loudly on their phones and talk very loudly to one another early in the mornings and also sometimes late at night. Regularly on a Sunday morning or after 6pm the carpark sweeping vehicle creates resounding noise pollution that is not acceptable. The noise continues for sometimes more than an hour.</p>

	<p>As a professional independent journalist and writer, I have agreed to contact the City of Perth Councillors on behalf of the residents in my building, for whom English is a second language, or whom are disabled, or do not have access to internet for online communication.</p> <p>I would appreciate a prompt response to my e-mail to address these issues. In addition, I would like this concern to be tabled and discussed at the next City of Perth council meeting.</p> <p>What can the City do to address these issues?</p>
	<p>Provided by the General Manager Commercial Services</p>
<p>A1</p>	<p>The concern regarding noise has been passed to our Community Health Team who will be in touch directly to investigate the issue.</p> <p>The lights in the car park are all on for safety reasons whilst it remains open (until midnight) and then remain on during the night to minimise anti-social behavior as previously requested by the tenants. The Properties Team will investigate the opportunity to trial and monitor turning off or reducing the lighting in the car park once it is closed.</p> <p>Our Parking Services team will erect some signs to advise patrons to be respectful to the adjoining residential occupiers when leaving the car park late at night.</p> <p>Our Properties team will work with our Facilities Management Team and the Property Agent to investigate changes to the current cleaning schedule of the car park. We encourage you to raise matters like these with your Property Agent in the first instance.</p> <p>Thank you for taking the time to bring these matters to our attention.</p>

7. Confirmation of Minutes

Council Resolution (OCM-24/04-002)

Mover: Councillor Liam Gobbert

Seconded: Deputy Lord Mayor Clyde Bevan

That Council CONFIRMS the minutes of the Ordinary Council Meeting held on 26 March 2024 as a true and correct record.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Brent Fleeton, Liam Gobbert, Catherine Lezer, Raj Doshi, David Goncalves and Bruce Reynolds

Against : Nil

5:18pm *The General Manager Community Development retired from the meeting.*

5:18pm *The Alliance Manager City Events entered the meeting.*

8. Questions by Members which due Notice has been Given

Nil.

9. Correspondence

Nil.

10. Petitions

Nil

Council Resolution (OCM-24/04-003)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That the officer recommendation for items 11.2, 15.1, 15.2, 15.3, 16.5, 19.1 and 19.2 be adopted en bloc, and the remaining items be dealt with separately.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

11. Planning and Economic Development Alliance Reports

11.1 City of Perth Draft Local Planning Scheme No.3 - Consideration for Advertising

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.1A – Draft LPS 3 - Previous Elected Member Engagement Attachment 11.1B – Draft LPS 3 - Scheme Text - April 2024 Attachment 11.1C – Draft LPS 3 - Scheme Map - April 2024 Attachment 11.1D – Draft LPS 3 - Maximum Base Plot Ratio Plan - April 2024 Attachment 11.1E – Draft LPS 3 - Maximum Bonus Plot Ratio Plan - April 2024 Attachment 11.1F – Draft LPS 3 - Additional Site and Development Requirements Plan - April 2024 Attachment 11.1G – Draft LPS 3 - Neighbourhood Plan - April 2024 Attachment 11.1H – Proposed Local Planning Policies Attachment 11.1I – Draft LPS 3 - Approach to Land Use Terms and Permissibilities - April 2024 Attachment 11.1J – Draft LPS 3 - Base Plot Ratio Floorspace Capacity and Demand by Neighbourhood - April 2024

Purpose

For Council to consider resolving to advertise draft Local Planning Scheme No. 3.

Recommendation

That Council, in accordance with Regulation 21(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to seek approval from the Western Australian Planning Commission to advertise draft Local Planning Scheme No. 3 as depicted in **Attachments B, C, D, E, F and G**.

Background

1. On the 13 December 2022, the Council adopted the Local Planning Strategy, that sets the strategic direction for the future planning and development of the city. The Strategy was endorsed by the Western Australian Planning Commission in May 2023.
2. The purpose of Local Planning Scheme No. 3 (LPS3) is to implement the Local Planning Strategy.
3. This new LPS3 will result in the consolidation of four (4) local planning schemes, and seven (7) minor local planning schemes.
4. Consolidation of approximately 100 local planning policies into a suite of contemporary planning policies and guidelines is also underway.
5. The local planning schemes that will be rescinded are:
 - a. *City Planning Scheme No. 2 (CPS2)* – this is the City’s primary local planning scheme and covers the whole of the city – except for parts of Crawley and Nedlands, which were transferred to the City of Perth on 1 July 2016 as a result of the City of Perth Act 2016.
 - b. *Local Planning Scheme No. 26 (LPS26)* – this applies to the ‘normalised redevelopment areas’, being the areas where planning powers have been transferred back to the City from Development WA.
 - c. *Seven minor town planning schemes* – these generally apply to individual development sites.
 - d. *City of Subiaco Town Planning Scheme No. 4 (TPS4)*.
 - e. *City of Nedlands Town Planning Scheme No. 2 (TPS2)*.
6. The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) govern the way in which local planning schemes are prepared, consolidated, and amended.
7. The State Government is seeking to standardise zones, reserves, land use definitions and permissibilities across the State. In April 2023 it released the *Consistent Local Planning Schemes Stakeholder Consultation Report* which included proposed changes for public comment. It is understood that the State Government is currently finalising its position on these.
8. In accordance with the Regulations, local planning schemes comprise of:
 - a. *Model Provisions* which provide a template, as well as standard provisions, which local governments should use and can add specific localised provisions to.
 - b. *Deemed Provisions* which provide a range of standardised processes and provisions that automatically apply to all local planning schemes across the State. These provisions cannot be altered.
 - c. *Supplementary Provisions* which supplement the Deemed Provisions.
9. The implementation of the State Government’s standardisation approach does have implications for planning in the city, which are explained in the later sections of this report. Wherever possible, these directions have been implemented, except where it is considered not in the best interests of the capital city. Ultimately, however LPS3, requires the approval of the Minister for Planning.
10. Elected Members have been engaged in the preparation of the draft LPS 3 and supporting local planning policies by way of engagement sessions and/or briefing sessions as detailed in **Attachment A**.

Discussion

11. Draft LPS3 (Attachments B, C, D, E, F and G) comprises of:
 - a. **Scheme Text (Attachment B)**. This sets out the aims of the scheme; establishes and sets out the objectives of local reserves and zones; establishes land use terms and their associated permissibilities; key development requirements for all zones; as well as additional development requirements for specific lots. The Scheme Text provides the head of power for the local government to make planning decisions and prepare local planning policies.
 - b. **Scheme Map (Attachment C)**. This allocates either a zoning or reservation to all lots in the city. This zoning/reservation then determines which land uses are permitted on the lot.
 - c. **Maximum Base Plot Ratio Plan (Attachment D)**.
 - d. **Maximum Bonus Plot Ratio Plan (Attachment E)**.
 - e. **Additional Site and Development Requirements Plan (Attachment F)**; and
 - f. **Neighbourhood Plan (Attachment G)**.
12. Draft LPS3 has been prepared to align with the Local Planning Strategy. It reflects the strategic land use intent for different parts of the city and allows for significant employment as well as residential population growth. It also enables development incentives to continue to be offered for the delivery of various community benefits and strategic outcomes.
13. It has been prepared to be streamlined, with provisions written in a clear and concise manner, so that it can easily navigated and understood.
14. Unnecessary planning layers/requirements have been removed and provisions standardised across the city, except where needed to reflect place needs, such as heritage and character areas.
15. It aims to provide sufficient certainty for investment and decision making, whilst being robust and flexible to allow for changing needs and site-specific responses and innovation.
16. Draft LPS3 includes planning provisions for all land under the City's planning control, except for the Crawley-Nedlands neighbourhood. Whilst this neighbourhood is included within the draft LPS3, the planning provisions for it will be set out in the UWA QEIIIMC Precinct Plan, which is currently under preparation.
17. Draft LPS3 proposes changes to the planning provisions for large parts of the city, except for the normalised redevelopment areas. Most of these areas have not been identified for intensification under the Local Planning Strategy and are subject to detailed design guidelines.
18. Draft LPS3 will be supported by a new set of local planning policies as detailed in **Attachment H**. These will be presented to Council in the coming months, and key policies will be released for consultation concurrently with draft LPS3.

Land Use – Zones and Reserves

Zones

19. The draft LPS 3 proposes the following zones consistent with the Local Planning Strategy. The high-level purpose of the zones is set out below, with more explanatory detail provided in **Attachment I**:

Zone name	High-Level Purpose
Capital City Office	Focussed on office uses as the centre of commerce and administration for Greater Perth and the State. Range of non-residential uses supported to provide for workers' enjoyment of the area. Residential and short-term accommodation are also supported.
Capital City Retail	Serves the broader region and focussed on retail, food and beverage, entertainment and cultural and creative uses that generate activity day, night and weekend. Residential and short-term accommodation as well as office uses are also supported.
Capital City Entertainment	Focussed on entertainment, food and beverage, cultural and creative uses for Greater Perth, that generate day, night, and weekend activity. Office uses as well as residential and short-term accommodation are also supported.
Mixed Use	Provide for a wide range of land uses; however, anticipated to accommodate a large proportion of the city's future residential population. A more liberal approach has been given to non-residential land uses in the central mixed use areas of the city compared to the more peripheral mixed use areas.
Neighbourhood Centre	Provide for a range of goods and services to support the neighbourhood's daily and weekly needs, and that generate activity day, night, and weekend. Cultural/creative and office uses as well as residential and short-term accommodation are also supported.
Residential	Housing focussed areas. In higher density areas, a limited range of non-residential land uses which provide for residents' enjoyment and convenience needs and which have minimal amenity impact are also supported.
Specialised Centre	Designates land for future development and detailed precinct structure planning.

20. These zones have been applied across the city, generally consistent with the Local Planning Strategy (refer to **Attachment C**). One exception is the application of the Residential zone to several areas within the Claisebrook neighbourhood, which were identified in the Strategy as mixed use areas. These, however, have been developed largely for residential purposes and this is proposed to be reflected in their zoning.

Reserves

21. Draft LPS3 proposes local reserves for the purposes of public open space, civic and community, public purposes, foreshore, and waterway.
22. These reserves have been generally applied consistent with the Local Planning Strategy and/or land tenure (i.e., reserves/management orders). Refer to **Attachment C**.
23. An exception to the above is the Hay Street East Park and Rod Evans Community Centre, on the corner of Hay and Plain Streets, in the East Perth neighbourhood. Both of these properties, along with the

adjoining land (164 Hay Street) comprising residential dwellings and the Archbishop Goody Hostel, are owned in freehold by the City.

- 24. From a commercial perspective, the preference of the City’s Administration is to retain the current zoning so as to maintain maximum commercial flexibility; noting that the Administration is currently investigating the potential to masterplan the lots to guide future redevelopment.
- 25. It is considered there is potential for a coordinated redevelopment of these properties to optimise their use. Similar to other large and multiple lot landholdings, the LPS3 identifies the need to prepare a Local Development Plan in accordance with the Regulations, prior to undertaking any significant development of the properties.

Land Use Terms and Permissibilities

- 26. Draft LPS3 proposes land use terms which are generally consistent with the State Government’s Model Provisions. Some additional land use terms have been proposed as detailed in **Attachment I**.
- 27. Draft LPS3 sets out land use permissibilities across each of the zones using the following symbols and meanings:

Symbol	Meaning
P	Means the use is permitted if it complies with the relevant development standards and requirements of the Scheme
D	Means the use is not permitted unless the local government has exercised its discretion by granting development approval
A	Means the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions
X	Means the use is not permitted by this Scheme

- 28. Development approval is required for the use of land, as well as the carrying out of works, unless it is identified as being exempt under the Regulations, local planning policy and/or a Local Development Plan.
- 29. It should be noted that the State Government’s Deemed Provisions exempt certain works and uses from the requirement for development approval. This includes those land uses which are identified as a ‘P’ use as well as other select land uses.
- 30. Land use permissibilities will be guided by the zone objectives, exemptions under the Regulations, as well as more detailed considerations outlined in **Attachment I**.
- 31. Under the City’s current local planning schemes, land use permissibilities are assigned by overarching use groups, comprised of various land use terms - with different use groups and permissibilities applying to similar zones across CPS 2 and LPS 26 (creating inconsistency).
- 32. Under draft LPS3, land use permissibilities will be assigned to individual land use terms, consistent with the Model Provisions. This change in approach, along with the creation of greater consistency in land use permissibilities, will result in some land uses which were previously permissible in some parts of the city, now being prohibited. This may result in some non-conforming uses (i.e., uses which are currently operating which are not compliant with the land use permissibilities).

33. Special provisions are proposed in draft LPS3, consistent with the Model Provisions, which allow for non-conforming uses to continue to operate under certain conditions and provide for these to be recognised in a Register of Non-Conforming Uses. Given the current complexity of land use permissibilities across the city, it has not been possible to identify the extent of any non-conforming uses. It is anticipated, however, that these will be identified by landowner/business submissions during the advertisement of draft LPS3 and the register can be updated as matters arise.
34. Additional land uses (which are permitted in addition to those land uses ordinarily permitted within the zone) and restricted land uses (which apply instead of those permitted within the zone) have been applied to specific sites within the normalised redevelopment areas to align with the design guidelines that apply to the land.

Plot Ratio and Bonus Plot Ratio

35. Plot ratio is a development control which determines how much floorspace can be developed on a lot and is expressed as a ratio of floorspace to land area. For example, a 5:1 plot ratio on a 1000m² lot, would enable 5,000m² of floorspace to be developed on the lot.
36. By determining how much floorspace can be developed, plot ratio provides an indication of population density (residents and workers) and assists in guiding infrastructure and investment.
37. Plot ratio is currently and proposed to continue to be used in combination with building height and setbacks as a development control. It is also proposed to be used as a development incentive mechanism to encourage the delivery of various community benefits and strategic outcomes that the market is not providing.
38. Draft LPS3 specifies the maximum base plot ratio on the Maximum Base Plot Ratio Plan (**Attachment D**) and maximum bonus plot ratio on the Maximum Bonus Plot Ratio Plan (**Attachment E**).
39. There is currently no discretion to vary plot ratio, other than through the awarding of bonus plot ratio, and this is proposed to continue. This provides certainty for investment decisions and ensures that the City's development incentives are not undermined.
40. Currently the specific community benefits and strategic outcomes for which bonus plot ratio can be awarded are identified in CPS2. It is proposed that these will be removed from the local planning scheme and instead be detailed in local planning policy. This allows for a more agile approach, should the City wish to change its policy priorities in the future.
41. The local planning policy which is currently under preparation is intended to include the following community benefits and strategic outcomes identified in the Local Planning Strategy: residential development, affordable housing, supermarkets, community infrastructure, cultural infrastructure, public spaces, pedestrian links, environmentally sustainable design, design excellence and heritage conservation.

Plot Ratio Definition

42. Under the current local planning schemes, the definition of plot ratio floorspace differs for residential development and non-residential development. Both definitions, however, are net floorspace definitions and exclude various internal amenities such as stairwells, lift shafts and lobby areas.
43. The City's Administration advocated to the Department of Planning, Lands and Heritage that a single definition of plot ratio (net floor area) be applied across the city; however, this was not supported. Instead, the Department advised the City to apply the State's Residential Design Codes plot ratio definition (which excludes various internal amenities) to residential development and the State's Model Provisions plot ratio definition (which includes various internal amenities) to non-residential development.

-
44. A special provision has been included in draft LPS3 to enable consideration of the change of use of residential dwellings (net floor area) to short stay accommodation (gross floor area).

Base Plot Ratio and Bonus Plot Ratio

45. The current approach of linking the achievability of plot ratio to the achievability of the City's built form objectives is proposed to continue.
46. Maximum base plot ratio and maximum bonus plot ratios have been informed by proposed built form parameters (i.e., building heights and setbacks) across the city and what plot ratio (base and bonus) is generally achievable within these - the latter having been determined through detailed 3D modelling which has been undertaken on a lot-by-lot basis across the city.
47. The proposed built form parameters will be detailed in local planning policies which are currently being prepared and will be presented to Council in the coming months.
48. The proposed built form parameters have been determined taking into consideration:
- the intensification investigation areas identified in the Local Planning Strategy. These promote intensification in the Capital City Office zone and around neighbourhood centres, train stations and open space, as well as the protection of character and heritage areas and key pedestrian areas and open space.
 - the indicative building height ranges identified in the Local Planning Strategy.
 - detailed analysis of the character and heritage areas.
 - potential development constraints (heritage places and strata titled land) and associated redevelopment potential.
49. The current approach under CPS2 of only controlling building heights where there is a need to, is proposed to continue to apply. Therefore, in various areas of the city, such as St Georges Terrace, no building height limits are proposed to apply.
50. The LPS3 is required to ensure there is sufficient capacity to meet the future floorspace needs identified in the Local Planning Strategy. Draft LPS3 goes beyond this, providing for significant up-lifts in plot ratio in key unconstrained areas of the city. This is intended to provide landowners with motivation to act on older assets built in the 1950 – 1990's and to attract investors and developers.
51. The greatest increases in maximum base plot ratios are proposed along:
- St Georges Terrace - increasing from 6:1 to 11:1.
 - Kings Park Road - increasing from 2:1 to 7:1.
 - Adelaide Terrace - increasing from 4:1 to 8:1.
 - Stirling Street area – increasing from 4:1 to 7:1.
 - City West, Watertown and land between Havelock Street and the freeway - increasing from 3:1 to 5.5:1.
52. Whilst maximum base plot ratios are proposed to be increased in large parts of the city, there are some areas of the city where the built form objectives and built form parameters dictate that maximum base plot ratios should remain largely unchanged. These include:
- Areas subject to height controls under the State Government's Parliament House Precinct Policy. The City has no ability to vary these provisions.
 - Areas adjacent to the Kings Park/Kaarta Koomba escarpment in order to protect views to this.

- c. Normalised redevelopment areas, with the exception of those areas identified as intensification investigation areas under the Local Planning Strategy. The normalised redevelopment areas are generally subject to detailed design guidelines with lot specific building envelopes which limit the extent of development achievable.
 - d. Heritage areas - to protect the significance of these areas and minimise impacts of excessive development on them. These areas will be eligible for transfer of plot ratio.
 - e. Areas adjacent to key pedestrian priority areas and public spaces - to maximise sunlight penetration into these.
53. In the mixed use areas of the city, where base plot ratio is intended to remain largely unchanged, base plot ratio has been increased by 20%. This has been undertaken to account for the change in plot ratio definition for non-residential developments to a gross floor area definition and to minimise the potential for any existing non-residential developments (which currently have internal amenities excluded from plot ratio) becoming non-compliant. An additional provision has also been included in draft LPS3 to address this issue.
54. Maximum bonus plot ratio up to a maximum of 50% of the base plot ratio has also been assigned to certain areas, based on whether it is achievable within the proposed built form parameters.

Growth Targets and Plot Ratio Floorspace Yields

55. Under the City's current local planning schemes (base plot ratios), there is estimated to be capacity for an additional 4.59 million m² across the city or 3.3 million m² (removing land with potential development constraints (i.e., heritage places and strata titled land).
56. The proposed increase in base plot ratios under the draft LPS3, will increase the floorspace capacity by an additional **5.32 million m²** or **3.66 million m²** (removing land with potential development constraints). This brings the total capacity to **9.91 million m²** or **6.96 million m²** (removing land with potential development constraints) across the city.
57. **Attachment J** outlines current and proposed floorspace capacity by neighbourhood.
58. Both the current and proposed floorspace capacity exceeds the floorspace needed (2.1 million m²) to meet the 2038 employment forecasts and 2036 residential population targets and associated floorspace needs identified in the Local Planning Strategy.
59. The take up of plot ratio is dependent on a range of factors including landowner appetite and capacity, quality and age of building stock, development feasibility (i.e., market demand and achievable sales price as well construction, finance, and marketing/sales costs) and development constraints.

Transfer of Plot Ratio

60. Transfer of plot ratio is proposed to continue to be used as a development incentive to encourage heritage conservation. This development incentive works by allowing a heritage protected place to transfer a significant portion of its available plot ratio to another site. This can only occur where the heritage protected place cannot be developed up to the maximum base plot ratio without adversely affecting its cultural heritage significance.
61. Previously in CPS2, there was a cap on how much plot ratio could be transferred from a donor site to a recipient site. This has been removed in draft LPS3 and plot ratio up to the maximum bonus plot ratio can be transferred. This is intended to increase the market for transfer of plot ratio.
62. Consideration has been given to previous Elected Member concerns around the appropriateness of plot ratio being transferred from higher density to lower density neighbourhoods. Limiting the transfer of plot ratio to specific neighbourhoods would reduce the market for transfer of plot ratio which is not a

desired outcome. To address these concerns, however, the transfer of plot ratio provisions have been strengthened to ensure that the transfer only occurs where the development on the recipient site will not have a significant adverse impact on any cultural heritage significance, the amenity, streetscape or character of the area, or any adjoining property.

63. Consideration was given to transfer of plot ratio schemes, like those in the City of Sydney. These require or mandate developers seeking bonus plot ratio, in return for the delivery of community benefits and strategic outcomes, to also compulsorily purchase transferable plot ratio floorspace. It is understood, however, that there have been issues with there being an insufficient supply of transferable plot ratio floorspace available for purchase. Compulsorily requiring developers to purchase transferable plot ratio also has the potential to inflate the price of the floorspace. For these reasons, this type of scheme has not been pursued.

Residential Design Codes

64. Under the City's current local planning schemes, the Residential Design Codes (R-Codes) only apply to limited areas of the city (i.e., the Residential zones), although residential development is broadly permissible across most of the city.
65. The Department of Planning, Lands and Heritage requires the R-Codes to be applied across the city, to ensure a consistent approach to residential development throughout the State.
66. The majority of the city is proposed to be coded R-AC0 (the highest density code) to reflect its status as the capital city. Small portions of the city (i.e., normalised redevelopment areas) are proposed to have lower density codes (R60, R80 and R100) to reflect the existing density.
67. Proposed variations to the R-Codes to account for the city's context will be outlined in a local planning policy that is currently being prepared.

Special Control Areas

68. Special Control Areas (SCAs) identify areas (on the Scheme Map) where special provisions apply to address an issue or related set of issues which cross zone and reserve boundaries. SCAs apply in addition to the underlying zone or reserve. The special provisions set out the objective and specific development requirements applicable to that SCA.
69. There are two SCAs proposed as part of draft LPS3 - the Northbridge Special Entertainment Precinct (SCA 1) and the Royal Perth Hospital Emergency Flight Path (SCA 2).
70. The Northbridge Special Entertainment Precinct allows the continued operation of existing entertainment venues within the area whilst ensuring new entertainment venues and residential land uses are designed and constructed to reduce noise.
71. The Northbridge Special Entertainment Precinct is proposed to be established under Amendment No. 41 to CPS 2 which was adopted by Council in December 2022 and is currently with the State Government for consideration of final approval.
72. The Royal Perth Hospital Emergency Flight Path 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 CPS 2.

Special Sites

73. Seven (7) Minor Town Planning Schemes (MTPS) and 31 SCAs have been established under CPS 2 to enable the coordinated development of large lots or multiple lots (without amalgamation), the majority of which allow for the sharing of plot ratio and tenant car parking.

74. MTPS are historical planning instruments and are no longer used in planning practice.
75. SCAs were established by way of a scheme amendment to formalise the development arrangements (e.g., sharing of plot ratio) established in a development approval as there is no discretion under CPS 2 to vary plot ratio in this way.
76. Given the purpose of SCAs as outlined above, it is not appropriate for them to continue to be used in this manner. Furthermore, amending a local planning scheme for the purpose of reflecting a development approval also adds time and costs to the development process.
77. Draft LPS 3 introduces a new, innovative way of addressing these circumstances. The majority of SCAs and MTPSs will be removed and replaced with an ability to share plot ratio and tenant car parking across multiple sites (without amalgamation) by way of a development approval and for this to be recorded on two publicly accessible registers:
 - a. *Register of Sharing of Plot Ratio* - identifies the lots approved (and any conditions) for the sharing of plot ratio arrangement.
 - b. *Register of Sharing of Tenant Parking* - identifies the lots approved (and any conditions) for the sharing of tenant car parking arrangements.
78. The Registers will be created under draft LPS3 but do not form part of draft LPS3, which means a scheme amendment will not be required to update them. New lots will only be added to the register where a development approval is in place. Removing the need for a scheme amendment can save landowners and developers 12 – 18 months.
79. Any sharing of plot ratio and tenant parking provisions of the existing SCAs and MTPSs requiring retention will be transferred to these two new registers.
80. Several SCAs and MTPSs include provisions for public pedestrian access ways and open space and these are intended to be retained in the Additional Site and Development Requirements which will ensure that these remain in place in any future development.

Local Development Plans

81. The Regulations provide for the preparation of Local Development Plans (LDP) to set out specific and detailed guidance for future development where required by the WAPC, a local planning policy, a structure plan or the Scheme.
82. Provisions have been included in draft LPS3 providing the City with the discretion to require the preparation of a LDP prior to the development of large sites or development across multiple sites to ensure their coordinated development. LDPs are approved by the local government and only require State Government approval where they modify specific provisions of the R-Codes.

Significant Tree Register

83. Draft LPS3 proposes the inclusion of provisions which provide for the creation of a Significant Tree Register, consistent with the Local Planning Strategy. A provision has also been included, which specifies that development approval is required to remove a tree which is included on the Register.
84. These provisions are consistent with those that have been included in other local government schemes and which have been supported by the Minister for Planning.
85. A local planning policy will be prepared to provide guidance as to what a significant tree is and the process for identifying these.

Next Steps

86. Should Council resolve to proceed to advertise draft LPS3, it will be sent to the Western Australian Planning Commission (WAPC) requesting approval to advertise.
87. The draft LPS3 is also required to be referred to the Environmental Protection Authority (EPA) to consider whether an environmental review is needed.
88. The WAPC will be required to consider the draft LPS 3 within 90 days of receiving the documents. During this time, key local planning policies to support draft LPS3 will be presented to Council for consideration. These draft local planning policies and the draft LPS3 will be advertised for consultation concurrently.
89. The draft LPS3 must be advertised for a minimum of 90 days. Upon closure of the advertising period, the local government is required to consider all submissions received and resolve to either support the scheme, with or without modification, or not support the scheme.
90. The scheme is forwarded to the WAPC for recommendation to the Minister for final determination.

Consultation

91. Preliminary engagement has been undertaken with various State Government agencies, including the Department of Planning, Lands and Heritage, in accordance with the Regulations, as well as planning consultants who use the Scheme on a regular basis. The feedback received through this engagement has been in considered in preparing the draft LPS3.
92. Further opportunity for these groups, as well as the broader community, to comment will be provided when draft LPS3 is advertised. More detail is provided below on how consultation will be undertaken and what this will cost.

Decision Implications

93. If Council supports the recommendation, the draft LPS3 will be forwarded to the EPA for consideration of the need for environmental assessment and to the WAPC for approval to advertise.
94. If Council does not support the recommendation, the current local planning schemes will continue to operate which do not align with the Local Planning Strategy.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The draft LPS 3 aligns with the Local Planning Strategy in accordance with the Regulations. <u>Corporate Business Plan</u> 23/24 Deliverable: Draft Local Planning Scheme No. 3 presented to Elected Members

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development Act 2005</i> (clause 83A) <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (clause 21)
Authority of Council/CEO:	Under the Planning Regulations the local government must resolve to proceed to seek approval to advertise a proposed local planning scheme or not proceed with it.
Policy:	Nil.

Financial Implications

95. Budget of \$59,500 will be requested as part of the City’s 2024/25 budget to advertise and undertake consultation on the new Scheme and supporting local planning policies.
96. 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

97. Questions and Responses forming part of the Agenda Briefing Session held on 23 April 2024 are as follows:

	Question	Response
1.	Attachment C. Some of these Scheme Maps show the neighbouring LGA's and some don't. This may already exist and is not showing on our maps, in which case no action is needed. Otherwise for completeness can City of Nedlands be added to page 88, City of Subiaco added to pages 89, 90, 91, City of South Perth to 87, 89, 90.	Reference to all adjoining local governments will be added to the Scheme Maps. This change will be undertaken prior to the finalisation of the April OCM agenda.
2.	44. Can I please have an example of this calculation? An example a 1 bedroom residential apartment in Perth CBD area might be helpful.	The plot ratio floor area of a 1 bedroom residential apartment is defined as per the Residential Design Codes (R-Codes). This being the gross total area of all floors of a building excluding common building amenities (e.g. lift shafts, shared stairs, lobbies, bin stores), floorspace below natural ground level, car parking at/or below natural ground level as well as storerooms and balconies.

	Question	Response
		<p>Applying this definition, the plot ratio floor area of a 1 bedroom residential apartment with a gross floor area of 80m², including an 8m² balcony and 3m² storeroom, would be 69m².</p> <p>Ordinarily if the 1 bedroom residential apartment was converted to short-term accommodation, the plot ratio floor area definition for non-residential development would apply. This being the gross total area of all floors of a building <u>including</u> the above items excluded by the R-Codes definition.</p> <p>Applying this definition, the plot ratio floor area of a 1 bedroom apartment used for short-term accommodation, would therefore be 80m².</p> <p>The special provision referred to in point 44 of the Council report states that where a residential land use is converted to short-term accommodation, the plot ratio definition that applies to residential development shall apply. This is intended to avoid the issue of developments exceeding their plot ratio allowance.</p>
3.	<p>What is the rationale for having the zones named as Capital City Office and Capital City Retail and not extending that definition description across the other zone names i.e. Capital City Residential/Entertainment?</p>	<p>The draft LPS 3 is required to align with the State Government’s Model Provisions wherever possible.</p> <p>The Capital City Office, Capital City Retail and Entertainment zones are proposed under draft LPS 3 to align with the City’s Local Planning Strategy. There are no equivalent zones in the Model Provisions.</p> <p>The title of the Entertainment zone will however be amended to Capital City Entertainment zone consistent with the approach taken to the titling of the Capital City Office and Capital City Retail zones. This change will be undertaken prior to the finalisation of the April OCM agenda.</p> <p>The Residential, Mixed Use and Neighbourhood Centres zones are zones within the Model Provisions. They reflect the land use intent of the Strategy and are considered appropriate to apply.</p>
4.	<p>Why would we not have distinguishable zones for Capital City Office and Office, and Capital City Retail and Retail? e.g. the current scheme has Retail Local & Central.</p>	<p>Refer to response at (3) above.</p>

	Question	Response
5.	I would have thought we would want to have consistency across the naming convention, no?	Refer to response at (3) above.
6.	What does the draft local planning scheme provide to protect our tree canopy?	<p>Draft LPS3 proposes the inclusion of provisions which provide for the creation of a Significant Tree Register, consistent with the Local Planning Strategy. The scheme applies to private property, including City owned or managed land.</p> <p>How trees are identified will be for the Council to decide through the preparation of a planning policy. This may be through landowner-initiated requests or by the City undertaking a tree survey and then nominating trees and undergoing a (consultative) listing process.</p> <p>The final decision of whether a tree is placed on the register would be for the Council, or it may choose to delegate this function within policy parameters.</p> <p>A provision has also been included, which specifies that development approval is required to remove a tree which is included on the Register. These provisions are consistent with those included in other local government schemes and supported by the State Government.</p>
7.	What additional options are available to ensure a focus on our trees, via the scheme or other?	<p>A local planning policy will be prepared to guide implementation of the register. The local planning policy will likely include key details such as defining what is considered a significant tree; the process for nominating and assessing requests for trees to be on the register (including who can nominate); when an application is required for works to a tree (whether that is just for removal or includes significant pruning); and when an arborist or other technical report is required. Options on who pays the cost of such technical reports will be investigated as part of preparing the planning policy.</p> <p>The introduction of tree protection on private property needs to be carefully considered. It introduces new controls on landowners, introduces additional approval processes that currently do not exist as well as potentially additional costs on private landowners. Effective engagement with the community and stakeholders will be an essential element to the policy to ensure that the final policy outcome has broad community buy-in.</p> <p>Council Policy 3.3 Tree Protection already exists and applies to all trees in the public realm. The Council most recently updated this policy on 21 November 2023.</p>

	Question	Response
		In addition to the protection of existing trees, the scheme will include setbacks from the street, when appropriate. These setbacks provide the opportunity for soft landscaping and the planting of trees.
8.	Under clause 83 there is talk of a significant tree register, would City approval be required to remove a tree before a development approval was received? If not, how could that be included?	<p>If a tree has been approved for inclusion on the Significant Tree Register, then approval would be required to remove the tree - this would need to occur before planning approval is granted.</p> <p>As noted in the response to question 6, the final decision of whether a tree is placed on the register would be for the Council, or it may choose to delegate this function within policy parameters.</p> <p>Schedule 1 Clause 13B of the draft LPS3, page 56 of the agenda, sets out in more detail the process for inclusion of trees on the register.</p>
9.	Has the City given any consideration to tree preservation order mechanisms in our scheme?	<p>Tree Protection Orders (TPO) were investigated. They are useful when dealing with immediate/ emergency protections.</p> <p>The strength of a TPO is it provides the City with a mechanism for immediate protection for a tree in an emergency, without having to undertake the listing process required by the Significant Tree Register.</p> <p>The weakness is that they are considered reactive and ad-hoc in their approach; there is no prescribed process for community consultation; and TPOs are not considered suitable for long term strategic planning and not a reliable mechanism for tree canopy protections.</p>

Council Resolution (OCM-24/04-004)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council, in accordance with Regulation 21(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to seek approval from the Western Australian Planning Commission to advertise draft Local Planning Scheme No. 3 as depicted in **Attachments B, C, D, E, F and G**.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

ATTACHMENT A
DRAFT LPS 3 - Previous Elected Member Engagement

No.	Date	Subject Matter	Reporting Mechanism
1	1 March 2022	Overview of Project	EMES
2	July 2022	Progress Update	CIBN
3	11 October 2022	General Approach – Development Contributions and Incentives	EMES
4	October 2022	Progress Update	CIBN
5	November 2022	Preliminary Approach – Residential Development Incentive	CIBN
6	February 2023	Preliminary Approach – Community Infrastructure Development Incentive	CIBN
7	February 2023	Progress Update	CIBN
8	April 2023	Preliminary Approach – ESD Development Incentive	CIBN
9	April 2023	Preliminary Approach – Supermarket Development Incentive	CIBN
10	April 2023	Preliminary Approach – Design Excellence Development Incentive	CIBN
11	2 May 2023	New Local Planning Scheme No. 3 – Preliminary Approaches – Development Incentives	EMES
12	June 2023	Progress Update	CIBN
13	December 2023	Progress Update	CIBN

City of Perth

Draft Local Planning Scheme No. 3 (April 2024)

CITY OF PERTH

LOCAL PLANNING SCHEME NO. 3

Draft April 2024

NOTES -

Black text is content from the Model Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Green text is content added by the City of Perth.

DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]

City of Perth

Draft Local Planning Scheme No. 3 (April 2024)

CITY OF PERTH LOCAL PLANNING SCHEME NO. 3 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

City of Perth

Draft Local Planning Scheme No. 3 (April 2024)

SCHEME DETAILS

CITY OF PERTH LOCAL PLANNING SCHEME NO. 3

The **City of Perth** under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

City of Perth

Draft Local Planning Scheme No. 3 (April 2024)

TABLE OF CONTENTS

Part 1 Preliminary - sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.

Part 2 Reserves - sets out the reserves which apply in the Scheme area and related provisions.

Part 3 Zones and the use of land - sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.

Part 4 General development requirements — sets out the general planning requirements which apply to land use and development within the Scheme area.

Part 5 Special control areas — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

Part 6 Terms referred to in Scheme — lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

Schedules

- 1 – Supplemental provisions to the deemed provisions
- 2 – Specified additional uses for zoned land in Scheme area
- 3 – Restricted uses for land in Scheme area
- 4 – Additional site and development requirements
- 5 – Special control areas

City of Perth

Draft Local Planning Scheme No. 3 (April 2024)

Part 1 - Preliminary

1. Citation

This local planning scheme is the [City of Perth Local Planning Scheme No 3](#).

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. Scheme revoked

The following local planning schemes are revoked -

- (a) [City of Perth City Planning Scheme No. 2 – gazetted 9 January 2004](#)
- (b) [City of Nedlands Town Planning Scheme No. 2 – gazetted 18 April 1985](#)
- (c) [City of Subiaco Town Planning Scheme No. 4 – gazetted 23 March 2001](#)
- (d) [City of Perth Town Planning Scheme No. 11 \(Wesley Trust\) – gazetted 24 December 1974](#)
- (e) [City of Perth Town Planning Scheme No. 13 \(SGIO\) – gazetted 14 January 1983](#)
- (f) [City of Perth Town Planning Scheme No. 14 \(Withernsea\) – gazetted 10 December 1982](#)
- (g) [City of Perth Town Planning Scheme No. 16 \(AMP\) – gazetted 2 October 1987](#)
- (h) [City of Perth Town Planning Scheme No. 21 \(FAI Site\) – gazetted 9 June 1998](#)
- (i) [City of Perth Town Planning Scheme No. 23 \(Paragon\) – gazetted 24 March 2000](#)
- (j) [City of Perth Town Planning Scheme No. 24 \(131-137 Adelaide Terrace\) – gazetted 10 August 2001](#)
- (k) [City of Perth Local Planning Scheme No. 26 \(Normalised Redevelopment Areas\) – gazetted 11 September 2007](#)

4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: *The Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The **City of Perth** is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

Note: The Scheme area (or part) is also subject to the Metropolitan Region Scheme (see clause 12) and other local planning schemes (see clause 11).

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the **scheme text**), this Scheme includes the following -

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule 1 of the scheme text;
- (b) the Scheme Map;
- (c) the following plans, maps, diagrams, illustrations or materials —
 - (i) Maximum Base Plot Ratio Plan
 - (ii) Maximum Bonus Plot Ratio Plan
 - (iii) Additional Site and Development Requirements Plan
 - (iv) Neighbourhood Plan

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to -

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and

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Draft Local Planning Scheme No. 3 (April 2024)

- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are –

- (a) To promote the orderly and proper planning and development of land through appropriate zoning and development provisions.
- (b) To recognise, promote and enhance the special social, economic, cultural, environmental and civic role of Perth as the capital of Western Australia.
- (c) To facilitate economic and employment growth and diversification within the city.
- (d) To support the vitality of the retail and entertainment area as well as neighbourhood centres of the city to ensure they meet community needs.
- (e) To encourage residential growth to support the vibrancy, safety and prosperity of the city's neighbourhoods.
- (f) To encourage the provision of a variety of housing types, tenures and affordability to cater for the needs of the community.
- (g) To encourage the provision of an adequate and diverse range of public open space and community infrastructure to meet the needs of the community.
- (h) To ensure development delivers high quality buildings and spaces that contribute to Perth being a distinctive, world class and liveable city, with a focus on:
 - (i) high architectural design quality;
 - (ii) delivering high levels of amenity both within buildings and the public realm;
 - (iii) allowing for appropriate levels of sunlight penetration into key pedestrian and public spaces; and
 - (iv) contributing to an attractive city skyline and outlook from the public realm.
- (i) To ensure development is carried out in an efficient and environmentally sustainable manner which:
 - (i) makes optimum use of land and infrastructure;
 - (ii) supports water and energy efficiency;
 - (iii) minimises waste and pollution;
 - (iv) protects and enhances the natural environment; and
 - (v) increases the tree canopy and urban greening and reduces urban heat island effects.

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- (j) To protect and enhance the cultural heritage of the city by:
 - (i) identifying and conserving places and areas of cultural heritage significance; and
 - (ii) ensuring development respects and enhances the cultural heritage value of places and areas.
- (k) To facilitate an integrated transport network that reduces private motor vehicle dependency and encourages a range of sustainable transport modes including public transport, cycling and walking.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

There are no other local planning schemes of the City of Perth which apply to the Scheme area.

12. Relationship with region planning scheme

The Metropolitan Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

Note: The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

Part 2 - Reserves

13. Regional Reserves

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan Region Scheme.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the *Land Administration Act 1997* section 41.

14. Local reserves

- (1) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each local reserve are as follows -

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	<ol style="list-style-type: none"> (a) To set aside areas for public open space. (b) To provide for a range of active and passive recreation uses including recreation buildings, courts and associated car parking and drainage.
Civic and Community	<ol style="list-style-type: none"> (a) To provide for a range of community facilities which are compatible with surrounding development. (b) To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ol style="list-style-type: none"> (a) To provide for a range of essential physical and community infrastructure.
Foreshore	<ol style="list-style-type: none"> (a) To set aside areas for foreshore reserve abutting a body of water or water course. (b) To provide for conservation and/or public access with a range of active and passive recreational uses.
Waterway	<ol style="list-style-type: none"> (a) To set aside land required for waterways and drainage.

15. Additional uses for local reserves

There are no additional uses for land in local reserves that apply to this Scheme.

Part 3 - Zones and use of land

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows -

Table 2 - Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> (a) To provide for a range of housing types to meet the needs of the community. (b) To provide for a limited range of non-residential uses, which are compatible with and complementary to residential uses.
Mixed Use	<ul style="list-style-type: none"> (a) To provide for residential-rich areas with compatible land uses that support vibrancy and diversity. (b) To provide for a range of housing types to meet the needs of the community.
Neighbourhood Centre	<ul style="list-style-type: none"> (a) To be the primary focus for uses which meet the local community's daily to weekly shopping, service and recreational needs. (b) To provide for a range of housing types, short-term accommodation and non-residential uses which are compatible with the centre's primary focus. (c) To provide for uses which generate day, night and weekend activity along the street.
Capital City Retail	<ul style="list-style-type: none"> (a) To be the primary focus for retail uses within the Capital City along with other uses such as food and beverage, entertainment, cultural and creative uses. (b) To provide for a range of housing types, short-term accommodation and non-residential uses which are compatible with the area's primary focus. (c) To provide for uses which generate day, night and weekend activity along the street.
Capital City Office	<ul style="list-style-type: none"> (a) To be the primary focus for office uses within the Capital City and the centre of commerce and administration for Greater Perth and the State. (b) To provide for a range of housing types, short-term accommodation and non-residential uses which are compatible with the area's primary focus.
Capital City Entertainment	<ul style="list-style-type: none"> (a) To be the primary focus for entertainment, food and beverage, and cultural and creative uses for Greater Perth. (b) To provide for a range of housing types, short-term accommodation and non-residential uses which are compatible with the area's primary focus. (c) To provide for uses which generate day, night and weekend activity.

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Specialised Centre	<p>(a) To designate the land for future development as an activity centre.</p> <p>(b) To provide a basis for future detailed planning in accordance with the precinct structure planning provisions of this Scheme or <i>State Planning Policy 4.2 – Activity Centres</i>.</p>
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17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning table

USE AND DEVELOPMENT CLASS	ZONES						
	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CAPITAL CITY RETAIL	CAPITAL CITY OFFICE	CAPITAL CITY ENTERTAINMENT	SPECIALISED CENTRE
Art Gallery	D/X ¹	P	D	P	P	P	Use of land is to be in accordance with an approved precinct structure plan.
Art Studio	A/X ¹	D	D	D	D	D	
Bed and Breakfast	P	P	P/X ²	P/X ²	P/X ²	P/X ²	
Betting Agency	X	A	A	D	D	D	
Brewery	X	A/D ³	A	D	D	D	
Car Park	X	D/X ²	D/X ²	D/X ²	D/X ²	D/X ²	
Child Care Premises	X	D	D/X ²	D/X ²	D	D	
Cinema/Theatre	X	D/P ³	D	P	P	P	
Civic Use	X	D	D	D	D	D	
Club Premises	X	D	D/X ²	D/X ²	D	D	
Co-Living Accommodation	D/X ¹	D/X ⁴	D/X ²	D/X ²	D/X ²	D/X ²	
Community Purpose	X	D	D	D	D	D	

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USE AND DEVELOPMENT CLASS	ZONES						
	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CAPITAL CITY RETAIL	CAPITAL CITY OFFICE	CAPITAL CITY ENTERTAINMENT	SPECIALISED CENTRE
Consulting Rooms	X	P	P/X ²	P/X ²	P	P	
Convenience Store	D/X ¹	P	P	P	P	P	
Domestic Animal Day Boarding	X	D	D	X	X	D	
Educational Establishment	X	D	D/X ²	D/X ²	D	D	
Exhibition Centre	X	D/P ³	D	P	P	P	
Family Day Care	A/D ¹	A	A/X ²	A/X ²	A	A	
Food Outlet	X	D	P	P	P	P	
Food Outlet with drive-through facility	X	A/X ³	X	X	X	X	
Funeral Parlour	X	D/X ³	X	X	X	X	
Garden Centre	D/X ¹	D	D	D	D	D	
Grouped Dwelling	P/D ⁵	D	X	X	X	D	
Holiday Accommodation	A/D ¹	D/X ⁴	D/X ²	D/X ²	D/X ²	D/X ²	
Holiday House	D	D	X	X	X	D	
Home Business	D	D	D/X ²	D/X ²	D	D	
Home Occupation	P	P	P/X ²	P/X ²	P/X ²	P/X ²	
Home Office	P	P	P/X ²	P/X ²	P/X ²	P/X ²	
Home Store	D/A ¹	D	D	D	D	D	
Hospital	X	D	D/X ²	D/X ²	D	D	
Hotel	D/X ¹	D	D	D	D	D	

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USE AND DEVELOPMENT CLASS	ZONES						
	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CAPITAL CITY RETAIL	CAPITAL CITY OFFICE	CAPITAL CITY ENTERTAINMENT	SPECIALISED CENTRE
Independent Living Complex	P/D ¹	D/X ⁴	D/X ²	D/X ²	D/X ²	D/X ²	
Industry – Light	X	A	X	X	X	A	
Liquor Store – Large	X	D	D	P	D	P	
Liquor Store – Small	X	D/P ³	P	P	P	P	
Market	X	D	P	P	D	P	
Media Production	X	D	D/X ²	D/X ²	D	D	
Medical Centre	X	D/P ³	D/X ²	P/X ²	P	P	
Motel	D/X ¹	D	D/X ²	D/X ²	D/X ²	D/X ²	
Motor Vehicle, Boat or Caravan Sales	X	D	X	D	X	D	
Motor Vehicle Repair and Motor Vehicle Wash	X	A/X ²	X	X	X	X	
Multiple Dwelling	P/X ¹	D/X ⁴	D/X ²	D/X ²	D/X ²	D/X ²	
Night Club	X	A/D ³	A	D	D	D	
Office	X/D ⁶	P	P/X ²	P/X ²	P	P	
Place of Worship	X	D	D/X ²	D/X ²	D	D	
Reception Centre	X	D	D/X ²	D/X ²	D	D	
Recreation – Private	A/X ¹	D	D/X ²	D/X ²	D	D	
Residential Care Facility	D	D/X ⁴	D/X ²	D/X ²	D/X ²	D/X ²	
Restaurant/Café	D/X ¹	D	P	P	P	P	
Restricted Premise	X	A	A	D	D	D	

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	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CAPITAL CITY RETAIL	CAPITAL CITY OFFICE	CAPITAL CITY ENTERTAINMENT	SPECIALISED CENTRE
Sales Office	D	D	D	D	D	D	
Service Station	X	A/X ³	X	X	X	X	
Serviced Apartment	A/X ¹	D/X ⁴	D/X ²	D/X ²	D/X ²	D/X ²	
Shop	D/X ¹	D	P	P	D	D	
Shop – Bulky Goods	X	D	D	D	X	D	
Shop – Large	X	D	D	P	D	D	
Shop – Supermarket	X	D	P	P	D	D	
Single House	P/D ⁵	D	X	X	X	D	
Small Bar	D/X ¹	D/P ³	P	P	P	D	
Tavern	X	A/D ³	A	D	D	D	
Telecommunications Infrastructure	X	A	D	D	D	D	
Third Party Advertisement	X	D	D	D	D	D	
Trade Supplies	X	A	X	X	X	X	
Veterinary Centre	X	D	D	X	X	D	
Warehouse / Storage	X	D/X ²	X	X	X	D/X ²	

¹ In R60 and R80 areas

² Fronting the street

³ In the Central Perth neighbourhood west of Victoria Avenue and Lord Street and in Special Control Area No. 1 – Northbridge Special Entertainment Precinct.

⁴ Fronting the street in the Central Perth neighbourhood west of Victoria Avenue and Lord Street, and in Special Control Area No. 1 – Northbridge Special Entertainment Precinct.

⁵ In RAC-0 coded areas.

⁶ Within the first 4 floors fronting Terrace Road in the East Perth neighbourhood.

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -
 - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.
 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
 - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed

provisions before considering an application for development approval for the use of the land; or

- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
- (a) a structure plan;
 - (c) a local development plan.

19. Additional uses

- (1) Schedule 2 sets out -
- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in the schedule 2 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

- (1) Schedule 3 sets out -
- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that restricted use.
- (2) Despite anything contained in the zoning table, land that is specified in Schedule 3 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special use zones

- (1) There are no special use zones which apply to this Scheme.

22. Non-conforming uses

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- (1) Unless specifically provided, this Scheme does not prevent -
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval –
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use -
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and

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- (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 – General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if -
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

Modifications to the R-Codes are outlined in the applicable local planning policies.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) *State Planning Policy 3.6 - Development Contributions for Infrastructure*, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental conditions

There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.

32. Additional site and development requirements

- (1) Table 4 and Schedule 4 set out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

Table 4 - Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
1.	All Zones	<p>Plot Ratio</p> <p>(1) The plot ratio of development shall not exceed the maximum base plot ratio specified on the Maximum Base Plot Ratio Plan, except where:</p> <ul style="list-style-type: none"> (a) bonus plot ratio is granted under the Bonus Plot Ratio provisions of this Scheme and associated local planning policy; or (b) transfer of plot ratio is granted under the Transfer of Plot Ratio provisions of this Scheme and associated local planning policy; and (c) the bonus plot ratio and/or transfer of transferable plot ratio granted is limited to the maximum plot ratio specified on the Maximum Bonus Plot Ratio Plan; or (d) sharing of plot ratio is granted under the Sharing Plot Ratio provisions of this Scheme or in accordance with an approved local development plan; or (e) a building has been developed (prior to scheme commencement day) at a greater plot ratio than permitted on the Maximum Base or Bonus Plot Ratio Plan, the local government may permit the building to be redeveloped up to the same plot ratio if it is destroyed or significantly damaged. <p>(2) Where a residential land use is converted to short-term accommodation, the plot ratio definition that applies to residential development shall apply.</p> <p>(3) The achievement of the plot ratios specified in subclause (1), shall be dependent on the built form objectives of the Scheme and local planning policies being achieved.</p>
2.	All Zones	<p>Bonus Plot Ratio</p> <p>(1) The local government may approve an application for development approval which increases the plot ratio above the base plot ratio up to the maximum bonus plot ratio, for the delivery of one or more of the community benefits or strategic outcomes identified in local planning policy.</p>

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No.	Description of land	Requirement
		<p>(2) The local government may only grant bonus plot ratio where the development would not have a significant adverse impact on:</p> <ul style="list-style-type: none"> (a) the cultural heritage significance of any heritage protected place; (b) the amenity, streetscape or character of the area; and (c) any adjoining property. <p>(3) The amount of bonus plot ratio granted should be proportionate to the value of the community benefit and/or strategic benefit provided.</p>
3.	All Zones	<p>Register of Bonus Plot Ratio</p> <p>(1) The local government shall record, on the Register of Bonus Plot Ratio:</p> <ul style="list-style-type: none"> (a) places that have been approved for bonus plot ratio; (b) the amount of bonus plot ratio that has been approved; and (c) the approved community benefit or strategic outcome as identified in a local planning policy. <p>(2) A copy of the register shall be made available to the public by publishing the document on the website of the local government.</p>
4.	All Zones	<p>Transfer of Plot Ratio</p> <p>(1) The local government may approve a request from the owner of a heritage protected place to be a donor site for the transfer of transferable plot ratio, if it:</p> <ul style="list-style-type: none"> (a) cannot be developed to the maximum base plot ratio specified on the Maximum Base Plot Ratio Plan without adversely affecting the cultural heritage significance of: <ul style="list-style-type: none"> i. the place or its locality; or ii. any Heritage Area within which the place is located; (b) is not located in a reserve shown on the Scheme Map; and (c) is subject to a current conservation management plan prepared in a manner and form to the satisfaction of the local government if the place is of cultural heritage significance. <p>(2) Where the local government approves a place as a donor site, it shall:</p>

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No.	Description of land	Requirement
		<p>(a) determine the amount of transferable plot ratio available for transfer from the donor site;</p> <p>(b) impose conditions including (where applicable):</p> <ul style="list-style-type: none"> i. the preparation of a heritage agreement in accordance with Clause 10 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and ii. the completion of any urgent works specified in the conservation management plan, if considered necessary for the conservation of the place. <p>(3) Approval of a place as a donor site shall lapse if all conditions of approval are not fulfilled within 12 months from the date of approval, or such further period as the local government may determine.</p> <p>(4) On fulfilment of all conditions of approval, the place shall be recorded as a donor site on the Register of Transfer of Plot Ratio.</p> <p>(5) The local government may approve an application for development approval for development of a recipient site that includes the transfer of all or part of the transferable plot ratio from a donor site on the Register of Transfer of Plot Ratio to the recipient site if:</p> <ul style="list-style-type: none"> (a) the development will not have a significant adverse impact on: <ul style="list-style-type: none"> i. the cultural heritage significance of the recipient site or its locality; ii. the amenity, streetscape or character of the area; and iii. any adjoining property; and (b) the increase in plot ratio on the recipient site does not exceed the plot ratio shown on the Maximum Bonus Plot Ratio Plan. <p>(6) The transfer of transferable plot ratio from a donor site to a recipient site shall be effective on receipt of evidence of proof of purchase of the transferable plot ratio from the owner of the recipient site and shall be recorded as a recipient site on the Register of Transfer of Plot Ratio.</p> <p>(7) Transferable plot ratio once recorded to a recipient site on the Register of Transfer of Plot Ratio shall not be on sold from the recipient site to another site.</p>
5.	All Zones	Register of Transfer of Plot Ratio

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No.	Description of land	Requirement
		<p>(1) On fulfilment of all conditions of approval, the local government shall record, on the Register of Transfer of Plot Ratio:</p> <ul style="list-style-type: none"> (a) places that have been approved as donor sites; (b) the transferable plot ratio that is available from a donor site; (c) details of recipient sites that receive transferable plot ratio and the amount transferred; and (d) any remaining transferable plot ratio available from a donor site. <p>(2) A copy of the register shall be made available to the public by publishing the document on the website of the local government.</p>
6.	All Zones	<p>Sharing of Plot Ratio</p> <p>(1) The local government may approve an application for development approval which proposes the sharing of base plot ratio and/or bonus plot ratio across multiple lots which are contiguous to each other, subject to the following conditions:</p> <ul style="list-style-type: none"> (a) the total area of all lots shall be treated as one lot for the purposes of calculating the plot ratio; (b) the total plot ratio (base and/or bonus) across the lots shall not exceed the plot ratio calculated in accordance with (1)(a). <p>(2) The application for development approval must include landowner consent from all lots subject to the sharing of plot ratio.</p> <p>(3) The lots approved for the sharing of plot ratio and any associated conditions shall be recorded on the Register of Sharing of Plot Ratio.</p>
7.	All zones	<p>Register of Sharing of Plot Ratio</p> <p>(1) The local government shall record on the Register of Sharing of Plot Ratio:</p> <ul style="list-style-type: none"> (a) lots that have been approved for the sharing of plot ratio; and (b) any conditions of the arrangement. <p>(2) A copy of the register shall be made available to the public by publishing the document on the website of the local government.</p>
8.	All zones	<p>Sharing of Tenant Car Parking</p> <p>(1) The local government may, for the purposes of calculating tenant car parking in accordance with the</p>

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No.	Description of land	Requirement
		<p>Perth Parking Policy, approve an application for development approval that treats multiple lots which are contiguous to each other as one lot.</p> <p>(2) The application for development approval must include landowner consent for all lots included in the shared tenant parking arrangement.</p> <p>(3) The lots approved for shared tenant parking and any associated conditions shall be recorded on the Register of Shared Tenant Car Parking.</p>
9.	All zones	<p>Register of Shared Tenant Car Parking</p> <p>(1) The local government shall record on the Register of Shared Tenant Car Parking:</p> <p>(a) lots that have been approved for shared tenant car parking; and</p> <p>(b) any conditions of the arrangement.</p> <p>(2) A copy of the register shall be made available to the public by publishing the document on the website of the local government.</p>
10.	All Zones & Reserves	<p>Flood levels - flood events</p> <p>(1) Development approval shall not be granted to a new building unless the finished floor level of any habitable room or space that provides essential infrastructure to the building is at least 0.5 metres above the 1 in 100 (1%) annual exceedance probability (AEP) flood event level.</p> <p>(2) Where a development involves a facility that must continue to function for the public benefit during a 1 in 100 (1%) AEP flood event, such as but not limited to a hospital, the local government shall not grant development approval unless it can be demonstrated that the functionality and safety of the facility can be maintained during the flood event.</p>
11.	All Zones	<p>Local Development Plans</p> <p>(1) The local government may require a local development plan to be prepared and approved prior to an application for development approval for the development of large sites or development across multiple sites.</p> <p>(2) In addition to the information set out in clause 48(1) of the deemed provisions, the local development plan must set out the following (at a minimum):</p> <p>(a) the sharing (if applicable) and distribution of plot ratio;</p> <p>(b) the sharing (if applicable) and distribution of car parking;</p>

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No.	Description of land	Requirement
		<p>(c) vehicular, cyclist and pedestrian access into and through the site;</p> <p>(d) public and private spaces between buildings; and</p> <p>(e) landscaping.</p> <p>(3) A local development plan is required to coordinate development on the sites listed in Schedule 4.</p>

- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan or local development plan

There are no additional site and development requirements for areas covered by structure plans or local development plans.

34. Variations to site and development requirements

- (1) In this clause -
additional site and development requirements means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements **except for:**
- (a) development that varies the requirements of clause 32 (1) Table 4 No. 1, 2, 4 or 6;
 - (b) development that varies the requirements of Schedule 4 No. 28 clause (2) and (3), except in accordance with Schedule 4 No. 28 clause (4).
 - (c) permanent development within the Core Flight Path Area outlined in Special Control Area 2 (SCA2) which exceeds the maximum AHD heights specified in Figures 3 to 8 of the SCA.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

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- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 – Special control areas

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map and set out in Schedule 5 of the Scheme.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.
- (3) Where a provision of a special control area is inconsistent with any other provision of the Scheme, the provision of the special control area is to prevail.

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

37. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows -

Active uses	means uses that promote activity and interaction with the street.
Community benefit	means a substantive and long lasting public good which is: (a) publicly accessible and directly benefits the local community; or (b) directly benefits a segment of the local community.
Commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including: (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);
Donor site	means a place recorded as a donor site on the Register of Transfer of Plot Ratio;
Floor area	has the meaning given in the Building Code;
Industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes: (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes;
Maximum base plot ratio	means the plot ratio for development which is specified for a lot or part of a lot on the Maximum Base Plot Ratio Plan;
Maximum bonus plot ratio	means the maximum plot ratio which is specified for a lot or part of a lot on the Maximum Bonus Plot Ratio Plan;
Plot ratio	(a) for all residential development to which the R-Codes apply, has the meaning given in the R-Codes;

	(b)	for all other development, means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
Precinct		means a definable area where particular planning policies, guidelines or standards apply;
Predominant use		means the primary use of premises to which all other uses carried out on the premises are incidental;
Recipient site		means a place recorded as a recipient site on the Register of Transfer of Plot Ratio;
Retail		means the sale or hire of goods or services to the public;
Scheme commencement day		means the day on which this Scheme comes into effect under section 87(4) of the Act;
Short-term accommodation		means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;
Strategic outcome		Is a substantive and long-lasting market good identified in the Local Planning Strategy as being desired but not being delivered by the market.
Transferable plot ratio		means the amount of plot ratio of a donor site which is available for transfer from the donor site to a recipient site as recorded in the Register of Transfer of Plot Ratio;
Wholesale		means the sale of goods or materials to be sold by others;

- (2) A word or expression that is not defined in this Scheme -
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

Division 2 - Land use terms used in Scheme

38. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows -

Art Gallery	means premises — (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
Art Studio	means a premises used by an artist or artists to produce items of an artistic nature including paintings, ceramics, sculptures, craft, photography, jewellery, fashion and mixed-media art. It may also include the ancillary display and sale of artistic goods produced on site.
Bed and Breakfast	means a dwelling — (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms.
Betting Agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
Brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> ;
Car Park	means premises used primarily for parking vehicles whether open to the public or not but does not include — (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
Child Care Premises	means premises where — (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.
Cinema/Theatre	means premises where the public may view a motion picture or theatrical production.
Civic Use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

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Club Premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
Co-Living Accommodation	means premises designed for residential accommodation in a communal living arrangement: <ul style="list-style-type: none"> (a) that has at least 6 private rooms, some or all of which may have a kitchenette to allow preparation of convenience food, and bathroom facilities; and (b) that has an emphasis on shared facilities, such as a communal dining, kitchen, laundry, recreation, and work or study spaces; and (c) where each of the private rooms are not self-contained and are not classified as a dwelling as that term is defined in the Residential Design Codes; and (d) where utility costs such as power and water are included as part of the rent; and (e) the premises are maintained by a managing agent, who provides management services 24 hours a day; (f) but does not include any form of – <ul style="list-style-type: none"> (i) residential accommodation where occupants are provided with on-site physical, medical, mental health or pastoral support services; or (ii) accommodation provided as short-term accommodation.
Community Purpose	means premises used primarily for the provision of educational, social or recreational services by organisations involved in activities for community benefit.
Consulting Rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience Store	means premises — <ul style="list-style-type: none"> (a) used primarily to sell by retail, groceries and foodstuffs to provide for the needs of people who live or work in the local area; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m² net lettable area.
Domestic Animal Day Boarding	means premises used for the boarding, training or caring of animals during the day but not overnight.
Educational Establishment	means premises used for the purposes of providing education including a school, higher education

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Exhibition Centre	<p>institution, business college, academy or other educational institution.</p> <p>means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.</p>
Family Day Care	<p>means premises where a family day care service as defined in the <i>Education and Care Services National Law</i> (Western Australia) is provided.</p>
Food Outlet	<p>means premises which are used for the preparation, sale and serving of food to customers in a form ready to be eaten –</p> <p>(a) without further preparation; and</p> <p>(b) primarily off the premises,</p> <p>but excludes a facility for drive-through service.</p>
Food Outlet with Drive-through Facility	<p>means premises which include a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –</p> <p>(a) without further preparation; and</p> <p>(b) primarily off the premises.</p>
Funeral Parlour	<p>means premises used –</p> <p>(a) to prepare and store bodies for burial or cremation;</p> <p>(b) to conduct funeral services.</p>
Garden Centre	<p>means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.</p>
Holiday Accommodation	<p>means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.</p>
Holiday House	<p>means a single house used to provide short-term accommodation but does not include a bed and breakfast.</p>
Home Business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –</p> <p>(a) does not involve employing more than 2 people who are not members of the occupier’s household; and</p> <p>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</p> <p>(c) does not occupy an area greater than 50m²; and</p> <p>(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and</p>

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Home Occupation

- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home Office

means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling.

Home Store

means a shop attached to a dwelling that —

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	<p>(a) has a net lettable area not exceeding 100m²; and (b) is operated by a person residing in the dwelling.</p>
Hospital	means premises used as a hospital as defined in the <i>Health Services Act 2016</i> section 8(4).
Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
Independent Living Complex	means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.
Industry - Light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
Liquor Store - Small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² .
Liquor Store - Large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² .
Market	means premises used for the display and sale of goods from temporary stalls by independent vendors.
Media Production	<p>means premise -</p> <p>(a) used for production, post production, or broadcasting of traditional, digital and experimental media and communication, including television, radio, film, print, music, photography, software and electronic publishing; and</p> <p>(b) may include wholesale sale of goods produced on site but does not include the sale of goods by retail; and</p> <p>(c) is not an office.</p>
Medical Centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Motel	<p>means premises, which may be licensed under the <i>Liquor Control Act 1988</i> —</p> <p>(a) used to accommodate guests in a manner similar to a hotel; and</p> <p>(b) with specific provision for the accommodation of guests with motor vehicles.</p>

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Motor Vehicle Repair and Motor Vehicle Wash	means premises used for electrical, mechanical or tyre repairs or washing of vehicles but does not involve panel beating, spray painting or chassis reshaping of vehicles, or recapping or re-treading of tyres.
Motor Vehicle, Boat or Caravan Sales	means premises used to sell or hire motor vehicles, boats or caravans.
Night Club	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
Office	means premises used for administration, clerical, technical, professional or similar business activities.
Place of Worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
Reception Centre	means premises used for hosted functions on formal or ceremonial occasions.
Recreation – Private	<p>means premises that are —</p> <ul style="list-style-type: none"> (a) used for indoor or outdoor leisure, amusement, recreation or sport; and (b) not usually open to the public without charge.
Residential Care Facility	<p>means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:</p> <ul style="list-style-type: none"> (a) appropriate staffing to meet the nursing and personal care needs of residents (b) meals and cleaning services (c) communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.
Restricted Premise	<p>means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —</p> <ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
Restaurant / Cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is

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Sales Office	<p>provided, including premises that are licenced under the <i>Liquor Control Act 1988</i>.</p> <p>means a temporary building used solely for the purpose of land and/or development transactions associated with the site upon which the building is situated.</p>
Serviced Apartment	<p>means a group of units or apartments providing —</p> <p>(a) self-contained short stay accommodation for guests; and</p> <p>(b) any associated reception or recreational facilities.</p>
Service Station	<p>means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —</p> <p>(a) the retail sale of petroleum and energy products, motor vehicle accessories and goods of an incidental or convenience nature; and may include:</p> <p>(b) the charging of vehicles; and/or</p> <p>(c) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.</p>
Shop	<p>means premises used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.</p>
Shop – Bulky Goods	<p>means a premises –</p> <p>(a) used primarily to sell by retail or hire, household goods of a bulky nature that require:</p> <p>(i) a large area for handling, display or storage; or</p> <p>(ii) vehicular access for the collection of the purchased goods; but does not include –</p> <p>(b) the sale of foodstuffs, alcohol, medicines, footwear or clothing unless it is ancillary to the sale of household goods of a bulky nature.</p>
Shop – Large	<p>means a shop with a floor area greater than 1,000m².</p>
Shop – Supermarket	<p>means a premises used primarily to sell by retail, groceries and foodstuffs to provide for the needs of people who live or work in the local area.</p>
Small Bar	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>.</p>
Tavern	<p>means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>.</p>
Telecommunications Infrastructure	<p>means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.</p>
Trade Supplies	<p>means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools,</p>

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equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

Third Party Advertisement

means any form of advertisement which advertises businesses, products, goods or services that are not available or located at the premises on which the advertisement is displayed.

Veterinary Centre

means premises registered under the *Veterinary Practice Act 2021*.

Warehouse / Storage

means premises including indoor or outdoor facilities used for —

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale (onsold to a retailer) of goods.

SCHEDULES

Schedule 1 - Supplemental provisions to the deemed provisions

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3 – Heritage Protection

Clause 12 – Variations to local planning scheme provisions for heritage purposes

- (4) Notwithstanding clause (1), clause 32 (1) Table 4 No. 1, 2 or 4 of the Scheme cannot be varied.

Clause 13B Significant Tree Register

- (1) The local government must establish and maintain a significant tree register to identify trees within the scheme area that are worthy of preservation.
- (2) The significant tree register:
- (a) must set out a description of each tree and the reason for its entry in the significant tree register; and
 - (b) be made available to the public by publishing the register on the website of the local government.
- (3) The local government must not enter a tree in the Significant Tree Register or modify the entry of a tree in the register unless the local government:
- (a) notifies in writing each owner and occupier of the land which contains the tree and provides each of them with a description of the tree and the reasons for the proposed entry;
 - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice;
 - (c) carries out any other consultation the local government considers appropriate; and
 - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered in the significant tree register with or without modification, or that the tree be removed from the Significant Tree Register.
- (4) If the local government enters a tree or modifies an entry of a tree in the Significant Tree Register, the local government must give notice of the entry or modification to each owner and occupier of the site.
- (5) The local government may require an arboriculturist report to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the Significant Tree Register.

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Part 6A – Design Review

- 60A. The local government may appoint a Design Review Panel for the purpose of considering and advising the local government with respect to applications and/or planning documents.
- 60B. When considering applications and/or planning documents on which a recommendation has been made by the Design Review Panel, the local government shall have due regard for that recommendation.

Part 7 – Requirement for development approval

Clause 61

- (1) Development approval is not required for works if:
- (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if conditions are set out in Column 2 of the Table opposite that item – all of those conditions are satisfied in relation to the works.

	Column 1 Works	Column 2 Conditions
22.	Removal of a tree	The tree is not listed on the Significant Tree Register.

- (2) Development approval of the local government is not required for the following uses:
- (i) the use of land in a local reserve, where such land is held by the City or vested in a public authority:
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which the land may be lawfully used by that authority.

Clause 67 (2)

- (zc) Include any advice of the Design Review Panel.

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Schedule 2 – Specified Additional uses for zoned land in Scheme Area

No.	Description of land	Additional use	Conditions
1.	Lot 70 (75) Haig Park Circle, East Perth	<p>Class P use: Consulting Rooms Convenience Store Multiple Dwelling Office</p> <p>Class D use: Art Gallery Car park Hotel Liquor Store – Small Medical Centre Recreation – Private Restaurant/Café Shop Small Bar Takeaway Food Outlet Veterinary Premises</p> <p>Class A use: Serviced Apartment</p>	With the exception of Multiple Dwelling, Hotel and Serviced Apartment, the additional use shall not front Haig Park Circle or the pedestrian easement.
2.	Lots 1-32 (1-8/20-26) Saunders Street, East Perth	<p>Class P use: Multiple Dwelling</p> <p>Class D use: Convenience Store Consulting Rooms Shop Office Medical Centre</p> <p>Class A use: Serviced Apartment</p>	With exception of Multiple Dwelling, the additional use shall be on the ground floor.
3.	Lots 1-5 (1-5/7) Henry Street, East Perth	<p>Class P use: Multiple Dwelling</p> <p>Class D use: Consulting Rooms</p>	With the exception of Multiple Dwellings, the additional use shall be on the ground floor.

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		<p>Convenience Store Medical Centre Office Shop</p> <p>Class A use: Serviced Apartment</p>	
4.	<p>Lots bound by Kensington Street, Bunbury Crescent and Premier Lane</p> <p>Lots 1-4 (23,25,27,29) Victory Terrace, East Perth</p> <p>Lot 3 (40) Kensington Street, East Perth</p> <p>Lots 1-2 (2 & 2A), Lots 1-3 (1-3/4), Lots 1-3 (6, 6A & 6B), Lots 1-3 (1-3/8), Lots 1-3 (1-3/10), Lots 1-3 (1-3/11) and Lots 1-3 (1-3/12) Tully Road, East Perth</p> <p>Lots 1-3 (1A, 1B & 1C) Stokes Way, East Perth</p>	<p>Class P use: Multiple Dwelling</p> <p>Class D use: Consulting Rooms Convenience Store Medical Centre Office Shop</p> <p>Class A use: Serviced Apartment</p>	<p>With the exception of Multiple Dwellings, the additional use shall be on the ground floor.</p>
5.	<p>Lots 1-24 (1-24/1) Henry Lawson Walk, East Perth</p> <p>Lots 1-7 (1-7/11) Brown Street, East Perth</p>	<p>Class D use: Consulting Rooms Medical Centre Office</p>	
6.	<p>Lots 1-8 (1-8/39) Tully Road, East Perth</p>	<p>Class P use: Multiple Dwelling</p> <p>Class A use: Serviced Apartment</p>	<p>The maximum number of multiple dwellings is 12.</p>
7.	<p>Lots 1-16 (41-47) Tully Road, East Perth</p>	<p>Class P use: Multiple Dwelling</p> <p>Class A use: Serviced Apartment</p>	<p>The maximum number of multiple dwellings is 14.</p>
8.	<p>Lots 1-10 (1-10/50) Victory Terrace, East Perth</p>	<p>Class P use: Multiple Dwelling</p> <p>Class A use: Serviced Apartment</p>	<p>The maximum number of multiple dwellings is 10.</p>
9.	<p>Lots 1-9 (1-9/40) Victory Terrace, East Perth</p>	<p>Class P use: Multiple Dwelling</p> <p>Class A use: Serviced Apartment</p>	<p>The maximum number of multiple dwellings is 9.</p>

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10.	Lots 1-16 (1-16/2) Henry Lawson Walk, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is maximum 16.
11.	Lots 1-14 (1-14/60-62) Henry Lawson Walk, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 14.
12.	Lots 1-9 (1-9/1) Royal Street, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 9.
13.	Lots 1-31 (1-31/29) Trafalgar Road, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 40.
14.	Lots 1-14 (1-14/25) Haig Park Circle, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 14.
15.	Lots 1-11 (1-11/35) Haig Park Circle, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 11.
16.	Lots 1-7 (1-7/39-43) Haig Park Circle, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 7.
17.	Lots 512 (53-55) Haig Park Circle, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 14.
18.	Lots 1-5 (1-5/28) Wittenoom Street, East Perth	Class P use: Multiple Dwelling Class A use:	The maximum number of multiple dwellings is 5.

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		Serviced Apartment	
19.	Lots 1-7 (1-7/111-113) Brown Street, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	The maximum number of multiple dwellings is 9.
20.	Lots 1-22 (1-22/50) Trafalgar Road, East Perth Lots 1-18 (1-18/24) Constitution Street, East Perth Lots 1-50 (1-50/7) Glyde Street, East Perth Area coded R80 bound by Constitution Street, Arden Street, Nile Street and Trafalgar Road, East Perth	Class P use: Multiple Dwelling Class A use: Serviced Apartment	
21.	Southern portion of Lot 10 (99) Adelaide Terrace, East Perth Lot 11 (40) and Lot 12 (10) Terrace Road, East Perth	Class D use: Child Care Premises Consulting Rooms Office Shop - Supermarket Class A use: Hospital Medical Centre	

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Schedule 3 – Restricted uses for land in Scheme area

No.	Description of land	Restricted use	Conditions
1.	Lots 1-62 (11) Regal Place, East Perth	Class P use: Hotel Office Restaurant/Cafe Serviced Apartment	For the purposes of this clause short stay accommodation means continuous accommodation for a period of up to 12 months.
2.	Lots 1-85 (50-60) and Lots 1-79 (20) Royal Street, East Perth	Class P use: Hotel Office Serviced Apartment Class D use: Cinema/Theatre Recreation - Private Restaurant/Cafe Shop Small Bar Tavern	At least 2/3rds of the total number of apartments and rooms shall be developed and used for short stay accommodation. For the purposes of this clause short stay accommodation means continuous accommodation for a period of up to 12 months.

Schedule 4 – Additional Site and Development Requirements

This schedule should be read in conjunction with the Additional Site and Development Requirements Plan of the Scheme which depicts the land described in this schedule.

No.	Description of land	Requirement
1.	Lot 11 (158), Lot 14-15 (160) and Lot 66 (164) Hay Street, East Perth Lot 12-13 (29) and Lot 1 (33) Goderich Street, East Perth	<p>Local Development Plan</p> <p>(1) A local development plan is required to coordinate development of the sites.</p> <p>(2) In addition to the information set out in clause 48(1) of the deemed provisions and clause 32(1) Table 4 No. 11(2), the local development plan must also include provision for the following:</p> <ul style="list-style-type: none"> (a) community infrastructure; and (b) public open space. <p>(3) Notwithstanding (1) the local government may recommend support for subdivision (including amalgamation) or approve development if the local government is satisfied that this will not prejudice future coordinated development (or redevelopment) of the sites.</p>
2.	Lot 23 (99) Plain Street, East Perth	<p>Local Development Plan</p> <p>(1) A local development plan is required to coordinate development of the sites.</p> <p>(2) In addition to the information set out in clause 48(1) of the deemed provisions, the local development plan must include the information set out in clause 32(1) Table 4 No. 11(2).</p> <p>(3) Notwithstanding (1) the local government may recommend support for subdivision (including amalgamation) or approve development if the local government is satisfied that this will not prejudice future coordinated development (or redevelopment) of the sites.</p>
3.	Lot 10 (99) Adelaide Terrace, East Perth Lot 11 (40) and Lot 12 (10) Terrace Road, East Perth	<p>Local Development Plan</p> <p>(1) A local development plan is required to coordinate development of the sites.</p> <p>(2) In addition to the information set out in clause 48(1) of the deemed provisions, the local development plan must include the information set out in clause 32(1) Table 4 No. 11(2).</p> <p>(3) Notwithstanding (1) the local government may recommend support for subdivision (including amalgamation) or approve development if the local government is satisfied that this will not prejudice future coordinated development (or redevelopment) of the sites.</p>
4.	Lot 502 (832), Lot 504 (836) and Lot 500 (840)	<p>Local Development Plan</p>

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	<p>Wellington Street, West Perth</p> <p>Lot 4 (10) and Lot 502 (12) Market Street, West Perth</p> <p><i>Note: Lots previously formed part of Special Control Area No. 1 under CPS2.</i></p>	<p>(1) A local development plan is required to coordinate development of the sites.</p> <p>(2) In addition to the information set out in clause 48(1) of the deemed provisions, the local development plan must include the information set out in clause 32(1) Table 4 No. 11(2).</p> <p>(3) Notwithstanding (1) the local government may recommend support for subdivision (including amalgamation) or approve the development if the local government is satisfied that this will not prejudice future coordinated development (or redevelopment) of the sites. Pedestrian accessways that were provided and made available to the public as part of a development approval shall be retained through any future development.</p>
5.	<p>Lot 200 (66-84) and Lot 301 (102) Railway Street, West Perth</p> <p><i>Note: Lots previously formed part of Special Control Area No. 16 under CPS2.</i></p>	<p>Local Development Plan</p> <p>(1) A local development plan is required to coordinate development of the sites.</p> <p>(2) In addition to the information set out in clause 48(1) of the deemed provisions and clause 32(1) Table 4 No. 11(2), the local development plan must also include provision for public open space.</p> <p>(3) Notwithstanding (1) the local government may recommend support for subdivision (including amalgamation) or approve development if the local government is satisfied that this will not prejudice future coordinated development (or redevelopment) of the sites.</p>
6.	<p>Lot 50 (77) St Georges Terrace and Lot 21 (12-14) The Esplanade, Perth</p> <p><i>Note: Lots previously formed part of Special Control Area No. 2 under CPS2.</i></p>	<p>Pedestrian Accessways</p> <p>Pedestrian accessways that were provided and made available to the public as part of a development approval shall be retained through any future development, including pedestrian accessways linking St Georges Terrace and the Esplanade.</p>
7.	<p>Lot 3001 (919) Hay Street and Lot 3000 (240) St Georges Terrace, Perth</p> <p><i>Note: Lots previously formed part of Special Control Area No. 5 under CPS2.</i></p>	<p>Pedestrian Accessways and Open Space</p> <p>Pedestrian accessways and open spaces that were provided and made available to the public as part of a development approval shall be retained through any future development.</p>
8.	<p>Lot 200 (123), Lot 201 (125-137) and Lot 11 (141) St Georges Terrace, Perth</p> <p><i>Note: Lots previously formed part of Special Control Area No. 6 under CPS2.</i></p>	<p>Pedestrian Accessways and Open Space</p> <p>Pedestrian accessways and open space that were provided and made available to the public as part of a development approval shall be retained through any future development. Pedestrian accessways include the upper-level walkways and pedestrian overpasses along and across Mounts Bay Road.</p>
9.	<p>Lot 51 (225), Lot 57 (235) and Lot 55 (237-239) St Georges Terrace, Perth</p>	<p>Pedestrian Accessways</p> <p>Pedestrian accessways that were provided and made available to the public as part of a development</p>

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	<p>Lot (56) 1-9 Mount Street, Perth Lot 58 (78-90) Mounts Bay Road, Perth <i>Note: Lots previously formed part of Special Control Area No. 11 under CPS2.</i></p>	<p>approval shall be retained through any future development.</p>
10.	<p>Lot 350 (300) Murray Street, Perth <i>Note: Lots previously formed part of Special Control Area No. 12 under CPS2.</i></p>	<p>Pedestrian Accessways Pedestrian accessways that were provided and made available to the public as part of a development approval shall be retained through any future development.</p>
11.	<p>Lot 32, 33 (40), Lot 1, 2, 3 (44) and Lot 3 (50) St Georges Terrace, Perth Lot 11 (611-619) Hay St, Perth <i>Note: Lots previously formed part of Special Control Area No. 17 under CPS2.</i></p>	<p>Open Space Open spaces provided and made available to the public as part of a development approval shall be retained through any future development, including the landscaped forecourt area facing St Georges Terrace.</p>
12.	<p>Lot 200 (196) Colin Place, West Perth Lot 52 (28) and Lot 51 (32) Troode Street, West Perth <i>Note: Lots previously formed part of Special Control Area No. 27 under CPS2.</i></p>	<p>Open Space Development shall incorporate open space on the western portion of the lots, to provide sightlines between Colin Place and the underpass and enhance passive surveillance.</p>
13.	<p>Lot 21 (75) William Street, Perth <i>Note: Lots previously formed part of Minor Town Planning Scheme No. 11.</i></p>	<p>Open Space Open spaces that were provided and made available to the public as part of a development approval shall be retained through any future development, including the curtilage of the Wesley Uniting Church.</p>
14.	<p>Lot 112 (168-170) St Georges Terrace, Perth Lot 113 (815-823) Hay Street, Perth <i>Note: Lots previously formed part of Minor Town Planning Scheme No. 13.</i></p>	<p>Pedestrian Accessways and Open Space Pedestrian accessways and open spaces that were provided and made available to the public as part of a development approval shall be retained through any future development, including the pedestrian link connecting Hay Street and St Georges Terrace and other pedestrian links connecting with the properties adjacent to the identified lots.</p>
15.	<p>Lot 29 & 30 (140), Lot 26 (150) and Lot 27 (152-158) St Georges Terrace, Perth Lot 15, 24 and 28 (759-795) Hay Street, Perth <i>Note: Lots previously formed part of Minor Town Planning Scheme No. 16.</i></p>	<p>Pedestrian Accessways and Open Space Pedestrian accessways and open spaces that were provided and made available to the public as part of a development approval shall be retained through any future development.</p>
16.	<p>Lot 2001 (11) and Lot 2003 (17) Mount Street, Perth</p>	<p>Pedestrian Accessways Pedestrian accessways that were provided and made available to the public as part of a development</p>

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	<p>Lot 2005 (1) and Lot 2004 (5) Spring Street, Perth <i>Note: Lots previously formed part of Minor Town Planning Scheme No. 21.</i></p>	<p>approval shall be retained through any future development, including a pedestrian accessway along the eastern boundary of Spring Street.</p>
17.	<p>Lot 3-64 (160) St Georges Terrace, Perth Lot 1-154 (811) Hay Street, Perth <i>Note: Lots previously formed part of Minor Town Planning Scheme No. 23.</i></p>	<p>Pedestrian Accessways Pedestrian accessways that were provided and made available to the public as part of a development approval shall be retained through any future development, including the pedestrian accessway between Hay Street and St Georges Terrace.</p>
18.	<p>Lot 70 (75) Haig Park Circle, East Perth</p>	<p>General Development</p> <p>(1) For the purposes of calculating the plot ratio, it shall exclude any public fee-paying car parking that is located within a basement. For the purposes of this clause, a basement is any portion of a building used primarily for car parking and having 50% or more of its volume below natural ground level.</p> <p>(2) Buildings shall be setback a minimum of 3.0 metres from Haig Park Circle.</p> <p>(3) The maximum street building height on Haig Park Circle shall be 10.5 metres with any height above this contained within a 45 degree angled height plane.</p> <p>(4) The local government may approve an application for development approval that does not meet subclause (2) or (3) where:</p> <p>(a) the development integrates the existing electrical substation at the south-east corner of the site;</p> <p>(b) a basement extends into the Haig Park Circle street setback where the basement is a minimum of 2.0 metres below the median level of the footpath adjoining the site at its southern boundary, allowing for adequate soil depth for inground planting to enhance the streetscape;</p> <p>(c) minor projections for items such as chimneys, finials and other similar architectural features; and</p> <p>(d) the variations make a positive contribution to the design of the building(s) and the amenity of the locality.</p> <p>(5) A pedestrian easement shall be provided across the lot for the purposes of public pedestrian access from Sovereign Close to Haig Park Circle. It shall have no height limit and a minimum width of 8.0 metres, except at its northern end where reduced width may be necessary to accommodate vehicular access from Sovereign Close to the site. The vehicular access shall be designed to minimise its encroachment into the pedestrian easement and</p>

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		have minimum impact on safety and amenity for users of the pedestrian easement.
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Schedule 5 – Special control areas

SCA1 – Northbridge Special Entertainment Precinct (NSEP)

1. Purpose

To establish a Northbridge Special Entertainment Precinct (NSEP), in recognition of its significance as the State's premier entertainment area, by supporting entertainment venues and associated high external amplified music noise levels and thereby facilitating an active night time economy.

Note: The Special Control Area does not regulate the level of noise emitted by entertainment venues or override the requirements of the *Environmental Protection (Noise) Regulation 1997*.

2. Application

The following provisions apply to the land shown in Figure 1 of this SCA, being the Northbridge Special Entertainment Precinct which comprises Core and Frame areas.

3. Objectives

- (1) The objectives of the NSEP Special Control Area are to:
- (a) Ensure the NSEP remains the State's premier entertainment area with a variety and concentration of entertainment venues, providing an active night-time economy and vibrant social and cultural scene.
 - (b) Provide entertainment venues with greater operational certainty.
 - (c) Provide a differentiated approach in the Core and Frame areas, recognising that the Core contains the highest concentration of entertainment venues emitting higher levels of music noise. The Frame contains a broader mix of land uses where entertainment venues emit lower levels of music noise, providing a transition from the Core to the area outside of the NSEP.
 - (d) Reduce potential land use conflicts between accommodation land uses and entertainment venues by requiring the design and construction of buildings to incorporate appropriate sound attenuation measures.
 - (e) Ensure accommodation land uses are designed and constructed to provide an acceptable level of amenity to occupants from existing and future music noise.

4. General Provisions

- (1) Where land within this SCA also falls within another SCA under this Scheme, the provisions of this SCA prevail to the extent of any inconsistency.
- (2) Notwithstanding the exemptions from the requirement for development approval set out in clause 61(1) and 61(2) of the deemed provisions, and in accordance with clause 61(6)(a) of the deemed provisions, development approval is required for:
- (a) Works associated with an accommodation land use or entertainment venue, including:
 - (i) The carrying out of internal building work;
 - (ii) The erection of, or alterations or additions to, a single house;
 - (iii) The erection of, or alterations to, an ancillary dwelling.
 - (b) A change of use to an accommodation land use, or an entertainment venue.

- (3) Sound attenuation measures shall be carefully integrated into the design of development and not adversely impact upon:
- (a) the building's aesthetics, environmental sustainability, and cultural heritage significance where applicable;
 - (b) the internal amenity for building occupants; or
 - (c) the public realm.

5. Development standards – Accommodation Land Uses

- (1) Application
- (a) For the purposes of this SCA only, accommodation land uses have been grouped into the following categories to reflect the level of permanency of the occupants:
 - (i) Residential accommodation;
 - (ii) Co-living accommodation;
 - (iii) Short-term accommodation;
 - (iv) Build to rent accommodation.
 - (b) Where a proposed accommodation land use is not expressly listed, it should be classified based upon the proposed level of permanency of the occupant.
 - (c) These development standards apply in relation to an application for development approval for any of the following:
 - (i) new premises for the purpose of an accommodation land use;
 - (ii) a change of use application to use an existing premises for a new accommodation land use;
 - (iii) works in relation to existing premises used for an accommodation land use which creates a new habitable room or space.
 - (d) In respect of an application for development approval in clause 4(2), the development standards set out in the clause will only apply to that part of the premises for which approval is required.

(2) Technical standards

Maximum internal music noise levels

- (a) Buildings shall be designed and constructed, and rooms located to ensure music noise is not received within an accommodation land use at a level which exceeds the levels set out in Table 1.

Table 1: Maximum internal music noise levels

Accommodation land use	Living Room Music Noise Level – dB at 63 Hz octave band	Bedroom Music Noise Level – dB at 63 Hz octave band
Residential	52	47
Co-living	-	50
Short term	-	52

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Build to Rent	-	50
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- (b) Where a residential accommodation land use is designed such that the living room and bedroom is contained in the one room (known as a studio or bedsit), the music noise level received must not exceed the level assigned for a bedroom.

Calculations

- (c) The maximum internal music noise levels in Table 1 are to be calculated using the following methodology:

Venue music noise level	-	Attenuation Measures	=	Maximum internal music noise level
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Venue music noise level

- (d) The venue music noise level is to be calculated assuming that each lot within this SCA emits noise at the venue music noise levels set out in Table 2, measured from the agreed measurement location(s) unless:
- (i) any lot is already developed with a land use which is not an entertainment venue, and in the opinion of the local government is unlikely to be redeveloped or adapted for an entertainment venue, in which case this lot is not assumed to emit at the applicable assumed venue music noise level;
 - (ii) any lot is already operating pursuant to a Music Entertainment Venue approval, and it can be demonstrated to the local government's satisfaction that the measured venue music noise levels emitted from the entertainment venue measured at the agreed measurement location(s) are lower and unlikely to ever reach the assumed venue music noise level by reason of the building's design and/or construction.

Table 2: Assumed Venue Music Noise Levels

NSEP Sub-Area	Venue Music Noise Level L _{Ceq, T} (dB)
Core Area for existing entertainment venues identified on a Register provided in clause 6(1)	95
Core Area for new entertainment venues	90
Frame Area	79

Attenuation Measures

- (e) Attenuation measures include:
- (i) Distance factors - including distance between the accommodation land use and another lot assumed to emit music noise at the applicable assumed venue music noise level;
 - (ii) Design factors - including the design of a proposed building to locate bedrooms and living rooms in such a way as to reduce exposure to venue music noise;

- (iii) Construction factors – structural elements of the building, including but not limited to the standard of construction of the external walls of a proposed building, and the quality of fenestration to reduce exposure to venue music noise.

Plot Ratio

- (f) A winter garden proposed as part of the design of an accommodation land use for the purpose of applying an attenuation measure may, at the discretion of the local government, be excluded from the calculation of plot ratio.
- (3) Application for development approval accompanying material
- (a) In accordance with clause 63(1)(d) of the deemed provisions, all applications for development approval for accommodation land uses shall be accompanied by an acoustic report, prepared by a qualified acoustic consultant, in a manner and form to the satisfaction of the local government.
 - (b) The acoustic report shall include:
 - (i) an assessment of the assumed and/or measured venue music noise levels; and
 - (ii) details of the attenuation measures proposed; and
 - (iii) modelling to illustrate compliance with the technical standards set out in clause 5(2).
- (4) Determination of application
- (a) The local government shall not grant its approval if it is not satisfied that the technical standards in clause 5(2) can be met.
 - (b) The local government may, in addition to any other conditions which may be lawfully imposed, include as a condition of approval, a requirement:
 - (i) for the lodgement of a notification pursuant to section 70A of the *Transfer of Land Act 1893* to notify the likelihood of elevated music noise levels from entertainment venues;
 - (ii) in order to comply with section 20(1)(o) of the *Building Act 2011*, to submit a report by a qualified acoustic consultant confirming to the satisfaction of the local government, that the construction drawings to be the subject of an application for a Building Permit under section 20 of the *Building Act 2011* will comply with the acoustic report required by clause 5(3)(a);
 - (iii) prior to lodging an application for an Occupancy Permit under the *Building Act 2011*, and prior to the building being occupied, to submit a report co-signed by the contracted builder and a qualified acoustic consultant. This report must confirm, to the satisfaction of the local government, that all construction standards outlined in the acoustic report required by clause 5(3)(a) have been implemented.

6. Development standards – Entertainment Venues

- (1) Register of Existing Entertainment Venues – Core Area
- (a) The local government shall prepare a register of entertainment venues within the Core Area which existed at the time of gazettal of this SCA and were lawfully approved and that approval had not expired or been cancelled.
 - (b) The register prepared by the local government must set out the following –

- (i) a description of each area of land that is being used as an entertainment venue;
- (ii) a description of any building on the land; and
- (iii) a description of the entertainment venue;
- (c) Where an entertainment venue on the register;
 - (i) ceases operation for at least 6 consecutive months; and/or
 - (ii) is destroyed or damaged to the extent of at least 75% of its value;

then the entertainment venue shall be removed from the register and the provisions of clause 6(3)(a) for existing entertainment venues in the Core Area shall cease to apply.
- (d) The local government must ensure that the register is kept up to date and is made available for public inspection.
- (e) An entry in the register in relation to land that is being used for an entertainment venue is evidence of the matters set out in the entry, unless the contrary is proved.

(2) Application

- (a) These development standards apply in relation to an application for development approval for any of the following:
 - (i) premises for a new entertainment venue;
 - (ii) a change of use application to use an existing premises for a new entertainment venue;
 - (iii) substantial works to an existing entertainment venue.
- (b) In respect of an application for development approval in clause 4(2), the development standards set out in this clause will only apply to that part of the premises for which approval is required.

(3) Technical standards

Venue music noise levels

- (a) Development shall be designed and specified to ensure venue music noise levels set out in Table 3 are not exceeded when measured from the agreed measurement location(s):

Table 3: Venue Music Noise Levels

NSEP Sub-Area	Venue Music Noise Level L _{Ceq, T} (dB)
Core Area for existing entertainment venues identified on a Register outlined in Clause 6(1)	95
Core for new venues	90
Frame	79

- (b) Appropriate sound attenuation shall be achieved through design and construction methods, and/or on-going operational management measures.

Setbacks

- (c) That part of a new entertainment venue that generates music noise shall be set back in accordance with Table 4 below, otherwise the standard setbacks provisions outlined in local planning policy apply.

Table 4: Setbacks

NSEP Sub-Area	Setback Requirement
Core	5 metres from existing residential accommodation land use
Frame	5 metres from all existing accommodation land uses

- (d) The setback distance may include a portion of the existing accommodation land use not used as a habitable room or space that will not be affected by music noise.
- (4) Application for development approval accompanying material
- (a) In accordance with clause 63(1)(d) of the deemed provisions, all applications for development approval for entertainment venues shall be accompanied by an acoustic report, prepared by a qualified acoustic consultant, in a manner and form to the satisfaction of the local government.
- (b) The acoustic report shall include:
- (i) details of the existing and proposed sound attenuation measures that are to be included in the design and construction; and
 - (ii) any operational management measures proposed; and
 - (iii) modelling to illustrate compliance with the technical standards set out in clause 6(3).
- (5) Determination of application
- (a) The local government shall not grant its approval unless it is satisfied that the relevant venue music noise levels will not be exceeded.
- (b) The local government may, in addition to any other conditions which may be lawfully imposed, include as a condition of approval, a requirement:
- (i) in order to comply with section 20(1)(o) of the *Building Act 2011*, to submit a report by a qualified acoustic consultant confirming to the satisfaction of the local government, that the construction drawings to be the subject of an application for a Building Permit under section 20 of the *Building Act 2011* will comply with the acoustic report required by clause 6(4);
 - (ii) prior to lodging an application for an Occupancy Permit under the *Building Act 2011*, and prior to the building being occupied, to submit a report co-signed by the contracted builder and a qualified acoustic consultant. This report must confirm, to the satisfaction of the local government, that all construction standards outlined in the acoustic report required by clause 6(4) have been implemented.

7. Definitions

accommodation land use means a land use listed in clause 5(1)(a).

agreed measurement location is that part of the boundary of each existing or assumed entertainment venue agreed between the qualified acoustic consultant and the local government as being the most representative location(s) from which music noise would be emitted, and measured from 1 metre outside of the entertainment venue boundary.

assumed entertainment venue means an entertainment venue that has been assumed to exist on a lot, for the purposes of the calculations in clause 5(2)(d).

build to rent accommodation means for the purposes of this SCA only, a purpose-built, large scale residential development owned by a single entity and constructed for rental occupancy only. These developments are to be professionally managed, with a focus on resident amenity, product durability and a highly satisfactory rental experience. Build to Rent facilities shall encourage emphasis on communal facilities and provide flexible leasing arrangements for occupants.

core area means the area identified in Figure 1 of this SCA.

entertainment venue

- (a) includes a venue whether indoor or outdoor to which a hotel, nightclub, small bar, or special facility liquor licence under the *Liquor Control Act 1988* has been granted and from which music is regularly emitted as part of its day to day operations; but
- (b) excludes premises such as restaurants, food outlets, shops and cinemas/theatres;

entertainment venue boundary (or the boundary of entertainment venue) means

- (a) In relation to existing entertainment venues and assumed entertainment venues in existing buildings:
 - (i) the boundary delineating the horizontal and vertical extent of an entertainment venue and may include:
 - A external perimeter walls;
 - B internal walls, floor and/or ceiling;
 - C outdoor containment structures (for example a wall, fence or planter box); and
 - D roof;
 - (ii) Where an entertainment venue has no physically defined vertical extent, such as in the case of an outdoor area or rooftop venue, its vertical extent shall be 4 metres above the ground and/or floor level of the venue (where the outdoor space is located).
 - (iii) Where the entertainment venue is the sole land use on a lot or lots (including a strata lot(s)), its boundary shall be designated as the boundaries of the lot/s upon which it is located).
- (b) In all other cases –
 - (i) the boundaries shall be designated as the boundaries of the subject lot or lots (including a strata lot(s)); and
 - (ii) the vertical boundary extent shall be 4 metres above the natural ground level;

existing entertainment venue in the core area means any existing entertainment venues which have been identified on a register as outlined in accordance with clause 6(1) of this SCA at the time of gazettal of this SCA and were lawfully approved and that approval had not expired or been cancelled;

frame area means the area identified in Figure 1 of this SCA;

music includes live music and pre-recorded music, whether vocal or instrumental and whether amplified or unamplified, and any combination of these things;

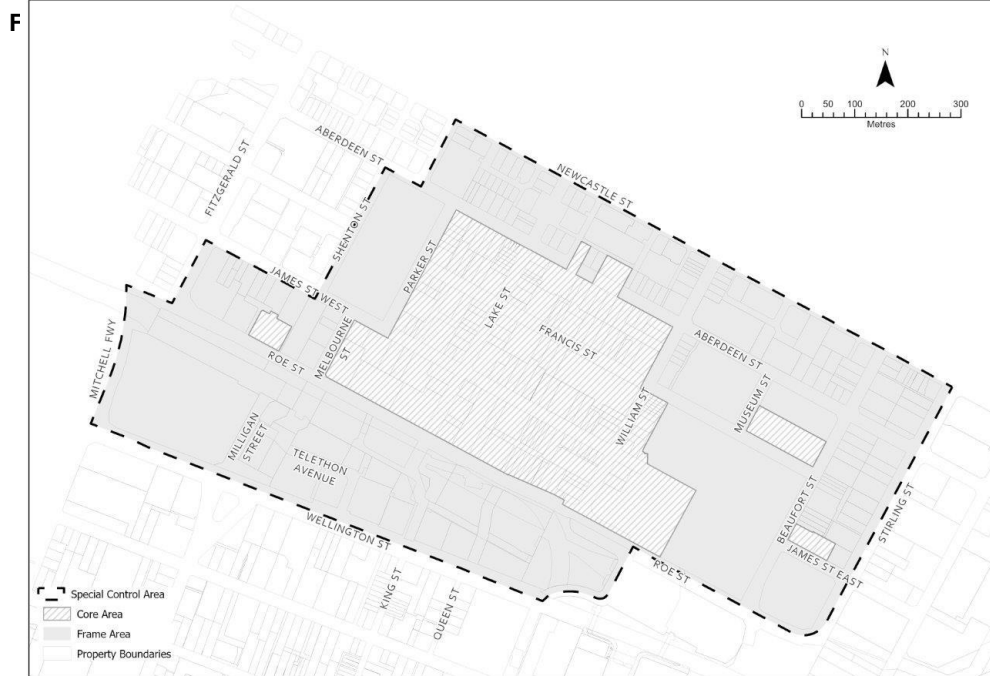
music entertainment venue approval is an approval to emit music noise under the *Environmental Protection (Noise) Regulations 1997*;

qualified acoustic consultant means a person who is at least a Member of, or eligible for membership as a Member of Australian Acoustical Society;

residential accommodation means:

- (a) single house, grouped dwelling, multiple dwelling, residential care facility and independent living complex; and
- (b) any premises designed to be capable for use as a dwelling, as that term is defined in the R-Codes, for example, Serviced Apartments.

winter garden means an enclosed balcony (with glazing which can be opened for ventilation) and is a minimum of 1 metre in width.



SCA2 – Royal Perth Hospital Helicopter Flight Path Protection

1. Purpose

To protect the Royal Perth Hospital Emergency Flight Path.

2. Application

The following provisions apply to the land shown in Figures 1 to 7 of this SCA, being the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area which comprises Core and Frame Flight Path Areas.

Note: The provisions of this SCA do not apply to the parts of the SCA which are legislated under the Metropolitan Redevelopment Act 2011 or to telecommunication facilities legislated by the Telecommunications (Low Impact Facilities) Determination Act 1997.

3. Objectives

- (1) The objectives of the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area (SCA) are:
 - (a) To ensure the continued safe operation of Royal Perth Hospital's Strategic Helicopter Landing Site in support of the hospital's function as the State's Major Trauma Unit.
 - (b) To ensure that permanent development does not encroach into the Core Flight Path Area.
 - (c) To ensure that temporary works and equipment within the Special Control Area do not present a hazard to helicopters using the Core Flight Path Area.

4. General Provisions

- (1) Where land within this SCA also falls within another SCA under this Scheme, the provisions of this SCA prevail to the extent of any inconsistency.
- (2) Where the maximum building heights specified in sub-clause 5(1) of this SCA are inconsistent with the maximum building heights specified in local planning policy, whichever is the lower height shall apply.

5. Requirement for Development Approval for Works

In accordance with sub-clause 61(6)(a) of the deemed provisions, an application for development approval for works that are typically excluded under clause 61(1) of the deemed provisions shall be required for works that are situated above or within 30 metres of the maximum AHD heights specified in Figures 3 to 8 of this SCA for the Core and Frame Flight Path Areas.

6. Development Requirements

- (1) Within the Core Flight Path Area, permanent development, including the parts of a building which are ordinarily excluded from building height calculations, shall not exceed the maximum AHD heights specified in Figures 3 to 8 of this SCA, as well as intermediate maximum AHD height values determined by a 4.5% gradient as shown in Figure 9 of this SCA.

- (2) Within the Core and Frame Flight Path Areas, temporary works and equipment shall not present a hazard to helicopters using the Core Flight Path Area.

7. Consultation with Other Authorities

Where development and any associated works are situated above or within 30 metres of the maximum AHD heights specified in Figures 3 to 8 of this SCA, and/or the intermediate maximum AHD heights specified in Figure 9 of this SCA for the Core and Frame Flight Path Areas, the local government shall provide a copy of the application for development approval to the owner of the Royal Perth Hospital Helicopter Landing Site for objections and recommendations in accordance with clause 66 of the deemed provisions.

Note: The Department of Health's East Metropolitan Health Service is the owner of the Royal Perth Hospital helicopter landing site.

8. Consideration of Application by Local Government

- (1) Development approval shall not be granted for permanent development in the Core Flight Path Area which exceeds the maximum AHD heights specified in Figures 3 to 8 of this SCA or the intermediate maximum AHD heights specified in Figure 9 of this SCA.
- (2) In considering an application for development approval (other than an application for which approval cannot be granted under clause 7(1)), the local government is to have due regard to the following matters:
- (a) the objectives of this SCA; and
 - (b) the views of the owner of the Royal Perth Hospital Helicopter Landing Site in relation to how the application addresses the National Airports Safeguarding Framework - Guideline H, or any other relevant technical guidelines.
- (3) Where development and associated works are situated above or within 30 metres of the maximum AHD heights specified in Figures 3 to 8 of this SCA, or the intermediate maximum AHD heights in Figure 9 of this SCA, for the Core and Frame Flight Path Areas, the local government shall include as a condition of development approval, the submission of a Construction and Demolition Management Plan in a form and manner to the satisfaction of the local government.
- (4) The local government shall provide a copy of the Construction and Demolition Management Plan, including any subsequent amendments to the plan, to the owner of the Royal Perth Hospital Helicopter Landing Site for recommendations for the local government to consider in determining the acceptability of the plan.
- (5) The owner of the Royal Perth Hospital Helicopter Landing Site shall, within 21 days of receiving the Construction and Demolition Management Plan, or within such longer period as the local government allows, provide to the local government a memorandum in writing containing any recommendations with respect to the plan and any subsequent amendments to the plan.
- (6) The Construction and Demolition Plan shall provide details of the temporary works and equipment, including cranes, to be used on site for construction and demolition purposes including but not limited to:

City of Perth

Draft Local Planning Scheme No. 3 (April 2024)

- (a) The duration of the construction period (start date and end date) and the time period in which any crane or other equipment will remain on site;
- (b) Maximum operating height, maximum operating radius and operating time/s of any crane or other equipment; and
- (c) The measures to be taken to minimise any potential impact on and/or encroachment into the Core Flight Path Area.

9. Definitions

core flight path area means the protected operational flight paths used by helicopters arriving and departing the Royal Perth Hospital Helicopter Landing Site as defined by the relevant civil aviation guidelines and/or standards as shown in Figures 3 to 8 of this SCA;

frame flight path area means the area adjoining the Core Flight Path Area as shown in Figures 3 to 8 of this SCA within which temporary works and equipment need to be considered in relation to their impact on the Core Flight Path Area.

Royal Perth Hospital helicopter landing site means the rooftop landing surface used for the arrival or departure of helicopters associated with the operations of the Royal Perth Hospital State Major Trauma Unit as shown in Figure 2 of this SCA.

permanent development means development which is not temporary works or equipment.

temporary works and equipment means works and equipment such as cranes, machinery and structures used temporarily to undertake development and/or maintenance

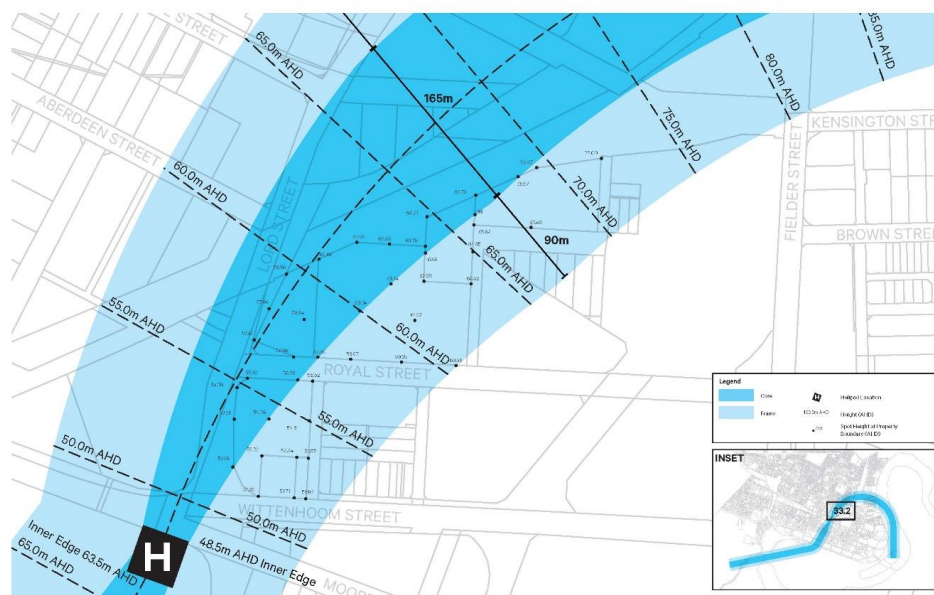


Figure 1 - SCA2 Royal Perth Hospital Helicopter Flight Path – Overall Plan

Figure 2 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Location Plan

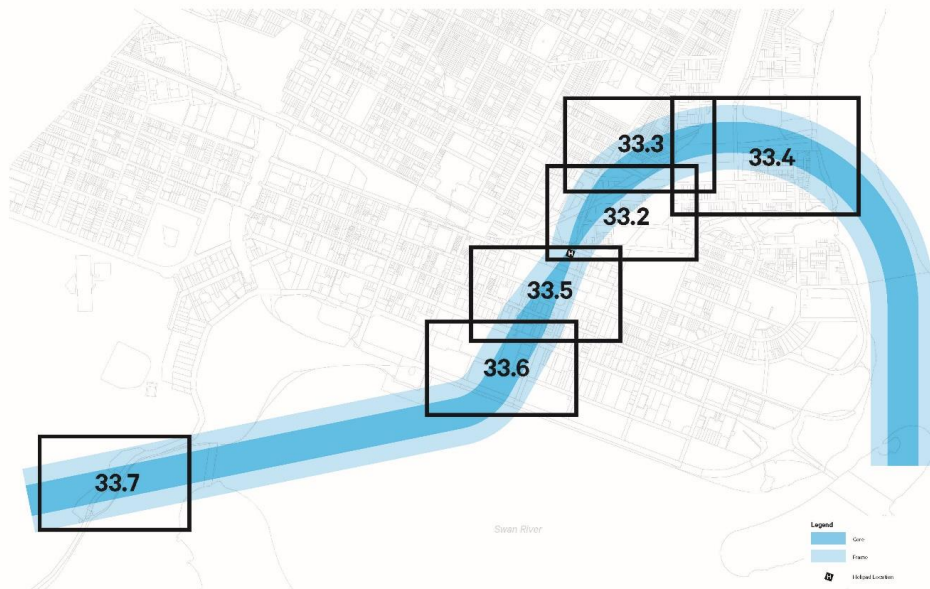


Figure 3 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path

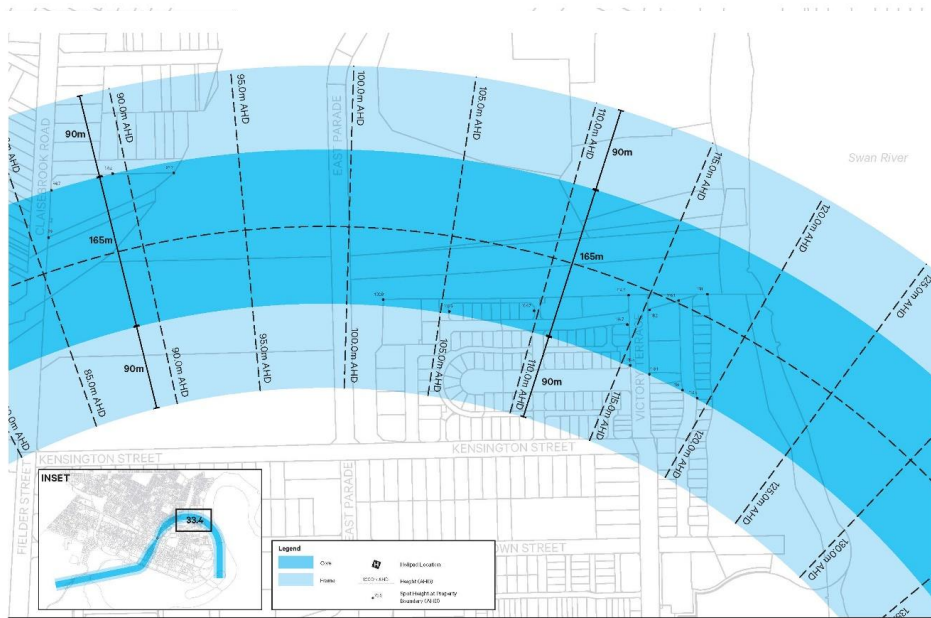


Figure 4 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path

11.2 Preparation of Amendment No. 52 to City Planning Scheme No. 2 - Special Control Area over 935-939 Wellington Street, West Perth

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.2A – Location Plan Attachment 11.2B – Scheme Amendment Report Attachment 11.2C – West Perth Precinct Plan Map

Purpose

For Council to consider the preparation of Amendment No. 52 to City Planning Scheme No. 2 (CPS2) to introduce a Special Control Area (SCA) over 935 (Lot 3), 937 (Lot 2) and 939 (Lot 1) Wellington Street, West Perth.

Recommendation

That Council:

1. RESOLVES to prepare Amendment No. 52 to City Planning Scheme No. 2 as detailed in **Attachment B**, pursuant to Section 75(b) of the *Planning and Development Act 2005*.
2. RESOLVES that Amendment No. 52 to City Planning Scheme No. 2 is a standard amendment for the following reasons, pursuant to Regulation 34 and 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. The scheme amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone.
 - b. The scheme amendment, and the development the amendment facilitates, is consistent with the City’s Local Planning Strategy which has been endorsed by the Western Australian Planning Commission.
 - c. The scheme amendment will have minimal impact on land within the scheme area that is not the subject of the scheme amendment.
 - d. The scheme amendment will not result in any significant environmental, social, economic or governance impacts on land within the scheme area.
3. RESOLVES to advertise the amended West Perth Precinct Plan 10 Map as detailed in **Attachment C**, in accordance with Schedule 2 - Deemed Provisions Clause 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

1. The City has received a request from Urbis on behalf of Nicholas De Canha to prepare a scheme amendment to introduce a SCA over 935 (Lot 3), 937 (Lot 2) and 939 (Lot 1) Wellington Street, West Perth (subject site). A location plan is at **Attachment A**.
2. The SCA will increase the base plot ratio for the subject site from 2:1 to 4:1 for Residential and Special Residential use groups. The base plot ratio of 1.33:1 for all other use groups will remain unchanged.
3. The applicant is requesting the scheme amendment to facilitate a mixed-use development consisting of commercial tenancies on the lower levels and apartments on the upper levels.
4. The subject site currently consists of three two-storey terrace buildings. The buildings are currently being used as offices.
5. The subject site fronts Wellington Street to the north, a right-of-way to the south, and single-storey commercial buildings to the east and west. Harold Boas Gardens is located to north of the subject site on the opposite side of Wellington Street.
6. The subject site is identified on the City's Local Heritage Survey, although the site is not heritage listed and has no statutory heritage protection.

Discussion

7. The subject site is in the 'Office/Residential' scheme use area under CPS2 and the 'Office/Residential' area under the West Perth Precinct Plan. The 'Office/Residential' scheme use area is intended to be developed as a mixed-use precinct, predominantly consisting of permanent residential accommodation and office/business activities.
8. The subject site has a maximum base plot ratio of 2:1 under CPS2. Clause 27(1) of CPS2 does not allow increases to base plot ratio to be approved unless specified in CPS2.
9. The Local Planning Strategy (Strategy) identifies the subject site in an 'Intensification Investigation Area' with an indicative built form of 'Medium-High Scale Mixed Use (<16 Storeys)'. The Neighbourhood Priority for West Perth includes increasing the residential population and delivering affordable and diverse housing.
10. The draft Local Planning Scheme No. 3 (LPS3) proposes a base plot ratio of 5:1 for the subject site. Noting the LPS3 shift in what is included in the calculation of floor area for plot ratio, and use of the R-Codes definition, it is considered the requested 4:1 for this site is sufficiently aligned with LPS3. As such no adjustment to what is being requested is necessary.
11. Council Policy 3.5 (CP 3.5) provides a framework to assess the appropriateness of initiating a scheme amendment ahead of the new LPS3. Amendment No. 52 satisfies the provisions of CP 3.5 for the following key reasons:
 - a. The scheme amendment will facilitate new residential development, which aligns with the Strategy's Neighbourhood Priority for West Perth and will contribute to reaching West Perth's residential dwelling target of 5,326 by 2036.
 - b. The applicant has advised the site could provide 44 dwellings, consisting of one-bedroom, two-bedroom, three-bedroom dwellings and two penthouses. This is consistent with the Strategy, which seeks to create more diverse housing and three-bedroom dwellings to suit families.

- c. The scheme amendment relates to a small area of land, which is identified as an Intensification Investigation Area under the Strategy. Increasing plot ratio in an Investigation Intensification area does not present any unintended consequences or risk.
 - d. The proposed base plot ratio of 4:1 is within the limits of growth envisioned in the draft LPS3, which includes a base plot ratio of 5:1 and up to 7:1 with plot ratio bonuses.
 - e. The scheme amendment will facilitate a mixed-use development that will deliver additional commercial and residential development, which is consistent with the vision for the area under the West Perth Precinct plan.
 - f. The buildings located on the subject site are at the end of their lifespan and not suitable for redevelopment. The applicant has submitted a dilapidation report confirming the state of the buildings.
12. The strong strategic alignment with the Strategy provides the basis for the scheme amendment satisfying CP 3.5 and being progressed ahead of the LPS3.
13. A minor amendment to the West Perth Precinct Plan 10 map is required to show the boundaries of the SCA, as detailed in **Attachment C**.

Consultation

14. If Council decides to prepare Amendment No. 52, the City will refer the scheme amendment to:
- a. The Environmental Protection Authority (EPA) to determine whether formal environmental assessment is required; and
 - b. The Western Australian Planning Commission (WAPC) for confirmation the scheme amendment is suitable for progressing.
15. If approval is granted from the EPA and WAPC, the scheme amendment will be advertised for 42 days. The scheme amendment will be advertised via the Engage Perth webpage, letters to the adjoining landowners, and a notice placed in the local newspaper and Council House foyer.

Decision Implications

16. The decision to prepare Amendment No. 52 rests with Council. The final decision on whether the scheme amendment is approved rests with the Minister of Planning.
17. Should Council choose not to prepare Amendment No. 52, the applicant has no review pathway through the State Administrative Tribunal. However, the applicant may request the Minister for Planning to order the local government to prepare and submit the scheme amendment to the Minister for approval, in accordance with Part 5, Division 2 Section 76 of the *Planning and Development Act 2005*.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan 2022-2032

	<p>The scheme amendment will facilitate a new mixed-use development (predominantly residential), which aligns with the ‘Liveable’ pillar of the Strategic Community Plan 2022-2032.</p> <p>Local Planning Strategy 2023</p> <p>The Neighbourhood Priority for West Perth is to increase the residential population to create more vibrancy and activity outside of office hours, while maintaining the neighbourhood’s function as a Secondary Office Area. The scheme amendment will facilitate a new mixed-use development (predominantly residential), which will deliver additional residential dwellings with diverse housing types. This aligns with the Neighbourhood Priority for West Perth.</p>
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Legislation, Delegation of Authority and Policy

<p>Legislation:</p>	<p><i>Planning and Development Act 2005</i></p> <ul style="list-style-type: none"> • Section 75 provides legislative power to the Council to prepare changes to its local planning scheme. • Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising. • Section 83A requires referral to the Minister for approval to advertise. • Section 84 requires a scheme amendment to be advertised and for submissions to be considered by the local government. <p><i>City of Perth Act 2016</i></p> <ul style="list-style-type: none"> • 8(1)(a) to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors. • 8(1)(b) to represent the community and encourage community participation in decision-making. • 8(1)(f) to initiate and promote the continued growth and environmentally sustainable development of the City of Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area. <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> • Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex. • Regulation 47 specifies requirements for advertising a Standard Amendment. • Regulation 76A specifies requirements for making documents available to public. • Clause 5(1) specifies the requirements for advertising local planning policy amendments.
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	<p>City Planning Scheme No. 2</p> <ul style="list-style-type: none"> • Clause 39 refers to Special Control Areas. • Clauses 3A of Schedule A - Supplemental Provisions refers to amending Precinct Plans.
Authority of Council/CEO:	<p>The <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> gives local governments powers in relation to Local Planning Schemes and Local Planning Policies. The above provisions of the <i>Planning and Development Act 2005</i> require a decision to amend a Local Planning Scheme by Council resolution.</p>
Policy:	<p>City Planning Scheme No. 2 Precinct Plan 10 – West Perth</p> <p>The intent for the West Perth Precinct Office/Residential Area is to provide for a wide range of office and residential activities together with restaurants (including cafes) and other uses which serve the immediate needs of the work force and residents and add to the area's vitality and attraction. The development of independent residential uses will be strongly encouraged. The scheme amendment will facilitate a new residential development, which aligns with the intent for the area under the Precinct Plan.</p> <p>Council Policy 3.5 – Initiation of Local Planning Scheme Amendments</p> <p>CP 3.5 provides a framework to guide the preparation of scheme amendments ahead of the new Local Planning Scheme No. 3. The scheme amendment meets the requirements of CP 3.5.</p>

Financial Implications

In accordance with the *Planning and Development Regulations 2009* and *Planning and Development (Local Planning Schemes) Regulations 2015* the costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

Further Information

18. Questions and Responses forming part of the Agenda Briefing Session held on 23 April 2024 are as follows:

	Question	Response
1.	11 b. mentions diverse housing. Is it known at this stage how many 3+ apartments are within the 44 dwellings stated?	<p>This is yet to be determined as a Development Application is yet to be submitted.</p> <p>City Planning Scheme No. 2 - Planning Policy 4.9 Residential Design Policy states that developments should provide a range of dwelling sizes and types to increase the number of people that can afford to live in the city and to add diversity to the population.</p>

	Question	Response
		Once Local Planning Scheme No.3 is gazetted the Residential Design Codes Volume 2 will apply. This continues the requirement for developments to deliver a mix of dwellings. A diverse dwelling mix may include dwellings designed to suit singles, couples, unrelated adult sharers, families, multi-generation households, seniors ageing in place and people with disabilities.

Council Resolution (OCM-24/04-005)

Mover: Lord Mayor Basil Zempilas

Seconder: Councillor Brent Fleeton

That Council:

1. **RESOLVES** to prepare Amendment No. 52 to City Planning Scheme No. 2 as detailed in **Attachment B**, pursuant to Section 75(b) of the *Planning and Development Act 2005*.
2. **RESOLVES** that Amendment No. 52 to City Planning Scheme No. 2 is a standard amendment for the following reasons, pursuant to Regulation 34 and 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. The scheme amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone.
 - b. The scheme amendment, and the development the amendment facilitates, is consistent with the City's Local Planning Strategy which has been endorsed by the Western Australian Planning Commission.
 - c. The scheme amendment will have minimal impact on land within the scheme area that is not the subject of the scheme amendment.
 - d. The scheme amendment will not result in any significant environmental, social, economic or governance impacts on land within the scheme area.
3. **RESOLVES** to advertise the amended West Perth Precinct Plan 10 Map as detailed in **Attachment C**, in accordance with Schedule 2 - Deemed Provisions Clause 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

12. Community Development Alliance Reports

Nil.

13. Infrastructure and Operations Alliance Reports

13.1 Local Law review: Local Government Property Local Law 2005, Thoroughfares and Public Places Local Law 2017

Responsible Officer	Allan Mason – General Manager Infrastructure and Operations
Voting Requirements	Simple Majority
Attachments	Nil.

Purpose

The purpose of this report is to seek Council approval to initiate a review of the City of Perth's *Local Government Property Local Law 2005* and *Thoroughfares and Public Places Local Law 2017* with the aim of increasing the penalty for an offence relating to tree vandalism and completing a comprehensive review of these local laws.

Recommendation

That Council APPROVE a review of the following City of Perth local laws:

1. *Local Government Property Local Law 2005*; and
 2. *Thoroughfares and Public Places Local Law 2017*
-

Background

Context

1. The administration has undertaken a review of the City's current penalties which can be applied to deter tree vandalism and recommends that the City initiate a review of the City of Perth's *Local Government Property Local Law 2005* and *Thoroughfares and Public Places Local Law 2017* with the aim of increasing the penalty for an offence relating to tree vandalism and completing a comprehensive review of these local laws.
2. Tree vandalism typically occurs in City areas with an active night-time economy or along popular pedestrian routes linking hospitality venues and public transport. Of the 50 trees removed from Central Perth during 2023, 45 were due to vandalism. Since January 2024, an additional 23 trees have been removed due to vandalism.
3. In addition to the cost of physical removal and replacement, each new tree requires maintenance over a 3–7-year establishment period. This results in an average cost of \$6,905 per tree. Less tangible costs include the loss of canopy and public amenity, a reduction of ecological services including urban cooling and carbon sequestration.

Existing tree-related penalties

4. The mechanisms available to apply penalties sit within local laws and the City's schedule of Municipal Fees and Charges.
5. There are two (2) local laws which prescribe penalties for the unauthorised damage and/or removal of a City tree: the *Local Government Property Local Law 2005* and the *Thoroughfares and Public Places Local Law 2017*. Both stipulate a maximum applicable penalty of \$500.
6. The mechanisms under both local laws have been assessed to determine if the nominated penalty amount/s were considered sufficient to deter would-be offenders. The \$500 penalty has not proved a deterrent to tree vandalism.
7. Part 3 of the *Local Government Act 1995* empowers local governments to make and amend local laws which enable them to perform their legislative functions. This includes the authority to prescribe a penalty for an offence under local law.
8. In addition to the penalties prescribed in the two local laws the City can recoup costs associated with a tree's assessed value due to vandalism by recovering a fee under Part 6 of the Act. Such a fee can be imposed as a function of local government's responsibility to exercise care, control, and management over local road reserves. With this approach, the fee amount is variable as tree value is determined on an individual basis. The method used to calculate this fee must be applied consistently, and be defined within Council policy, to ensure transparency.
9. Council Policy 3.3 Tree Protection and accompanying Management Guidelines explain how the City determines a fee associated with tree removal and replacement, including the tree valuation method. These fees are reflected in the schedule of Municipal Fees and Charges.

Local law review process

10. Section 3.16 of the local government act requires local laws be reviewed every eight (8)-years. The City's *Local Government Property Local Law 2005* and *Thoroughfares and Public Places Local Law 2017* have review dates of 28 November 2022 and 9 June 2025 respectively.

11. As these local laws are either due or near the legislated review date a comprehensive general review will be completed at this time in addition to seeking to increase penalties relating to tree vandalism.
12. Any amendment to a local law is subject to scrutiny by the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Joint Standing Committee on Delegated Legislation (JSCDL). Proposed changes should be informed by stakeholder engagement to ensure they are reasonable, contemporary, consistent with existing legislation, and legally enforceable.
13. Following the internal review of these two local laws the process of making a local law will commence whereby a local government must follow the steps which are set out in sections 3.12 and 3.16 of the local government act, as summarised below:

Section 3.16

- a. Local public notice is to be given stating:
 - i. that the local government proposes to review the local laws
 - ii. that a copy of the proposed local law can be inspected or obtained from the local government
 - iii. that submissions about the proposed local law may be made to the local government, before a date given in the notice, being not less than 6 weeks after the publication of the notice
- b. After the last day for submissions, the local government must consider any submissions and may, by an absolute majority, cause a report to be prepared and submitted to Council (Section 3.12 begins).

Section 3.12

- c. At a council meeting, the person presiding is to give notice to the council meeting of the purpose and effect of the proposed local law.
- d. Local public notice is to be given stating:
 - i. that the local government proposes to make the local law
 - ii. that a copy of the proposed local law can be inspected or obtained from the local government
 - iii. that submissions about the proposed local law may be made to the local government, before a date given in the notice, being not less than 6 weeks after the publication of the notice (in calculating the 6 week period, add extra days for both publishing day and closing day, and when closing day falls on a public holiday, Saturday or Sunday)
 - iv. the title of the local law
 - v. its purpose and effect
 - vi. the specific date on which it comes into operation
 - vii. that copies of the local law may be inspected or obtained from the office of the local government.
- e. As soon as the notice is given, a copy of the proposed local law, together with the public notice and the National Competition Policy (NCP) form, must be given to both the Minister for Local Government.
- f. A copy of the proposed local law is to be provided to any person requesting it.
- g. After the last day for submissions, the local government must consider any submissions and may, by an absolute majority, proceed with the local law as proposed or make alterations that are not significantly different from what was first proposed.
- h. The adopted local law is published in the Government Gazette.
- i. After the local law is published, a copy of the signed and sealed adopted local law is to be provided to the Minister.
- j. Another local public notice is given:

- i. stating the title of the local law
 - ii. summarising its purpose and effect
 - iii. specifying the date on which it comes into operation
 - iv. advising that copies of the local law may be inspected or obtained from the office of the local government.
- k. Relevant supporting documents (Explanatory Memorandum, checklist etc) are sent to the Parliament's Joint Standing Committee on Delegated Legislation.

Discussion

Increasing penalties under local law

14. The local government act contains two provisions under which the City may issue an infringement or otherwise recoup costs associated with unauthorised tree damage and/or removal:
- Local Law (s3.10): nominating an offence and determining an applicable penalty to a maximum value of \$5,000, or
 - Fees and Charges (s6.16): imposing a fee or charge for a prescribed service, which allows for the fee amount to exceed the cost incurred by local government under set circumstances.
15. The maximum penalty for a tree-related offence under the City's local laws is currently \$500, which is comparable with other local governments in the Perth Metropolitan Area. However, in practice these penalties are rarely applied by the City as the penalty amount is significantly less than that which is recoverable through the application of Council Policy 3.3 Tree Protection via the schedule of Municipal Fees and Charges.
16. A review of the City's local laws provides the opportunity for the City to explore its options relating to increased penalties for tree vandalism. This will include investigation of the possibility of increasing the penalties to the maximum value of \$5,000, which is more commensurate with the total operational costs incurred to rectify tree damage (average of \$6,905 per tree).
17. Council Policy 3.3 Tree Protection derives a more substantial penalty and is the current approach used by the City to recoup costs for unauthorised tree damage and/or removal, and for tree removal approved under delegation to facilitate development. A benefit of this approach is that the fee is influenced by the assessed tree value, so the resultant fee more accurately reflects, and compensates for tree loss.
18. Section 3.8 of the local government act makes provision for a local law to reference an external code, rule, specification or standard. This suggests it may be possible to reference Council Policy 3.3 Tree Protection and/or the schedule of Municipal Fees and Charges as determining the prescribed penalty under local law, however advice will be sought to confirm whether this approach is acceptable.

Opportunities for other service areas

19. The two (2) local laws referenced in this report (*City of Perth Local Government Property Local Law 2005* and *Thoroughfares and Public Places Local Law 2017*) contain a wide range of provisions, whose management is overseen by various units across the City's administration.
20. A comprehensive review of both local laws will be undertaken at this time and an opportunity will be provided to all relevant units across the administration to consider further amendment that will better support operational needs.

21. On completion of the review of these local laws a report will be brought back to Council to seek support for any recommended amendments and approval to advertise the proposed changes for public consultation.

Consultation

22. Nil.

Decision Implications

23. If Council approves this local law review, a comprehensive review across the administration will be initiated and proposed amendment will be presented to Council for consideration to progress to public consultation.
24. If Council does not approve initiation of this local law review:
- a. no review will take place and the City may not be compliant with its statutory review obligations under the Act.
 - b. all local law related penalties included in these two local laws will remain the same, including Tree-related offences which will continue to be penalised in accordance with Council Policy 3.3 Tree Protection and the schedule of Municipal Fees and Charges
 - c. the opportunity to review and potentially improve and modernise these local laws will not be realised.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	<p>Strategic Community Plan G2.1 of the Strategic Community Plan states that The City of Perth local government is a high performing organisation.</p> <p>Corporate Business Plan The City's Corporate Business Plan recognises that the City has an integral regulatory role, including implementation of local law.</p>
Legislation, Delegation of Authority and Policy	
Legislation:	<p>Local Government Act 1995 (WA) Section 3.12. Procedure for making local laws Section 3.16. Periodic review of local laws</p>
Authority of Council/CEO:	Council Decision
Policy:	Council Policy 3.3 Tree Protection

Financial Implications

Nil.

Further Information

25. Questions and Responses forming part of the Agenda Briefing Session held 23 April 2024 are as follows:

	Question	Response
1.	15. can you please advise how many times a penalty under Council Policy 3.3 Tree Protection has been collected in some time period (perhaps since 2020)?	There has been 1 instance of the City collecting a penalty since 2020. In most instances the Policy provides the tools for the City to address any potential issues with development up front.
2.	Why is the recommendation to approve a review of these Local Laws? Didn't Council already approve the review schedule for Local Laws and Council Policies?	<p>This Local Law is being reviewed with the intent of increasing the penalty for tree vandalism, as a commitment to protecting our tree canopy.</p> <p>By way of background, Council adopted a local law review plan at its Ordinary Council Meeting on 23 February 2021.</p> <p>A report to Council on 30 March 2021 includes a recommendation from the Policy and Legislation Committee to revoke the adopted Local Law Review Plan. Whilst the Council Report references a recommendation from the Policy and Legislation Committee, no such recommendation is evident in the minutes of the Committee prior. The rationale given by the City's then General Counsel was that:</p> <p><i>"a more extensive and revised consultation approach including a targeted stakeholder engagement process needs to be conducted to ensure:</i></p> <ul style="list-style-type: none"> <li data-bbox="778 1518 1465 1592">a. <i>Adequate and relevant responses from persons affected by the local laws are received.</i> <li data-bbox="778 1615 1465 1883">b. <i>The complex legislative and regulatory framework that surrounds each local law (including federal and state legislation, planning schemes and parliamentary committees) is fully considered in the process as a local law is inoperative to the extent of its inconsistency with other legislation.</i> <li data-bbox="778 1906 1465 2047">c. <i>Any condensed timeframe running multiple local law reviews concurrently is only commenced after full and thorough consultation with all stakeholders which then</i>

	Question	Response
		<p><i>allows specialist advice and proper legislative drafting to be obtained.”</i></p> <p>Following this decision, Council has considered individual local law review as it arises.</p>

Council Resolution (OCM-24/04-006)

Mover: Councillor Liam Gobbert

Seconded: Councillor Catherine Lezer

That Council APPROVE a review of the following City of Perth local laws:

1. *Local Government Property Local Law 2005*; and
2. *Thoroughfares and Public Places Local Law 2017*

CARRIED (7/1)

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

Against: Councillor Brent Fleeton

14. Commercial Services Alliance Reports

Nil.

15. Corporate Services Reports

15.1 Monthly Financial Statements - February 2024

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.1A – Statement of Financial Activity P8 Attachment 15.1B – Notes on Significant Variances P8 Attachment 15.1C – Net Current Position P8 Attachment 15.1D – Monthly Financial Statistics P8 Attachment 15.1E – Statement of Financial Activity P8 Attachment 15.1F – Alliance Operating Variances P8 Attachment 15.1G – Capital Variances P8 Attachment 15.1H – Investment Report P8 Attachment 15.1I – Monthly Rates Debtor Report P8

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:

1. RECEIVES the following financial reports for the period ended 29 February 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 15.3B) 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 23/24	Variance	F/ U
Operating Revenue	\$ 117.55 M	\$ 81.49 M	\$ 83.22 M	\$ 1.73 M	F
Rates Revenue	\$ 103.81 M	\$ 103.81 M	\$ 104.34 M	\$ 531 K	F
Cash Operating Exp.	\$ 178.62 M	\$ 114.07 M	\$ 108.16 M	\$ 5.91 M	F
Non-Operating Revenue	\$ 10.25 M	\$ 950 K	\$ 588 K	\$ 362 K	U
Capital - Infrastructure	\$ 28.59 M	\$ 14.43 M	\$ 13.13 M	\$ 1.31 M	F
Property, Plant & Equip.	\$ 21.04 M	\$ 7.72 M	\$ 6.40 M	\$ 1.32 M	F
Capital Contributions	\$ 1.25 M	\$ 0.00 M	\$ 0.00 M	\$ 0.00 M	F

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 \$79.40M compared to a year-to-date budgeted surplus of \$71.22M. This is a favourable variance of \$8.17M at the end of the month.
19. Investing activities reflect a result of (\$18.85M) compared to a year-to-date budget of (\$21.21M). This is a favourable variance of \$2.37M.
20. Construction of infrastructure to month end is 9% under budget expectations at \$13.13M, against a \$14.43M year to date budget as noted at paragraph 15.
21. Acquisition of non-infrastructure to month end is \$6.40M against the year-to-date budget of \$7.72M.
22. Comments on significant capital variances are contained in Attachment 15.1G.

23. 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.
24. The SFA for the period to 29 February shows that a rate yield of \$104.34M has been levied compared to the budget of \$103.81M after adjusting for interim rates.
25. The disclosed year to date SFA Closing Position of \$73.81M compares favourably to the projected year to date budget closing position of \$63.27M - reflecting the combined impact of the favourable variances noted in this report for revenues, expenses, and financing activity.
26. Contributing to this difference are a very positive investment revenue performance and slower than anticipated operating cash outflows, and revised transfers from Reserves.
27. Key financial statistics at each month end are presented graphically in Attachment 15.1D as an alternative representation of the data.
28. Significant variances were identified and addressed in the statutory Mid-Year Budget Review considered by Council at the February Ordinary Council Meeting.
29. The Net Current Position Note (Attachment 15.1C) at month end indicates a year-to-date adjusted Net Current Position value of \$73.19M which is expected to reduce to the year-end projection of \$9.23M.
30. Headline data from this month's Net Current Position report is shown in Table 2 below.

Table 2:

Item Details	June 2023 Actual	June 24 Annual Budget	Feb 24 Actual
Current Assets	\$ 210.21 M	\$ 217.99 M	\$ 274.51 M
Current Liabilities	(\$ 35.22 M)	(\$ 41.51 M)	(\$ 40.73 M)
Unadjusted Net Assets	\$ 174.98 M	\$ 176.48 M	\$ 233.78 M
Less Restricted Items	(\$ 142.82 M)	(\$ 167.25 M)	(\$ 160.57 M)
Adjusted Net Current Position	\$ 32.16 M	\$ 9.23 M	\$ 73.19 M

31. The Net Current Asset position at month end is favourably impacted by three major factors :
 - a. A higher municipal cash balance due to a strong revenue performance, good cash collections and slower than anticipated cash outflows for capital contributions and capital works.
 - b. A higher value of reserve funds versus the initial projected year-end balance - which will now not be reduced later in the financial year based on deferred payment of for capital contributions.
 - c. A higher rates receivable balance representing the remaining rate instalment yet to fall due for collection.
 - d. Yet to be expensed pre-paid parking levies which will progressively reduce to zero by year end.
32. As noted above, there is currently a higher value of reserve funds (restricted assets) at present, and this difference will remain until drawn down to make the capital contributions for the WACA Aquatic Facility (now expected for 2024/25 and 2025/26) plus the Perth Concert Hall contribution when required (now expected for 2024/25) - so adjusted in the Budget Review).

33. The remaining variances are essentially timing differences attributable to 'unusual' but relatively predictable pattern of local government cashflows. That is, revenue is largely recognised at the beginning of the year - but cash collections and expenditure are phased across the whole year.
34. A Statement of Financial Position as at month end (showing 2022/23 Actual balances, the Revised 2023/24 Budget and the 2023/24 Year to Date Actual balances) is presented as Attachment 15.1E.
35. In line with recent local government financial management reporting changes, Attachments 15.31 to Attachment 15.1C form the portion of monthly management accounts that is a statutory obligation.
36. 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.
37. Attachment 15.1F - Operating Variances and Attachment 15.1G - Capital Variances provide a more granular view of variances by alliance and service.
38. Attachment 15.1H - Investment Report for February 2024 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.
39. 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.
40. Attachment 15.1I - Rates Debtors provides a monthly update and analysis of rates collections by differential property rating category and overall. The 2023/24 rates notices were issued on 28 July. At the end of February, after the third instalment due date, 92% of the rates levied for 2023/24 have been collected.
41. As noted in Table 1, the rates yield is currently \$530K ahead budget. However, it is important to note that the City has been advised that the WA Cricket Association has again been granted a discretionary ministerial exemption for \$203K for the 2023/24 rates year.
42. It is also anticipated that applying the heritage rate concessions by 30 June 2024 will reduce the rate yield by approximately another \$170K.

Consultation

Nil.

Decision Implications

43. 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)	Well Governed
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</p> <p>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).</p> <p>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

44. 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

45. In November 2023, an entry was made in the City’s financial accounts for \$28.2M which relates to the de-recognition of the Perth Concert Hall (PCH) building, land, furniture and equipment assets following the City’s relinquishment to the state of the management order for the venue. As the facility is no longer controlled by the City, all residual values for the PCH associated assets must be removed from the City’s financial accounts. The written down (depreciated) values of the assets is required to be written out of the Statement of Financial Position, reducing the Net Equity by \$28.2M.
46. The depreciated value of the building was \$26.6M, furniture and equipment was \$1.3M, and land value was \$0.3M.
47. The total loss on disposal of \$28.2M is a non-cash cost and is therefore shown as a Loss on Disposal and also disclosed on the Statement of Financial Activity as a Non-Cash Amount excluded from Operating Activities.

48. Questions and Responses forming part of the Agenda Briefing Session held on 23 April 2024 are as follows:

	Question	Response
1.	41. Can I please be reminded if there are any other ratepayers in City of Perth obtaining a ministerial exemption along with the WACA's \$203,000 exemption?	The WACA is the only property in the city that receives a discretionary 'ministerial' rate exemption. There are certain statutory (legislative) exemptions that apply to government, educational and religious use properties – but the WACA is only property granted a ministerial one.

Council Resolution (OCM-24/04-007)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. RECEIVES the following financial reports for the period ended 29 February 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 (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

15.2 Schedule of Accounts Paid - February 2024

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

Purpose

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

Recommendation

That Council:

- RECEIVES the Schedule of Accounts Paid for the period ended 29 February 2024 as attached as Appendix 15.2A.
- RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$16,770,698.85
Trust Fund	0
Total - All Funds	\$16,770,698.85

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 – February 2024		
Municipal Fund		
EFT & Cheque Payments	Direct Creditor Payments	13,138,985.23
Sub Total - EFT & Cheques		13,138,985.23
Direct Debits	Bank Charges and Merchant Fees	32,558.38
Sub Total - Direct Debits		32,558.38
Payroll	09/02/2024	1,772,588.92
	23/02/2024	1,800,579.61
		3,573,168.53
Sub Total - Payroll		
Corporate Cards		25,986.71
Sub Total - Cards		25,986.71
Total per Attachment 15.2A		
Total Payments from Municipal Fund		
Investments in Term Deposits		6,000,000
Trust Fund		
Trust EFT & Cheques		0
Total - Trust Funds		

Stakeholder Engagement

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-24/04-008)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 29 February 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	\$16,770,698.85
Trust Fund	0
Total - All Funds	\$16,770,698.85

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

15.3 Corporate Business Plan Quarterly Progress Report - January-March 2024

Responsible Officer	Wendy Attenborough – General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 15.3A – Corporate Business Plan Quarterly Progress Report - January-March 2024

Purpose

To provide Council an update on the implementation of the Corporate Business Plan 2023/24-2026/27 during the third quarter of FY2023/24, being 1 January 2024 to 31 March 2024.

Recommendation

That Council ENDORSES the Corporate Business Plan Quarterly Progress Report for the quarter 1 January to 31 March 2024, as contained in **Attachment A**.

Background

1. Council adopted the Corporate Business Plan 2023/24-2026/27 (the CBP) at its Special Meeting held on 17 July 2023 (Council Resolution SCM-23/07-003).
2. The CBP establishes the City's priorities for the next four years, guided by the Strategic Community Plan 2022-2032. The first year of the plan, being the 2023/24 financial year, contains 71 deliverables.
3. Quarterly reports are provided to Council on the progress of the deliverables. Council endorsed the first quarterly report at its Ordinary Meeting held on 21 November 2023 (Council Resolution OCM-23/11-014) and the second quarterly report at its Ordinary Meeting held on 27 February 2024 (Council Resolution OCM-24/02-019).
4. At its Ordinary Meeting held on 27 February 2024, Council approved the amendment of the CBP to remove the deliverable "Design for Heirisson Island toilet renewal completed" (Council Resolution OCM-24/02-019). This reduced the number of deliverables for FY2023/24 from 71 to 70.

Discussion

5. Of the 70 deliverables for FY2023/24:
 - a. 33 (47%) have been delivered
 - b. 34 (49%) are on track
 - c. 1 (1%) is on watch
 - d. 2 (3%) are delayed and are unlikely to be delivered by 30 June for reasons outside the City's control.
6. Of the 33 deliverables achieved to date, the following 14 were achieved during the quarter:
 - a. Park Avenue lighting upgrades installed
 - b. Hay Street Mall decorative lighting installed
 - c. City of Light Shows completed
 - d. Lunar New Year celebrations completed
 - e. Rod Evans Community Centre fit-out and refurbishment completed
 - f. Rod Evans Community Centre reopened for community bookings
 - g. Hay Street two-way conversion (Bennett Street to Victoria Avenue) design presented to Elected Members
 - h. Business case for East Perth inner city primary school presented to Elected Members
 - i. Feasibility assessment for on-street EV charging points presented to Elected Members
 - j. Carbon accounting baseline endorsed by Council
 - k. Refresh of William Street commenced
 - l. Location and design for Central Perth public toilet and change room presented to Elected Members
 - m. Options for cafe/kiosk at Wellington Square presented to Elected Members
 - n. Organisational Service Review completed (presentation to Elected Members expected in April).

7. The following deliverable is reported as on watch because there is a risk of delay.

Project/program	Deliverables	Comments
UWA-QEII Precinct Plan	Community engagement commenced	An Engagement Plan has been drafted but commencement of engagement may be delayed for reasons outside the City’s control. This project is dependent on the release of the State Government’s Economic Development Strategy for the precinct, which is critical to guide community engagement. The Strategy was expected to be finalised in 2023, however it has yet to be released.

8. The following two deliverables are reported as delayed because they have encountered significant challenges outside the City’s control and are unlikely to be completed by 30 June.

Project/program	Deliverables	Comments
Public lighting enhancements	Installation of lighting upgrades – Adelaide Terrace, East Perth completed	Installation for Adelaide Terrace remains delayed, awaiting Main Roads signal design, which is outside the City’s control. Estimated completion is now September 2024.
Bus-stop replacement (city-wide)	26 new bus shelters installed at various locations	Installation of 11 shelters is complete. Fabrication of the remaining shelters is complete. Installation of the final five shelters is delayed by Public Transport Authority inground civil works, which will not be delivered this financial year. This has pushed overall completion beyond June 2024, which is outside of the City’s control.

Consultation

Nil.

Decision Implications

Nil.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan – Articulates the community’s vision for Perth. Corporate Business Plan – Sets out how the City will deliver the vision in the Strategic Community Plan.

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 2.7 of the <i>Local Government Act 1995</i> provides that Council is responsible for the performance of the local government’s functions.</p> <p>Section 5.56 of the <i>Local Government Act 1995</i> requires a local government to plan for the future of the district.</p> <p>Regulation 19DA of the <i>Local Government (Administration) Regulations 1996</i> establishes the requirements for a Corporate Business Plan, including adoption and modification.</p>
Authority of Council/CEO:	<p>Under the Act and Regulations, the Council is responsible for the performance of the City’s functions and setting the Corporate Business Plan. Accordingly, it is appropriate for Council to receive regular updates on the progress of this plan.</p> <p>Regulation 19DA(6) of the <i>Local Government (Administration) Regulations 1996</i> requires that a Corporate Business Plan, or modifications of such a plan, be considered and adopted by an absolute majority of Council.</p>
Policy:	Nil.

Financial Implications

Nil.

Further Information

9. Questions and Responses forming part of the Agenda Briefing Session held on 23 April 2024 are as follows:

Question		Response			
1.	Can I please have some info on past deliverables in the Corporate Business Plans:	Year	Deliverables	% Delivered	<p>The FY20/21 CBP (developed by Commission led Council) did not follow the same approach as subsequent years in that it did not specify deliverables for a single year. Instead, it listed 84 projects due over the four-year life of the plan.</p>
		23/24	70	TBC at EOFY	
		22/23	71	88.5%	
		21/22	77	87%	
		Year	Deliverables	% Delivered	
		23/24	70	97% (projected)	
		22/23	?	?	
21/22	?	?			
20/21	?	?			

Council Resolution (OCM-24/04-009)

Mover: Lord Mayor Basil Zempilas

Seconder: Councillor Brent Fleeton

That Council ENDORSES the Corporate Business Plan Quarterly Progress Report for the quarter 1 January to 31 March 2024, as contained in **Attachment A**.

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

16. Chief Executive Officer Reports

- 16.1 Review of the City of Perth Council Members, Committee Members and Candidates Code of Conduct and Council Policy 1.8 Code of Conduct Behavioural Complaints Management

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 16.1A – Proposed Model Code of Conduct Attachment 16.1B – Table of proposed amendments - Code of Conduct Attachment 16.1C – Proposed CP1.8 Behavioural Complaints Management replacement Policy Attachment 16.1D – Table of proposed amendments - CP1.8 Behavioural Complaints Management Policy

Purpose

For Council to review the Code of Conduct for Council Members, Committee Members and Candidates and Council Policy 1.8 Code of Conduct Behavioural Complaints and consider proposed amendments.

Recommendation

That Council ADOPTS:

1. The attached Code of Conduct for Council Members, Committee Members and Candidates (**Attachment A** – version based on the model code) in accordance with section 5.104 of the *Local Government Act 1995*, to replace any previous City of Perth Elected Member Code of Conduct, noting that:
 - a. a draft version of the Model Code of Conduct is attached to this report which may be formatted (including structurally) and graphically designed following adoption before it is made available; and
 - b. minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.
2. The attached Council Policy 1.8 Code of Conduct Behavioural Complaints (**Attachment C**), to replace any previous City of Perth code of conduct behavioural complaints policies, noting that:
 - a. a draft version of Council Policy 1.8 Code of Conduct Behavioural Complaints is attached to this report which may be formatted (including structurally) and graphically designed following adoption before it is made available; and
 - b. minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.

Background

1. Local governments are required to prepare and adopt a **Code of Conduct for Council Members, Committee Members and Candidates** (Code) that incorporates the prescribed requirements of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code) in accordance with section 5.104 of the *Local Government Act 1995*.
2. At the Ordinary Council Meeting held on 27 April 2021, the City of Perth adopted its Code which included amendments to comply with the requirements under the Act and to incorporate the Model Code.
3. The Code of Conduct was last reviewed and amended at the Ordinary Council Meeting held on 27 June 2023 as a result of an audit recommendation arising from the Discretionary Grants Funding Internal Audit (adopted at the Ordinary Council Meeting held on 30 May 2023),
4. The recommendation was to include a section on lobbying in the Code of Conduct. In response to the audit recommendation, feedback was sought from elected members relating to the inclusions.
5. The outcome of that feedback was that further research was required and that the inclusion of lobbying provisions, to fulfill the audit recommendation requirement, would be reconsidered during the Code of Conducts next ordinary review (following each ordinary election as required by the Code of Conduct).
6. This ordinary review, following the recent election, is not only required by the existing Code but is also considered to assist newly elected members to further familiarise themselves with the Code of Conduct and offer them the opportunity to contribute. Regular periodic review also ensures that the Code of Conduct meets, and continues to meet, community standards and expectations.
7. **Council Policy 1.8 – Code of Conduct Behavioural Complaints Management** was adopted by Council on 29 March 2022 and was due for review in March 2024.
8. The Policy establishes the process for managing complaints of alleged breaches of the behavioural requirements of the Code of Conduct.
9. The review of this policy has been aligned with the review of the Code of Conduct as these policies interrelate. Periodic review of this policy is also considered to assist newly elected members to further familiarise themselves with this policy and offer them the opportunity to contribute. While ensuring that the policy continues to meet, community standards and expectations.

Discussion

Review of the Code of Conduct

10. When adopting the model code as per the requirements of regulations, Local Governments may include additional behavioural requirements that are appropriate for their Council. These additional provisions will only apply to Council and Committee Members (not Candidates).
11. The City’s current Code of Conduct includes five additional behavioural requirements:

Code of Conduct Additional Provision		Source
<i>As a Council or Committee Member for the City of Perth, I must -</i>		
1.	<i>“only use information technology facilities provided by the City to perform the duties of the office or appointment held.”</i>	Inquiry Recommendation 62: The Code requires all council members, committee members and employees of a local government, where information technology facilities are provided by the local government, to use those facilities for any matter relating to the business of the local government of the performance of the duties or functions of their office or employment.

2.	<i>“clearly preface any personal opinions or views I express publicly as my own and not the City’s, including when using social media.</i>	This was adopted to ensure the conduct provisions of repealed Policy 1.9 Media Policy – Media Statements, Press Releases and Social Media were included in the Code of Conduct.
3.	<i>“not make any adverse reflection on Council Members, Committee Members, the CEO, employees, or decisions of Council and Committees, including when publicly expressing my own personal opinions or views.</i>	This was adopted to ensure the conduct provisions of repealed Policy 1.9 Media Policy – Media Statements, Press Releases and Social Media were included in the Code of Conduct.
4.	<i>“direct to the CEO any request for a query or complaint to be dealt with, or other work or action to be undertaken, by a local government employee.</i>	Adopted at the Ordinary Council Meeting on 15 December 2020. <i>To incorporate the proposed behavioural requirements of the draft Model Code of Conduct. However, it is not a requirement of the adopted Model Code of Conduct.</i> This was also to ensure conduct provisions of repealed Policy 10.4 Elected Members – Administrative Support were included in the Code of Conduct.
5.	<i>As a Council Member for the City of Perth, I must - “only use my Lord Mayor or Councillor title when fulfilling the official functions of my elected office.”</i>	Inquiry Recommendation 87: The Department develop guidelines for local governments about the circumstances in which a council member may use his or her councillor title. <i>Council members are not to use their councillor title when it is not appropriate to do so, whether deliberately or inadvertently.</i>

12. The proposed Code of Conduct uses the model Code of Conduct formatting but continues to include the existing additional behavioural provisions currently included in the existing Code of Conduct. Any recommended amendments, other than formatting, to the existing Code of Conduct are outlined in the table of amendments. (**Attachment B**)
13. The draft Code of Conduct in attachment (**Attachment A**) is shown in green text as changes to the formatting throughout is recommended.
14. The City’s existing Code of Conduct includes all of the Model requirements (Division 3 - Behavioural Requirements and Division 4 - Rules of Conduct), however they are dispersed throughout the document and not in the same order as the Model.
15. This makes the Code of Conduct difficult to navigate, especially in relation to identifying the difference between a Rule of Conduct and a Behavioural Requirement. This is particularly troublesome in the event a person is attempting to identify and or report a breach of the Code of Conduct and which legislated process they need to follow.
16. The WALGA Model Code of Conduct for Council Members, Committee Members and Candidates retains the formatting of the Regulations and is widely used by other Local Governments, including the Cities of Wanneroo, Stirling, Joondalup, Rockingham and Canning.
17. In addition to the recommended changes to the format of the Code of Conduct and the inclusion of the existing additional provisions of the Code of Conduct, a new section relating to lobbying is recommended for inclusion.
18. This is in response to a recommendation of the ‘Discretionary Grants Funding Internal Audit’ (adopted at the Ordinary Council Meeting held on 30 May 2023) and is included in the table of amendments provided at **Attachment B**.

Review of the Code of Conduct Behavioural Complaints Management Policy

- 19. The City has undertaken a review of the Code of Conduct Behavioural Complaints Management Policy and is proposing amendment. A table of amendments is provided at **Attachment D**.
- 20. The existing policy is not on the City’s current Policy template and does not follow a logical sequence which makes it difficult to understand and apply.
- 21. The provisions included in the proposed draft policy largely have the same intent as those in the existing policy. However, the current policy is somewhat difficult to understand and apply.
- 22. It is proposed that the existing policy be replaced with the draft policy to simplify the provisions of the policy and provide clear guidance on the required processes.
- 23. A recommended amendment will also enable the CEO to appoint an independent third party to investigate a complaint under specific circumstances. This is a common provision in the Policies of other Local Governments for referral of complaints (City of Kwinana, City of Joondalup and City of Wanneroo, for example).
- 24. This proposed draft policy is provided at **Attachment C**.

Consultation

- 25. Elected Members were given the opportunity to provide feedback and ask questions during this review of the Code of Conduct and the Code of Conduct Behavioural Complaints Management Policy.
- 26. Codes of Conduct and behavioural complaint policies of other local governments in WA were reviewed for comparison during this review.

Decision Implications

- 27. If Council supports, the officer’s recommendation Code of Conduct will be consistent with WALGA’s Model Code of Conduct and will be easier for Council Members, Committee Members, Candidates and members of the community to read and understand.
- 28. There will also continue to be an established, publicly available process detailing how alleged breaches of the behavioural requirements of the Code of Conduct are managed. However, the new policy will be easier to understand and navigate.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Code of Conduct for Council Members, Committee Members and Candidates.

Legislation, Delegation of Authority and Policy	
Legislation:	Schedule 1 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> . Section 5.104 of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	Section 5.104 of the <i>Local Government Act 1995</i> states an amendment to the Code of Conduct requires an Absolute Majority decision of Council.
Policy:	Council Policy 1.8 – Code of Conduct Behavioural Complaints Management.

Financial Implications

Nil.

Further Information

29. Questions and Responses forming part of the Agenda Briefing Session held on 23 April 2024 are as follows:

	Question	Response
1.	<p>Referring to line 247 in the Policy review under 15A Additional Provisions...</p> <p>Can I please have assistance from Governance to review an amendment giving effect to the below (must for 3, may for 1):</p> <p><i>“Council members, when being lobbied:</i></p> <p><i>Must not commit to a decision on a proposal, application or any other decision of Council.</i></p> <p><i>May invite applicants, supporters or objectors, and lobbyists who have approached them for a meeting, to participate in consultation with all Council Members and the City.</i></p> <p><i>Must provide copies of correspondence and information presented during meetings with applicants, supporters or objectors, and lobbyists to all Council Members and the Chief Executive Officer.</i></p>	<p>Governance will review the proposed amendment to the draft Code of Conduct and assist as required.</p>

Question	Response
<p><i>Must keep a record of all correspondence related to these meetings in accordance with me record keeping responsibilities.”</i></p> <p>Reason: This is an Elected Member’s function under the Act but it is up to the supporter/objector if they want to engage with others, so it is not appropriate for this to be a ‘must’ for an EM.</p>	

Recommendation

That Council ADOPTS:

1. The attached Code of Conduct for Council Members, Committee Members and Candidates (**Attachment A** – version based on the model code) in accordance with section 5.104 of the *Local Government Act 1995*, to replace any previous City of Perth Elected Member Code of Conduct, noting that:
 - a. a draft version of the Model Code of Conduct is attached to this report which may be formatted (including structurally) and graphically designed following adoption before it is made available; and
 - b. minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.

2. The attached Council Policy 1.8 Code of Conduct Behavioural Complaints (**Attachment C**), to replace any previous City of Perth code of conduct behavioural complaints policies, noting that:
 - a. a draft version of Council Policy 1.8 Code of Conduct Behavioural Complaints is attached to this report which may be formatted (including structurally) and graphically designed following adoption before it is made available; and
 - b. minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.

Alternate Motion/Council Resolution (OCM-24/04-010)

Mover: Councillor Liam Gobbert

Seconded: Councillor David Goncalves

That Council ADOPTS:

1. The attached Code of Conduct for Council Members, Committee Members and Candidates (**Attachment A** – version based on the model code) in accordance with section 5.104 of the *Local Government Act 1995*, to replace any previous City of Perth Elected Member Code of Conduct, **subject to the following amendment at line 247 of Attachment A:**

“Council members, when being lobbied, ~~must~~:

- **Must** not commit to a decision on a proposal, application or any other decision of Council.
- **May** Invite applicants, supporters or objectors, and lobbyists who have approached them for a meeting, to participate in consultation with all Council Members and the City.
- **Must** Provide copies of correspondence and information presented during meetings with applicants, supporters or objectors, and lobbyists to all Council Members and the Chief Executive Officer.
- **Must** Keep a record of all correspondence related to these meetings in accordance with me record keeping responsibilities.”

And noting that:

- a. a draft version of the Model Code of Conduct is attached to this report which may be formatted (including structurally) and graphically designed following adoption before it is made available; and
 - b. minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.
2. The attached Council Policy 1.8 Code of Conduct Behavioural Complaints (**Attachment C**), to replace any previous City of Perth code of conduct behavioural complaints policies, noting that:
 - a. a draft version of Council Policy 1.8 Code of Conduct Behavioural Complaints is attached to this report which may be formatted (including structurally) and graphically designed following adoption before it is made available; and
 - b. minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.

CARRIED BY ABSOLUTE MAJORITY (7/1)

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

Against: Councillor Brent Fleeton

Reasons for Change:

This is an Elected Member's function under the Act but it is up to the supporter/objector if they want to engage with others, so it is not appropriate for this to be a 'must' for an Elected Member.

16.2 Standardised Meeting Procedures - City of Perth submission

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.2A – Standardised Meeting Procedures - Proposed City of Perth submission Attachment 16.2B – Standardised Meeting Procedures Consultation Paper

Purpose

For Council to approve a submission to be made in response to the Department of Local Government, Sport and Cultural Industries (DLGSC) consultation paper – “*Standardised Meeting Procedures*”.

Recommendation

That Council APPROVES the City of Perth submission on the standardised meeting procedures, as provided in **Attachment A**, to be provided to the Department of Local Government, Sport and Cultural Industries by 29 May 2024.

Background

1. On 11 May 2023, the first tranche of reforms to the *Local Government Act 1995* was passed through Parliament to improve the transparency and accountability of local governments.
2. New section 5.33A was inserted into the *Local Government Act 1995*, to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.
3. The State Government intends under section 5.33A to make Regulations that apply to all local governments and subsequently repeal all existing local government meetings procedures, standing orders or council meeting local laws.

Discussion

4. The Department of Local Government, Sport and Cultural Industries (DLGSC) is currently seeking feedback on its proposed standardised meeting procedures.
5. A Standardised Meeting Procedures Consultation Paper was circulated, as provided in Attachment B, which contains questions relating to the proposed meeting procedures and it is requested that submissions be provided by 29 May 2024.
6. The proposed meeting procedures have been reviewed against the *City of Perth Standing Orders Local Law 2009* and the current provisions of the *Local Government Act 1995*, and a recommended City of Perth submission is provided in **Attachment A**.
7. Following the implementation of the States standardised meeting procedures, Council will have the opportunity to consider how to apply any discretionary areas of the new provisions and a consultation process will be applied before Council considers adoption of any supporting provisions.

Consultation

8. The DLGSC's consultation paper was circulated to council members in a 'Current Issues Briefing Note' on 6 March 2024 requesting feedback.
9. A presentation on the proposed submission was made to elected members at an Elected Member Engagement Session on 9 April 2024.

Decision Implications

10. Should Council approve the proposed City of Perth submission, a copy will be provided to the DLGSC before consultation closes on 29 May 2024.

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:	<i>Local Government Act 1995</i>
Authority of Council/CEO:	Council
Policy:	Nil.

Financial Implications

Nil.

Further Information

11. Questions and Responses forming part of the Agenda Briefing Session held on 23 April 2024 are as follows:

	Question	Response
1.	Under 3) Urgent Business, is that proposed to be a procedural motion to consider hearing the item, and then a separate vote on the item itself? Does the presiding member have any ability to bring an item without an absolute majority? Seems very clunky process wise.	<p>Yes, it is proposed that Council must resolve to hear the item by absolute majority before the item can be considered. This has not been included in the proposed 'procedural motions' under section 13.</p> <p>There is no provision proposed to allow the presiding member to bring an urgent matter to a meeting any other way.</p> <p>The consultation paper justifies the recommendation as a way to: "seek to limit the use of urgent business to only the most exceptional circumstances."</p>
2.	Under 6) public question time – can we include a request to the department to include a provision that allows Council to vote to extend the time by 5-minute blocks?	Governance will review the proposed amendment to the submission and assist as required.

Recommendation

That Council APPROVES the City of Perth submission on the standardised meeting procedures, as provided in **Attachment A**, to be provided to the Department of Local Government, Sport and Cultural Industries by 29 May 2024.

Alternate Motion/Council Resolution (OCM-24/04-011)

Mover: Councillor Liam Gobbert

Seconded: Councillor David Goncalves

That Council APPROVES the City of Perth submission on the standardised meeting procedures, as provided in **Attachment A**, to be provided to the Department of Local Government, Sport and Cultural Industries by 29 May 2024, with the following amendments:

1. Add “It is requested that provisions allow Council to vote to extend public question time by 5-minute blocks” to the response to question 7.
2. Amend response to 6.8 from “Yes, but there should also be a maximum limit of 5 minutes for all questions from one person (same as public presentations).”

to

“Yes, but there should also be a maximum limit of 5 minutes for all questions from one person (same as public presentations) exclusive of the time taken to respond and answer questions.”

3. Amend response to 10.18 from “It is recommended that minor amendments can be moved during the meeting, and that written notice be required for more significant amendments or alternate motions. This will allow for the administration to provide comment on the implications of the changes.”

to

“It is recommended that written notice be optionally available for more significant amendments or alternate motions. This will allow for the administration to provide comment on the implications of the changes.”

CARRIED UNOPPOSED (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against: Nil.

Reasons for Change:

To:

- Include a request to the department to include a provision that allows Council to vote to extend the time by 5-minute blocks;
- Provide clarity in the public expectation that time to ask questions is separate from that to receive a response from the administration; and
- Provide clarity and consistency for Council to be able to exercise its full decision making authority in regard to amendments and alternate motions.

16.3 Strategic Community Plan 2022-2032 minor review

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 16.3A – Table of Changes Attachment 16.3B – Revised - Strategic Community Plan 2022-2032

Purpose

To present proposed changes resulting from the minor review of the Strategic Community Plan 2022-2032 for consideration by Council.

Recommendation

That Council ADOPTS the revised Strategic Community Plan 2022-2032 (**Attachment B**) resulting from the minor review, noting that:

1. The revised Strategic Community Plan attached to this report may be formatted (including structurally) and graphically designed following adoption before it is made available; and
 2. Minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.
-

Background

1. In April 2022, Council endorsed its Strategic Community Plan 2022-2032 (SCP).
2. In accordance with Section 5.56 (1) of the *Local Government Act 1995* (the Act), all local governments are required to plan for the future of their district. Regulations under Section 5.56 (2) of the Act outline the minimum requirements to achieve this.
3. The Department of Local Government, Sport and Cultural Industries (DLGSC) details this requirement further within its Integrated Planning and Reporting Framework (IPRF) and Guidelines stating that local governments are required to review the SCP (“plan for the future”) every two years, alternating between a major and a minor review.
4. The City’s last major review of the SCP occurred in 2021/2022. The major review involved extensive public consultation through online surveys, pop-up events, collaborative workshops, informal council meetups, and stakeholder roundtables. It also leveraged feedback from ongoing projects and community platforms to inform the development of the new 2022-2032 SCP.
5. The City has since undertaken a minor review of the plan this year (2023/2024).
6. The next major review of the SCP is due in 2025/2026, and will be subject to the second tranche of the Local Government reforms, which has a focus on simplifying the IPRF.

Discussion

7. The DLGSC’s IPRF and Guidelines states that a “minor review” of the SCP is primarily a desktop review exercise and usually focuses on resetting the Corporate Business Plan with consideration to informing strategies as required. The intent of the document should remain unchanged.
8. Desktop reviews typically rely on existing data and information without the need for extensive public consultation or stakeholder engagement.
9. Based on this desktop review approach, minor changes have been proposed, centred around language modifications and updates to referenced strategies, plans, and statistics. The review also considered the administration and elected members’ feedback. The intent of the document remains unchanged.
10. The minor review for the SCP focussed on:
 - a) Minor wording and grammatical changes (as required)
 - b) Minor updates to forewords to include reference to the minor review (as required)
 - c) Updates to background figures (e.g., using 2021 Census data instead of estimates based on 2016 Census data)
 - d) Removal of a case study
 - e) Updates to references and presentation of current supporting strategies and plans
11. The minor review has **not incorporated progress against the measures** for the strategic goals. **Ten** of these can only be reported following a community survey. This work is anticipated in the lead-up to the major review of the SCP in 2025/2026.

12. The main changes to the Strategic Community Plan resulting from the minor review are in the table attached.

Consultation

13. An environmental scan of other local governments' minor review processes supports the City's approach to the minor review of the SCP.
14. Consideration has included:
- a. The administration, including members of the Executive Leadership Team.
 - b. Current Issue Briefing Notes (2) to Elected Members providing an outline of proposed SCP changes with a request for feedback (one response received) and a request for any final feedback (one response received).

Decision Implications

15. All local governments are required to undertake a minor review of their SCP.
16. Delays in progressing the minor review may impact the alignment/delivery of the 2024/2025 Corporate Business Plan (CBP) and the Chief Executive Officer Key Performance Indicators.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	This proposal aligns with Section 5.56 of the Local Government Act 1995, supporting the City's commitment to effective and compliant strategic planning.
Authority of Council/CEO:	Council is to consider (and adopt) the local government review of their SCP every two years.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (OCM-24/04-012)

Mover: Councillor Liam Gobbert

Seconded: Councillor David Goncalves

That Council ADOPTS the revised Strategic Community Plan 2022-2032 (**Attachment B**) resulting from the minor review, noting that:

1. The revised Strategic Community Plan attached to this report may be formatted (including structurally) and graphically designed following adoption before it is made available; and
2. Minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.

CARRIED BY ABSOLUTE MAJORITY (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against: Nil.

16.4 Major Event Leveraging Opportunity

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Confidential Attachment 16.4A – Event Proposal

Purpose

To present a major event leveraging opportunity for consideration by Council.

Recommendation

That Council:

1. APPROVES support for the event outlined in **Confidential Attachment A** to the in-kind value of \$250,000 (ex GST) subject to written confirmation from Tourism WA; and
 2. APPROVES the transfer of \$250,000 (ex GST) from the Major Events Activation Reserve to leverage the event outlined in **Confidential Attachment A**, to be included in the 2024/25 Annual Budget.
-

Background

1. The City has a vision for Perth to be 'the events heart of WA' (2025 Events Strategy).
2. Through the Major Events Activation Reserve, the City leverages activations associated with third party run major national or international events. The reserve may also be used to allow the City to partner with state government agencies delivering events with significant state funding support.

Discussion

3. On 18 March 2024, the City of Perth received a formal request for support for the event outlined in Confidential Attachment A.
4. The proponent has requested City support through the provision of \$250,000 in-kind support for services, fees and charges. This funding will be matched with an additional \$250,000 taking the total budget for the proposed event to \$500,000.
5. In-kind services, fees and charges which may be provided by the City include:
 - a. Promotions and Displays
 - b. Marketing Support
 - c. Equipment Hire, Staging and Audio Visual
 - d. Security Services
 - e. Contractors
 - f. Venue Hire Fees and Charges
 - g. Signage and Banners Production
 - h. Banner Site Hire and Installation
6. The partner benefits proposed by the proponent for the City of Perth are outlined in Confidential Attachment A.

Consultation

7. Discussions between proponent and the City of Perth have been occurring since early 2024.
8. The proponent is also partnering with Tourism WA for the event outlined in Confidential Attachment A.

Decision Implications

9. The City maintains a Major Events Activation Reserve which has the following stated purpose: "This reserve was established to allow the City to leverage activations associated with third party run major national or international events. The reserve may also be used to allow the City to partner with state government agencies delivering events with significant state funding support."
10. The City's involvement in the proposed event is consistent with the purpose for which the reserve fund was established and could therefore be used to source up to \$250,000 towards leveraging the event subject to confirming of support from state government.

11. If Council support the provision of in-kind funding for this major event then the extent of financial impact will require funding from the City's Major Events Activation Reserve.
12. If Council does not support any funding being made available, the proponent will require alternate funding sources to deliver the event.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	2025 Events Strategy

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> – payments from municipal fund or trust fund, restrictions on making. Section 6.8 of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	Council may by resolution of Council authorise expenditure from the Major Events Activation Reserve.
Policy:	Nil.

Financial Implications

13. The current balance of the Major Events Activation Reserve is \$1.75M.

Further Information

Nil.

Council Resolution (OCM-24/04-013)

Mover: Councillor Brent Fleeton

Seconded: Councillor Catherine Lezer

That Council:

1. APPROVES support for the event outlined in **Confidential Attachment A** to the in-kind value of \$250,000 (ex GST) subject to written confirmation from Tourism WA; and
2. APPROVES the transfer of \$250,000 (ex GST) from the Major Events Activation Reserve to leverage the event outlined in **Confidential Attachment A**, to be included in the 2024/25 Annual Budget.

CARRIED BY ABSOLUTE MAJORITY (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

16.5 CERAWeek Close Out Report

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.5A – CERAWeek 2024 - Perth Delegate Booklet Attachment 16.5B – CERAWeek 2024 - Feedback from Perth Delegation

Purpose

To present an overview and close out report of the successful CERAWeek Conference 2024 recently attended by a City of Perth delegation.

Recommendation

That Council ACKNOWLEDGES the successful CERAWeek Conference 2024 and the positive outcomes which contribute to establishing Perth as a leading city in energy transition.

Background

1. At the 12 December 2023 Ordinary Council Meeting (OCM), Council approved:
 - a. a delegation being sent to represent the City of Perth at the CERAWeek Conference 2024 in Houston, Texas; and
 - b. the allocation of unexpended funds (\$113,000) from the World Energy Cities Partnership (WECP) Budget to be allocated for expenses to support a City of Perth delegation to the CERAWeek Conference 2024.
2. Importantly, participation in CERAWeek, recognises Perth's status as the capital city of Western Australia; and the City's broader remit consistent with section 8 of the *City of Perth Act 2016*:
 - (f) *to initiate and promote the continued growth and environmentally sustainable development of the City of Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area;*
 - (g) *to maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone;*
 - (h) *to nurture and support the initiatives and innovations of the diverse precincts of the City of Perth;*
 - (i) *to develop and maintain collaborative inter-governmental relationships at regional, State, national and international levels with a view to developing and implementing strategies for the continued improvement of the City of Perth.*
3. The CERAWeek Conference is regarded as the world's leading global energy conference and exhibition, bringing together more than 8000 global leaders to advance new ideas, insight and solutions to the biggest challenges facing the future of energy, the environment and climate.
4. The CERAWeek Conference 2024 (18-22 March 2024) coincided with the WECP Working Group Meeting (WGM), which was held on 20 March 2024. (The WGM was attended by the Lord Mayor and Chief Executive Officer (CEO) as founding WECP member representatives from the City of Perth.)
5. Council's decision from 12 December 2023, enabled a delegation consisting of a maximum of 10 representatives including City representatives and external stakeholders from WA's energy transition sector. The City of Perth received complimentary admission to the CERAWeek Conference for the Lord Mayor and two City attendees as part of the WECP membership.
6. After an Expression of Interest (EOI) process to Elected Members, Councillor Reynolds was selected as the Elected Member representative on the delegation.

Process for Selecting Delegates – EOI Process

7. The City identified potential delegates which were prioritised as follows:
 - a. Tier 1 stakeholders involved in the energy transition sector, located in the City of Perth (i.e. ratepayers)
 - b. Tier 2 stakeholders located in the energy transition sector, located outside the City of Perth (i.e. not ratepayers)
 - c. Tier 3 stakeholders include tertiary institutions, research bodies and other associations.

8. An EOI process was conducted to test broader stakeholder interest and suitability, and to supplement the list of potential delegates identified by the City. This was considered important to ensure a transparent and fair process.
9. Any broader stakeholders who submitted an EOI were assessed for suitability based on their current involvement in energy transition/hydrogen; their location; and whether they had a current, relevant project to promote the City of Perth (similar criteria upon which the list of potential delegates was identified).
10. The EOI was open until 26 January 2024 and was promoted via the City's website and social media channels.
11. The CEO and Lord Mayor made the final determination on stakeholder participation on advice from the Planning and Economic Development Alliance.

Discussion

12. CERAWeek lived up to its hype as the global 'superbowl' of the energy sector. Not only did it provide opportunities to connect with the Perth delegation with a plethora of energy sector leaders, innovators and investors, it also enabled the gathering of many learnings from thought-provoking sessions as part of the CERAWeek program.
13. The City of Perth delegation (the Lord Mayor, CEO and Councillor Reynolds) were accompanied by a broader delegation:
 - a. Stephen Gauld, Chief Executive Officer, Infinite Green Energy
 - b. Max van Someren, Founder, Net Zero Network
 - c. Owen Lock, Principal Applications Engineer, Pacific Energy
 - d. Peta Ashworth, Director, Curtin Institute for Energy Transition (CIET)
 - e. Adrienne LaBombard, Director Policy and Advocacy, The Chamber of Minerals and Energy of Western Australia
 - f. Glenn Corrie, Chief Executive Officer and Managing Director, Hazer Group
 - g. Brodie McCulloch, Managing Director, CORE Innovation Hub

The Perth delegate profiles are attached (refer **Attachment A**).

14. The opportunity to participate in CERAWeek builds upon the positive outcomes of the World Energy Cities Partnership Annual General Meeting (WECP AGM) hosted in Perth from the 31 October to 3 November 2023.
15. The CERAWeek program provided a broad international representation of global energy sector leaders, combined with insightful speakers and a blend of formal and informal events which facilitated business-to-business collaboration and academic knowledge exchanges, all contributing towards a more sustainable future. [Agenda | CERAWeek](#)
16. Two highlights from the CERAWeek program included:
 - a. [Luncheon & Dialogue \(ceraweek.com\)](#) with Bill Gates, the founder of Breakthrough Energy, established to commercialise clean energy and other climate-related technologies; and TerraPower, a company investing in developing groundbreaking nuclear technologies.
 - b. Leadership Dialogue with Hon. John Kerry, the first Special Presidential Envoy for Climate and the first-ever Principal to sit on the National Security Council entirely dedicated to climate change.

17. Over and above the CERAWeek program, the delegation participated in other meetings:
- a) **Meeting with Greater Houston Partnership (GHP)** - including, John Cypher, Vice President, International Investment & Trade.
 - b) **GHP and Australian American Chamber of Commerce (AACC): Houston: 40th Anniversary Houston-Perth Sister Cities Reception** – including Mayor Pro Tem, Martha Castex-Tatum, City of Houston; Gabrielle Hall, Australian Consul General, Houston, Australian Consulate; Christina Stailb, Board President, AACC Texas; Hon. Sissel Knutsen Hegdal, Mayor, City of Stavanger; Lord Provost, David Cameron, Aberdeen City Council; AACC Board of Directors; Sister Cities of Houston Executive Board; and 120 Houston business representative guests.

Other meetings:

- c) **Meeting with Chevron** – namely, Karen Knutson, Vice President of Government Affairs; Craig Hall, International Manager.
 - d) **Woodside Energy CEO Meg O’Neill and Rice University** at the Ion for an evening of networking and conversation to explore the intersection of energy and technology, and how innovation is reshaping our industry and creating new opportunities to thrive through the energy transition – including 100 other attendees.
 - e) **Austrade: Net Zero Down Under** focussing on investment opportunities for energy transition in Australia – including, Gabrielle Hall, Consul-General and Trade and Investment Commissioner, Houston; Amanda Wormald, Counsellor for Climate and Energy, Department of Climate Change, Energy, Environment and Water; and Dr Dietmar Tourbier, Director of Energy Business Unit, CSIRO; Alejandro Palma, Queensland Trade and Investment Commissioner (Latin America); John Norman, President, Hydrostor; Clara Bowman, COO, HIF Global; Paul Ezekiel, President & Co-Founder, Amp Energy; Shaun Gregory, EVP New Energy, Woodside Energy; and 100 other attendees.
- The Lord Mayor closed the session showcasing Perth and Western Australia and Perth’s energy transition delegation.
- f) **World Energy Cities Partnership (WECP) World General Meeting** – including WECP Representatives from Aberdeen; Dongying; Esbjerg; Halifax; Karamay; St. Johns; Stavanger; Houston; Groningen; Cape Town; Calgary; and Essen (as an observer city).
 - g) **CERAWeek Mayors Panel** – namely, Christopher Coats, Head of Commodity Insights News – Americas, S&P Global; Hon. Sissel Knutsen Hegdal, Mayor, City of Stavanger; Hon. Mike Savage, Mayor Halifax Regional Municipality; Hon. Jesper Frost Rasmussen, Mayor, Esbjerg Municipality and Basil Zempilas, Lord Mayor, City of Perth.

18. CERAWeek provided the opportunity to meet informally with Chevron’s Karen Knutsford, Vice President of Government Affairs and Craig Hall, Manager International Government Affairs. The Lord Mayor, CEO and Councillor Reynolds were able to discuss Chevron’s significant presence in Perth and their commitment to the Western Australian community.
19. Fortescue’s Energy CEO, Mark Hutchinson was equally generous in meeting with the Lord Mayor and CEO.
20. **Post-event feedback** from the Perth delegation was overwhelmingly positive, including the following highlights:
 - a. *“A brilliant week and thanks once again for inviting us – an extremely beneficial trip...we valued building connectivity with local Perth stakeholders / network around a common theme.”* **(Glenn Corrie, Hazer-Group)**

- b. *“Provided opportunity to focus on Australia and US trade opportunities.” (Owen Lock, Pacific Energy)*
- c. *“Eye-opening...amazing event.” (Stephen Gould, Infinite Green)*
- d. *As an international conference with a large attendance from across the energy sector, there is nowhere better than CERAWeek to get an understanding of the latest trends in the energy transition.” (Max van Someran, Net Zero Network)*
- e. *“The volume of investment into the energy transition in the US is staggering...with funding being such a massive challenge to stay competitive, Perth and Western Australia really need to focus on the areas of competitive advantage...we have access to almost unlimited energy which can be turned into efuels, hydrogen and data.” (Brodie McCulloch, CORE)*
- f. *“Useful to connect more deeply with WA energy sector representatives that were part of the delegation.” (Peta Ashworth, Curtin University)*

More detailed feedback is attached (refer **Attachment B**).

21. Media engagement and performance

A summary of the **social media engagement** and performance during CERAWeek:

- a. Platforms: Major activity on LinkedIn and other social media channels.
- b. Statistics: 4 City of Perth posts over the week generated reached 16,000 people.
- c. In addition from their personal accounts, the Lord Mayor generated 8 posts (to 8000 followers); the CEO generated 2 posts (to 4000 followers); and Councillor Reynolds generated 9 posts (to 6,800 followers).

22. Next Steps

To build on the success of CERAWeek, the Lord Mayor has written to the Premier recommending the State lead a delegation in 2025.

23. Budget

Council allocated \$113,000 to facilitate a delegation to the CERAWeek conference. Expenses for CERAWeek at the time of this report amount to approximately \$78,766.

Consultation

- 24. Nil

Decision Implications

- 25. This report seeks to provide a close out report to support Council’s decision to send a delegation to represent the City of Perth at the CERAWeek conference 2024; and utilise unexpended funds from the WECP budget for this purpose.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Economic Development Strategy 2022 - 2032

Legislation, Delegation of Authority and Policy	
Legislation:	Consistent with the objects of the <i>City of Perth Act 2016</i> , s4(a) (i) & (ii): The objects of this Act are — <ul style="list-style-type: none"> (a) to recognise, promote and enhance — <ul style="list-style-type: none"> (i) the special social, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and (ii) the important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level.
Authority of Council/CEO:	
Policy:	N.A.

Financial Implications

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

Account Number	SP 1002-100-50-10726-XXXX	Operating
Account Description	CERAWeek	
Total Budget	\$113,000	
Remaining Budget	\$34,234 as at the time of this report.	

Further Information

Nil.

Council Resolution (OCM-24/04-014)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council ACKNOWLEDGES the successful CERAWeek Conference 2024 and the positive outcomes which contribute to establishing Perth as a leading city in energy transition.

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

16.6 City of Perth Inquiry Recommendations - Quarterly Progress Update - Q3
2023/24 (1 January - 31 March 2024)

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.6A – Recommendations of the Inquiry into the City of Perth Quarterly Progress Update - Q3 2023-24 - 1 January - 31 March 2024

Purpose

To provide Council with an update on the progress of the recommendations from the Inquiry into the City of Perth.

Recommendation

That Council RECEIVES the quarterly Q3 2023/24 (1 January – 31 March 2024) progress update on the remaining recommendations from the Inquiry into the City of Perth.

Background

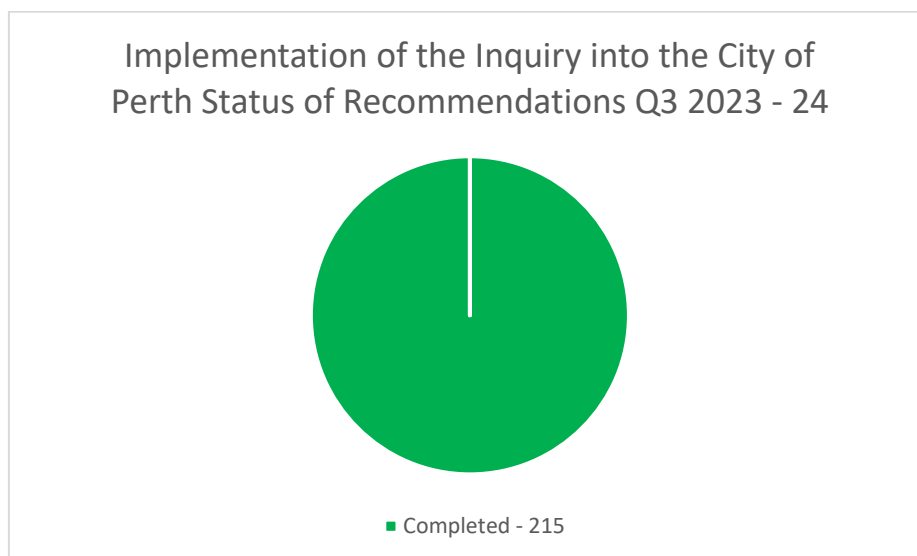
1. The final report of the Inquiry into the City of Perth (Inquiry) was tabled at State Parliament on 11 August 2020. The report detailed 341 recommendations for both the City of Perth (215) and State Government (126).
2. Quarterly progress updates on the implementation of the Inquiry’s recommendations have been presented to Council as outlined in the below table, and the City of Perth (the City) has made significant progress toward addressing the Inquiry's recommendations.

City of Perth Inquiry recommendations - Quarterly progress updates presented to Council				
2020	2021	2022	2023	2024
15 December	30 March	22 February	28 February	27 February
	27 July	31 May	26 April	
	23 November	30 August	25 July	
		22 November	21 November	

3. As of 31 December 2023, the City had completed 212 out of 215, or 98.6% of recommendations.
4. A further quarterly progress update, Q3 2023/24 (1 January – 31 March 2024) is now presented for Council to receive (**Attachment A**).

Discussion

5. Subject to the endorsement of the Department of Local Government, Sport and Cultural Industries (DLGSC), the City has completed a total of **215 out of 215, or 100%** of the recommendations and **0** recommendations remain in progress.
6. The progress achieved to date, subject to DLGSC’s endorsement is included below:



Consultation

Next steps

- This quarterly progress update will be provided to the DLGSC along with evidence to validate completion. The Inquiry Oversight Group will then consider the information provided. If the recommendations are deemed to be addressed, they will be officially closed out.

Decision Implications

- The City is working with the DLGSC to close out the recommendations of the Inquiry.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Report of the Inquiry into the City of Perth.

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 8.22 and 8.24 of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	The recommendation of this report is for noting only.
Policy:	Nil.

Financial Implications

Nil.

Further Information

- Questions and Responses forming part of the Agenda Briefing Session held on 23 April 2024 are as follows:

	Question	Response
1.	The City is to be applauded for this effort. Can we please know the quantum and status of the DLGSC actions? This question was also asked in Dec 23.	The City has not received a response from the DLGSC to its enquiry dated 22 February 2024, on the quantum and status of the DLGSC inquiry actions.

Council Resolution (OCM-24/04-015)

Mover: Councillor Liam Gobbert

Seconded: Councillor Catherine Lezer

That Council RECEIVES the quarterly Q3 2023/24 (1 January – 31 March 2024) progress update on the remaining recommendations from the Inquiry into the City of Perth.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

17. Committee Reports

Nil.

18. Motions of which Previous Notice has been Given

18.1 Notice of Motion – WALGA Advocacy - In-House Committee Elections

The following Notice of Motion was submitted in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

Councillor	Councillor Catherine Lezer
Date Received	12 April 2024
Motion	<p>That Council:</p> <ol style="list-style-type: none"> 1. <u>ADOPTS</u> the following advocacy position: <i>“The Local Government Act 1995 be amended to reinstate the ability for local governments to apply first-past-the-post voting systems to elections of Council Positions, Council Committees, including Audit Committees”.</i> 2. <u>APPROVES</u> for this position to be forwarded to WALGA for presentation to the next scheduled WALGA Central Metropolitan Zone Meeting.
Reasons Provided	<p>Elections for Council Positions/Committees changed from first past the post voting to preferential voting due to recent changes to the <i>Local Government Act 1995</i>.</p> <p>Given there is only 9 potential voters at City of Perth the use of preferential voting is unnecessary, and causes more administrative work, than first-past-the-post voting.</p> <p>This motion is to adopt an advocacy position at the City.</p> <p>Further, WALGA has asked the Council to formally ask WALGA zone meeting to adopt the same.</p>

Administration Response to Notice of Motion

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Nil.

Discussion

- Section 5.12 of the *Local Government Act 1995* (The Act) prescribes the election of both a Presiding Member and Deputy Presiding Member for Committees to be in accordance with Schedule 2.3, Division 1.
- Schedule 4.1 of the Act then prescribes the method on which votes for an office are to be counted, which includes the offices of both Presiding and Deputy Presiding Members of a Committee, being Preferential Voting.
- The Department of Local Government, Sport and Cultural Industries (DLGSC) have given reasons on their website to support the amendment to preferential voting. These are included in the below (Table 1) with a corresponding administration comment on its relevance to in-house elections for Committees:

DLGSC Comments (during consultation for amendment of LGA)	City Administration Comment
<i>“OPV will strengthen democracy by giving ratepayers a greater choice of candidates”</i> Toolkit for local governments DLGSC	Ratepayers and Residents do not vote at elections of Presiding or Deputy Presiding members of committees.
<i>“As a result, the candidates elected are more representative of the majority of voters.”</i> Local government reform explained DLGSC	Ratepayers and Residents do not vote at elections of Presiding or Deputy Presiding members of committees.
<i>“Under the current first-past-the-post voting system candidates have been elected with as little as 4.71% of the vote.”</i> Local government reform explained DLGSC	When applied to the election of Presiding and Deputy Presiding members of committees, where there are very few voting participants, the percentage implications are not as relevant. Especially given that the group of voters involved are in the process of building a cohesive Council Team.
<i>“Under the new optional preferential voting system (OPV) to be used in the October 2023 local government elections, a candidate must receive more than half the votes to win — this is much fairer”</i> 4.71% and a winner? Can this be true? (dlgsc.wa.gov.au)	<ul style="list-style-type: none"> With 9 elected members, if each elected member nominated for a presiding or deputy presiding member position on a committee, first-past-the-post voting would still require 22% of the vote to be elected. In the 2023 election of the Deputy Lord Mayor, two candidates meant that over 50% of the vote was required to be elected.

- In addition to the above, the administration provides the following feedback on Preferential Voting for in-house committee elections:

- a. Optional Preferential Voting Counting can be time consuming and create a greater margin of error for the administration. These types of counts involve manually calculating the quota, transfer values and surplus fractions as part of a potential distribution of preferences.
 - b. Following the introduction of Optional Preferential Voting counting for these types of elections there appears to have been an increase in invalidity complaints to the Court of Disputed Returns (Magistrates Court) (Section 4.80 of the Act).
5. The administration supports this advocacy position, raised by Cr Catherine Lezer as a Notice of Motion and titled *“In-House Committee elections”*.

Decision Implications

6. Should the Notice of Motion be carried, the advocacy position will be forwarded to WALGA who will subsequently present it to the Central Metropolitan Zone seeking support for progression and submission to the DLGSC.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Well-governed
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.12 • Schedule 2.3 • Schedule 4.1 <p><i>City of Perth Standing Orders Local Law 2009:</i></p> <ul style="list-style-type: none"> • Clause 4.12 – Motions of which previous notice has been given
Authority of Council/CEO:	Elected Members are not permitted to speak on behalf of Council. Therefore, to form a City of Perth advocacy position, Council must support the position through a decision of Council.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (OCM-24/04-016)

Mover: Councillor Catherine Lezer

Seconded: Councillor Brent Fleeton

That Council:

1. ADOPTS the following advocacy position:

“The Local Government Act 1995 be amended to reinstate the ability for local governments to apply first-past-the-post voting systems to elections of Council Positions, Council Committees, including Audit Committees”.

2. APPROVES for this position to be forwarded to WALGA for presentation to the next scheduled WALGA Central Metropolitan Zone Meeting.

LOST (2/6)

For: Councillors Catherine Lezer and Bruce Reynolds

Against: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, and David Goncalves

18.2 Notice of Motion – Major Music Event

The following Notice of Motion was submitted in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

Councillor	Councillor Basil Zempilas
Date Received	23 April 2024
Motion	<p>Council <u>REQUESTS</u> that the Chief Executive Officer:</p> <ol style="list-style-type: none">1. Facilitates an open market or similar Register of Interest (ROI) process which calls for concepts to be presented on the introduction of a City of Perth multi day music/dance festival as a major event which builds on the City's reputation as a destination for live entertainment and which supports the City's hospitality, tourism and entertainment industries.2. Provides a report, to the next practicable Ordinary Council Meeting following the completion of the ROI process, on the outcome of the ROI, summarising all expressions received and making a recommendation on the next steps toward achieving the establishment of an iconic new event to showcase our City.

Reasons Provided

We're a City in search of a permanent, lock-it-in the calendar, comes-back-every year event. An event which puts us on the map and generates revenue, opportunities and vibrancy for our City. The success of Fred Again back on Easter Saturday demonstrated an Electronic Dance Festival, or DJ festival for those of us born before 1985 – can be it.

We accept we're not going to get the Australian Open Tennis or Formula One Grand Prix and the South Australians have outplayed us over the last couple of years by beating us to two new events, Gather Round and the LIV Golf, so it's clear we'll have to create our own.

If we can get 35,000 people at Langley Park for one act, imagine what we could do with, for example, six big names over a number of days – so let's create a Perth Dance Festival over the Easter long weekend and make Perth the home of this sort of hugely popular event in the southern hemisphere.

We can build a festival around the festival. Imagine three stages set up on Langley Park, surrounded by marquees and corporate hospitality around the perimeter. That's what this can be.

If we get the right acts, the pull of these big names in the electronic music world is so strong, people will travel to Perth from interstate and Southeast Asia to see them and compared to the set up and support required for big name bands and pop singers the set-up costs are tiny.

The City could be the event promoter, or we could partner with those with the expertise in this space – think the dance version of Coachella or Glastonbury down under – that's what we can create here, but rather than with big, expensive bands, we can do it with DJ's.

The Perth crowd absolutely embraced Fred Again. It was a fun, happy, optimistic crowd and it showed me the huge appetite for these sorts of performers and while there's a gap in the market, we can make this our own.

Let's investigate what this can look like, how we can do it, and how big it can be.

Administration Response to Notice of Motion

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Nil.

Discussion

1. The 2025 Events Strategy outlines the City’s vision for Perth to be the events heart of WA. The City facilitates, supports and delivers great opportunities throughout the year for community enjoyment and interaction, resulting in Perth being a vibrant, iconic destination.
2. The City plays a key role in facilitating others to deliver events, creating the right environment for success. Perth is unique and the City’s priority is to support events that build and communicate Perth’s unique cultural offering.
3. In line with the 2025 Events Strategy, the City is the leader and collaborator that connects what we have together (Strategic Action 3.1) and creates a positive destination profile for event organisers (Strategic Action 3.2).
4. Music events hosted in City venues contribute to the Perth’s diverse event offering, appeal to a broad range of demographics and provide enriching experiences for all.
5. The proactive attraction of a major music event opportunity can be facilitated through a Register of Interest (ROI). This process will invite event operators/promoters to submit high-level concepts, proposed dates and requested financial support from the City of Perth.
6. All registrations of interest will be considered and presented to Council at an Engagement Session in June. Following review, the City may issue a Tender request or similar approach to the market for evaluation by the City and recommendations at the next practicable Council Meeting.

Decision Implications

7. If the Council supports the recommendation, the City will release a ROI approach to market seeking multi day music/dance festival concepts for the City of Perth to support.
8. If the Council does not support the recommendation, the City will not release an ROI and continue to facilitate musical festival event applications through business-as-usual services including Activity Approvals and Sponsorship.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	2025 Events Strategy Facilitation of major music events is in line with the City’s vision to have a year-round calendar of events that reflects Perth’s unique cultural proposition, attracts visitors and supports City businesses.

Legislation, Delegation of Authority and Policy	
Legislation:	City of Perth <i>Standing Orders Local Law 2009</i> <ul style="list-style-type: none">• Clause 4.12 – Motions of which previous notice has been given
Authority of Council/CEO:	Council
Policy:	Council Policy 2.2 – Purchasing The proposed Register of Interest process is in line with the Policy principles, requirements and delegations.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (OCM-24/04-017)

Mover: Lord Mayor Basil Zempilas

Secunder: Deputy Lord Mayor Clyde Bevan

Council REQUESTS that the Chief Executive Officer:

1. Facilitates an open market or similar Register of Interest (ROI) process which calls for concepts to be presented on the introduction of a City of Perth multi day music/dance festival as a major event which builds on the City's reputation as a destination for live entertainment and which supports the City's hospitality, tourism and entertainment industries.
2. Provides a report, to the next practicable Ordinary Council Meeting following the completion of the ROI process, on the outcome of the ROI, summarising all expressions received and making a recommendation on the next steps toward achieving the establishment of an iconic new event to showcase our City.

CARRIED (7/1)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves and Bruce Reynolds

Against: Councillor Catherine Lezer

19. Matters for which the meeting may be closed

In accordance with Section 5.23(2)(c) of the Local Government Act 1995, the following Item 19.1 and its attachments are confidential.

19.1 Variation to Contract 0036/20 - Roe Street Masterplan Works

Responsible Officer	Allan Mason – General Manager Infrastructure and Operations
Voting Requirements	Simple Majority
Attachments	Attachment 19.1A – Roe Street - Superintendent’s Variations Assessment and Final Contract Sum Reconciliation

Council Resolution (OCM-24/04-018)

That Council APPROVES the variation to Contract 00036-20 Roe Street Masterplan Works by increasing the contract value from \$20,047,000 to \$20,415,000 ex GST

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

In accordance with Section 5.23(2)(c) of the Local Government Act 1995, the following Item 19.2 and its attachments are confidential.

19.2 MRC Waste to Energy

Responsible Officer	Allan Mason – General Manager Infrastructure and Operations
Voting Requirements	Simple Majority
Attachments	Attachment 19.2A – Participants Agreement Attachment 19.2B – Waste Supply Agreement

Council Resolution (OCM-24/04-019)

That Council:

1. AGREES to enter into a Participants Agreement (PA) and Waste Supply Agreement (WSA) with East Rockingham RRF Project Trust for Waste to Energy services;
2. AUTHORISES the Chief Executive Officer to negotiate the terms for the agreements that do not alter the intent of or vary significantly from the draft agreements provided at **Attachment A** and **Attachment B**, respectively.

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer and Bruce Reynolds

Against : Nil

20. Urgent Business

Nil.

21. Closure

There being no further business, the Presiding Member declared the meeting closed at 6:09pm.