

Ordinary Council Meeting

Notice of Meeting

26 March 2019

6.00pm

Council Chamber

Level 9

Council House

27 St Georges Terrace, Perth WA

6000



City of Perth

Agenda

ORDER OF BUSINESS AND INDEX

- 1 Prayer/Acknowledgment of Country
- 2 Declaration of Opening
- 3 Apologies
- 4 Question Time for the Public and Notification of Deputations
 - 4.1 Question Time
 - 4.2 Notification of Deputations
- 5 Members on Leave of Absence and Application for Leave of Absence
- 6 Confirmation of minutes
 - Special Council Meeting – 20 December 2018
 - Ordinary Council Meeting – 26 February 2019
 - Agenda Briefing Session – 19 March 2019
- 7 Announcements by the Chair Commissioner
- 8 Disclosure of Members' interests

Member/Officer	Item No.	Item Title	Nature/Extent of Interest
Commissioner Gaye McMath (CM 72023/19)	Item 13.3	Key Sector Development Sponsorship – Chamber of Arts and Culture WA	Nature: Impartiality Interest - Commissioner McMath is a board member of Chamber of Arts and Culture WA Extent: Insignificant

- 9 Questions by Members of which due notice has been given
- 10 Correspondence
- 11 Petitions
- 12 Matters for which the meeting may be closed

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should a Commissioner wish to discuss the content of the confidential attachments in relation to Items 13.7, it is recommended that Council resolve to close the meeting to the public prior to discussion of the Item.

Attachment No.	Item No. and Title	Reason
Confidential Attachment 13.7A. 13.7B, 13.7C, 13.7D, 13.7E and 13.7F	Item 13.7 - Tender 050-18/19 – Maintenance and Construction of Footpaths and Associated Works	s5.23(2)(c)

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Reports

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Urgent Business

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Closure

MURRAY JORGENSEN
CHIEF EXECUTIVE OFFICER
21 March 2019

This meeting is open to members of the public

Please convey apologies to Governance on 9461 3250
or email governance@cityofperth.wa.gov.au

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's Council meeting. 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 staff in attendance tonight.

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 in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member before the meeting begins. Alternatively questions can be forwarded to the City of Perth prior to 3.00pm on the day of the meeting, by:-
 - Letter: Addressed to GPO Box C120, Perth, 6839;
 - Email: governance@cityofperth.wa.gov.au.
- Question Sheets are also available on the City's web site: www.perth.wa.gov.au.

Deputations

Applications for deputations to a Ordinary Council Meeting must be in writing to the CEO and sent to info.city@cityofperth.wa.gov.au and received by midday on the day of the meeting.

Please refer to the City's website www.perth.wa.gov.au for further information on making a deputation.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



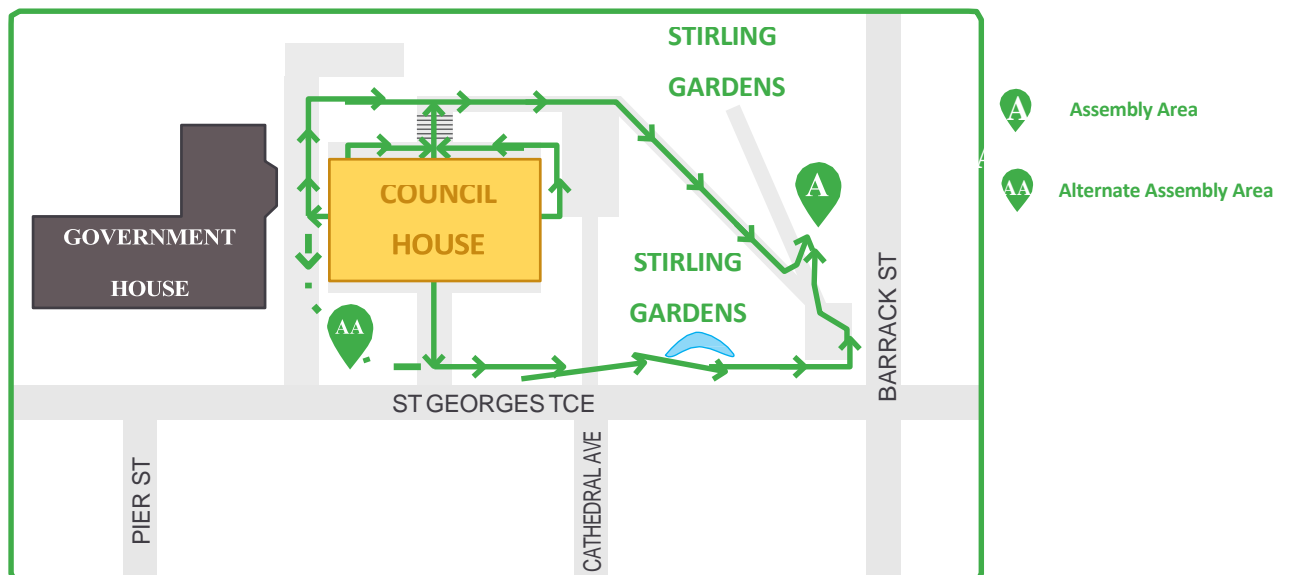
EVACUATION ALARM / PROCEDURES

whoop whoop whoop

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**

EVACUATION ASSEMBLY AREA





City of Perth

Council Chambers Seating Layout



Chair Commissioner
Eric Lumsden



Chief
Executive Officer
Murray Jorgensen



Director Community and
Commercial Services
Rebecca Moore



Commissioner
Andrew Hammond



Acting Director
Corporate Services
Mark Ridgwell



Personal Aide
Paul Anastas



Acting Director Planning
and Development
Robert Farley



Commissioner
Gaye McMath



Director Construction
and Maintenance
Paul Crosetta



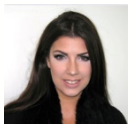
Manager
Development Approvals
Margaret Smith



Acting Manager
Governance
Andrew Corke



Acting Director Economic
Development and Activation
Daniel High



Governance Officer
Ashlee Rutigliano

Public Gallery

Agenda **66, 68 and 70 (Lots 98, 99 and 100) Thomas Street, West Perth**
Item 13.1 **– Proposed Demolition of All Buildings and Structures**

Recommendation:

That:

1. *in accordance with the provisions of the City Planning Scheme No. 2, the Metropolitan Region Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed provisions for local planning schemes, Council **APPROVES** the application for the demolition of all buildings and structures at 66, 68 and 70 (Lots 98, 99 and 100) Thomas Street, West Perth – Proposed demolition of all buildings and structures as indicated on the Metropolitan Region Scheme Form One dated 29 January 2019 and as shown on the plans and details received on 5 February 2019, subject to:*
 - 1.1 *a demolition management plan being submitted prior to the commencement of any demolition works on the sites detailing:*
 - *dust and noise control/monitoring;*
 - *demolition methods;*
 - *removal of materials from the site, including hazardous and asbestos materials, and resource recovery;*
 - *the proximity of services and utilities, including high pressure gas lines;*
 - *impact on surrounding streets and footpaths; and*
 - *other matters likely to impact on the surrounding properties;*
 - 1.2 *archive and photographic records of the buildings being prepared in accordance with the Department of Planning, Lands and Heritage's 'Guide to Preparing an Archival Record', to the City's satisfaction and being submitted to the City prior to the commencement of any demolition works on the sites;*
 - 1.3 *final details of the landscaping, reticulation and perimeter treatment (bollards) being submitted to the City for approval prior to any demolition works occurring on the subject lots;*
 - 1.4 *the Lots being:*
 - *stabilised and maintained dust and litter free following the demolition of the buildings to the City's satisfaction; and*
 - *landscaped, reticulated and secured with appropriate perimeter bollards to prevent unauthorised vehicle access, by the landowner and at the landowner's expense, within 60 days of the completion of the demolition of the buildings with the landscaping being maintained to a high standard thereafter by the landowner;*

(Cont'd)

1.5 all stormwater being contained on-site; and

1.6 no vehicle parking being permitted on the sites.

- 2. as the sites partially fall within an Other Regional Roads reserve under the Metropolitan Region Scheme, the Western Australian Planning Commission be advised of Council's conditional approval for the zoned portions of the Lots under City Planning Scheme No. 2 for consideration as part of its separate determination under the Metropolitan Region Scheme; and**
- 3. Council advises the Western Australian Planning Commission of its disappointment in relation to the rate at which the subject buildings have been allowed to decline and deteriorate to a point which their retention and re-use was unfeasible whilst under the Commission's ownership.**

FILE REFERENCE:	DA-2019/5026
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	11 March 2019
ATTACHMENT/S:	Attachment 13.1A – Location plan Attachment 13.1B – Road widening (MRS) plan Attachment 13.1C – Existing buildings/structures Attachment 13.1D – Concept landscaping plan
3D MODEL PRESENTATION:	N/A
LANDOWNER:	Western Australian Planning Commission
APPLICANT:	Department of Planning, Lands and Heritage
ZONING:	(MRS Zone) Urban, Other Regional Roads (City Planning Scheme Precinct) West Perth (P10) (City Planning Scheme Use Area) Office/Residential
APPROXIMATE COST:	\$105,000

Council Role:

- | | | |
|--------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |



Quasi-Judicial

When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.



Information

For the Council/Committee to note.

Legislation / Strategic Plan / Policy:

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Metropolitan Region Scheme

City Planning Scheme No. 2

Policy

Policy No and Name:

4.1 – City Development Design Guidelines

4.10 – Heritage

Purpose and Background:

The purpose of this report is to provide an assessment and recommendation on the proposed demolition of the buildings located on three sites at 66, 68 and 70 (Lots 98, 99 and 100) Thomas Street, West Perth.

The sites are located on the eastern side of Thomas Street and currently contain single storey buildings, two of which (66 and 68 Thomas Street) are entered into the City's City Planning Scheme No. 2 (CPS2) Heritage List. The buildings at 66 and 68 Thomas Street were constructed in 1922 and the building at 70 Thomas Street was constructed in 1927. All three buildings were originally used for residential purposes before being adapted for use as commercial premises. All buildings have been disused/vacant for approximately five years.

The Lots fronting this portion of Thomas Street are affected by a Metropolitan Region Scheme (MRS) Other Regional Roads (ORR) reserve that occupies the front third of the sites. The reservation was placed on the sites to provide for the future widening of Thomas Street.

At its meeting held **30 August 2016**, Council resolved to grant conditional approval for the demolition of all buildings and structures within the nearby site at 58 (Lot 5) Thomas Street, West Perth. Approval was granted in recognition of the safety and security issues associated with the site and included conditions relating to the treatment of the site post demolition and submission of an archival record. Following demolition, the site was landscaped and secured.

At its meeting held **26 February 2019**, Council resolved to grant conditional approval for the demolition of all buildings and structures of the nearby site at 60 (Lot 6) Thomas Street, West Perth. Approval was granted in recognition of the safety and security issues associated with

the site and included conditions relating to the treatment of the site post demolition and submission of an archival record.

Details:

The application proposes the demolition and clearing of all structures on the subject sites to provide for the future widening of Thomas Street. Whilst there is no timeframe for future road widening works, the demolitions are proposed by the landowner to address ongoing issues related to unauthorised access, vandalism and squatting which has occurred on each of the sites. The applicant has advised that various security measures have been employed to deter antisocial activities onsite, however, the problems have continued and have also resulted in physical damage to the structure of the buildings. The removal of the buildings is proposed to minimise the potential for the sites to continue to be used for anti-social and unlawful purposes.

It is proposed to leave the properties unoccupied until required for their reserved purpose. Following demolition, it is proposed that the sites will be landscaped in a coordinated manner to provide a suitable interim treatment and to install bollards on the property boundaries to discourage illegal vehicle parking on the vacant sites. The landscaping will incorporate existing and new trees, shrubs, on-site drainage basins, pedestrian paths, shade sails and boulder seating. It is proposed that the landscaping will be installed and maintained by the land owner.

Compliance with Planning Scheme:

Development Requirements

In considering an application for or involving demolition, the Council is to have regard to the matters listed in clause 37(1) 'Determination of Application for Demolition' of City Planning Scheme No. 2 (CPS2) which states that:

"(1) In considering an application for or involving demolition, which is not exempt under clause 61 of the Deemed Provisions, the local government is to have regard to the matters listed in clause 67 of the Deemed Provisions and may refuse the application where the local government has not granted approval for the subsequent development of the relevant site."

Given two of the sites are included on the CPS2 Heritage List, and the most recent use of the buildings is no longer for single dwelling purposes, the proposed demolition is not exempt from requiring development approval in accordance with clause 61(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed provisions for local planning schemes* (Deemed Provisions).

In addition, Clause 67 'Matters to be considered by local government' of the Deemed Provisions requires, among other things, that the aims and provisions of the Scheme, the requirements of orderly and proper planning and the amenity of the locality be taken into consideration when determining an application.

Comments:

Road Widening

The purpose of clause 37 of CPS2 is to avoid situations where buildings are demolished and sites are then left vacant for extended periods, detracting from streetscapes, and impacting

on local amenity and city vitality. Generally, Council has refused to approve applications for demolition unless there is a degree of certainty in regard to the timely redevelopment of the site, or where the building may pose a danger on structural grounds.

It is noted that the existing buildings are affected by a Metropolitan Region Scheme (MRS) Other Regional Roads (ORR) reserve, which occupies the front third of the sites (refer to Attachment 13.1B). Whilst the commencement of road widening works has not been confirmed, the ultimate retention of the buildings as part of any road widening would not be possible, given the location of the buildings within the reserved portion of the Lots. Future demolition of the buildings is, therefore, considered an inevitable consequence of the ORR reserve despite the current Heritage List status of two of the buildings.

It is noted that the Western Australian Planning Commission (WAPC) has acquired the sites for road widening purposes and has not maintained the buildings, allowing them to remain vacant, which has resulted in this section of Thomas Street being blighted by the appearance of these buildings. It is considered that with greater foresight and attention, the buildings could have been maintained and utilised for appropriate uses in the interim period. It is therefore recommended that the WAPC be advised of Council's disappointment regarding the lack of upkeep and use of the sites which have instead been left to deteriorate, leading to the present safety and security concerns.

Noting the uncertainty over the timing for the widening of Thomas Street, it is considered that a consistent approach to the landscaped treatment previously approved by Council for the sites at 58 and 60 Thomas Street, is required. The application has been accompanied by a concept plan for the landscaping of the three lots (refer Attachment 13.1D). Some of the existing trees will be retained while additional new trees and shrubs will be planted, incorporating on-site drainage basins, pedestrian paths, shade sails and casual seating. It is recommended therefore, that any approval for demolition be subject to a condition requiring the submission of a final landscape plan for the City's approval and that the sites are to be landscaped, reticulated and maintained by the owner and for the perimeter to be secured with bollards (or similar devices) to prevent any unlawful vehicle access and parking.

Heritage

As previously outlined, two of the three sites are listed on the CPS2 Heritage List. The applicant provided comments from the Heritage Council of Western Australia (HCWA) dated 31 December 2009, who considered the heritage significance of the sites under the Government Heritage Property Disposal Process. The HCWA determined that while the places may have some cultural heritage significance, it was unlikely that they would meet the threshold for entry on the State Register of Heritage Places.

The demolition of any heritage listed building would generally not be supported, with any partial demolition requiring a heritage impact statement to accompany any such application. The poor condition of a heritage building is not considered adequate justification for demolition. However, in this case, due to uncertainty over the timing of the widening of this section of Thomas Street, it is considered that demolition can be supported in accordance with dot-point 4 of Section 6.1 of the City's Heritage Policy (4.10) which states:

"Where there is significant structural damage to a heritage building, demolition may be approved if there is no practical alternative. Such approval will require the recording for archive of remaining fabric."

In accordance with the above, it is recommended that any approval be conditioned to require the submission of a detailed archival record of the heritage listed places including a thorough history and physical description supported by historical photographs. Whilst 70 Thomas Street is not formally listed, it was included in the former City of Perth Municipal Heritage Inventory (MHI) in recognition of its cultural heritage significance. In the interests of consistency and noting its previously identified importance, it is recommended that a detailed archival record also be prepared and submitted for the three sites.

Safety and Security

The applicant submitted building inspection reports which provided a comprehensive review of the current condition of the buildings. All three reports were generally consistent in their findings and stated:

“In summary, we found the dwelling, relative to other buildings of approximately the same age and construction, to be in poor condition with defects present. Due to the extensive remedial works required, it is our opinion that it is not economically feasible to refurbish this property in its current condition.”

Recent site inspections by City Officers have confirmed the above report findings. The demolition of the buildings and placement of appropriate boundary security and landscaping is, therefore, considered to be an appropriate response in resolving the safety and security, health and hygiene issues for the properties until such time that they are redeveloped and/or required for road widening purposes. Noting the age and condition of the buildings, it is also considered appropriate to ensure any demolition management plan address matters related to the removal of hazardous materials and asbestos.

Conclusion

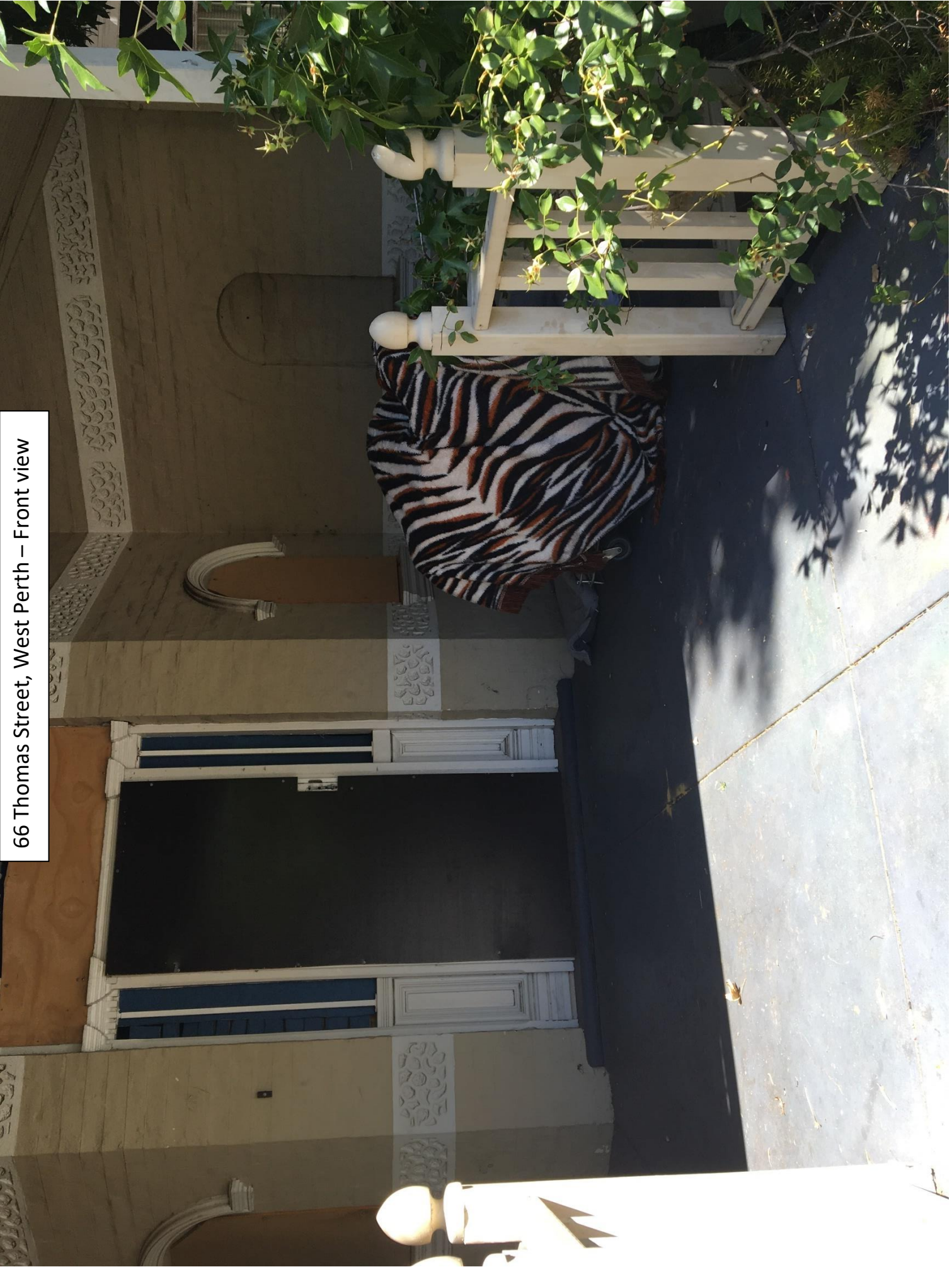
In recognition of the current amenity, safety and security issues associated with the sites, it is recommended that the proposed demolition works be supported subject to appropriate conditions relating to the landscaping treatment and on-going maintenance of the sites following demolition and submission of archival records. Noting that part of the sites fall within an Other Regional Roads reserve under the MRS, it is recommended that the Western Australian Planning Commission be advised of Council’s conditional support. Notwithstanding, it is also recommended to advise the WAPC, as the landowner, of Council’s disappointment in relation to the rapid decline in the state of the subject properties.



2019/5026 – 66, 68 AND 70 (LOTS 98, 99 AND 100) THOMAS STREET, WEST PERTH



2019/5026 – 66, 68 AND 70 (LOTS 98, 99 AND 100) THOMAS STREET, WEST PERTH (ROAD WIDENING MRS RESERVATION)



66 Thomas Street, West Perth – Front view

66 Thomas Street, West Perth – Front view



66 Thomas Street, West Perth – Rear view



66 Thomas Street, West Perth – Side view



68 Thomas Street, West Perth – Front view



68 Thomas Street, West Perth – Rear view



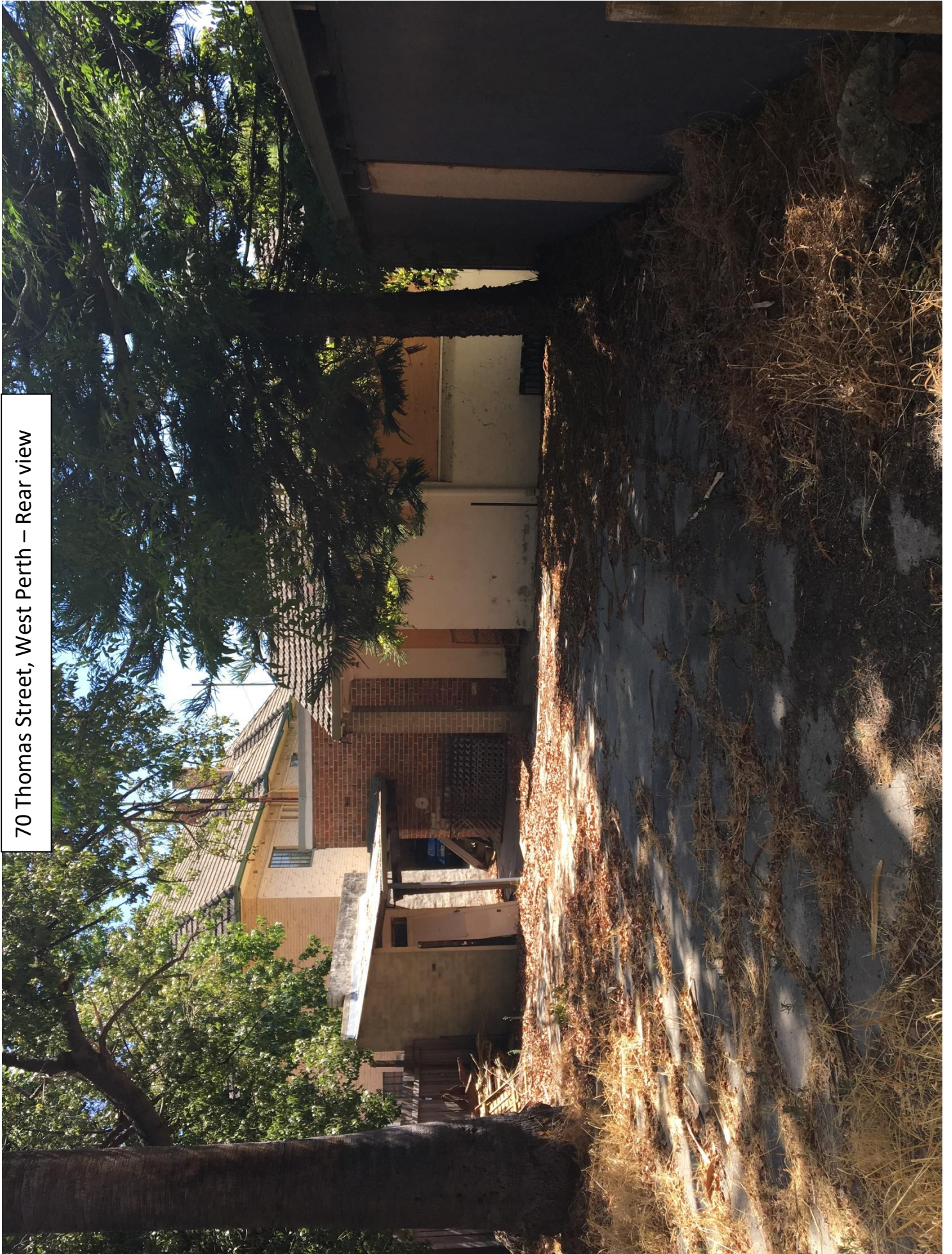
70 Thomas Street, West Perth – Front view



70 Thomas Street, West Perth – Front view



70 Thomas Street, West Perth – Rear view





Agenda Item 13.2	581-583 (Lots 6 and 36) Murray Street, West Perth - Change of Use for Level 1 to a Dog Day Care Centre ('Unlisted Use') and Shop ('Retail (General)' use) including Minor Works and Signage
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Recommendation:

*That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Metropolitan Region Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed provisions for local planning schemes, **APPROVES** the application for the change of use of Level 1, 581-583 (Lots 6 and 36) Murray Street, West Perth from a Scout hall ('Community and Cultural' use) to a dog day-care centre ('Unlisted Use') and shop ('Retail (General)' use) including minor works and signage, as indicated on the Metropolitan Region Scheme Form One dated 13 December 2018 and as shown on the plans received on 17 December 2018 and 27 February 2019 subject to:-*

- 1. the noise mitigation measures specified in Section 6 – Noise Management of the Environmental Noise Assessment prepared by Eco Acoustics dated 1 March 2019 (Ref: 19010691-01b) being implemented in full prior to occupation of the premises, with all management measures being implemented by the operator on an ongoing basis to the satisfaction of the City;*
- 2. the hours of operation of the tenancy being limited to 6:30am to 6:30pm Monday to Friday and 10am to 4pm Saturday and Sunday with no animals being kept on the premises overnight;*
- 3. the dog behavioural management measures, as outlined in the application, being implemented by the operator at all times to the satisfaction of the City;*
- 4. a maximum of 60 dogs being permitted on site at any one time with no dogs being permitted to be kept or cared for external to the building;*
- 5. drop-off and pick-up of dogs by customers arriving by car, inclusive of the valet service, only being allowed from cars stopped or parked within the site and not from public streets;*
- 6. a final Waste Management Plan, satisfying the City's waste servicing requirements, being submitted for approval by the City prior to the commencement of the dog day-care use, with the waste management measures outlined in the approved waste management plan being implemented by the operator/s on an ongoing basis to the satisfaction of the City;*

7. ***the odour management measures outlined in the approved odour management plan being implemented by the operator/s on an ongoing basis to the satisfaction of the City;***
8. ***any proposed air-conditioning condensers, external building plant, piping and ducting being located or screened so that they cannot be viewed from any location external to the site and to minimise any visual and noise impact on the adjacent developments, with details of the location and screening of such plant and services being submitted for approval by the City prior to installation;***
9. ***final details of all lighting and signage being submitted for approval by the City prior to installation, with a low level of illumination being used for the illuminated signs and no part of any external lighting or illuminated sign to contain flashing, pulsating or flickering lights; and***
10. ***any additional uses being subject to a separate application(s) for approval.***

FILE REFERENCE:	DA-2018/5465
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	11 March 2019
ATTACHMENT/S:	Attachment 13.2A – Location Plan Attachment 13.2B – Development Plans Attachment 13.2C – Schedule of Submissions

3D MODEL PRESENTATION:	N/A
LANDOWNER:	SKS Claremont Pty Ltd
APPLICANT:	M. Gorman
ZONING:	(MRS Zone) Urban (City Planning Scheme Precinct) West Perth (P10) (City Planning Scheme Use Area) Commercial
APPROXIMATE COST:	\$40,000

Council Role:

- | | | |
|--------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |



Quasi-Judicial

When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.



Information

For the Council/Committee to note.

Legislation / Strategic Plan / Policy:

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Metropolitan Region Scheme

City Planning Scheme No. 2

Policy

CPS2 Policy No and Name:

2.2 – Public Notification/Advertising

4.1 – City Development Design Guidelines

4.6 – Signs

Purpose and Background:

The purpose of this report is to set out the assessment and recommendations for a development application to conduct a 'dog day-care' business at 581 - 583 Murray Street, West Perth.

The subject site is located on the south-eastern corner of the Murray Street and Harvest Terrace intersection and has a total area of 1,955m². The site contains an existing two storey building, ancillary building and at grade car parking area. The main building was constructed in 1952 and was previously the Scouts Western Australia headquarters. More recently the City granted approval for the use and fit-out of the ground floor level for a gymnasium with the first-floor level remaining vacant since the departure of the Scouts from the premises.

The first-floor level is 720m² in area and comprises an open plan hall and large meeting rooms separated from each other by floor to wall partitions, a bathroom and kitchenette.

Details:

Approval is sought to change the use of the first-floor of the building on the subject site from a Scouts hall ('Community and Cultural' use) to a dog day-care centre ('Unlisted Use') with an associated shop ('Retail – General' use), including minor works and signage.

The applicant advises:

- the proposed business will provide dog day-care services primarily for dogs of city workers during the day, specialising in smaller breeds under 11 kilos;
- the proposed hours of operation are Monday to Friday 6.30am to 6.30pm. On weekends the premises will be used based on demand between the hours of 10.00am and 4.00pm for dog training classes, dog birthdays, dog related gatherings and other dog events;
- the proposed venue will accommodate up to 60 dogs at any one time, however it is anticipated that the average occupancy rate will be well below this maximum;
- dogs will be kept in separate zones according to temperament and will be continuously under observation;
- a dog grooming and pampering service will also be offered during business hours targeted at day-care attendees;
- up to six staff members will be on site depending on the numbers of dogs attending with staffing to be in accordance with the Pet Industry Association of Australia's guidelines which recommends a minimum of one staff member for every 12.5 dogs on premises;
- the premises will have a small retail area where boutique dog accessories and dog specific items will be sold, specifically to day-care attendees; and
- the business will operate a 'dog valet' service in the morning and evenings so that customers will not need to get out of their car to drop off their dog. It is expected that use of this service will be high, as seen with similar dog day-care businesses, who successfully provide this service.

The proposed minor works to the tenancy and building includes:

- division of the main hall space into separate themed zones separated by fencing;
- fitout of the lobby and retail space including furniture and display facilities; and
- refurbishment, painting and illumination of the exterior of the building and fence including the removal of obsolete air conditioning units and signs and the addition of new signage and graphics.

Compliance with Planning Scheme:

Land Use

The subject site is located within the Commercial Use Area of the West Perth Precinct (P10) under City Planning Scheme No. 2 (CPS2). This area will provide for a limited range of business related commercial activities which will be supported in the area bounded by Hay, George, Havelock and Wellington Streets. Appropriate commercial uses are banks, restaurants, lunch bars, showrooms and other commercial uses which serve West Perth in particular.

The predominant 'dog day care centre' proposed use does not readily fall within any of the Land Use Categories contained within CPS2. As such, the proposal is required to be considered as an 'unlisted use' in the context of the current and future amenity of the locality, the Precinct Statement of Intent, and Clause 34 of CPS2. Specifically, Clause 34 of CPS2 outlines the process of determination of an application for an unlisted use as follows:

"(1) The local government cannot grant development approval for a development which involves an unlisted use unless -

- (a) *the advertising procedure set out in clause 64 of the Deemed Provisions has been followed; and*
- (b) *it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in clause 67 of the Deemed Provisions."*

'Retail (General)' is a contemplated ('C') use within the Commercial use area of the West Perth Precinct (P10). Noting the proposed retail component only comprises a small area of the tenancy and is ancillary to the main use, it is considered that the proposed use is suitable in the context of the site and wider locality.

Whilst the application was originally seeking a range of secondary alternative uses within the first-floor level, a lack of detail and certainty was provided in relation to the uses and their compatibility with the predominant dog day-care use. The applicant has acknowledged this and is satisfied that the application be limited to the dog day-care and retail uses. Any additional uses will be the subject of a separate application to the City at which point their suitability can be determined.

With regards to the overall proposal, it is considered that the following matters outlined within Clause 67 of the Deemed Provisions are appropriate noting the existing site conditions and context:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (g) any local planning policy for the Scheme area;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application."*

Development Requirements

The West Perth Precinct (P10) does not contain any specific criteria or requirements in relation to development of pet facilities or grooming salons. All development is required to be generally consistent with the Statement of Intent for the Precinct (as outlined in the previous section) in which it takes place. It is noted that an existing building is to be utilised with no new development proposed.

Comments:

Consultation

In accordance with clause 34 of CPS2 and clause 64 of the Deemed Provisions, the proposal was advertised to the owners of the adjacent properties for a period of 14 days, closing on 25 January 2019. These included the owners of the properties directly adjacent at 579 Murray Street and 1070, 1072 and 1076 Hay Street and those in the near vicinity at 580-586, 600-608 and 611 Murray Street, 1 Coolgardie Street and 1100 Hay Street, Perth.

A total of 15 submissions were received during the advertising period, with 13 raising objections and two providing conditional support in relation to the proposal. Full details of the submissions are included as an attachment to this report. The main issues raised during the advertising period are quoted below:

Noise

'There are two residential apartment buildings across the road from the proposed development. The noise from multiple barking dogs would not be welcomed by anyone living in these in either complex';

'The cumulative noise impact of so many animals in close company, plus the volume of traffic delivering and collecting same, will create substantial acoustic 'shock' to residents located only 40m or so from the premises';

'There are no effective measures that the business could take which will be sufficient to suppress the noise impacts of keeping a large number of dogs in close proximity to the residential apartments that neighbour the building. It appears likely that a building of this era and construction could never be acoustically refurbished to suppress the noise coming from within its walls without a significant restructure of the building';

'The noise generated from the proposed usage will cause a loss of amenity; have a negative impact on our customers and be generally disruptive to our day to day operations'; and

'While not within the realm of a kennel, which would typically require a one-kilometre noise buffer, without proper noise controls in place, the quality of life for adjoining residents will be reduced due to potentially incessant barking and nuisance as dogs (and cars) come and go seven days per week. It is critical to understand the level of noise and resulting amenity impact for adjacent residences and what controls could be put in place to mitigate these effect before the development application is determined'.

Odour

'It is clear from the proposal that 'smells' and waste disposal are a major concern and for the same reasons that 'noise' will impact, we object to being a close neighbour of a 'smell generating enterprise'; and

'I appreciate the need to install the system so as to provide a clean, healthy and pleasant environment internally but that means the odours, unhealthy bacteria, etc. identified requiring removal is then being pumped directly to the surrounding area'.

Traffic

'The proposed access to and from 581-583 Murray Street may also have an undesirable effect upon traffic flow in the area. Having a number of vehicles both attempt to enter and exit 581-583 Murray Street during this time will further strain the capacity of the road system in the area to handle traffic flow';

'Harvest Terrace is a 'one-way' street and invariably illegal traffic will be generated along our laneway which provides the only vehicular access to our office. This prospect would require significant amelioration which would also reduce the amenity of the precinct';

'Is the council confident that appropriate traffic modelling has been undertaken to assess the increase to traffic congestion and affect to road safety at peak periods';

'I think the increase in traffic will only add to an already very difficult section of road to navigate in peak times';

'I foresee a serious issue of vehicles pulling up on to the pavements or blocking surrounding driveways or simply stopping in the middle of the road lane to drop off or pick up their dogs to avoid entering and exiting the carpark at peak times. Particularly if the dog valet service is not strictly confined to within the car park area'; and

'The site has constrained access, with just one crossover to Harvest Terrace which is a one-way street. Harvest Terrace is grid-locked every week day between 4:30-6pm as cars use it to access the north and south freeway on-ramps from Murray Street. This congestion would prevent timely access to the site for customers collecting their dogs during evening rush hour, meaning dogs might be on site for longer than the hours stated in the application'.

External Appearance/Signage

'Whilst accepting that businesses want to advertise their presence, a more restrained external decoration scheme would surely be much better-mannered for neighbours and passing traffic';

'The proposed appearance of pink painted street facing facade and dog cartoon characters is out of character with the business precinct';

'A pink building with striped pink fence is definitely an eye sore';

'I do not think the proposed design and colour of the centre is appropriate for this area'; and

'Although I welcome building improvements as detailed I would like clarification on the lighting to be externally installed. Will efforts be made to hood, angle or recess the lighting or by other means so that it does not shine up or outwards towards neighbouring buildings'.

Waste

'Is council confident the current layout and facilities are appropriate for the waste management requirements. I see this as an unanswered health and safety issue';

'It is concerning the quantity of waste which will be produced and the proposed method of disposal'; and

'A detailed waste management plan should accompany this development application to provide further detail, not put off to the building/health license stages'.

Appropriateness of tenancy location

'I don't want to see this change of use being used as a precedent to other changes in the future';

'What is effectively a major 'kennels' establishment will blight the neighbourhood and does not belong in a densely developed residential area';

'We should instead be introducing high-end services for residents of the neighbourhood to uplift the area, rather than transferring problems (pet care) from other suburbs to West Perth'; and

'What does the Dog Day Care propose should one or more dogs be aggressive or violent, should one or more dogs escape and will the Dog Day Care have sufficient insurance to cover potential injury, damage, cleaning and health issues'.

Impact on property values

'Our unit has gone through a drastic devaluation in recent years. The very last thing we need is a Dog Care Centre nearby to further lower values';

'Property devaluation in an already depressed real estate market'; and

'I'm definitely concerned that this business could decrease the value of my apartment if I was to rent it out or sell it because no one wants to live across the road from a doggy day-care'.

It is noted that any impact that the proposed change of use might have on the value of properties is a matter that, whilst understandably of importance to individual landowners, is not directly relevant in any assessment of the planning merit of a proposal and is not a relevant consideration under the current planning framework.

Land Use and Development Requirements

As outlined previously, there is no specific guidance within CPS2 in relation to the appropriateness of the proposed land use. The use is considered to be compatible with the mixed-use nature of the precinct and will utilise a vacant tenancy within an existing building. It is considered that the proposal will also add to the diversity of commercial business activity within the area while providing a service to workers and residents in West Perth and the city. The appearance of the existing building will also be upgraded from its current condition and will provide an overall improvement to the streetscape. The revised proposed projecting and wall signs comply with the relevant objectives and provisions of the City's Signs Policy 4.6 in relation to scale, safety, content and design.

It is noted that surrounding landowners have raised concerns in relation to potential impacts associated with noise, odour and waste management as outlined previously. These matters are addressed as follows:

Noise

The applicant submitted an Environmental Noise Assessment (ENA) prepared by a qualified acoustic consultant in support of the proposed use. The ENA concludes that based on the inclusion of various noise management requirements as outlined in the report, the proposed dog day-care centre will comply with the assigned noise levels associated with the *Environmental Protection (Noise) Regulations 1997* when measured at nearby residential and commercial premises.

City officers have reviewed the ENA and are satisfied that the proposed use can be accommodated within the existing building while complying with the relevant noise legislation. It is recommended that any approval be conditioned to require the implementation of the identified mitigation measures on an ongoing basis by the operator, to the City's satisfaction.

The applicant has also advised that if, for any reason, a dog does not settle and continues to bark and disrupt other dogs, it will be provided with one-on-one time with a staff member to address the behaviour. Staff will have proven experience and knowledge of dog behaviour and psychological needs as well as training techniques. Owners will be contacted if the situation cannot be satisfactorily resolved.

Odour

The applicant submitted an Odour Management Plan which includes the following objectives and measures to mitigate against odours:

- provision of a mechanically assisted airflow at a minimum rate of 20 litres per second for each small dog to create a constant breeze;
- keeping all dogs inside at all times, and keeping windows closed;
- using suitable approved cleaning products and adhering to a strict regular cleaning schedule and;
- applying a comprehensive waste management plan.

The applicant also advises that the air-conditioning system will only operate during business hours and will be subject to a regular schedule of maintenance as is standard for commercial air conditioning installations.

City officers have reviewed the Odour Management Plan and are satisfied that the proposed mitigation measures will minimise any impacts related to odour or transmission of odours. It is recommended that any approval be conditioned to require the on-going implementation of the identified odour mitigation measures by the operator, to the City's satisfaction.

Traffic and Parking Impact

Under the provisions of the Department of Transport's Perth Parking Policy, the site can accommodate a maximum of 50 tenant car parking bays. It is noted that the current site has 30 car parking bays and the proposed change of use does not include any increase to the car parking within the site. The proposed valet service also means that customers will not be relying on the availability of on-site or on-street parking to drop-off or pick-up their dogs and this can be further addressed through conditions of any approval.

It is considered that any additional vehicular traffic generated by the change of use can be accommodated within the existing surrounding road network. It is also noted that the existing issues at the Harvest Terrace and Murray Street intersection are likely to be resolved when the City completes the two-way conversion of Murray Street within the local area.

External Painting and Signage

The applicant has submitted a revised signage and external modifications/painting scheme for the building and site in recognition of some of the concerns raised by adjoining landowners and City officers. The revised scheme has sufficiently addressed the issues raised

as the signs are now more appropriately scaled and suited to the existing building, the colour scheme for the exterior of the building is more subtle and the result is considered to be an improvement on the original plans that were viewed by adjoining landowners during the advertising period.

Waste Management

The applicant has submitted a Waste Management Plan (WMP) in support of the application. The WMP confirms that the development will generally be consistent with the City's servicing requirements however, the following matters need to be further addressed:

- rubbish collection frequency and responsibility;
- bin room functionality and sewerage connection; and
- design and location of a bin presentation area.

It is recommended that a relevant condition requiring the resolution of the above matters to the City's satisfaction be included in a final WMP to be submitted to and approved by the City prior to the commencement of the new use.

Safety

The applicant advises that the business will have the necessary insurances in place and aggressive dogs will be removed from the premises and not re-admitted as they are a danger to staff and other dogs. In accordance with their duty of care, double gates and numerous other management measures will be employed to prevent any dogs from escaping from the building.

Any approval of the proposed use cannot be construed as precedent for any other business in the locality being automatically granted approval in the future. Every 'unlisted use' is assessed and determined on its merits under CPS2.

Conclusion

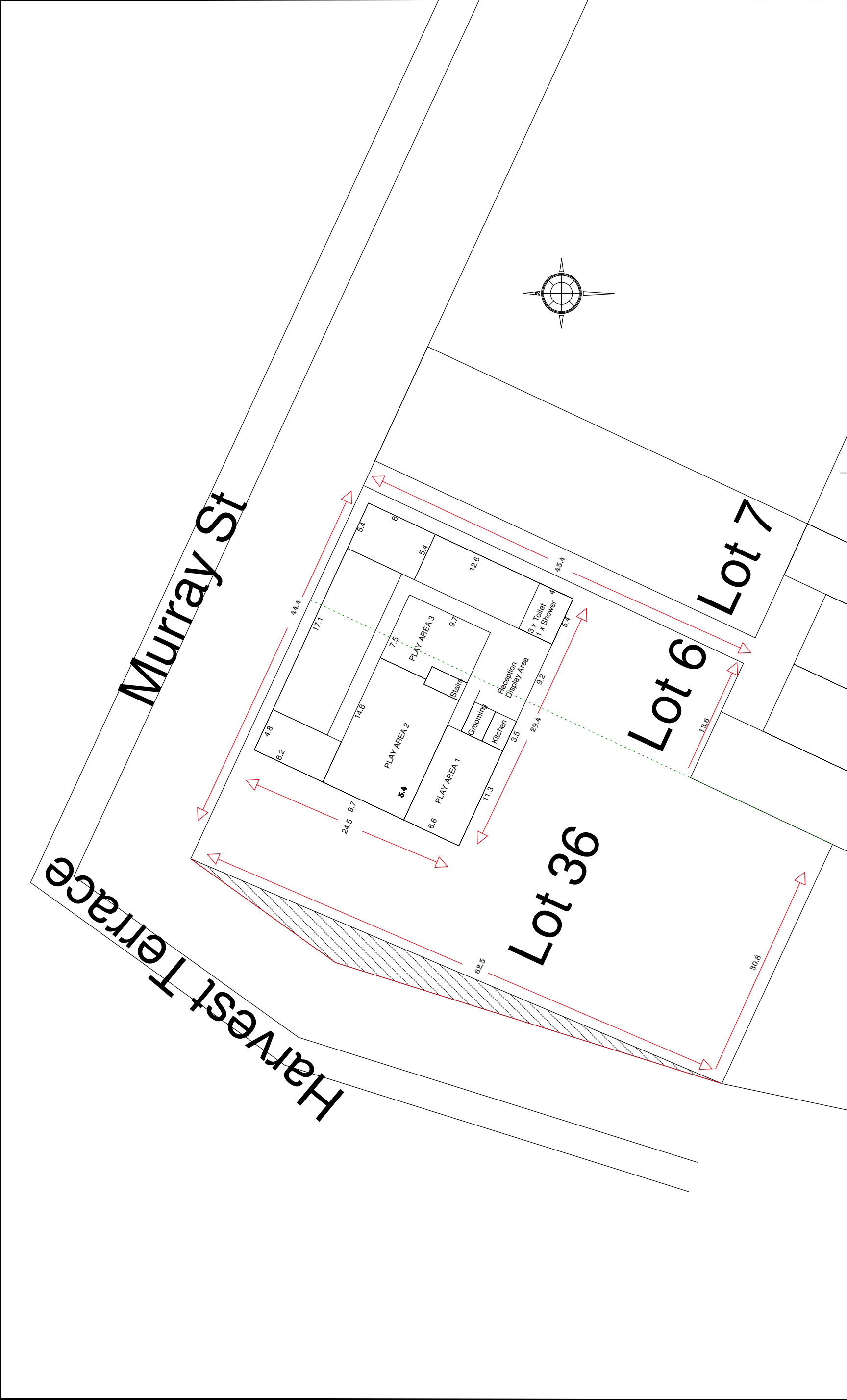
The proposed change of use is generally consistent with the relevant planning framework and considerations for the subject area. Whilst the proposed development was subject to objections raised by surrounding landowners, it is considered that the applicant has satisfactorily addressed the concerns through the submission of relevant management plans and additional details/information related to the operation of the business. However, it is recommended that any approval include conditions related to maximum accommodation numbers, hours of operation, noise, odour and waste management to ensure the ongoing preservation of the existing levels of local amenity. It is also recommended that a condition limiting any pick-up and drop-off of dogs occur only within the boundaries of the site to minimise any undue impacts on the surrounding streets.

It is therefore recommended that the application be approved subject to appropriate conditions as identified within this report in accordance with clause 34 of CPS2 and clause 67 of the Deemed Provisions.



2018/5465 – 581-583 (LOTS 6 AND 36) MURRAY STREET, WEST PERTH

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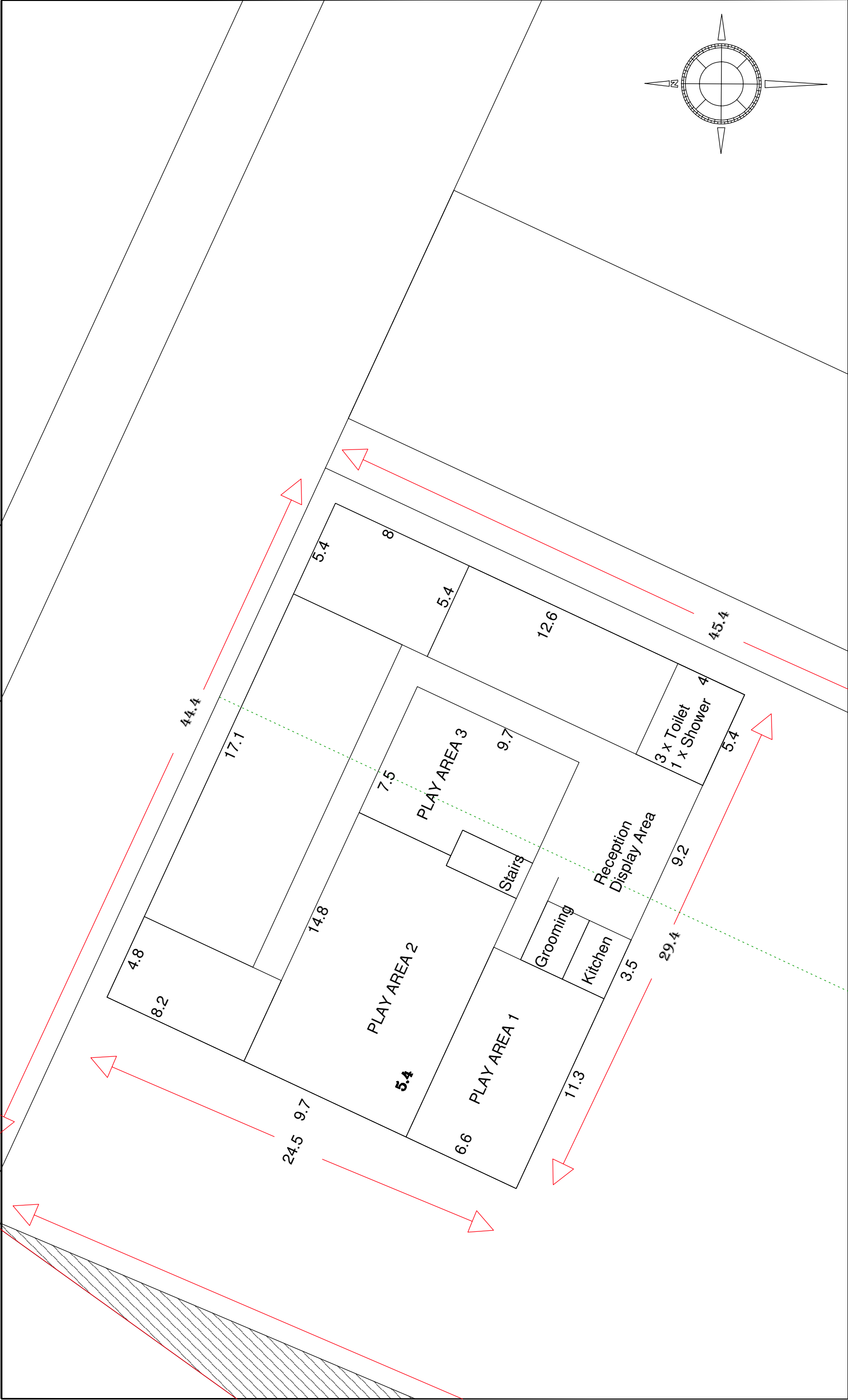
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Floor 1, 581 Murray St

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Signage Application

Madame Ma's Proprietary Limited seeks permission to add the following signage and paint to Floor 1 of 581 Murray Street, West Perth. All signs are to be wall signs, painted on.

Front of building (facing Murray Street)



- Leave brickwork unpainted
- Paint general walls in Vintage pastel 'crepe' pink
- Paint window frames in Vintage turquoise
- Paint dividing section between the ground floor and the first floor in white
- Stencil 'maid and dog' silhouettes in the area between the last window and the edge of the building
- Paint or otherwise transfer Madame Ma's Doggie Daycare in black typefont on the section of the wall between the windows and under the pre-existing flag poles. The lettering is to be 1m high x 3m wide, starting 4.4m off the ground.
- Paint or otherwise transfer the Madame Ma's logo above the typefont. This logo will start 5.4m off the ground, and will measure 1.2m x 1.2m

Side of building (facing Harvest Terrace)



- Leave brickwork unpainted
- Paint balcony side to blend in with the colour of the brick
- Paint general walls in Vintage pastel 'crepe' pink
- Paint window frames in Vintage turquoise
- Paint surrounding wall in Vintage pastel 'crepe' pink
- Paint dividing section between the ground floor and the first floor in Vintage pastel 'crepe' pink
- Paint or otherwise transfer Madame Ma's Doggie Daycare in black typefont on the side towards the front. This sign is to be 1.5m high x 4.5m wide, starting 4m off the ground.
- Paint or otherwise transfer the Madame Ma's logo at the top left of the typefont. This logo will start 4.8m off the ground, and will measure 0.8m x 0.8m

Rear of building (facing private Carpark)



- Leave brickwork unpainted
- Paint walls trim above and below in Vintage pastel 'crepe' pink
- Paint window frames & doors in Vintage turquoise
- Paint pipes to blend in with existing brickwork colour
- Paint awnings with alternating wide stripes of Vintage pastel 'crepe' pink and Vintage turquoise
- Paint dividing section between the ground floor and the first floor in Vintage pastel 'crepe' pink
- Stencil 'owner and dog' silhouettes at the left end and the right end of the left section of the building.
- Paint or otherwise transfer Madame Ma's in light coloured typefont on the left side of the first door. This lettering is to be 0.7m high x 3m wide, starting 1.3m off the ground.
- Paint or otherwise transfer Doggie Daycare in light coloured typefont to the right of the first door and to the left of the second door. This lettering is to be 0.7m high x 3m wide, starting 1.3m off the ground.
- Paint or otherwise transfer the Madame Ma's logo on the top of each awning, measuring 0.7 x 0.7m.
- Paint or otherwise transfer the Madame Ma's logo to the left of the second door at eye level. This logo will start 2.2m off the ground, and will measure 0.25m x 0.25m

Lighting

- Affix a strip of warm white LED lights under the eaves along the front of the property and along the side of the property

Schedule of Submissions Received

Proposed change of use to dog day care centre ('Unlisted Use') and shop ('Retail (General)')

581-583 (Lot 6 and 368) Murray Street, West Perth

Respondent		Respondent's Comment
1.	<p>Address:</p> <p>Landowner Hay Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> 1. I don't want a multitude of dogs in what is a residential and predominantly office area. 2. I don't want my tenants backing on to an area occupied by dogs. 3. Dogs could create a noise issue. 4. There is also a possible smell issue. 5. I don't want this use being seen as acceptable. 6. I don't want to see this change of use being used as a precedent to other changes in the future. 7. The area is an area free from animals and should stay that way.
2.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> 1. There are two residential apartment buildings across the road from the proposed development. 2. The noise from multiple barking dogs would not be welcomed by anyone living in these in either complex. 3. The idea to place such a development so close to residential apartments, in my opinion, is ridiculous.
3.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> 1. Excessive noise nuisance – this business will house up to 60 dogs for 12 hours per weekday commencing at 6.30am. It will also be open for other dog events for 6 hours each day at the weekends. The applicant's statement gives me no confidence that the cumulative noise impact of so many animals in close company, plus the volume of carborne traffic delivering and collecting same, will not create substantial acoustic 'shock' to residents located only 40m or so from the premises. I see there is an acoustic consultant – where is their report and the results of tests checking the noise impacts in adjoining residential properties, particularly those facing onto Harvest Terrace? The proposed attenuation measures are totally inadequate in this context. Is it really good planning to inflict

		<p>noise nuisance anywhere near the maxima 'permitted' in current regulations on dozens of adjoining homes – it jars with the ambition of making Perth a more liveable city of the future.</p> <ol style="list-style-type: none"> Loss of visual amenity – whilst accepting that businesses want to advertise their presence, is it really necessary to inflict a dayglo pink, white and turquoise colour scheme on adjoining property-owners, topped off with a candy stripe perimeter fence? A more restrained external decoration scheme would surely be much better-mannered for neighbours and passing traffic? Whilst sympathetic to the proprietors business ambitions, with all respect, what is effectively a major 'kennels' establishment will blight the neighbourhood and does not belong in a densely developed residential area.
4.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> Our unit has gone through a drastic devaluation in recent years. The very last thing we need is a Dog Care Centre nearby to further lower values. As a rate payer since 2005, I strongly recommend that you consider our plight and show some loyalty to owners and rate payers of 14 years.
5.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> Introduction of several animals to a highly urbanized area which is on the border of the city and west perth Noise pollution due to barking & waste odour of up to 60 dogs, directly opposite my balcony Property devaluation in an already depressed real estate market Allergic reaction to those sensitive to dog fur We should instead be introducing high end services for residents of the neighbourhood to uplift the area, rather than transferring problems (pet care) from other suburbs to west perth. <p>Page 36</p>
6.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> There are no effective measures that the business could take which will be sufficient to suppress the noise impacts of keeping a large number of dogs in close proximity to the residential apartments that neighbour the building. The development proposal notes that the building upon which the proposed business will operate was originally a scout hall. It has been sitting vacant for some time and there is evidence that it was subsequently squatted and, furthermore, that [t]here are no proposed changes to the structure of the building, retaining walls. Immediately this gives rise to concerns that an old building that was constructed with the intention of holding intermittent meetings amongst people will now be repurposed and used for a noise-intrusive business that was never foreseen by the original building s developers and planners. It appears likely that a building of this era and construction could never be acoustically refurbished to suppress the noise coming from within its walls without a significant restructure of the building.

	<p>3. While the proposal advises that a noise assessment report will accompany the permit application, this report, if it has been received by the City of Perth Council, has not been made available on the City of Perth Council's website for review. All this is provided are comments advising that the report will prescribe noise attenuation measures and that [i]t is likely that internal acoustical wall treatment will be employed inside the building, and that some or all windows will need acoustical treatment. Yet the proposal does not make any promises that some or all of these works would be undertaken if the City of Perth Council approves the change of use. And in the absence of the report, it is impossible to determine how effective these measures would be in suppressing or limiting the noise coming from the business.</p> <p>4. With potential operating hours currently proposed for between 6:30 am and 6:30 pm on weekdays and 10:00 am and 4:00 pm on weekends, there would also be very little time during the day in which there are not a number of dogs in the neighbourhood with the capacity to make noise. Neither is there any confirmation or advice as to whether dogs will be kept on the premises overnight. Furthermore, there is always the potential that these business hours, or the broader purposes of the dog day care business, could be extended at a future date.</p> <p>5. In addition, no proposal is given as to how the noise of the dogs will be suppressed when they are outside (for example, being taken to or from cars), and it is likely that no such assurances or remedies could be given. Policies cannot stop, and are imperfect in their capacity to limit, noise associated with barking dogs. With the business anticipating a capacity of up to 60 dogs, this would entail a steady stream of dogs and cars travelling to and from the premises, with an impact of noise associated with these actions. Most of the area that surrounds 581-583 Murray Street consists of concrete buildings, pathways and asphalt roads, and the nose of barking dogs would reverberate throughout the neighbourhood.</p> <p>6. The proposed access to and from 581-583 Murray Street may also have an undesirable effect upon traffic flow in the area. The proposal advises that vehicle access to the location will be both to and from a driveway that joins Harvest Terrace. Noting that the main hours of the proposed business operation would run to 5:30 pm, it is therefore anticipated that the bulk of the customers would be entering and exiting the premises via vehicle in a timeframe of around 5:00 pm to 5:30 pm to pick up their dogs. However, this part of Harvest Terrace, which is situated between Hay Street and Murray Street, often experiences congestion and gridlock during this timeframe as drivers attempt to join a similarly busy Murray Street before going on to Perth's major arterial roads (e.g. the Mitchell Freeway or Wellington Street). It is common to hear car horns being sounded in acts of road-rage motivated aggression and retaliation in the neighbourhood at this time. Having a number of vehicles both attempt to enter and exit 581-583 Murray Street during this time will further strain the capacity of the road system in the area to handle traffic flow.</p> <p>7. Accordingly, I do not think the current business proposal is appropriate for 581-583 Murray Street. As the building is located close to residential premises, it is suitable only for uses that would not cause noise intrusion to those residences. I anticipate that the City of Perth Council will take the above issues into account when considering the relevant matters highlighted under paragraphs 67(n), (r), (s), (t), (x) and (y) of the Deemed Provisions.</p>
7.	<p>Address: Landowner Murray Street, West Perth</p> <p>OBJECT</p> <p>1. Noise Disturbance: The proposal refers to a 'noise assessment' but it is not available for review and we note that acoustic limits are not specified. We note that the general tone of advertising and naming of many 'dog day care' businesses around Perth highlight that "barking" is relevant i.e Central Bark Dog Day Care; Bark In The Park and 'your dog will have a barking good time!' The noise generated from the proposed usage will cause a loss of amenity; have a negative impact on our customers and be generally disruptive to our day to day operations.</p>

		<p>2. Smells. it is clear from the proposal that 'smells' and waste disposal are a major concern and for the same reasons that 'noise' will impact, we object to being a close neighbour of a 'smell generating enterprise'.</p> <p>3. Traffic generation. We note the plan is for vehicle access to the proposed business to be from Harvest Terrace. However, Harvest Terrace is a 'one-way' street and invariably illegal traffic will be generated along our laneway which provides the only vehicular access to our office. This prospect would require significant amelioration which would also reduce the amenity of the precinct.</p> <p>4. The proposed appearance of pink painted street facing facade and dog cartoon characters is out of character with the business precinct!</p>
8.	Address: Landowner Murray Street, West Perth	<p>SUPPORT (IN PART)</p> <p>1. Overall I have no issues with the change - however I will be increased in the findings of the noise assessment report, and in particular the noise attenuation measures / wall treatment. I am interested in the inspection of this treatment work. Can you please provide an update on this treatment work and inspection, if and when it occurs.</p>
9.	Address: Landowner Murray Street, West Perth	<p>OBJECT</p> <p>1. Traffic Congestion and Safety - I feel the dog day care centre shall have large volumes of traffic movements at peak hours dropping off / picking up. Is the council confident that appropriate traffic modelling has been undertaken to assess the increase to traffic congestion and affect to road safety at peak periods? Is the 'dog valet' service limited to the car park area or will there be drop-off/pick-ups from public roads. This is unclear in the submission.</p> <p>2. Noise Nuisance - How confident are council that noise nuisance shall be appropriately managed? How will council monitor noise compliance going forward? What recourse will council have if noise is an issue? What recourse will residents/neighbours have if noise is an issue?</p> <p>3. Faeces / Urine / Disease / Odour - My main concern is that Dog faeces are one of the most common carriers of the following diseases: Whipworms, Roundworms, Tapeworms, Parvo, Corona, Giardiasis, Salmonellosis, Cryptosporidiosis, Campylobacteriosis. Are council confident that the increased risk of disease is appropriate for a residential area? Is council confident the current layout and facilities appropriate for the waste management requirements. It is unclear where the frozen faeces are to be disposed, is it to be kerbside collection or other? I see this as an unanswered Health and Safety issue. Dog toilet grass mats to be cleaned and left to dry – is this outside? Today was 40 degrees can council guarantee that odour will not be an issue? Is the council confident there is not an risk of increased vermin?</p> <p>4. I would appreciate clarification on the above and hope that these matters will be addressed by council.</p>
10.	Address: Landowner Murray Street, West Perth	<p>OBJECT</p> <p>1. Proximity to residential area - although the provided Written Submission doc states that the unit is located in the middle of commercial area, it's actually across the road from 2 residential blocks of units: 611 Murray St & 1 Coolgardie St</p> <p>2. Noise - the proposal outlines modification to interior of the property, however it doesn't consider dogs barking while being transported between car and venue. 60 small dogs yapping away everyday (its to be open on weekends as well) is not going to be good for the</p>

		<p>residents of the above mentioned apartment blocks.</p> <ol style="list-style-type: none"> Appearance - a pink building with striped pink fence is definitely an eye sore Property value - I'm definitely concerned that this business could decrease the value of my apartment if I was to rent it out or sell it because no one wants to live across the road from a doggy daycare.
11.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> I am concerned about the noise levels this may present, particularly as our apartment faces 581-583 Murray Street and we often have noise pollution from traffic anyway. I also do not think the proposed design and colour of the centre is appropriate for this area, and I think the increase in traffic will only add to an already very difficult section of road to navigate in peak times
12.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p>	<p>OBJECT</p> <ol style="list-style-type: none"> I object as I have serious concerns the impact this venture would have on the immediate area. Traffic. – I object to the dramatic increase in traffic flow along, off and on to Harvest Terrace and Murray Street. Particular between 4-6pm weekdays. <ul style="list-style-type: none"> The configuration of junctions from Kings Park Road along Harvest Terrace and Murray Street leading in particularly to the north and south freeway accesses cause vehicles to back up (even beyond parliament) with the current traffic quantity on weekdays between 4-6pm. In particular the junction from Harvest Terrace onto Murray Street creates confusion with vehicles dangerously changing lanes on both roads. EVERY weekday there are incidents of near misses and road rage with blasting horns from frustrated drivers stuck in traffic on Harvest Terrace. Today (23/01/2019) I was shocked to see a vehicle illegally mount and drive down the pavement of Harvest Terrace to reach the entry to the car park subject to this application rather than be stuck in the traffic jam. Car number 1BPD 696. The application for the Dog Day Care Centre includes, max 60 dog at any one time, most proposed to be collected by owners by 5:30pm with the remainder collected by 6:30pm for a higher fee. So it is quite possible 30 – 60 more cars will be trying to drive down Harvest Terrace entering and exiting the car park during this critical peak time. Increased driver frustration meaning more could take reckless steps such as per the gym attendee today. Especially Dog Day Care clients pressurized to meet the 5:30pm deadline for fees? I foresee a serious issue of vehicles pulling up on to the pavements or blocking surrounding driveways or simply stopping in the middle of the road lane to drop off or pick up their dogs to avoid entering and exiting the carpark at peak times. Particularly if the dog valet service is not strictly confined to within the car park area. The gym membership is currently low but this could increase as it becomes established but at least gym members are parking for a period of time and not just manoeuvring during peak times. The application also states possible secondary uses in other areas which could increase the traffic flow further at this critical time. The Scouts use of this premises did not create an issue during this critical traffic time. Proposals have been made to convert Murray Street into a two way road. I believe this will only exacerbate the grid lock as the current full capacity of the road in the one way system struggles with the influx of commuters trying to access the freeway

	<p>system.</p> <ul style="list-style-type: none"> The strict permits and rules regarding renting of car bays in CBD buildings was justified to myself by the City of Perth as The City of Perth actively trying to avoid/alleviate congestion within the CBD area. Discouraging people driving into the city and encouraging alternative methods of transport. By granting this application the City of Perth would be acting counter-productively with their own policies. This application is based on dogs arriving and departing by car in the city predominantly during rush hours. <p>2. Waste Management - It is concerning the quantity of waste which will be produced and the proposed method of disposal.</p> <ul style="list-style-type: none"> Please can you clarify are the Dog Day Care proposing to stockpile the faeces, freezing them and then adding them to the routine general waste collection on the pavement for landfill? Is the City of Perth Council agreeable to and accepting the responsibility and health risk of removal of large quantities of dog faeces to general landfill? Please can you also confirm the location and method of cleaning the dog toilets? Will this be done inside or outside in the carpark? If outside, where? Where will the run off liquids go? What procedure would be in place for dog faeces and urine outside occurring during drop off and pick up for example, car park cleaning morning and evening? Please clarify how the dog grooming and pampering would be conducted? How would all the pet hairs from the process and the Day Care be removed and disposed of safely? <p>3. Food Management – Delivery, storage, hygiene, disposal</p> <ul style="list-style-type: none"> What is proposed to minimizing disruption from deliveries, truck noise, avoiding busy traffic times, avoiding unsociable hours for deliveries, etc? Adequate storage for food products and packaging both prior to consumption and after, minimize the risk of vermin or cockroach infestations, clean feeding bowls, etc ? <p>4. Staff Qualifications and Training –</p> <ul style="list-style-type: none"> Will the staff have any formal training and qualifications? Will there be any ongoing training? Will the dogs require any training before attending the Dog Day Care? Will the dogs receive any training while attending Dog Day Care? <p>5. Lighting to illuminate the facade – Although I welcome building improvements as detailed I would like clarification on the lighting to be externally installed.</p> <ul style="list-style-type: none"> Will efforts be made to hood, angle or recess the lighting or by other means so that it does not shine up or outwards towards neighbouring buildings? Will the lights be permanently on 24 hours a day or timer controlled or motion controlled or only during business hours, etc? <p>6. Air Conditioning Units – I am concerned by the odour, health risk and noise to the surrounding buildings by the installation of this system.</p> <ul style="list-style-type: none"> I appreciate the need to install the system so as to provide a clean, healthy and pleasant environment internally but that means the odours, unhealthy bacteria, etc. identified requiring removal is then being pumped directly to the surrounding area. As a resident we are disturbed occasionally by the air condition system used by IBM and also sometimes by a particular unit used by the AFP. What would be the running times of the system, business hours only, as and when required, permanently
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	<p>running 24/7? What would be the maintenance for this system to avoid breakdowns, additional/excessive mechanical noise?</p> <ul style="list-style-type: none"> Maintenance and cleaning of the system for bacteria, pet hair and other health risks. <p>7. Noise –</p> <ul style="list-style-type: none"> As West Perth is an extremely quiet suburb it would be disappointing should quantities of traffic and barking dogs be allowed to start as early as 6:30am. Barking dogs would be allowed at the Dog Day Care and are proposed to be in the centre section (presumably play area 3) How are the noise levels evaluated? How often would the noise levels be checked? Would each dog be individually assessed? Is each dog routinely reassessed? What happens when the behaviour of a dog changes? Will any effort be made to train the dogs attending the Day Care? Should noise levels exceed the limits what actions will be taken? <p>8. Aggressive, Violent, Unruly dogs –</p> <ul style="list-style-type: none"> What does the Dog Day Care propose should one or more dogs be aggressive or violent? Should one or more dogs escape? Will the Dog Day Care have sufficient insurance to cover potential injury, damage, cleaning and health issues? <p>9. Treatment of the dogs – Please clarify –</p> <ul style="list-style-type: none"> Are the dogs to be confined within the walls of the building except for drop off and pick up? Will all dogs be neutered/spayed? Will all dogs be treated for fleas and ticks? Will all dogs be vaccinated? <p>10. Personally I feel this particular location is inappropriate.</p> <ul style="list-style-type: none"> This is a very quiet, high density, urban, residential area. Most residences in the area have a no pets policy. It would be wiser for such a business to be set up in smaller quantities in suburbs with less density and dedicated dog parks for external exercising. We deliberately purchased to live here as my partner suffers from a pet hair allergy. No pets are allowed in our building and we are not surrounded with suburban homes with yards containing dogs. We thought we had chosen wisely but this application if granted would mean we would change from no dogs near us to an extremely large quantity of dogs immediately next to us everyday.
13.	<p>Address:</p> <p>Landowner Coolgardie Street, West Perth</p> <p>SUPPORT (IN PART)</p> <p>1. We are not against the idea of having a doggy daycare at all. But this pink painting is hideous! We do not want to see that from my balcony each morning. I object to this pink painting, its an eye sore. I am sure everyone else will agree. I really hope you consider this and how it may impact other businesses - especially the Power lifting Gym downstairs...</p>
14.	<p>Address:</p> <p>Landowner Murray Street, West Perth</p> <p>OBJECT</p> <p>1. I have a 1 year old child who will be woken from dogs barking while they are entering and leaving the premises.</p>

		<div>2. Dogs bark constantly at other dogs they do not know, as you would be aware.</div> <div>3. My husband also does shift work and sleeps throughout the day. He would also be woken by dogs barking and is not in favour of a dog day care centre opening up across the road.</div>
15.	<div>Address: Landowner Murray Street, West Perth</div>	<div>OBJECT</div> <div>1. Noise and amenity<ul style="list-style-type: none">• The proposed doggie day care centre is not an appropriate use for the site and is out of character for the area. The site is in a built-up location, with potential for further densification, and is not proximate to existing open space areas to exercise the dogs.• The proposal is less than 40 metres from two high density residential apartment buildings. leoworks comprises 29 units, half of which face directly onto the site and will be impacted from noise and activity generated from this use. It is difficult to predict and control how dogs interact, and an increased level of noise must be expected. I note that the entry/exit point to the centre is external to the building and dog noise is likely when dogs are dropped off and picked up. The potential for the rear car park to be used as an informal dog exercise area is also of concern, especially in relation to dog training and ad hoc “dog-related gatherings” which has not been elaborated on in the application.• While not within the realm of a kennel, which would typically require a one kilometre noise buffer, without proper noise controls in place, the quality of life for adjoining residents will be reduced due to potentially incessant barking and nuisance as dogs (and cars) come and go seven days per week. Approval of this use might also limit the redevelopment potential of adjoining lots for residential/mixed uses. A doggie day care centre would be better suited to light industrial areas or sites surrounded by commercial premises where a higher level of background noise already occurs.• This application should be accompanied by an independent acoustic assessment up front, not part of the building/health license stages. The application seems to indicate that dogs will be subject to an acoustic assessment and not accepted/removed if exceeding certain levels. This approach does not seem practical or enforceable long-term. It is critical to understand the level of noise and resulting amenity impact for adjacent residences and what controls could be put in place to mitigate these effect before the development application is determined.</div> <div>2. Traffic and access<ul style="list-style-type: none">• The site has constrained access, with just one crossover to Harvest Terrace which is a one-way street. I have made an assumption that the majority of customers to the centre would be driving to the site, not walking, though no modelling or estimates appear to have been provided on this. Harvest Terrace is grid-locked every week day between 4:30-6pm as cars use it to access the north and south freeway on-ramps from Murray Street. This congestion would prevent timely access to the site for customers collecting their dogs during evening rush hour, meaning dogs might be on site for longer than the hours stated in the application.• If up to 60 dogs were to be accommodated on site, this would equate to potentially 60 additional traffic movements accessing the site during this already congested time. If the crunch points are rush hours in the morning and afternoon, we can expect to see numerous cars lined up and idling in the car park as they wait to drop off/collect their dog via the “dog valet”. Consideration should also be given to on-site emergencies (sick dogs, animal bites etc) and the ability for emergency services to attend. Even with half as many dogs, the road network is not suited to this increased level of activity.</div>

	<div>3. Waste management</div> <ul style="list-style-type: none">• Insufficient detail on waste management has been provided. Will dog mess be disposed of using standard domestic bins left on the side of the street? It is not suitable to have dog waste out on the street for long lengths of time (as rubbish trucks typically arrive around 7-8pm in this area). Further, the rubbish would be directly facing the Iceworks apartment complex creating potentially unpleasant smells all day for residents and pedestrians.• In relation to cleaning of dog toilets and toys, will this be undertaken inside or will the external car park be used to hose down these items and left out to dry? Again, this is potentially unpleasant to smell and look at all day.• A detailed waste management plan should accompany this development application to provide further detail, not put off to the building/health license stages. <div>4. Compliance</div> <ul style="list-style-type: none">• If the development application was supported, the City of Perth would be responsible for ensuring that the hours of operation are complied with and the number of dogs are controlled. What if a dog is not collected within the hours of operation? Will it be cared for off-site? What if waste disposal requirements are not met? What measures has the proponent put in place to prevent these issues?• In conclusion, I believe that the development application as submitted is insufficient to inform a thorough assessment of its impact on the local amenity. Without proper a noise assessment, nor detailed traffic and waste management plans, it should not be supported in its current form.
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Recommendation:***That Council:***

1. ***APPROVES a Key Sector Development Sponsorship of \$20,000 per annum (excluding GST), for a period of three years from 1 May 2019 – 30 April 2022 (\$60,000 in total), to become a Keystone Partner of the Chamber of Arts and Culture Western Australia;***
2. ***NOTES the provisional list of sponsorship benefits contained within this report;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

FILE REFERENCE:	P1036602#03
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	25 February 2019
ATTACHMENT/S:	N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**Legislation / Strategic Plan / Policy:****Legislation**Section 8 of the *City of Perth Act 2016***Integrated Planning and
Reporting Framework
Implications****Strategic Community Plan**

Goal 6 - A city that celebrates its diverse cultural identity

Policy

Policy No and Name:

18.13 – Sponsorship and Grants

Purpose and Background:**Applicant Details**

ABN	83 149 126 786
Entity Name	The Chamber of Arts And Culture WA
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Charity
Goods & Services (GST)	Yes
Endorsed as DGR	Yes
Tax Concessions	GST Concession, Income Tax Exemption
Main Business Location Postcode	6000 WA
ACNC Registration	Registered

The Chamber of Arts and Culture Western Australia (CACWA), is a not-for-profit organisation and the state's representative arts body, with the aim to provide an independent, unified voice for the sector in Western Australia.

CACWA aims to bring the Western Australian arts sector together to debate, discuss and address the major issues that impact on the promotion and development of arts and culture in the state. Activities include professional development, research, and the promotion of the value of arts and arts activity for individual and community wellbeing.

CACWA was formed in October 2010 following the amalgamation of the WA Arts Federation and the Cultural Chairs group, and the organisation notes the Board of Management includes WA business leaders, cultural policymakers, and arts practitioners. The inaugural chairman was Sam Walsh AO.

The establishment of the CACWA was in recognition of the need for an apolitical organisation that could facilitate the sector to work collaboratively and strategically across common key issues. It was acknowledged that for the sector to develop and be recognised as a critical part of the Western Australian public agenda, there was a need to generate local research, identify issues, highlight opportunities, and inform the policies and cultural planning generated at the State and Local Government level with information that is specific to the WA context.

CACWA has a membership across a broad spectrum of the arts and culture sector, including 230 organisations and businesses, individual members and associate members.

Details:

Sponsorship Category	Key Sector Development Sponsorship (Creative and Emerging Industries)
Applicant	Chamber of Arts and Culture WA (CACWA)
Project Title	Keystone Partnership
Project Start Date	01/05/2019
Project End Date	30/04/2022
Total Project Cost	\$450,404 per year
Total Amount Requested	\$60,000 over three years (\$20,000 per year) (4.5% of total project cost)
Recommendation	Approval
Recommended amount	\$60,000 over three years (\$20,000 per year) (4.5% of total project cost)
Assessment Score	46.5 out of 60 (77.5%)

Project Description

CACWA is seeking support from the City of Perth to be a 'Keystone Partner' of the organisation. Other Keystone Partners are Edith Cowan University, Hawaiian, Herbert Smith Freehills, KPMG, St John of God Health Care, Wesfarmers and Woodside.

The City of Perth's proposed funding would support CACWA's annual program, and would enable the following projects and activities:

Professional Development

Professional development is a key activity of the CACWA, and includes workshops, seminars, roundtable discussions and webcasts. CACWA also shares sector information via their website and regular email bulletins.

Currently the Chamber runs an average of eight workshops per year, with an aim to increase this to twelve. Areas currently covered include skills training and workshops on governance, financial management, employment law, research trends, cybersecurity and strategic planning.

Research Projects and Information Sharing

CACWA produces research on a range of topics including the contribution of the arts to health and wellbeing; mapping arts and culture in regional WA; mapping the local craft sector, small-to-medium business and arts and culture in Western Australian local government.

Research and information sharing has also resulted in projects such as the consortium formed by a number of major arts organisations to collaborate on ticketing by buying into a common system (Tessitura). The Chamber is currently investigating other shared service models in areas such as finance or human resources.

Advocacy

CACWA aims to strengthen the sustainability of the local arts sector through advocating for investment and creating partnerships across various economic sectors. The organisation aims to develop the capacity of the sector, share information and generate cross-sector initiatives.

CACWA also acts a link between the arts and culture sector and other areas such as Tourism, WALGA, Health, Education and Indigenous Affairs. The Chamber seeks to develop recognition of the value of a partnership with the arts and culture sector and a more integrated view in policy and planning.

The Chamber works with various organisations such as the Australia Council, Department of Foreign Affairs and Trade, visiting international promoters and international delegations to promote WA arts companies and make the sector aware of opportunities in external markets. The Chamber also works to demonstrate the flow-on benefits of a vibrant cultural sector - hospitality, transport and tourism being key associated areas.

CACWA is also working more broadly to strengthen a Creative Industries Strategy to grow the opportunities for artists working in screen, digital and immersive technologies. CACWA notes this is a growth area globally, and the generation of content and IP within this global market is a longer term opportunity for businesses based in Perth.

The success of the arts and culture infrastructure is critical to attracting both artists and audiences from outside of WA, to bring events to Perth or to base their creative careers in the city. The Chamber also acts as an advocate for the sector nationally and internationally supporting bids to bring major industry events to the City.

CACWA hosts regular roundtable discussions or functions with visiting sector leaders from Australia and abroad, as well as regular meetings with state and federal politicians and policy advisors to enable discussions between the sector and key influencers.

Previous five years City of Perth Support and Acquittals

Year	Amount	Project
2015	\$0	
2016	\$0	
2017	\$75,000	Remix Academy
2018	\$0	
2019	\$0	
<u>TOTAL</u>	<u>\$75,000</u>	

- The City of Perth has received an acquittal for the previous support.
- City officers can confirm that all previous funding has been satisfactorily acquitted.

Sponsorship Benefits

Organisers will provide the following benefits for the requested sponsorship:

- The City of Perth to be recognised as a Keystone Partner of the CACWA;
- Logo recognition on all CACWA printed material and website;
- Sponsor profile on event/program material if applicable;

- Invitation to co-host an event/roundtable discussion with the CACWA;
- Opportunity to display City of Perth signage at partnered Chamber events; and
- Invitations for City representatives to present at suitable Chamber events.

Key Sector Development Sponsorship | Assessment Score Card

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

Essential Project Criteria	Score (5)
<i>All applications are assessed on the following criteria:</i>	
Alignment with a Key Sector	
To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	4
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	3.83
Prestige and Significance	
To what extent does the applicant demonstrate prestige and significance?	3.67
Project Plan and Other Funding Sources	
Has the applicant provided evidence of a robust project plan?	3.67
Has the applicant included a budget detailing investment through a variety of funding sources?	3.5
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable	4.17
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	4
Sub total 26.83 out of 35	
Additional Project Outcomes	
<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Project Outcomes addressed: 5	
Outcome 1. Investment Attraction	
Outcome 2. International Business Development	3.5
Outcome 3. Short term Direct Economic Benefits	3.5
Outcome 4. Long term Economic Development	4.17
Outcome 5. Professional Development, Training and Skill Development	4.33
Outcome 6. Linkages and Knowledge Exchange	4.17
Sub total 19.67 out of 25	
TOTAL ASSESSMENT SCORE 46.5 out of 60 (77.5%)	

Financial Implications:

ACCOUNT NO:	1430 80600 0000 7901
BUDGET ITEM:	Donation & Sponsorships
BUDGETED AMOUNT:	\$62,000
AMOUNT SPENT TO DATE:	\$57,377
PROPOSED COST:	\$20,000

BALANCE REMAINING:	*- \$15,922
ANNUAL MAINTENANCE:	N/S
ESTIMATED WHOLE LIFE COST:	\$60,000

All figures quoted in this report are exclusive of GST.

*Funded through savings in other sponsorship streams

Comments:

Partnership with and support of cultural agencies is a key principle of the Draft Cultural Development Plan. As the key advocacy body for the cultural sector, CACWA has been instrumental in guiding the development of the City's Draft Cultural Development Plan, including, but not limited to, the former Executive Director, Henry Boston sitting on the Peer Review Group for the project in a voluntary capacity.

As the peak body for arts advocacy in WA, CACWA represents a key partnership for the City in facilitating and building the long-term sustainability of the sector. This sponsorship formalises an already existing key stakeholder relationship with CACWA.

CACWA provides an important service to the arts industry in WA, through providing support and education to arts organisations, many of which are based within the City of Perth. It is important for the City of Perth to support this peak body to continue to grow and develop arts in Perth.

As such, key objectives of the City's sponsorship of CACWA include:

- Advocacy to State and Federal government on relevant cultural policy and funding issues;
- Support for sector development and professional development for arts and cultural workers in the city;
- Access to CACWA research outputs and resources;
- Access to CACWA partners and networks;
- Continued partnership with CACWA on key strategic projects such as REMIX.

A three-year sponsorship will also assist the organisation in budgeting across years, and assist CACWA in achieving its goal of organisational sustainability.

Recommendation:***That Council:***

1. ***APPROVES a Key Sector Development Sponsorship of \$15,000 (excluding GST) to Foundation for the WA Museum for the 2019 FameLab Australia National Final;***
2. ***NOTES the provisional list of sponsorship benefits contained within this report;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

FILE REFERENCE:	P1036602#03
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	20 February 2019
ATTACHMENT/S:	N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**Legislation / Strategic Plan / Policy:****Legislation**Section 8 of the *City of Perth Act 2016***Integrated Planning and Reporting Framework Implications****Strategic Community Plan**
Goal 5 - A prosperous city**Policy**

Policy No and Name:

18.13 – Sponsorship and Grants

Purpose and Background:**Applicant Details**

ABN	40374175692
Entity Name	Foundation for the WA Museum
Entity Type	Other Unincorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Charity
Goods & Services (GST)	Yes
Endorsed as DGR	Yes (Item 2)
Tax Concessions	GST Concession, Income Tax Exemption
Main Business Location	6000 WA
ACNC Registration	Registered

The City of Perth has received a request for Key Sector Sponsorship of the national final of FameLab Australia to be held at the State Theatre Centre on 8 May 2019, 6pm-9pm.

The Foundation for the WA Museum has been operating since 1995, and assists in delivering engaging community and educational programs, supporting scientific research and discovery, sourcing funding for exhibitions and acquiring new items for the state collection.

The Foundation for the WA Museum is the producer of FameLab Australia 2019 with international partner, the British Council. The Foundation is coordinating semi-finals in Queensland, Victoria, NSW and Western Australia, with the national final also being held in Perth.

Details:

Sponsorship Category	Key Sector Development Sponsorship
Applicant	Foundation for the WA Museum
Project Title	FameLab Australia - National Final
Project Start Date	08/05/2019
Project End Date	31/07/2019
Venue	WA: National Final - State Theatre Centre (8th May) A schools' program will be run in conjunction with the National Final, at the new Woodside auditorium, that will

	be live streamed regionally and nationally with support from the Australian Science Channel.
Estimated attendance	500 to the National Final
Ticket Cost	Free to the public
Total Project Cost	\$271,300
Total Amount Requested	\$15,000 (5.5% of total project cost)
Recommendation	Approve
Recommended amount	\$15,000 (5.5% of total project cost)
Assessment Score	55.8 out of 65 (85.8%)

Project Description

FameLab is a global science communication competition for early career STEM (*Science, Technology, Engineering and Maths*) researchers in universities and industry, which also includes an international training programme designed to equip researchers to advocate for their work to industry, employers and grant bodies, inspire future STEM students and engage the general public. It is aiming to be a showcase of the 'X-Factor of Science'.

FameLab works in a national competition format that challenges early career scientists to communicate complex ideas simply. Contestants have three minutes each to tell the story of their research to a live, non-scientific audience. An expert panel of science communicators, researchers and personalities judge them on content, clarity and charisma.

Originally started by Cheltenham Festival in the UK in 2007, competitions are held around the globe with the British Council and local stakeholders. Last year FameLab competitions took place in over 30 countries. More than 10,000 young STEM researchers have participated in FameLab, creating a global network for participants from multi-disciplinary research backgrounds. In 2019 the Foundation for the WA Museum became the producer of FameLab Australia with international partner the British Council. Semi-final events are held in Queensland, Victoria, New South Wales and Western Australia.

The national final will be held on Wednesday, 8 May, 6-9pm at the State Theatre Centre of Western Australia. The event is live streamed with the support of media partner, the Australian Science Channel. A schools' program will be run in conjunction with the National Final, at the new Woodside auditorium, that will be live streamed regionally and nationally.

Previous five years City of Perth Support and Acquittals

The City of Perth has not previously supported this applicant.

Sponsorship Benefits

Organisers will provide the following benefits for the requested sponsorship:

- Logo recognition on FameLab printed material, event signage, website, the screen at the National Final and digital marketing materials related to FameLab and eNewsletter;
- Verbal acknowledgment at the National Final event; and
- Business Communications: promotional pack and evaluation report provided to support internal/external communications.

Assessment Score Card

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

Assessment Criteria	Score /5
Alignment with a Key Sector	
To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	4.5
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	4.5
Prestige and Significance	
To what extent does the applicant demonstrate prestige and significance?	4.8
Project Plan and Other Funding Sources	
Has the applicant provided evidence of a robust project plan?	4.8
Has the applicant included a budget detailing investment through a variety of funding sources?	4.3
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable	3.8
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	4.2
Sub total 31 out of 35	
Additional Project Outcomes	
<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Outcome 1. Investment Attraction	3.8
Outcome 2. International Business Development	4.2
Outcome 3. Short term Direct Economic Benefits	3.5
Outcome 4. Long term Economic Development	4.0
Outcome 5. Professional Development, Training and Skill Development	4.5
Outcome 6. Linkages and Knowledge Exchange	4.8
Project Outcomes addressed: 6	
Sub total 24.8 out of 30	
<u>TOTAL ASSESSMENT SCORE 55.8 out of 65</u>	
<u>TOTAL WEIGHTED ASSESSMENT SCORE 85.8%</u>	

Financial Implications:

ACCOUNT NO:	PJ 1395-80130-0000-7901
BUDGET ITEM:	Business Event Sponsorship
BUDGETED AMOUNT:	\$75,000
AMOUNT SPENT TO DATE:	\$53,449
PROPOSED COST:	\$15,000
BALANCE REMAINING:	\$6,551
ANNUAL MAINTENANCE:	\$N/A
ESTIMATED WHOLE LIFE COST:	\$N/A

All figures quoted in this report are exclusive of GST.

Comments:

The project promotes STEM, innovation, national and international connections between local students and the city.

The potential for positive outcomes for women in STEM are particularly high. FameLab Australia has achieved extraordinary results in achievement for Women in STEM. Women are 67% of the participants against 18% enrolment in STEM. Women have won the national final in Australia in 2017 and 2018. These Women in STEM have gone on to secure a place in the global final (runner-up places two years in a row). Organisers are currently exploring the option to incorporate FameLab into an ARC linkage grant that evaluates and measures these outcomes for Women in STEM over time.

This is a high-profile event attracting the state finalists to Perth and will be hosted at the State Theatre Centre as well as live streamed to other audiences.

The project is known as the world's leading science communication competition and internationally renowned. The competition offers comprehensive science and communication training and access to a global network of like-minded peers which could be a fantastic opportunity for Perth, should the winner be a local. A move to one of Perth's major cultural venues (State Theatre Centre), would allow the event to take on a more professional look, both technically and aesthetically; this is important as the event will be broadcast internationally.

The project supports the City's Economic Development objectives and areas of focus, while highlighting the importance of communication within highly specialised research. This will assist with the promotion of a commercialisation culture of research within Perth.

The assessment panel noted the application was of a high quality, with an excellent communications plan, and were all highly supportive of the application.

Recommendation:***That Council:***

1. ***APPROVES sponsorship of \$35,000 (excluding GST) to the Revelation Perth International Film Festival Inc for the 2019 Revelation Interactive;***
2. ***NOTES the provisional list of sponsorship benefits contained within this report;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

FILE REFERENCE:	P1036602#03
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	14 February 2019
ATTACHMENT/S:	N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |



Information

*For the Council/Committee to note.***Legislation / Strategic Plan / Policy:****Legislation**Section 8 of the *City of Perth Act 2016***Integrated Planning and Reporting Framework Implications****Strategic Community Plan**
Goal 1 - A city for people**Policy**

Policy No and Name:

18.13 – Sponsorship and Grants

Purpose and Background:**Applicant Details**

ABN	61 039 339 914
Entity Name	Revelation Perth International Film Festival Inc
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	Yes
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location	3123 VIC
ACNC Registration	No

Revelation Perth Film Festival Inc is a not for profit organisation that delivers the Revelation Perth International Film Festival annually in July (the Festival has been in operation for 22 years), as well as professional development events for the WA creative industry.

Revelation is currently undergoing a major rebrand which will see the creation of four distinct streams: Revelation Film; Revelation Music; Revelation Art; and Revelation Interactive.

Details:

Sponsorship Category	Key Sector Development Sponsorship
Applicant	Revelation Perth International Film Festival Inc
Event	Revelation Interactive
Dates	12 - 14 July 2019
Venues	Old Girl's School, East Perth Backlot Studio, West Perth Scitech, West Perth

	SAE Institute, Northbridge Studio Startup, Perth Sunset Studios, Dalkeith
Estimated attendance	300 delegates 500 public admissions
Total Project Cost	\$370,000
Total Amount Requested	\$40,000 (10.81% of the total project cost)
Recommendation	Approve
Recommended amount	\$35,000 (9.45% of the total project cost)
Assessment Score	49 out of 65 (75.38%)

Project Description

The City of Perth has received a request for Key Sector Development (Innovation and Technology) sponsorship of \$40,000 (excluding GST) from the Perth Revelation International Film Festival Inc to support the inaugural 'Revelation Interactive' event.

Revelation Interactive is a new three-day screen industry and emerging technologies conference and public exhibition designed to showcase:

- New locally, nationally and internationally developed independent screen-based games;
- Science, technology and start-ups with an emphasis on local work;
- Computer animation, visual effects and motion capture;
- Hybrid animation, Virtual Reality (VR), Augmented Reality (AR), Artificial Intelligence (AI) and moving image art; and
- Associated and hybrid art-forms and offshoots.

The industry conference and public expo will be held at East Perth's Old Perth Girl's School, allowing the organisers to utilise several large exhibition and smaller gallery/breakout spaces for audiences and participants. Other locations include the cinema at Perth's Backlot, full-dome and public experience spaces at Scitech and after-hours networking at Studio Startup.

The event will aim to encourage delegates and businesses to break out of the exhibition space and demonstrate their content in the public domain with large-scale public projections, augmented reality games and other free activity such as that designed for school holiday experiences at Scitech.

Revelation Interactive is planned to run in conjunction with Revelation Film, Revelation Music, and Revelation Art events, with a strategic focus towards the development of a major screen-based winter arts festival. The four creative pillars will provide the context for Revelation Interactive.

The event has two distinct elements being industry events and development and secondly public activities and showcases.

Industry Program

Date: 12 - 14 July 2019
Venue: Old Perth Girls School, East Perth

An industry-facing platform program will aim to nurture excellence in business and creative practice with a focus on Perth and Western Australia. This includes a market focus for international acquisition.

The conference will include:

- a minimum of 18 individual workshops, masterclasses or panel discussions over three days within the city precinct;
- a five-day “narrative stories for Instagram” workshop whose results will be published internationally;
- five keynote speakers;
- three large-scale delegate networking opportunities;
- three "Interactive After Dark" after-hours event; and
- delegate networking/buyers’ lounge.

Public Program

Date: 12 - 14 July 2019
Venue: Old Perth Girls School, East Perth

The program will be complemented by a public-facing showcase of games, VR, AR, AI and technology and hybrid arts activity.

The community events will include:

- large-scale outdoor projections;
- full dome projections at Scitech;
- school holiday program with education and youth-based programs at Scitech; and
- VR, AR, AI and moving image art presentations and talks.

The event organiser’s plan is to extend Revelation’s aim of developing a screen-based “ideas market” in Western Australia. It will present a new Business to Business platform focusing on immersive industries and provide consolidated professional sector development opportunities that currently, according to the organisers, do not exist in Western Australia or nationally.

Organisers state the event aims to remove barriers between cinema, art, industry, research, science and technology and entertainment and work within that continuum, demonstrating the commercial and cultural possibilities and linkages between all sectors.

Previous five years City of Perth Support and Acquittals

Year	Amount	Project
2015	N/A	N/A
2016	\$20,000	Revelation Film Festival
2017	\$20,000	Revelation Film Festival
2018	\$90,000	Invigorate Perth
2019	\$0	
TOTAL	<u>\$130,000</u>	

- The City of Perth has received an acquittal for the previous support; and
- City Officers can confirm that all previous funding has been satisfactorily acquitted.

Sponsorship Benefits

Organisers will provide the following benefits for the requested sponsorship of \$40,000 (ex GST). The final sponsorship benefits will be subject to negotiation based on the Council approved funding amount.

Acknowledgment

City of Perth will be acknowledged as a Gold Partner for Revelation Interactive, including the wording “REVELATION INTERACTIVE proudly presented by City of Perth”.

Logo representation

Logo and ‘presented by’ acknowledgment featured on posters; media releases; delegate lanyards; key venue signage; all venue/talks holding slides, pull-up banners at all venues and rolling partner slide at main venue big screen:

- Bus magnets on delegate shuttle buses,
- Website, printed program and printed collateral (Interactive main page & general festival sponsor’s page (180,000 visits);
- Cinema/web trailer screening for 2 months prior to festival at all Luna screens and every session during the film festival (80,000 audience exposure);
- Electronic Direct Mails (1 per month 2,500 subscribers); and
- Written banner on all social media posts

Additional Benefits

- Full page printed program ad (15,000 print run);
- Presentation of Perth: Innovation talk with CoP based organisations;
- Complimentary conference floor display booth;
- Presentation banner of one panel/workshop/masterclass session;
- Workshop/panel room banners when session not sponsored by another partner;
- Integration of City of Perth speaker/facilitator into panel/workshop/masterclass session;
- Complimentary self-contained “classroom” exhibition space with premium placement;
- Presentation and introduction of one keynote address including onstage banner and holding slide;
- City of Perth logo projected in large-scale outdoor venue installation projections; and
- Other elements to be decided largely based on content development.

Key Sector Development | Sponsorship Assessment Score Card

The application was assessed by a three-person assessment panel, consisting of members of the City of Perth administration. Scoring has been averaged for each outcome.

Essential Project Criteria	Score (5)
<i>All applications are assessed on the following criteria:</i>	
Alignment with a Key Sector	

To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	4.0
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	3.83
Prestige and Significance	
To what extent does the applicant demonstrate prestige and significance?	3.83
Project Plan and Other Funding Sources	
Has the applicant provided evidence of a robust project plan?	4.17
Has the applicant included a budget detailing investment through a variety of funding sources?	3.50
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable	3.67
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	4.0
Sub total 27 out of 35	

Additional Project Outcomes	
<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Outcome 1. Investment Attraction	4.0
Outcome 2. International Business Development	3.67
Outcome 3. Short term Direct Economic Benefits	3.50
Outcome 4. Long term Economic Development	4.17
Outcome 5. Professional Development, Training and Skill Development	4.0
Outcome 6. Linkages and Knowledge Exchange	4.0
Project Outcomes addressed: 6	
Sub total 23.34 out of 30	
<u>TOTAL ASSESSMENT SCORE 50.34 out of 65 (77.44%)</u>	

Financial Implications:

ACCOUNT NO:	PJ 1395-80050-0000-7901
BUDGET ITEM:	Arts Annual Sponsorship
BUDGETED AMOUNT:	\$662,000
AMOUNT SPENT TO DATE:	\$607,000
PROPOSED COST:	\$35,000
BALANCE REMAINING:	\$55,000
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

Revelation Interactive has a strong alignment with the City's proposed economic development strategy and provides opportunity for increased collaboration and knowledge exchange.

The event presents an outstanding opportunity for an emerging industry involved with Virtual Reality and Artificial Intelligence. With the industry expected to grow heavily over the next decade, this event is an excellent opportunity for Perth to develop a narrative as a leader in the marketplace.

The event offers a high level of educational and collaborative opportunities for those currently active in the industry to engage with industry leaders both national and international, as well as broad public appeal.

The advisory panel put together to contribute to the event are well respected within the industry.

The event has applied for major funding from the Department of Local Government, Sport and Cultural Industries. City officers have spoken with representatives from the Culture and the Arts branch who have indicated their strong support for the application and expect a funding outcome to be determined by the Minister imminently.

Recommendation:***That Council:***

1. ***APPROVES a Strategic Arts Sponsorship of \$12,000 (excluding GST) to the West Australian Ballet Company for the Community Dress Rehearsal program;***
2. ***NOTES the provisional list of sponsorship benefits contained within this report;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

FILE REFERENCE:	P1035591#03#15
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	22 February 2019
ATTACHMENT/S:	N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**Legislation / Strategic Plan / Policy:****Legislation**Section 8 of the *City of Perth Act 2016***Integrated Planning and
Reporting Framework
Implications****Strategic Community Plan**

Goal 6 - A city that celebrates its diverse cultural identity

Policy

Policy No and Name:

18.13 – Sponsorship and Grants

Purpose and Background:**Applicant Details**

ABN	55023843043
Entity Name	West Australian Ballet Company
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Charity
Goods & Services (GST)	Yes
Endorsed as DGR	Yes
Tax Concessions	FBT Rebate, GST Concession, Income Tax Exemption
Main Business Location Postcode	6051
ACNC Registration	Registered

West Australian Ballet (WAB) is the state ballet company of Western Australia. The company was founded in 1952 and is one of the oldest ballet companies in Australia.

At the Ordinary Council Meeting held on **27 November 2018**, WAB were awarded an Arts Grant of \$8,000 towards a Community Dress Rehearsal for the production *La Bayadère*, to be held at His Majesty's Theatre in May 2019.

Since the awarding of this Grant, City officers have worked with WAB to develop a proposal which extends the City's support to include two additional Community Dress Rehearsals planned for 2019.

Details:

Sponsorship Category	Strategic Arts Sponsorship
Applicant	West Australian Ballet Company
Project Title	Community Dress Rehearsals
Project Start Date	8 May 2019
Project End Date	20 November 2019

Venue	His Majesty's Theatre
Estimated attendance	2,250
Ticket Cost	Complimentary
Total Project Cost	\$131,312
Total Amount Requested	\$20,000 (15% of the total project budget)
Recommendation	Approve
Recommended amount	<p>\$12,000 (ex GST)</p> <p>The City's total support for the project would be \$20,000 (ex GST), including:</p> <ul style="list-style-type: none"> - \$8,000 Arts Grants previously awarded; and - \$12,000 additional Strategic Arts Sponsorship.
Assessment Score	Project was previously assessed as part of the 2018/19 Arts Grants Round 2, where the it received an assessment score of 21.16 out of 35 (60.46%).

The program offers complimentary tickets for community organisations to attend the final dress rehearsal before the opening night of each main-stage WAB production at His Majesty's Theatre.

The Community Dress Rehearsal program aims to provide opportunities for people experiencing different points of disadvantage to participate in the arts, to connect with people in need and provide inspiration, happiness and respite.

Recently WAB have partnered with Carers WA, Developmental Disability WA, DSC, Parkerville, Chung Wah, Ngala, Kids are Kids!, Rise Network, Breast Cancer Care, Ability Centre and Richmond Wellbeing. Each organisation has clients experiencing hardship, disadvantage, illness, bereavement, domestic violence and community isolation or disconnection, as well as other difficulties or personal challenges.

From 2019, participation will be selected through an application process, managed by WAB, to ensure tickets go to those who are most in need, and allow WAB to better track the impact of the program.

Dates for the 2019 Community Dress Rehearsals are:

- Wednesday, 8 May, La Bayadere
- Thursday, 12 September, Giselle
- Wednesday, 20 November, ALICE (in wonderland)

Previous City of Perth Support and Acquittals

Support for the last five years is as follows:

Year	Amount	Project
2014	\$55,875	2014 Season Partner
2015	\$57,253	2015 Season Partner
2016	\$55,000	2016 Season Partner
2017	\$55,000	Great Leaps Partner
2018	\$0	

TOTAL	\$223,128	
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- The City of Perth has received an acquittal for the previous support; and
- City Officers can confirm that the previous funding has been satisfactorily acquitted.

Sponsorship Benefits

For an investment of \$20,000, the City of Perth would be recognised as a Supporting Sponsor of the program, alongside Healthway who are the Naming Rights sponsor of the program.

Organisers will provide the following benefits for the requested sponsorship:

- City of Perth logo acknowledgement on associated marketing materials, signage board and WAB website;
- Verbal acknowledgement on the pre-recorded voice over;
- An opportunity for the City of Perth to be acknowledged where appropriate in WA digital newsletter; and
- Opportunity to display City of Perth signage at all related activities and events.

Financial Implications:

ACCOUNT NO:	13958005000007901
BUDGET ITEM:	Arts Annual Sponsorship
BUDGETED AMOUNT:	\$662,000
AMOUNT SPENT TO DATE:	\$495,000
PROPOSED COST:	\$12,000
BALANCE REMAINING:	\$155,000
ANNUAL MAINTENANCE:	\$0
ESTIMATED WHOLE LIFE COST:	\$0

All figures quoted in this report are exclusive of GST.

Assessment Score Card

The original application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome. This original application contained many different project elements and the dress rehearsals were assessed as part of this overall application.

<u>ESSENTIAL ASSESSMENT CRITERIA</u>	<u>SCORE (5)</u>
Does the project demonstrate artistic merit?	3.50
Does the project increase opportunities for the community to participate in cultural life?	2.83
Does the project foster meaningful collaborations across the local arts industry and/or community?	1.83
Does the project contribute to a positive sense of place within the city?	2.33
Does the project provide professional development opportunities for local artists and/or cultural workers?	2.67
Does the individual or organisation have a demonstrated capacity to manage all aspects of the project?	4
Is the project plan and budget realistic and value for money?	4

Sub total 21 out of 35	
<u>OPTIONAL ASSESSMENT CRITERIA</u>	
<i>The below are non-essential criteria (optional) based on goals identified in the City of Perth Strategic Community Plan. Applicants who can demonstrate their project achieves any of these outcomes can receive additional assessment points for each of these criteria.</i>	
Does the project activate public spaces and underutilised locations, in interesting and engaging ways?	0
Does the project celebrate Indigenous culture?	0
Does the project activate places along the riverfront?	0
Sub total 0 out of 15	
<u>TOTAL ASSESSMENT SCORE 21.16 out of 35 (60.46%)</u>	

Comments:

The Community Dress Rehearsal program is strongly aligned to the City's arts program objectives as it promotes broad community access to arts and cultural activities. The additional sponsorship reaffirms the City's support for one of Western Australia's major performing arts companies.

The recommended sponsorship will mean the City of Perth's support is confirmed for the remainder of the 2019 calendar year. This will bring WA Ballet into line with the City's arts sponsorship timeline, and their next application will cover their 2020 season.

**Agenda
Item 13.7**

**Tender 050-18/19 – Maintenance and Construction of
Footpaths and Associated Works**

RECOMMENDATION

That Council ACCEPTS the most suitable tender, being that submitted by MCMLXX Pty Ltd as trustee for the PaveWA Holding Family Trust trading as Access Brick Paving and PaveWA, for the maintenance and construction of footpaths and associated works for a period of three years commencing 15 April 2019 with the option to extend for a further two years in accordance with Confidential Attachment 13.7A – Rates – Normal Hours, Confidential Attachment 13.7B – Rate – Outside Normal Hours, Confidential Attachment 13.7C – Rates – Road Traffic Management and Confidential Attachment 13.7D – Additional Costs for the first year with each subsequent year increase based upon the Consumer Price Index for the preceding year.

FILE REFERENCE:	P1037004
REPORTING UNIT:	Street Presentation and Maintenance
RESPONSIBLE DIRECTORATE:	Construction and Maintenance
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	1 March 2019
ATTACHMENT/S:	Confidential Attachment 13.7A – Rates – Normal Hours Confidential Attachment 13.7B – Rates – Outside Normal Hours Confidential Attachment 13.7C – Road Traffic Management Confidential Attachment 13.7D – Additional Costs Confidential Attachment 13.7E – Evaluation Matrix Confidential Attachment 13.7F – Price Modelling (Confidential Attachments are distributed to Commissioners under separate cover)

Council Role:

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |

- ☐ **Quasi-Judicial** *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ **Information** *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Part 4 of the *Local Government (Functions and General) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 2 - An exceptionally well designed, functional and accessible city

Policy

Policy No and Name: 9.7 – Purchasing Policy

Tender 050-18/19 – Maintenance and Construction of Footpaths and Associated Works was advertised in The West Australian on Wednesday, 31 October 2018. Tenders closed at 2pm on Thursday, 20 November 2018, with the following tenders received:

- Power Paving Pty Ltd;
- Maintenance and Construction Services Pty Ltd;
- Dowsing Group Pty Ltd;
- Civcon Civil & Project Management Pty Ltd;
- Hoskins Investments Pty Ltd AMF M R Hoskins Family Trust T/A Hoskins Building Services; and
- MCMLXX Pty Ltd as trustee for the PaveWA Holding Family Trust T/A Access Brick Paving and PaveWA (MCMLXX).

Works completed under this Contract include the maintenance and renewal of footpaths, kerbing, pram ramps and crossovers together with associated infrastructure. Maintenance work is either planned (scheduled) or reactive and includes remediating raised, sunken or damaged paving and kerbs and the replacement of pit surrounds.

The greater portion of required works is the planned renewal of relevant assets under the City's Capital Footpath Replacement Program. Renewal is based on several factors including age, condition, risk and, to a lesser degree, aesthetics. The City has planned to renew 5,496m² of footpaths and 727Lm of adjacent kerbing in the 2019/20 financial year. These works may also include additional tasks such as the installation of communications conduit and pits, adjustments to existing pits and the renewal of tree surrounds and grates.

Tenders were called for a single service provider to undertake these works for a period of three years with the option to extend for a further two years.

Tenderers were required to provide two major project teams and two maintenance teams. As such, tenderers were permitted to utilise sub-contractors if and when required.

Details:

Tenderers were required to address the selection criteria in the specification in detail to demonstrate both their experience and ability to install footpath paving and associated works and to submit a Form of Tender that included a Schedule of Rates.

The criteria were:

- Resources - Plant and Equipment;
- Resources – Personnel;
- Previous Experience; and
- Safety Management Expertise.

The six submissions were assessed and ranked according to the criteria with particular emphasis on relevant experience and resources, predominantly in respect to plant, equipment and trained labour. Each submission was assessed individually and ranked in order of merit against the qualitative criteria.

Submissions were ranked as follows:

1. MCMLXX Pty Ltd as trustee for the PaveWA Holding Family Trust T/A Access Brick Paving and PaveWA

MCMLXX provided a very good submission addressing all criteria thoroughly and completely. The company has substantial experience undertaking the required works, particularly in a city environment, and have an extensive range of fleet and plant essential for completing the required works. MCMLXX have up to 12 staff available, each with the necessary skills and certifications required to undertake the varied tasks essential to complete the contracted works.

MCMLXX have been the City contractor for the last nine years, initially as a member of a panel of service providers and then, for the last four years, as the sole service provider.

2. Power Paving Pty Ltd

This company provided an adequate submission addressing all criteria. Power Paving have a reasonable range of fleet and plant necessary to undertake the required works and have up to four permanent and four casual staff available to undertake the required works.

Power Paving was established in 2018 as a joint venture between two paving companies formally utilised by the City under similar Contracts. Both Directors have substantial experience within the brick paving trade and with working in a city environment.

3. Civcon Civil & Project Management Pty Ltd

Although Civcon provided an adequate submission addressing all criteria, some information in their responses was not relevant to the works to be carried out under this contract. Civcon proposes utilising a sub-contractor to undertake the works.

4. Hoskins Investments Pty Ltd AMF M R Hoskins Family Trust T/A Hoskins Building Services

Hoskins provided a marginal offer addressing all criteria with some minor omissions. The company primarily undertakes and manages building maintenance and has minimal on-street experience. Their submission proposes the use of a sub-contractor to complete the works required under this contract.

5. Dowsing Group Pty Ltd.

Dowsing addressed all criteria but failed to provide three of the four required Schedule of Rates and were consequently eliminated from the evaluation process.

6. Maintenance and Construction Services Pty Ltd

This company failed to provide any of the required information including the Form of Tender and responses to the Selection Criteria and could not be considered further.

The City has undertaken a comprehensive review of all submissions and the prices offered.

Prices submitted from Confidential Attachment 13.7A were applied to actual capital projects completed in 2017/18 and to proposed capital works in 2019/20 (refer to Confidential Attachment 13.7F).

Financial Implications:

2018/19 Budget for Footpath Maintenance (Operating)

ACCOUNT NO:	Various Operating Accounts
BUDGET ITEM:	Transport – Streets, Roads, Bridges, Depots – Footpaths - Contractor
BUDGETED AMOUNT:	\$227,476
AMOUNT SPENT TO DATE:	\$93,514
PROPOSED COST:	\$133,962
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

2018/19 Budget for Capital Footpath Renewal

ACCOUNT NO:	Various Capital Accounts
BUDGET ITEM:	Transport – Streets, Roads, Bridges, Depots – Footpaths - Contractor
BUDGETED AMOUNT:	\$1,300,223
AMOUNT SPENT TO DATE:	\$419,913
PROPOSED COST:	\$880,310
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	\$65,000
ESTIMATED WHOLE LIFE COST:	\$2,925,223

The above figures are those for Street Presentation and Maintenance's footpath Operating and Capital budgets only. Other Business Units will utilise the Contract for various works.

Estimated whole of life cost is the initial cost plus annual maintenance over the 25 year useful life of assets.

All figures quoted in this report are exclusive of GST.

Comments:

In the report presented to Council at its meeting of **26 February 2019** price modelling was based on 10,000m² of paving. This indicated Power Paving to be the cheapest offer presented. Utilising relevant line items from Confidential Attachment 13.7A, further modelling has been completed based on actual works undertaken in the 2017/18 financial year and the capital program scheduled for 2019/20. As evidenced in Confidential Attachment 13.7F, Power Paving, Civcon and MCMLXX provided mostly competitive pricing for the required works; however, modelling clearly illustrates MCMLXX to be the cheapest offer overall for the proposed works in 2019/20. While the modelling provides accurate costs for possible works, it cannot cover all potential works completed under this Contract due to the varying size and complexities of City projects.

MCMLXX are the highest ranked submission as indicated in Confidential Attachment 13.7E and have provided this service to the City for the last four years. The company has substantial experience in undertaking the required works in a city environment with all jobs completed in an efficient and professional manner whilst ensuring all occupation health and safety measures, including site and traffic management, have met or exceeded the required standards.

It is therefore recommended that MCMLXX Pty Ltd as trustee for the PaveWA Holding Family Trust T/A Access Brick Paving and PaveWA be appointed for three years commencing 15 April 2019 with the option to extend for a further two years.

In order to mitigate risk to the City, the recommended Tenderer underwent a full financial assessment and has agreed for this to be completed on an annual basis for the duration of the contract.

CONFIDENTIAL ATTACHMENTS 13.7A – 13.7F

**ITEM 13.7 - TENDER 050-18/19 – MAINTENANCE AND
CONSTRUCTION OF FOOTPATHS AND ASSOCIATED WORKS**

FOR THE ORDINARY COUNCIL MEETING

26 MARCH 2019

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

Agenda **Riverside Drive Bus Priority**
Item 13.8

Recommendation:

That Council:

1. ***APPROVES, subject to detail design, the changes proposed by the Public Transport Authority (PTA) to the William Street / Riverside Drive / Mitchell Freeway intersection to facilitate the proposed bus priority measures for Riverside Drive (West) between the Elizabeth Quay Bus Station and Point Lewis Rotary; and***
2. ***NOTES that as part of this proposal the PTA will re-route the 950 bus service along Riverside Drive (West) between the Elizabeth Quay Bus Station and Point Lewis Rotary and that the PTA have committed to keep the 23, 102 and 107 bus services on Mounts Bay Road to serve the local community.***

FILE REFERENCE:	P1026295-3
REPORTING UNIT:	Transport
RESPONSIBLE DIRECTORATE:	Planning and Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	1 March 2019
ATTACHMENT/S:	Attachment 13.8A – PTA drawing 255180-01-SK-0002

Council Role:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

N/A

Integrated Planning and Reporting Strategic Community Plan**Framework Implications**

Goal 2 - An exceptionally well designed, functional and accessible city

Policy

Policy No and Name

N/A

Purpose and Background:

The Public Transport Authority (PTA) are proposing to construct bus lanes between the Elizabeth Quay Bus Station and the Point Lewis Rotary to reduce delays to buses and improve the reliability of buses currently using Mounts Bay Road. The proposed measures align with the agreed and endorsed Perth Central Business District 2012 Plan which states:

“Consistent with the draft Public Transport for Perth in 2031 plan, priority bus lanes will be implemented on key bus routes such as Beaufort Street, William Street and Mounts Bay Road to aid the effectiveness of public transport. Bus lane treatments for Adelaide Terrace will also be investigated.”

It is noted, however, that this specific project is not in the State Government’s Perth Central Area Transport Plan, Towards 2025, which replaced the Perth Central Business District Plan 2012. The new plan does however support greater bus priority by stating:

“Bus Priority (such as bus lanes) is important in the central area to ensure that buses achieve good travel times and operate reliably. In order to fulfil their role as part of the ‘mode of choice,’ buses must be able to travel to and through the city efficiently, quickly and on-time. Bus priority infrastructure can also assist traffic by reducing conflict between modes on busy streets, where one mode of traffic can delay another.”

The original proposal for this project comprised bus lanes along Mounts Bay Road which would provide un-impeded movement without the need to re-route existing bus services. After developing the concept design, it was determined that the cost of providing these bus lanes was prohibitive and an alternative solution was sought. The PTA have since proposed bus lanes along Riverside Drive (West) thus providing the required priority just on a different route.

As part of the proposal to install bus lanes on Riverside Drive (West), the PTA proposed to re-route all bus services from Mounts Bay Road to use the bus lanes on Riverside Drive (West). However, this would impact on the businesses and residents on Mounts Bay Road who would not be able to readily access public transport, and therefore was not supported by the City.

The City and the PTA have since agreed that only the 950 bus service will be re-routed to Riverside Drive (West) with the 23, 102 and 107 bus services remaining on their existing routes along Mounts Bay Road. This will ensure on-going public transport services along Mounts Bay Road with 12 buses using this route in the peak periods and 7.4 during the off-peak periods.

Figure 1 below shows the existing and proposed bus routes between the Elizabeth Quay Bus Station and Point Lewis Rotary.

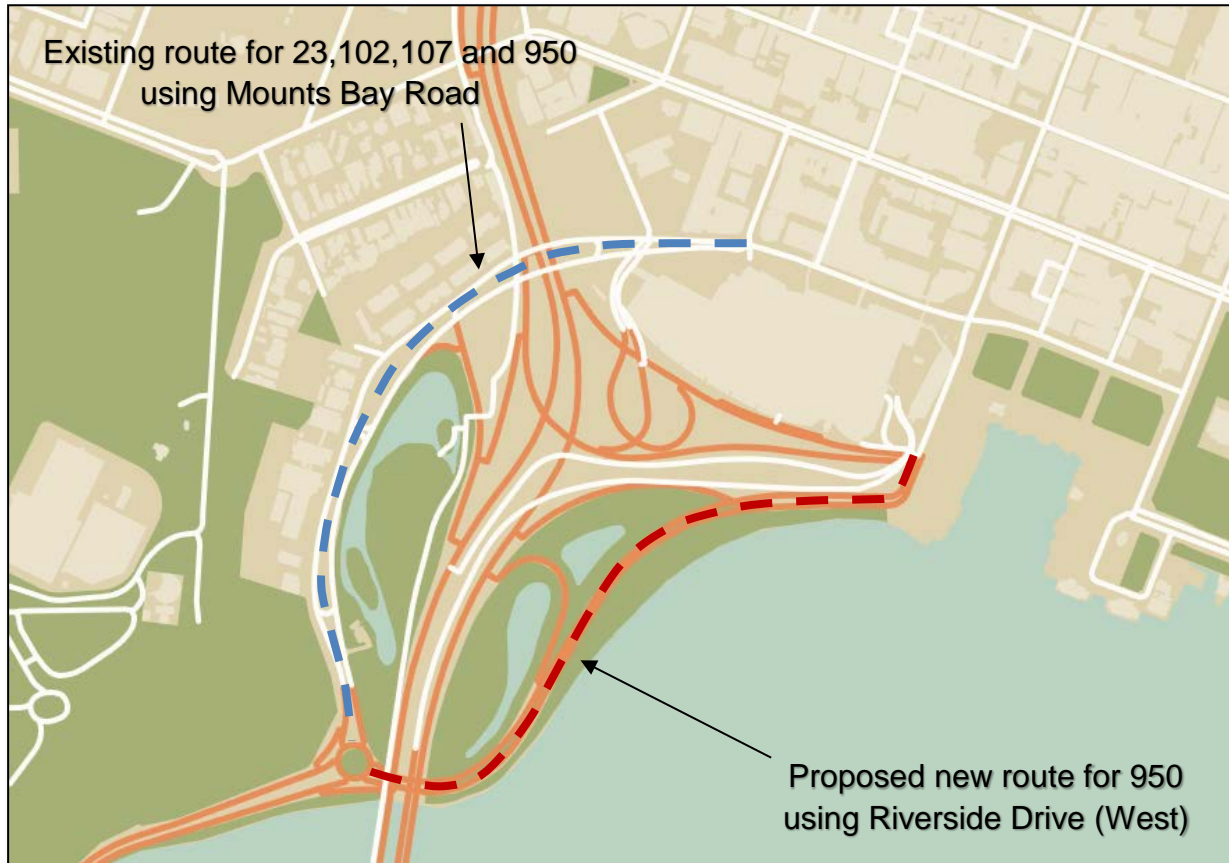


Figure 1 - Existing and Proposed Bus Routes

Details:

The proposal for bus priority measures for Riverside Drive (West) consists of the following measures which are shown in the concept design drawing included as Attachment 13.8A:

- Modifications to the William Street / Riverside Drive / Mitchell Freeway intersection to allow improved access and egress for buses to and from the Elizabeth Quay Bus Station. These changes will allow the existing signal phasing and timings to be maintained and therefore the capacity at this intersection should not be impacted for other road users;
- Modifications to the bus lane between the Riverside Drive / Mitchell Freeway intersection and the William Street / Riverside Drive / Mitchell Freeway intersection. These changes will create a new bus lane in the northbound direction and also widen the existing southbound bus lane to provide additional storage for buses at the Riverside Drive / Mitchell Freeway intersection; and
- Modifications to the Riverside Drive / Mitchell Freeway intersection to allow the northbound and southbound buses to cross over from the bus lanes to Riverside Drive (West). This will require a change to the signal phasing at this intersection however this will have only a minor impact on other road users as there is adequate spare capacity at this intersection.

As part of the proposal the PTA will re-route the 950 bus service along Riverside Drive (West) between the Elizabeth Quay Bus Station and Point Lewis Rotary. As agreed with the City, the PTA have committed to keep the 23, 102 and 107 bus services on Mounts Bay Road to serve the local community on Mounts Bay Road including the Mount Hospital.

The proposed bus priority measures have been studied in detail by the City and are supported as they will provide the following benefits:

- Reduced travel time for the 950 bus services and improved travel time reliability;
- Reduced number of buses and congestion to buses on Mounts Bay Road;
- Have only a minor impact on network capacity and traffic using Riverside Drive (West); and
- Keep bus services 23, 102 and 107 on Mounts Bay Road to serve the local community.

It is therefore recommended that Council give approval for the proposed bus priority measures noting the following items are still to be completed:

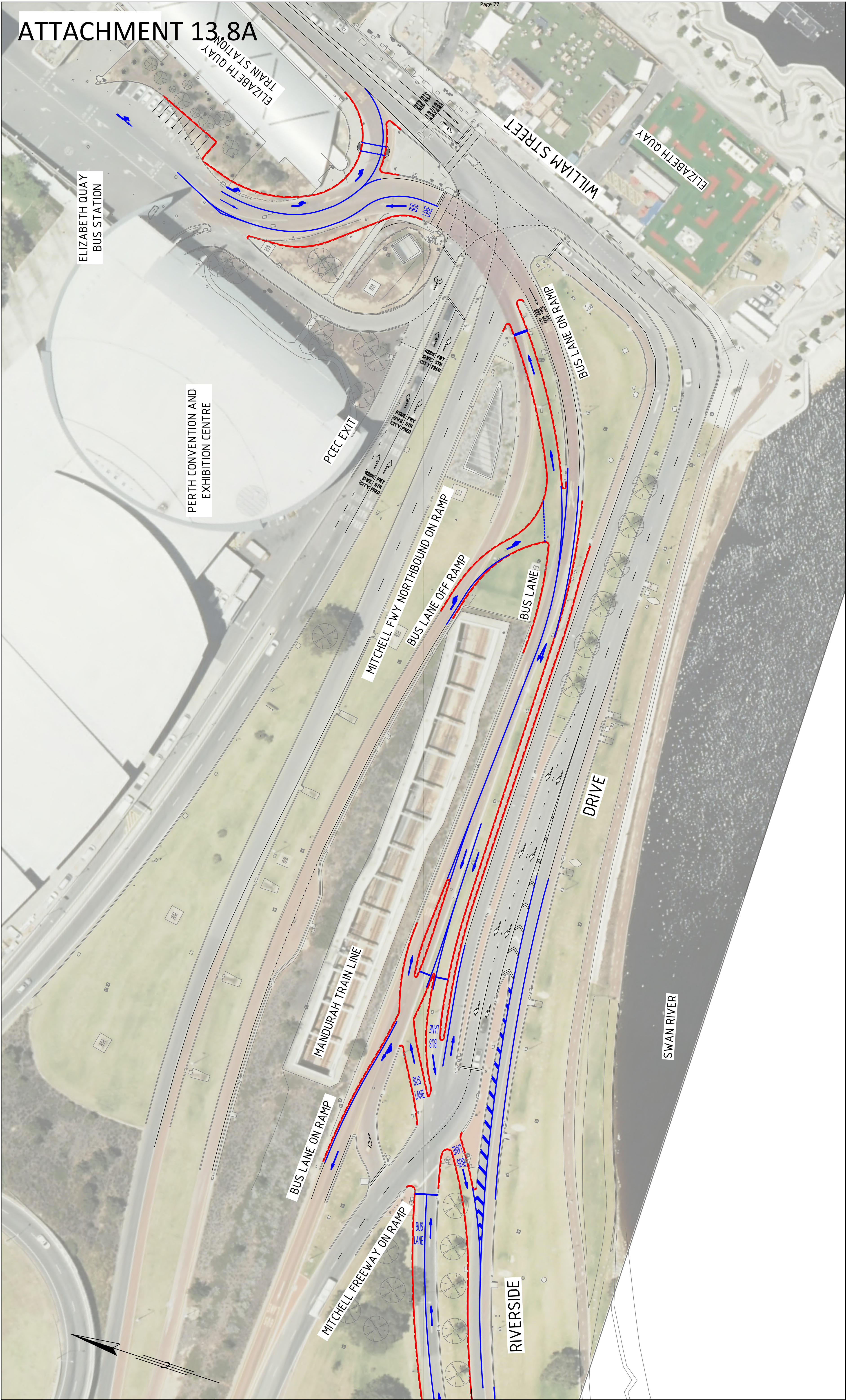
- Traffic modelling of the William Street / Riverside Drive / Mitchell Freeway and Riverside Drive / Mitchell Freeway intersections being completed by the PTA to the satisfaction of the City;
- Detailed design of the William Street / Riverside Drive / Mitchell Freeway intersection being completed by the PTA to the satisfaction of the City; and
- Detailed design of the proposed measures with regard to road kerbing, irrigation, soil infill and turf cover being completed by the PTA to the satisfaction of the City.

Financial Implications:

The proposed changes to the William Street / Riverside Drive / Mitchell Freeway intersection and bus priority measures for Riverside Drive (West) will be funded by the PTA and will therefore have no financial cost implications to the City.

Comments:

The City has partial control over the William Street / Riverside Drive / Mitchell Freeway intersection with the remainder of the proposal under the control of Main Roads WA (MRWA). MRWA have given approval for the proposal subject to the current signal phasing and capacity being maintained at the William Street / Riverside Drive / Mitchell Freeway intersection.



LEGEND

PROPOSED LINEMARKING

PROPOSED KERB

EXISTING KERB

WARNING
BEWARE OF UNDERGROUND SERVICES
The location of underground cables are shown. Locals all underground cables are shown. Locals all underground cables are shown. Locals all underground cables are shown. Refer to Worksafe Regulation 3.21.

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BEFORE YOU DIG

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www.arup.com
ABN 18 003 695 185

PROJECT TITLE
RIVERSIDE DRIVE WEST (H509)

DRG. TITLE
BUS LANE MODIFICATION
GENERAL ARRANGEMENT
SCHEMATIC PLOT

DES. BY / DRN. BY
A.DUX / S.EOW

DATE
08.03.2019

SCALE
N.T.S.

REV.
A

255180-01-SK-0003

Agenda **Moore Street Level Crossing Closure**
Item 13.9

That Council:

1. ***NOTES the submissions made by stakeholders and the general public during the public submissions period of the Moore Street Level Crossing Closure proposal;***
2. ***INITIATES actions in accordance with section 58 of the Land Administration Act 1997, in order to request the Minister for Lands to approve closure of the section of Moore Street within the rail reserve;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate and accept an appropriate contribution amount by the Public Transport Authority;***
4. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate the date of closure with the Public Transport Authority;***
5. ***NOTES the City requested contribution of \$2.085 million consisting of:***
 - a. ***50% contribution to the planned but unfunded upgrade of Moore Street/Lord Street intersection, equating to \$1.425 million of the total cost of \$2.85 million to help mitigate the traffic issues; and***
 - b. ***100% contribution to unplanned upgrades to lighting at a total cost of \$200,000 and CCTV at \$460,000 to help mitigate the public safety concerns.***

FILE REFERENCE:	P1031093
REPORTING UNIT:	Transport
RESPONSIBLE DIRECTORATE:	Planning and Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	11 March 2019
ATTACHMENT/S:	Attachment 13.9A – PTA Moore Street Level Crossing Closure Report and Proposed Design Attachment 13.9B – Moore Street Level Crossing - City of Perth Risk Assessment Attachment 13.9C – Review of feedback during public comment period - Moore Street level crossing

Council Role:

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |



Quasi-Judicial

When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.



Information

For the Council/Committee to note.

Legislation / Strategic Plan / Policy:

Legislation

Section 58 of the *Land Administration Act 1997*

Integrated Planning and Reporting Framework Implications

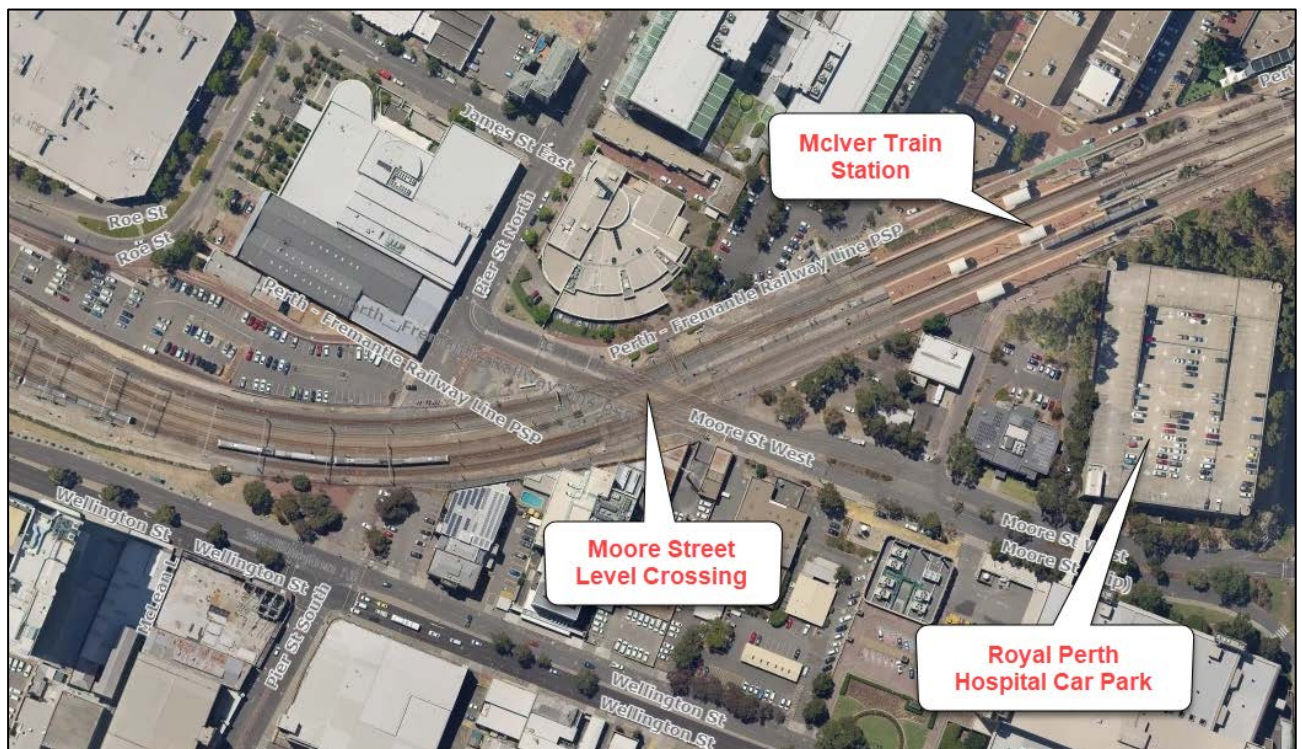
Strategic Community Plan

Goal 2 - An exceptionally well designed, functional and accessible city

Purpose and Background:

The Public Transport Authority (PTA) has requested the closure of the Moore Street Level crossing (the Crossing) citing safety concerns (illegal crossing) and operational issues associated with the new Perth Stadium. The PTA have also raised concerns regarding the length of closure time once the Perth Airport Rail Link is constructed, which will increase the likelihood of risk taking behaviour (See Attachment 13.9A for the PTA report).

The Crossing is located adjacent to the Mclver Train Station as seen in the location plan below.



The proposed closure of the Crossing is not a new proposal, with the City of Perth investigating the grade separation of the Crossing via a bridge from Roe Street to Moore Street as far back as 2001.

The City had consultant BG&E develop a concept with a cost estimate of \$11.55million¹ (not inclusive of land resumption costs, 2001).

The City has not considered the closure of the Crossing in recent history with the proposal not included in the Department of Transport's agreed Central Area Transport Plan 2016-2020 nor the previous version of the Perth Central Business District Plan 2012. These plans are negotiated to align the transport planning between the City, Department of Transport, Main Roads WA and the PTA.

The closure of railway level crossings aligns with State Government policy, with the current State Government committing \$257 million as part of the Metronet program to the removal of level crossings in four locations, namely Oats Street in Victoria Park, Wharf Street in Queens Park, Caledonian Avenue in Maylands and Denny Avenue in Kelmscott. The Metronet *Level Crossing Removal* webpage has identified these projects but does not identify Moore Street as a project.

As a result of the closure not being in the plans, the City had undertaken to design the Hill Street Two-way project on the basis of the Crossing remaining open. The City is currently undertaking redesign work to reflect a potential closure.

City of Perth Risk Assessment

Following receipt of the PTA report and design, the City undertook an internal Risk Assessment Workshop to understand the expected impacts of the closure. A total of 19 risks were identified by the workshop attendees (see Attachment 13.9B).

The 19 risks can be broadly grouped into three categories:

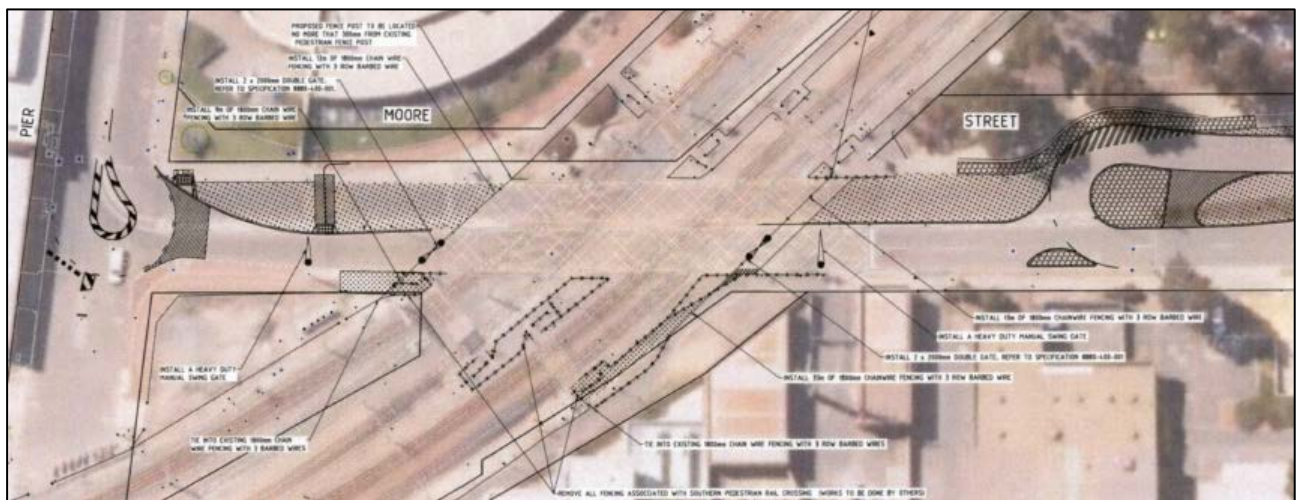
1. *Impacts on vehicle access and the broader traffic network* – The closure is expected to have negative impacts on access to properties on Moore Street (most notably the Royal Perth Hospital carpark). The closure is also expected to decrease network resilience and redundancy, worsen congestion on nearby north-south links (especially the Barrack Street bridge) and reduce access for residents in the Stirling Precinct into East Perth and the CBD.
2. *Impacts on public safety and economic activity* – By removing passive surveillance from passing vehicles, the closure is expected to lead to an increase in anti-social and criminal behaviour in the area. It was noted that this area has ongoing public safety concerns, with 62 incidents reported by the public or captured by City security cameras in the vicinity in the 2016/17 financial year.
3. *Impacts on pedestrian permeability and comfort* – The proposed design was expected to worsen the already poor pedestrian amenity and connectivity in the area. With the closure of one of the pedestrian crossings, and the provision of additional pedestrian fencing, the design was also assessed as potentially trapping pedestrians.

The following projects and improvements were recommended to control the identified risks:

- *Construct the Hill Street Two-way project* – This will allow the right turn into Moore Street from Lord Street southbound. This will help to mitigate the negative congestion and access impacts. The estimated cost for this intersection is \$2.85million, with the whole Hill Street Two-way project valued at \$7.53m (based off a Quantity Survey carried out as part of the Hill Street Two-way project);

¹ Construction of the 7th Avenue and 3rd Avenue Bridges on the Midland Railway in 2015/16 was delivered on budget at \$22 million.

The PTA proposed to close the Crossing by constructing cul-de-sacs and fencing. The concept design provided to the City by the PTA can be seen below (further detail available in Attachment 13.9A).



Stakeholder Engagement

- 12 were positive
- 28 were negative
- 10 were neutral or suggestions

- *Access/permeability* (raised by 21 respondents) – Respondents raised reduced connectivity into the CBD, and the lack of access to Moore Street post closure.

- *General design* (raised by 19 respondents) – Respondents focused on the need to provide a grade separated crossing of the rail line for vehicles/pedestrians.
- *Traffic/congestion* (raised by 15 respondents) – Respondents raised concerns around increased congestion on adjacent corridors with the closure of the level crossing.
- *Safety* (raised by 5 respondents) – Respondents raised concerns about worsening the perceived public safety and security issues in the area.

A large portion of respondents were staff working at Royal Perth Hospital. Their feedback focused on the lack of access to the hospital post-closure of the Crossing. A common request from these respondents was altering the Lord/Wittenoom/Moore intersection to allow the right turn from Lord Street southbound.

Specific concerns around access for cyclists were also raised by some respondents. These largely focused on the opportunity to reconfigure the Principle Shared Path, and the lack of cyclist connectivity across the rail line with the closure of the Crossing.

Financial Implications:

There is currently no City of Perth allocated budget for the closure. The estimated cost of the recommended projects and improvements to offset the risks posed by the closure are summarised below:

Modify Lord Street/Wittenoom Street/Moore Street intersection (part of the Hill Street Two-way project)	\$2,850,000
Upgrade security camera network	\$460,000
Upgrade public lighting	\$200,000
TOTAL	\$3,510,000

Further detail on these improvements can be found earlier in this report.

As discussed below, the PTA have currently offered \$650,000 towards the Lord Street/Wittenoom Street/Moore Street intersection modifications, based off 50% of funding of their estimate of \$1.3million for the changes. This estimate is understood not to include the changes required at the intersection to accommodate the City's Hill Street Two-way project.

All figures quoted in this report are exclusive of GST.

Comments:

The City has undertaken discussions with the PTA regarding the impacts of the proposal on City assets and the additional risks that the City will face as a result of the closure. The PTA has offered to fund the upgrades to CCTV and contribute \$650,000 to the upgrade of the Lord Street/Wittenoom Street/Moore Street intersection. These negotiations have yet to be finalised.

Safety around railway stations is a critical issue, with the City recently having to modify lighting around Claisebrook Station as a result of an aggravated assault.

The proposed closure of the Crossing is subject to section 58 of the *Land Administration Act 1997*. The requirements of the Act are that the Local Government Authority is to:

- Publish a public notice for a period of 35 days which details the road intended for closure, the reasons for closure and details of the intended land use if the closure is endorsed;
- Consider any objection made within the period set out in the public notice; and
- The City undertakes a Council resolution on the decision to close the road.

The first step of this process has been completed as detailed in the Stakeholder Engagement summary above. The Council is now required to consider the 28 objections (negative feedback to the closure) received during the public notice period.

Options and Timing

Below is a summary of the options available to the City for the proposed closure:

1. Reject the proposed closure of the Moore Street Level Crossing;
2. Accept the proposed closure of the Moore Street Level Crossing with no additional funding or design changes;
3. Accept the proposed closure of the Moore Street Level Crossing on the condition that additional funding is provided for the projects and improvements identified, the design is altered in consultation with the City and the closure is deferred until after the Hill Street Two-way project is completed;
4. As per option 3, and additionally require that PTA fully fund the design and construction of a road bridge connecting Moore Street and Roe Street; or
5. As per option 3, and additionally require that PTA fully fund the design and construction of a pedestrian and cyclist bridge across the rail line.

Option 3 is the preferred option for the City after the public comments and City's strategic objectives are considered. The timing of the closure would be delayed until a significant portion (Stage 1) of the Hill Street Two-way project can be completed. Should the Hill Street Two-way project be funded for the 2019/20 financial year, it is expected that this would mean the Crossing closure could proceed in early 2020. This would still permit the closure to occur well in advance of the additional trains from the Perth Airport Rail Link, which is expected to be complete in the second half of 2021.

The PTA have expressed a preference for closure as soon as possible (option 2). The shortest realistic timeframe for this to occur is mid-2019, as detailed design and traffic management planning has not yet been completed.

The City has not given full consideration to options 4 and 5 due to the timeframes requested on this proposal. A preliminary assessment suggests that although a road bridge across the railway (option 4) will maintain or improve the vehicle connectivity that the level crossing provided, the wider urban design impacts are currently unknown. This option would also significantly delay the closure, and it is unlikely it could be completed prior to the Perth Airport Rail Link. The pedestrian bridge alternative (option 5) also needs further consideration as its utility is likely to be entirely dependent on the design and alignment. Both these options do need to be considered in the context of the wider structure planning needed for this area of the City.



Government of Western Australia
Public Transport Authority

Your ref :
Our ref : A3777819
Enquiries : 08 9326 2702

RECEIVED 13 OCT 2018

12 October 2018

Mr Robert Mianich
Acting Chief Executive Officer
City of Perth
GPO Box C120
PERTH WA 6839

Dear Robert,

MOORE STREET LEVEL CROSSING CLOSURE

Thank you for your letter dated October 8, 2018 regarding the Public Transport Authority's plan to close the Moore Street Level Crossing.

We are happy to work with the City of Perth in any way necessary to provide a resolution, noting the new timeframes in your letter. The PTA has been pursuing this matter for some time and had requested an opportunity to brief Council (the Commissioners) in April 2018. The PTA's imperative is to address this high-risk level crossing.

The enclosed *PTA Moore Street Level Crossing Studies and Assessments Report* outlines that the crossing is currently our most dangerous level crossing in Western Australia in terms of near misses and dangerous community behaviour around the crossing.

The Moore Street Level Crossing poses a significant safety concern, with further risks exacerbated when Stadium events occur, requiring the crossing to be closed with fences and traffic management for extended periods. The future Forrestfield-Airport Rail Line (FAL) will further add to the issue, with boom gates being down for most of the time during peak hours. Boom gates unfortunately do not stop dangerous behaviour which will be heightened by frustrated drivers, and therefore retention of the level crossing is simply not a safe option. Removal of the level crossing will not preclude a future road over rail (bridge) grade separation if this is supported by future planning and funding.

The PTA appreciates the City of Perth's cooperation in addressing this unsafe level crossing. Consistent with our previous commitments, the PTA is willing to undertake the works to instate cul de sacs adjacent to the crossing at both Pier and Moore streets, conscious of the need not to affect access for adjacent land owners. Alternatively the PTA could fund the City for such works if a price and timely program can be agreed.

Please note that the road crossing and the pedestrian maze immediately on the City side of the road crossing is intended to be closed, however pedestrian crossing of the rail line will still be possible via the eastern pedestrian crossing which also serves McIver Station.

As per previous discussions between PTA and CoP regarding possible future access into Moore Street from the north from Lord Street, I agree with CoP's earlier suggestion to monitor whether there is demand for this, and that the situation should be reassessed in six to nine months following the closure of the level crossing. The PTA remains committed to progressing a solution to achieve a right turn function from Lord Street at that intersection if it is identified as needed.

Based on our experience over the last ten months of frequent extended closures of the level crossing for Stadium events, we have found that the community and stakeholders have adapted quickly and modified their driving behaviour and routes in the area.

Once again I appreciate the City of Perth cooperation in this matter. If it would be beneficial for PTA Officers to brief the Commissioners then I would be happy to arrange this. I enclose a paper on the Moore Street issue (a version of which was supplied early this year), which may assist in informing the Commissioners.

Yours faithfully



Mark Burgess
MANAGING DIRECTOR

Enc. - PTA Moore Street Level Crossing Studies and Assessments Report, 10 Oct 2018



**Public Transport
Authority**

Moore Street Level Crossing Studies and Assessments

Summary Document

UPDATED: 10 OCTOBER 2018

For more information contact Public Transport Authority
Public Transport Centre, West Parade, Perth WA 6000
PO Box 8125, Perth Business Centre, Perth WA 6849
Telephone: (08) 9326 2000
Email: enquiries@pta.wa.gov.au
www.pta.wa.gov.au

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1 Overview

The Public Transport Authority (PTA) oversees 31 vehicular level crossings in the metropolitan passenger rail network. These crossings allow for the flow of road traffic across the rail reserve, in a controlled and safe manner. All crossings are protected by a combination of flashing lights, warning bells and a physical boom to stop road traffic when trains are approaching the crossing. This level of protection however does not completely remove the possibility of a collision between road and rail traffic.

As Perth's population and traffic volumes/congestion continues to grow, the likelihood of a catastrophic incident increases. In addition, as the frequency of rail services also increases, the occurrence and duration of boom gate closures are predicted to become intolerable at several crossings, resulting in lengthy waiting times as several trains pass in both directions, and therefore become the underlying cause to a predicted increase in risky behaviour. Based on PTA's current experiences, motor vehicles (particularly motorbikes), cyclists, and pedestrians are anticipated to more frequently attempt to cross the railway while the warning systems are active, and in some cases immediately in front of or behind moving trains. This significantly increases the likelihood of a serious incident, including potential fatalities and severe disruption to rail services.

The *'Perth Transport Plan for 3.5 million People and Beyond'* presents the State Government's plan to accommodate the projected increase in public transport use and growth of the city over approximately the next 35 years. This plan outlines a wide range of initiatives, but not in the least how it is intended to provide both safer and better access to more transport choices for the community. In order to meet the above initiatives, the PTA believes that part of ensuring a smarter, safer and better integrated urban transport network includes removal of at grade level crossings (where required).

The *Moore Street Level Crossing Removal* project is a component of the approved 2017 Transperth Urban Passenger Rail At Grade Crossing Improvement Program. It seeks to undertake modifications to Moore Street Crossing in order to reduce the risk of collision and is identified as PTA's top priority for removal. This is driven by the existing number of near misses and inappropriate community behaviour, increased train frequencies during event times at Optus Stadium, and ultimately a permanent increase in train frequencies when the Forrestfield Airport Link commences operations in 2020.

This increased rail traffic will be further exacerbated in the long term by planned intensification of train frequencies on the Armadale, Midland and Thornlie lines, the proposed new Morley-Ellenbrook line, and as Perth grows and demand for public transport increases.

The Moore Street level crossing incorporates four lanes of road traffic in addition to two at-grade pedestrian crossings, crossing four rail tracks. The area surrounding the level crossing is generally a mix of ageing light industrial land, car parking and more recently medium density commercial development. This includes Royal Perth Hospital to the east, and Perth Children's Court to the north. Alternative bridge crossings for both general traffic and pedestrians are located at Lord Street, approximately 330 meters northeast, and Barrack Street, approximately 300 meters west. McIver Station is 100 meters northeast, with a dedicated pedestrian underpass available at the eastern end of the platform, approximately 200m from the Moore Street crossing (See Figure 1).

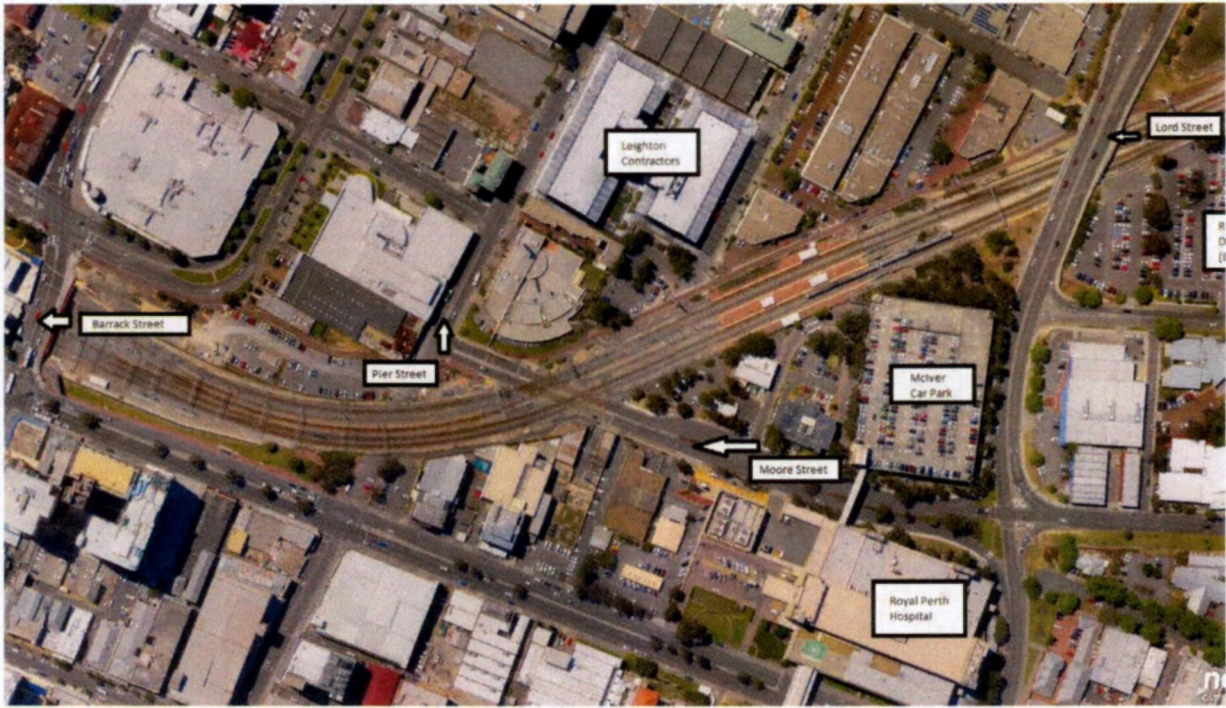


Figure 1 - Locality Plan

COP Imaged Record - 19/10/2018

1.1 Impacts On Moore Street Level Crossing Closure Times

The Moore Street level crossing crosses both the Midland and Armadale lines between Perth and Mclver stations. Currently the level crossing is exposed to approximately 32 trains per hour during peak periods, and 24 trains per hour during normal weekday operations. In addition, there are numerous "out of service" train movements through the area between Perth Station and the Claisebrook railcar depot east of Mclver Station. This results in a consistent average of more than one train every two minutes and the level crossing being closed in excess of 30 minutes out of each hour during peak periods.

Further adding to the extended closure times at the Moore Street level crossing are events at Optus Stadium. In addition to regular train services, post a major event approximately 24 trains per hour operate special services between the stadium and Perth to meet demand. The two pedestrian crossings and the road level crossing are currently closed during any events at Optus Stadium. Temporary fencing and signage is erected up to one and a half hours before an event, remaining in place throughout the event, and up to two (2) hours after the event. The closure of the two pedestrian crossings and the road level crossing is deemed an appropriate mitigation against a train vs pedestrian or train vs vehicle collision. The costs to install and manage these temporary closures indefinitely are exhaustive and therefore unsustainable in both the medium and long terms.

Additionally to the existing impacts, as outlined above, projects currently under construction and projects planned for the future that will influence the Moore Street level crossing include:

- **Forrestfield Airport Link (FAL)**

The FAL project, which is currently under construction, will spur from the Midland Line at Bayswater to Perth Airport and Forrestfield, with services due to begin operation in late 2020. The initial service frequency planned to operate on the FAL line is six (6) trains per hour, which will double the frequency of service on the Midland Line between Bayswater and Perth. Coupled with existing train services, modelling undertaken by the PTA suggests this will result in closure times increasing to over 45 minutes every hour during peak times at the Moore Street level crossing when services commence.

- **Proposed Morley- Ellenbrook Line**

Planning has started for the proposed rail line to Ellenbrook. While investigations into this proposed line are still being undertaken, it is generally considered that this line will also spur from the Midland Line near Bayswater. The required capacity and hence train frequency on this line is still to be determined, but is anticipated to be no fewer than 3-4 trains per hour at the time of opening. This will further increase the number of trains per hour at Moore Street and could result in the crossing being closed in excess of 50 minutes every hour.

- **Mclver Station Upgrade**

As part of the PTA's future rail vision, the Mclver train station is proposed to be upgraded to accommodate the projected increase in public transport use and growth of the city.

This project involves the extension of the existing train platform from 100 to 150 metres in accommodating the future six (6) railcar rollingstock requirements. This extension will be required towards Perth Station, resulting in boom gates at Moore Street being closed while trains are stopped at Mclver station.

- **Future Capacity Increases**

As part of planning to meet longer term patronage demands to 2031 and beyond, the PTA has developed its Route Utilisation Strategy (RUS). The RUS provides a framework for increasing the capacity of the Armadale and Midland lines to well beyond their current limits, and potentially up to 24 trains per hour in each direction. Longer term would mean as many as 96 trains per hour could be operate through the Moore Street level crossing.

2 Studies / Assessments

A number of reports are referred to in the following sections. These are referenced in Appendix A.

2.1 Legal Assessment

The land at the Moore Street level crossing was resumed by the previous WA Government Railways in 1911 for the purpose of closing the road. Research has been carried out by the State Solicitor's Office to confirm that the road was never closed, it has been continuously maintained and there has been an uninterrupted use of the road by the public. Due to its continuous use the land is likely to be found to be a dedicated public road under common law. The process to close a dedicated road is set out in section 58 of the Land Administration Act and must be initiated by the City of Perth.

PTA may be able to initiate the closure of the level crossing under section 107 of the National Rail Safety Law if it assesses that there is a safety risk. For the purposes of managing that risk the PTA must seek to enter into an interface agreement with the City of Perth to close the road. If road closure cannot be agreed with the City of Perth then the matter can be referred to the National Rail Safety Regulator.

2.2 Traffic Impact Assessment

In June 2016, the Department of Transport commissioned WSP Parsons Brinckerhoff to undertake modelling work to assess the potential impact to the road network from the closure of the Moore Street level crossing (Objective ID: A2951667).

The purpose of the modelling work for the proposed Moore Street level crossing closure was to understand the potential impact on the surrounding City road network as a result of those existing users having to find alternative routes. The Paramics microsimulation model re-based for the Central Area Transport Plan (CATP) was utilised as part of this work and was subsequently reviewed and approved by key stakeholders, including the City of Perth.

The model assessed traffic flow in both AM and PM peaks.

The AM peak model foreshadowed very slight increases to Vehicle Kilometres Travelled (VKT) and Vehicle Hours Travelled (VHT) as a result of trips travelling around the level crossing closure. The volumetric changes were predominantly associated with reassigned demand using Wellington Street and Newcastle Street to provide access to the Wilson carpark as an alternate route to using the level crossing.

The PM peak model foreshadowed a decrease in VKT as a result of the level crossing closure. This could be attributed to the use of the level crossing in the PM being more associated with through movements rather than an access to a specific location as encountered for the AM peak. This results in trips that previously used the crossing being able to route through the network via numerous alternate routes that in some cases, have been shorter than the route using the crossing. While the kilometres travelled reduced slightly the VHT increased slightly suggesting that the reassigned demand is encountering and contributing to slightly higher delays.

Overall the assessment found the closure of the level crossing and resulting traffic reassignment to *"have not output any significant change from the Project Base models resulting in the need to propose or recommend further network changes to accommodate reassignment."*

In short, the modelling indicates no significant adverse impacts in terms of traffic delays/congestion on the adjacent road network as a result of closing the crossing.

2.3 Boom Gate Closure Assessment

Between the months of March and September 2014 the PTA recorded boom gate closure times between 7:00 to 9:00 am each morning at the level crossing (Objective ID: A1590310). For an average weekday it was found the mean time of closure between 7:00 and 9:00 am was 62 minutes.

On March 15, 2016 all boom gate closures were recorded for a 24 hour period at the crossing (Objective ID: A2141221). This found the crossing closed 274 times over the 24 hour period, for a total of 10.61 hours. The longest closure throughout the day was 9.5 minutes, with an average closure time of 2.3 minutes per closure.

2.4 Precinct Studies Completed By Department of Planning (DoP)

In 2016, a proposal for a precinct study of McIver and Claisebrook stations was submitted to the Central Perth Planning Committee for funding. This was jointly presented by the Department of Planning and the Department of Transport to investigate the station precincts prior to the completion of Perth Stadium and Stadium Station. This was not approved for funding due to lack of priority.

This work will need to be undertaken in future as part of wider land use planning for the area east of Perth Station. An immediate, permanent closure of the existing level crossing does not preclude a longer term alternative option being implemented in order to satisfy both rail traffic and road traffic movements. This however would be contingent on an adequate business case being developed.

2.5 Safety Assessment

2.5.1 ALCAM Assessments

In April 2016, the Public Transport Authority undertook an investigation based on the Australian Level Crossing Assessment Model (ALCAM) of the Moore Street level crossing to assess the impact to the crossing with the introduction of Forrestfield Airport Link services. The report is called *Moore Street and Caledonian Avenue ALCAM Assessment* (Objective ID: A2123920).

This study found that the provision of train services to Perth's eastern suburbs will have a notable impact on the level of risk associated with the Moore Street level crossing. The crossing is already a high risk location and increasing the number of train movements and passengers will increase the likelihood of a collision and the frequency of fatalities.

With consideration of FAL services, Moore Street level crossing was rated high in both risk of collision and likelihood of fatality. In terms of risk mitigation, very little can be done to alter the state of the crossing infrastructure in order to reduce the level of risk. Maximum levels of control are already applied to the crossing and, although there are some methods which can be employed to marginally lower the risk, the crossing will remain a high risk location.

2.5.2 Recorded Actual Incidents

In the 10 years between the 1st of January 2007 and 31st December 2016, there were 168 incidents involving pedestrians and vehicles at the Moore St level crossing. These are broken down in the table below;

2007 – 2017 Incident Breakdown	
Attempted Suicides	2
Collisions with pedestrians	2
Near misses with pedestrians	70
Illegal Crossings by pedestrians	70
Near misses with vehicles	4
Illegal Crossings by vehicles	20

The gravity of these incidents have varying levels of consequences, with major events causing delays or cancellations to services. There are also unquantifiable impacts to key individuals involved, including train drivers and first responders. The following data was gathered by PTA through its incident reporting system in this regard;

2007 – 2017 Incident Breakdown	
Incidents requiring relief drivers	7
Number of occasions where delays occurred	22
Number of occasions where cancellations occurred	3

3 Works In Scope

3.1 Permanent Closure Solution

The scope of works for the Moore Street Level Crossing Removal project involves the full closure of both the road level crossing, as well as the pedestrian crossing on the western side (Perth Station side) of the road level crossing.

The PTA has formally notified the City of Perth of its intention to proceed with the removal. (Refer to A3758514 "20181001 - Moore Street Level Crossing Closure"), with this notification deemed to be the executive approval to proceed with this project. In return the PTA has received verbal support from City of Perth regarding the removal of the crossing.

It is envisaged that the permanent closure will be implemented utilising differing practices in modifying existing public roads, Principle Shared Paths (PSPs), and the existing rail signalling systems, while softening the existing landscape as follows:

- Permanently fencing off the road level crossing and western pedestrian crossing with gates on either side to enable maintenance access for PTA on-tracking vehicles;
- Removal of signalling and control systems infrastructure via a two-staged process;
- Kerb works at the James and Pier Street junction to redirect traffic to Barrack Street;
- Civil infrastructure works either side of the crossing to prevent unauthorised access onto the rail reserve, but also enable vehicles to turn around;
- Provision of continued driveway access for authorised vehicles of Western Power, Royal Perth Hospital and other local businesses as required;
- Footpath and Principle Shared Path (PSP) re-alignment works;
- Investigation as to the feasibility of extending the existing PTA carpark and undertaking such works if possible;
- Modification to the height of the reserve fencing to deter pedestrians from accessing the reserve;
- CCTV coverage of the area connected to existing City of Perth security system;
- Lighting additions and modifications as necessary;
- Relevant sign and line marking;
- Additional verge side parking for the City of Perth; and
- Establishment of a feedback and review (CommentLine)

The PTA has produced a reference design for the Permanent Closure Solution, which at this stage only includes the civil infrastructure elements. Other elements of work (i.e. CCTV coverage, signalling and control systems infrastructure etc.) are planned to be designed post the completion of the aforementioned civil works.



Figure 2 – Permanent Closure Locality Plan

4 Works Out of Scope

4.1 Pedestrian Bridge

In response to concerns from stakeholders regarding the proposed level crossing closure, primarily the City of Perth, in 2015 the PTA commissioned a concept design and cost estimate for a pedestrian overpass west of Moore Street between Wellington Street and Pier Street. While the PTA does not deem that this bridge is warranted, as the existing pedestrian crossing on the eastern side of road level crossing will remain open post the closure of the Moore Street level crossing, delivery of the footbridge was estimated to cost approximately \$8.3 million.

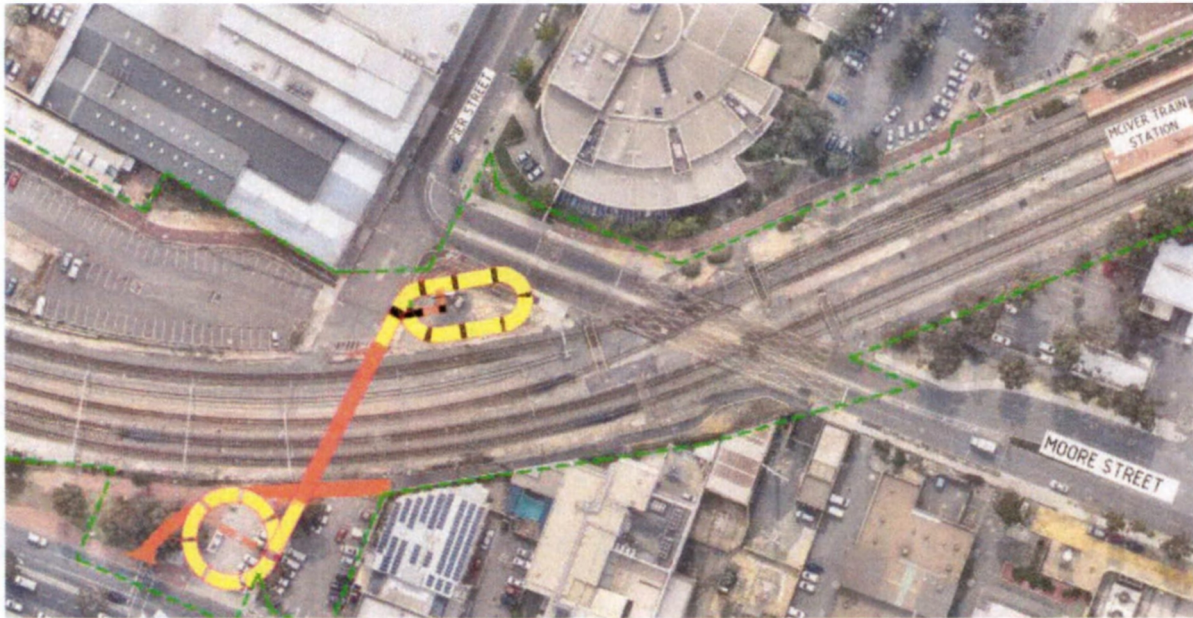
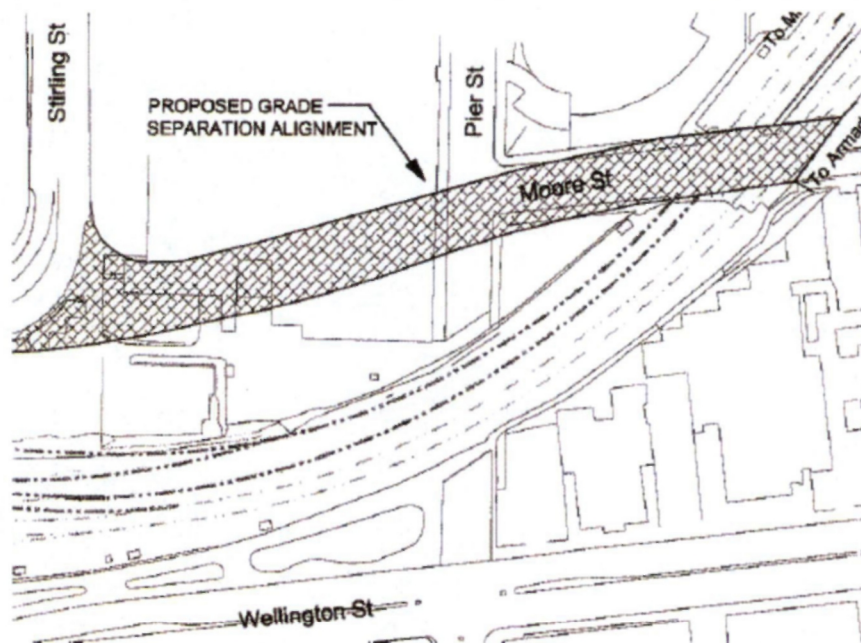


Figure 3 – Pedestrian Overpass Concept

4.2 Grade Separation of Road

The South West Metropolitan Railway Master Plan had shown a proposed grade separation of Moore Street, connecting the western end with Stirling Street (see diagram below). This plan was later superseded by the New Metro Rail project, which included the grade separation of nearby Lord St, but not of Moore Street. Since 2007, the road traffic utilising the Moore Street level crossing has fallen, as alternative routes now provide a more attractive passage over the railway.



A more recent high level cost estimate for a potential grade separation of the Moore Street level crossing indicated it could cost in the order of \$60M. Significant further work would be required to sufficiently scope this solution should it be deemed necessary, in order to provide sufficient confidence in this cost for any potential investment decision.

Preliminary estimated land impacts are envisaged as a result of this work to 18 and 22 Stirling St. A desktop assessment was completed on PTA's behalf by LandCorp to provide indicative compensation values for this land, which were estimated to be in the order of \$25M, resulting in a potential total cost of over \$80M.

4.3 Lord Street / Moore Street Intersection Upgrade

Main Roads WA (MRWA) have been investigating undertaking traffic signal changes at the Moore and Lord Street intersection to help for turning movements of large vehicles (i.e. semi-trucks which may use Moore Street) as well as general movement of vehicles into the Royal Perth Hospital (RPH) precinct.

These works are separate to the Moore Street Level Crossing Removal project, however the removal of the crossing is likely to impact the traffic flow at the Moore and Lord Street intersection.

Liaison between MRWA and PTA is ongoing as part of the Level Crossing Protection Committee and matters such as this will be addressed there.

5 Recommendation

If the Moore Street crossing was to remain in place, but proposed to be closed for the aforementioned periods of time, it would create for a very inefficient crossing location, which is already coupled with a number of pre-existing safety issues. Further to this, it will also create congestion and it is highly feasible that drivers may become frustrated with wait times at the crossing and therefore seek to 'beat the boom gates', risking not only theirs but the lives of others.

In order for the PTA to have the best chance of resolving the existing access and safety issues that are experienced with current services as well as events at Optus Stadium, and which will be further intensified when the Forrestfield-Airport Link opens and becomes operational, it is recommended to permanently remove the Moore Street crossing from the network.

The PTA notes that the closure of Moore Street level crossing and the western most pedestrian crossings is a matter of urgency, with the basis of this the ever increasing risk to the community, PTA staff and train services.

Further to the above, it is also noted that the PTA has the full support of the Department of Transport to close this crossing. However such closure will also have a monitoring period of between six (6) to nine (9) months, in order to ascertain whether driver behaviour is modified accordingly to deal with the closure, and therefore such does not preclude longer-term options for grade separation. As such the PTA is committed to working with the City of Perth and other stakeholders on longer term strategic planning for this precinct.

6 Appendix A - Previous Reports Referenced In This Report

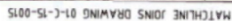
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Priority Level Crossings for Grade Separation or Closure	Assessment and ranking of level crossings based on exposure level, queuing distance, and safety. Moore St ranked top priority for removal.	A1235889
Moore Street and Caledonian Avenue ALCAM Assessment	ALCAM assessment of Moore St undertaken in April 2016 to investigate the change to Moore Street's risk profile with the introduction of FAL services	A2123920
Moore St 7-9 am Closures	Spreadsheet of level crossing closure times were recorded between 7-9 am daily between April and September 2014.	A1590310
LX Boom Movements 15 March 2016	Spreadsheet recorded all boom closure times on 15 March 2016 on all vehicle level crossings.	A2141221
Moore Street Rail Crossing Paramics Modelling	Department of Transport engaged WSP Parsons Brinckerhoff to assess traffic impact of closing Moore Street	A2951667


7 Appendix B - Permanent Closure Concept Design

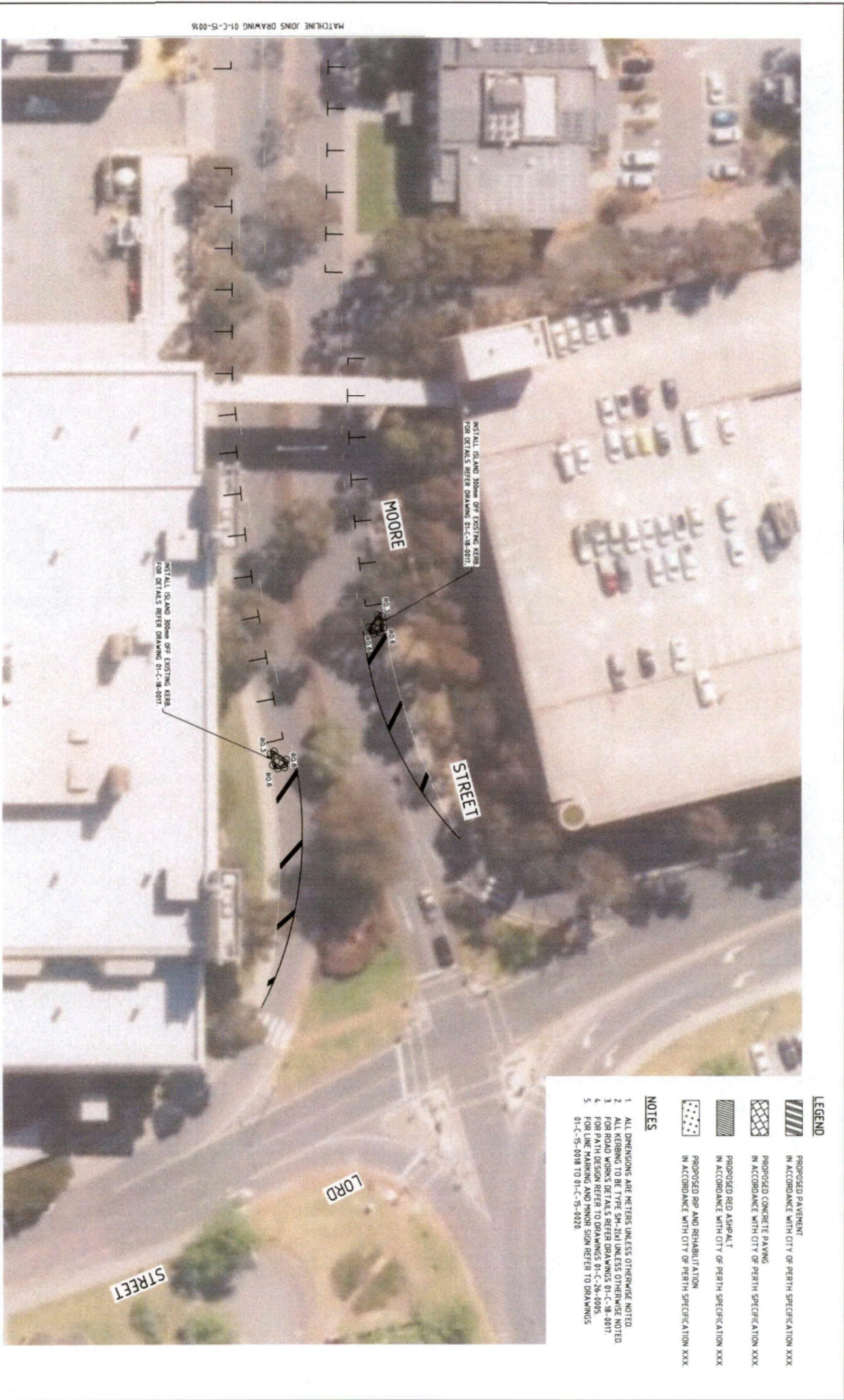
Moore Street Crossing Closure Design (A3770772)

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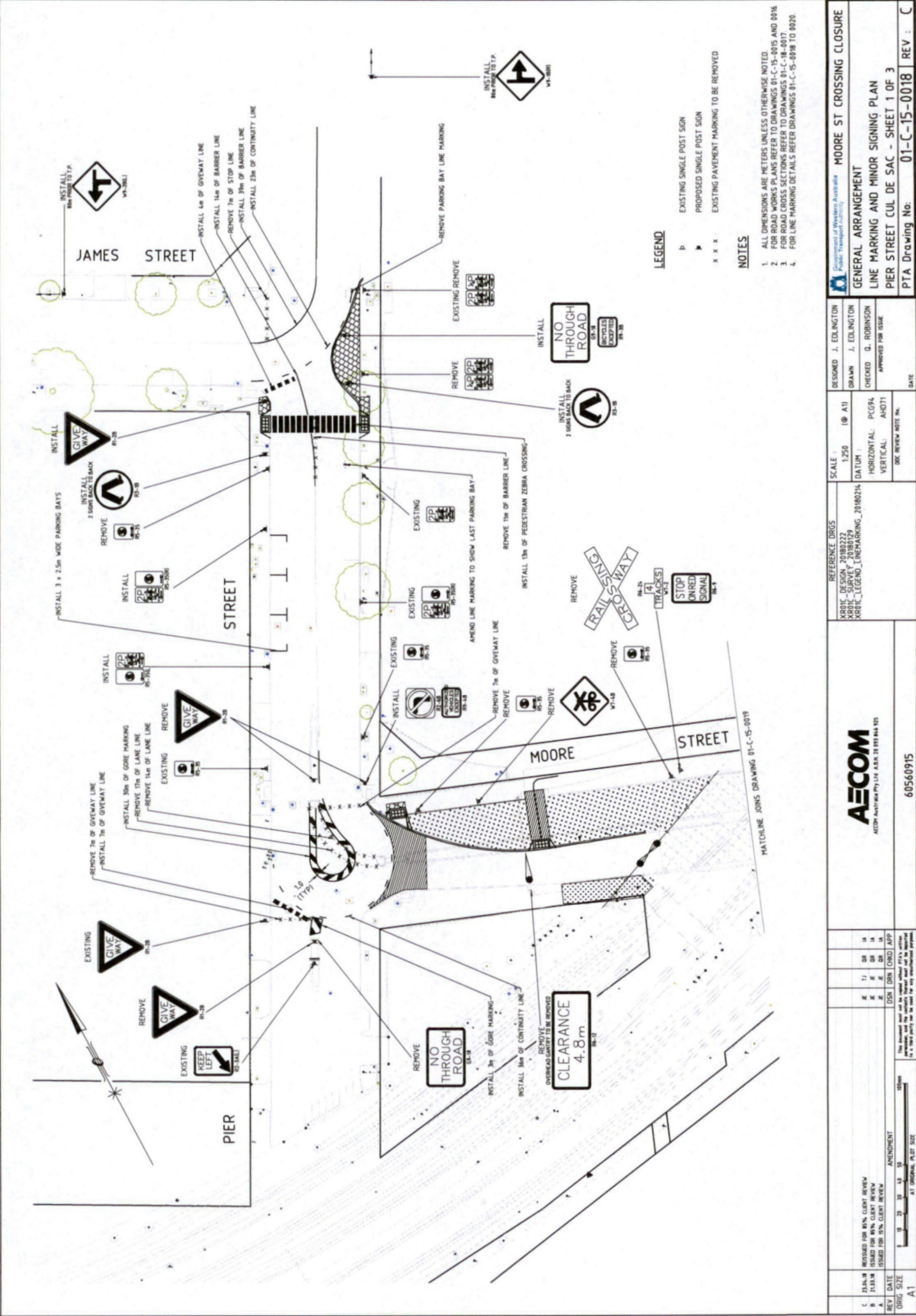


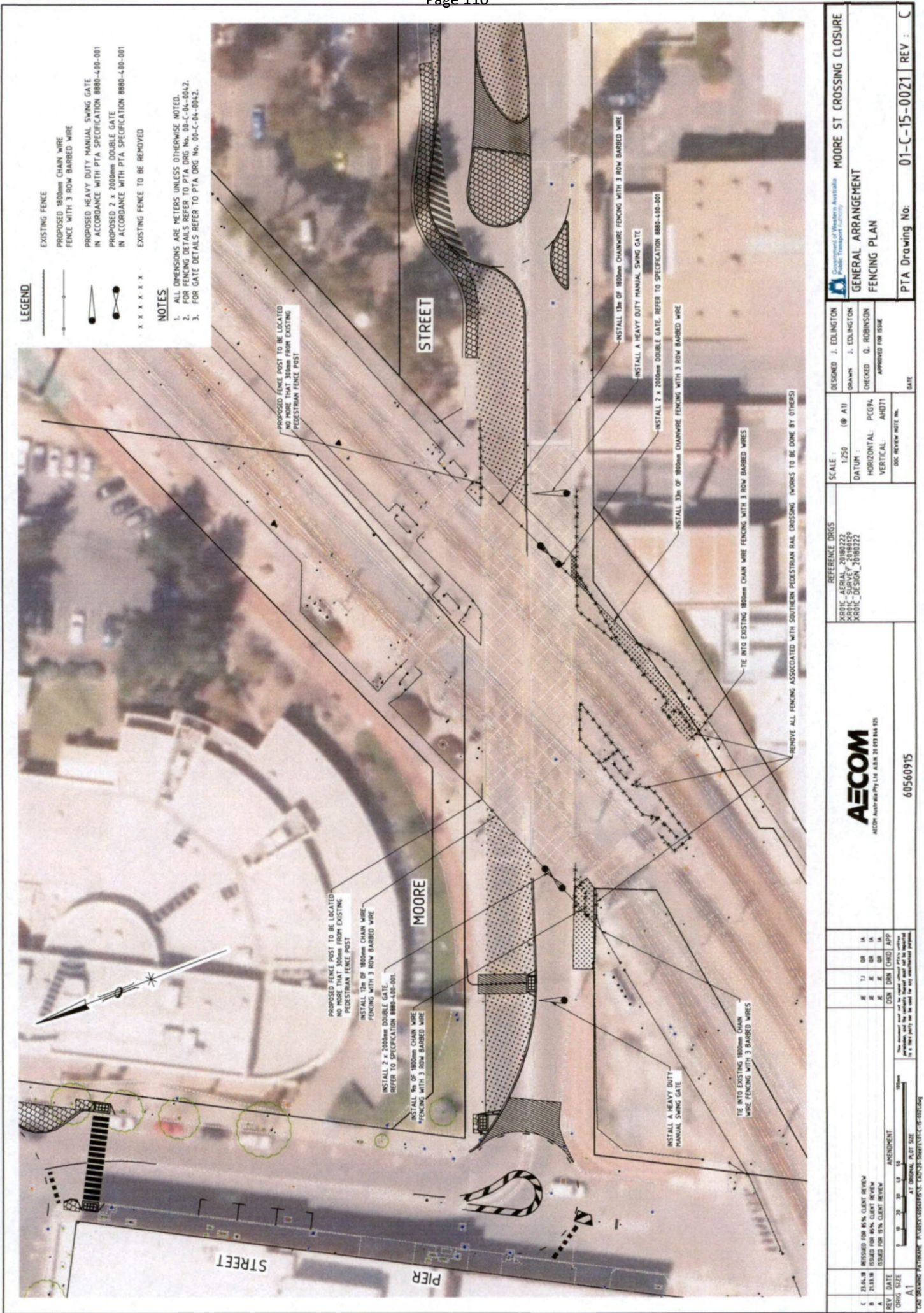
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 - FOR ROAD WORKS DETAILS REFER DRAWINGS 01-C-18-0017
 - FOR PAVEMENT DETAILS REFER DRAWINGS 01-C-26-0005
 - FOR LINE MARKING AND SIGNAGE REFER TO DRAWINGS 01-C-15-0016 TO 01-C-15-0028

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RISK ASSESSMENT

MOORE STREET LEVEL CROSSING CLOSURE

PROJECT STAGE: PLANNING AND DESIGN

OBJECTIVE: To manage the outcomes of the PTA's proposed closure of Moore Street level crossing.

RISKS	RISK TYPE	CURRENT PROPOSAL CONTROLS	RISK OWNER	RISK ASSESSMENT			CONTROL ADEQUATE? YES OR NO	NEW OR ADDITIONAL TREATMENT	IMPLEMENTATION SCHEDULE	RESIDUAL RISK			RESOURCES REQUIRED FOR PROPOSED TREATMENT	STAKEHOLDERS TO BE CONSULTED?
				CONSEQUENCES	LIKELIHOOD	RISK LEVEL				CONSEQUENCES	LIKELIHOOD	RISK LEVEL		
Increase of crime and anti-social behaviour in public space due to lack of passive surveillance.	People, Reputation	Limited CCTV network in the area, limited lighting.	CAS	Major	Likely	Extreme	N	Improved lighting, increased CCTV network.	Prior to closure	Major	Moderate	High	??	N
Impact of crime and anti-social behaviour due to lack of passive surveillance affecting private businesses.	Strategic, Reputation	Limited CCTV network in the area, limited lighting.	CAS	Minor	Almost certain	Medium	N	Improved lighting, increased CCTV network.	Prior to closure	Minor	Likely	Medium	??	N
Decreased perception of safety in the area due to less activity and passive surveillance.	Strategic, Reputation	Limited CCTV network in the area, limited lighting.	CAS	Moderate	Likely	High	N	Improved lighting, increased CCTV network.	Prior to closure	Moderate	Moderate	Medium	??	N
Decreased economic activity, occupancy rates and development due to decreased passive surveillance and decreased feeling of safety.	Financial	Limited CCTV network in the area, limited lighting.	EDU	Minor	Likely	Medium	N	Improved lighting, increased CCTV network.	Prior to closure	Minor	Moderate	Medium	??	N
Reduced patronage at McIver train station due to decreased passive surveillance and decreased feeling of safety.	Reputation, Service Delivery	Limited CCTV network in the area, limited lighting.	Transport h	Minor	Unlikely	Low	Y	Improved lighting, increased CCTV network.	Prior to closure	Minor	Rare	Low	??	N
Decreased tourism in the area due to decreased passive surveillance and decreased feeling of safety. Perception of lack of safety may spread through the use of social media.	Strategic, Reputation, Financial	Limited CCTV network in the area, limited lighting.	EDU	Minor	Moderate	Medium	N	Improved lighting, increased CCTV network.	Prior to closure	Minor	Unlikely	Low	??	N
Loss of permeability for movement across the train line.	Service delivery, Strategic	One pedestrian crossing to remain open.	TU	Minor	Almost certain	Medium	N	None possible for CoP to implement	N/A	Minor	Almost certain	Medium	N/A	N/A
Worsened accessibility for mobility impaired individuals, especially users of mobility scooters.	Strategic, Reputation, Ethical	Pedestrian crossing on eastern side to remain open.	TU	Minor	Moderate	Medium	Y	Footpath network and crossing to be upgraded as needed to ensure accessibility	Prior to closure	Minor	Unlikely	Low	??	Y - AIAG
Reduced response time from emergency services both to and through the area. Worsened congestion at alternate routes increasing response times.	People	Alternate routes across the rail line.	CAS	Major	Likely	Extreme	N	None possible for CoP to implement	N/A	Major	Likely	Extreme	N/A	N/A
Socially vulnerable community members put at increased risk of harm and criminal activity due to decreased passive surveillance.	People, Ethical	Limited CCTV network in the area, limited lighting.	CAS	Major	Likely	Extreme	N	Improved lighting, increased CCTV network.	Prior to closure	Major	Moderate	High	??	N
Potential increase in incidence of self-harm attempts due to decreased passive surveillance.	People, Ethical	Limited CCTV network in the area, limited lighting.	CAS	Major	Unlikely	Medium	N	Improved lighting, increased CCTV network.	Prior to closure	Major	Rare	Medium	??	N
Potential for pedestrians being trapped due to increased fencing and cul-de-sacs.	People, Environmental	N/A	CDU	Minor	Likely	Medium	N	Improved pedestrian facilities and urban design in the area.	Prior to closure	Minor	Moderate	Medium	??	Y - community stakeholder engagement process required.
Proposal for light rail across Moore Street level crossing is no longer possible.	Strategic	N/A	Transport h	Minor	Unlikely	Low	Y	N/A	N/A	Minor	Unlikely	Low	N/A	N/A
Congestion due to closure of crossing in other areas has a detrimental effect on economic activity.	Reputation, Economic	N/A	EDU	Minor	Almost certain	Medium	N	N/A	N/A	Minor	Almost certain	Medium	N/A	N/A

Residents in the Stirling Street area are unable to easily access the City, resulting in less economic activity in East Perth and the CBD.	Strategic, Economic	Alternate routes into the City and East Perth	EDU	Moderate	Moderate	Moderate	Medium	N	Implementation of Hill Street two-way will help to mitigate some of the access issues created by the closure of the level crossing	Prior to closure	Moderate	Unlikely	Medium	Total cost of Hill Street Two-way estimated to be ~\$7m	Y - stakeholder engagement for the Hill Street Two-Way project completed in November
Segregation of the neighbourhoods as defined in the proposed Planning Scheme	Strategic	N/A	CPU	Almost certain	Minor	Moderate	Medium	N	N/A	N/A	Minor	Almost certain	Medium	N/A	N/A
Closure of Moore Street level crossing has detrimental impacts on other parts of the road network, particularly Beaufort Street, due to redistribution of traffic.	Service delivery, Reputation	Some modelling has been completed, however this is not to the required standard of the MRWA guidelines and CoP requirements.	TU	Likely	Moderate	Moderate	High	N	Implementation of Hill Street two-way	Prior to closure	Minor	Moderate	Medium	Total cost of Hill Street Two-way estimated to be ~\$7m	Y - stakeholder engagement for the Hill Street Two-Way project completed in November
Lack of redundancy/resilience in the transport network.	Service delivery, Reputation	Some alternate routes available.	TU	Moderate	Minor	Moderate	Medium	N	Implementation of Hill Street two-way	Prior to closure	Minor	Unlikely	Low	Total cost of Hill Street Two-way estimated to be ~\$7m	Y - stakeholder engagement for the Hill Street Two-Way project completed in November
Very limited access to the east side of Moore Street, especially the Royal Perth Hospital Car Park.	Service delivery, Reputation	Access from the north only possible via circuitous route.	TU	Likely	Moderate	Moderate	High	N	Implementation of Hill Street two-way	Prior to closure	Minor	Unlikely	Low	Total cost of Hill Street Two-way estimated to be ~\$7m	Y - stakeholder engagement for the Hill Street Two-Way project completed in November

Review of feedback during public comment period - Moore Street level crossing

This summary is to capture the main points of the feedback received from the public in relation to the proposed closure of the Moore Street level crossing. The PTA stated that there were positive comments received however some of those positive comments included concerns relating to design, traffic, access and safety.

44 responses were received and the following was noted:

Safety – concerns raised by 5 contributors, summary of main points was:

- Closing the crossing to vehicles would essentially remove all through traffic from the pocket of Northbridge bound by Stirling Street, Newcastle Street and the rail line, reducing passive surveillance and increasing the rise of crime
- Lighting in the area is a concern - this could be an opportunity to improve this, and security (via CCTV, etc)
- Major security issues in this area in general
- In addition, there's also no indication why the Moore Street level crossing is to be closed other than a broad statement of 'safety' - who's safety and to what extent?
- Already considered an unsafe area, limiting travel access will leave the area even more abandoned and increasingly more unsafe

Traffic – concerns raised by 15 contributors, summary of main points was:

- It will most likely increase foot traffic over the bridge near the train station
- Prefer level crossing to remain open, will do nothing to alleviate the additional congestion that will be caused by shutting off this road
- Will increase travel times for people and it will increase traffic at Beaufort street bridge which in peak hour is already packed with traffic
- Disappointed that there was no planning to redirect traffic flow should the crossing be permanently closed - rather people were directed to find alternative routes which include current traffic flows, which are already lengthy
- The proposed closure would cause delays and traffic disturbance
- If the surrounding areas are not going to be expanded / upgraded to accommodate the inevitable increased traffic flow via Lord Street and Wellington Street, which will become the only access points to Moore Street and the only public car park for Royal Perth Hospital, it will cause major traffic congestion

Access (permeability) – concerns raised by 21 contributors, summary of points was:

- Reducing connectivity in the CBD
- City and Northbridge areas should be linked with each other rather than separating them
- The closure of the pedestrian crossing will exacerbate the already extremely poor pedestrian access to Mclver station
- If the Moore street level crossing is to be permanently closed, the intersection of Lord street and Moore street needs to be changed so that traffic southbound on Lord street can turn right into Moore Street
- Will have huge impact on the congestion through the city on surrounding roads
- For vehicles, this proposition is going to cause immense congestion in accessing the Royal Perth Hospital Moore street car park from the eastern corridor for pedestrians and cyclists who currently access the western gate crossings, your suggestion to use alternative routes which will involve several kilometres of variance

- Will impact traffic into our business as well as businesses surrounding us. Closure of this level crossing and furthermore, creating a cul-de-sac, will greatly isolate our part of Pier St (and our business) from the rest of the city and Royal Perth hospital staff and customers

Design – concerns about the current design scope raised by 19 contributors, summary of points was:

- It would only be acceptable to close the crossing if the decision came with a commitment to provide convenient, grade-separated access across the rail line at Moore Street - for pedestrians and preferably also vehicles.
- Hope either an overpass is built to replace the existing crossing or the sidewalk is extended to accommodate the extra traffic
- The concept design and note it only offers to redirect traffic away from the level crossing

The most common themes captured in the feedback was concern for staff and patients of RPH as well as the facilities available for cyclists and pedestrians.

Comments relating to RPH:

- Is there an alternative route you can offer drivers who come from the north west or eastern suburbs to be able to access the hospital car park?
- RPH staff member who uses the carpark every day - if the Moore Street crossing were to be closed, I would have to travel all the way around Wellington Park in East Perth in order to access the carpark via Wellington Street. Is there a way to make a right-hand turn for cars from Lord Street into Moore Street in order for the staff to access the carpark?
- It would be very helpful to the staff at Royal Perth Hospital If the intersection of Lord St and Moore St / Wittenoom St could be modified to allow Right Turns from Lord St onto Moore St, so coming from the north along Lord St you could turn right onto Moore St.
- I think more consideration needs to be given to staff, patients and visitors who use Moore Street to access the RPH carpark
- There is a huge number of RPH workers who use Pier street to access the RPH carpark
- RPH staff member - closure of the Moore St level crossing without any change to access from Lord Street into said area, would drastically increase my ability to get to work on time
- Horrible decision. That street level crossing is vital for access to and from Royal Perth Hospital, both for cars and pedestrians
- The avenues to get to and from the Royal Perth Hospital car park are already suffering from traffic overload at peak times. The extra time and traffic stops that it will take individuals to circumvent the Moore street level crossing will no doubt increase risk taking behaviour, creating multiple problem areas around RPH, which are also high traffic area points for emergency vehicles.
- Access to the Royal Perth Hospital car park on Moore St will become vastly more difficult. Hundreds of staff members use this route and will be impacted greatly. This will be particularly bad during morning peak time, when travelling via other routes through the city is painstakingly slow and the roads much more congested
- Will cause grid lock for the 1000s of staff and visits who access the RPH car park every single day. The grid lock will not just be for the Lord Street route but also down Wellington street and Victoria Square
- This affects staff and patients to the hospital, and RPH is the largest employer in the CBD, surely consideration needs to be extended to employees
- More thought needs to be given to the large volumes of hospital workers using this crossing and alternate arrangements made for safety considerations
- This side is used by so many people working and visiting RPH. It is the entry to the car park without having to drive through the city with all its road works

Comments relating to cyclists:

- There should be a clearly delineated path for cyclists riding on Moore St northwest bound to leave the roadway and use the pedestrian crossing to the East of the existing roadway to cross the railway, similarly for cyclists travelling from the pedestrian crossing to access Moore heading southeast
- Suggest the possibility of changing the road junction layout to allow a right turn from Lord St south bound onto Moore St and make Wittenoom St bi-directional between Lord Street and Hill Street
- Creating a roundabout at the end of Pier street who create massive delays as everyone tries to use Moore street as the only access point - and Moore street is very close to busy city roads such as Lord Street
- Concern with cyclist and pedestrian safety, the existing cycle route is not a direct route, and deviates too much. The concept design, whilst you are improving the alignment, there is still a significant deviation from the preferred cycle path route, this means cyclists will not stick to the cycle path and pedestrians are at risk of being hit. I would like to see an improved cycle alignment to ensure cyclists stick to the designated shared path.
- Would love to see a better configuration of the PSP to make it easier for cyclists by minimising the need to cross the road. it is currently unsafe and encourages risk taking behaviour
- I've used Moore Street on my bike a few times before riding from East Perth, as there's no bike lane on the adjacent section of Wellington Street and it's the best way to get to the Roe Street bike paths, as Wellington Street after Yagan Square is non-existent and dangerous to ride on the road. Using the Moore St Crossing is the safest route
- In place of the crossing, there needs to be a pedestrian and cycle bridge built in its place. Closing the crossing without this in place will be a big mistake and reduce walking and cycling connectivity in the area
- A lot of cyclists cross the railway line on Moore Street and I cannot see any plans for an alternative way. I cycle daily to RPH and if the level crossing is closed, going to the RPH bike park would mean that cyclist will have to go via Newcastle street, go through the busy intersection with Lord Street, go on Lord Street then Wittenoom street, Hill street, Wellington, then back to Lord street to finally access Moore street. Car going to the car park will to the same, thus the traffic will be heavier and this extra loop will add 1km approximately. My questions: Is there any plans to create a bike lane on that trip or a bike underpass?

Recommendation:

That Council RECEIVES the Financial Statements and the Financial Activity Statement for the period ended 31 January 2019 as detailed in Attachment 13.10A of this report.

FILE REFERENCE:	P1014149-25
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	6 March 2019
ATTACHMENT/S:	Attachment 13.10A – Financial Statements and Financial Activity Statement for the period ended 31 January 2019

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

Section 6.4(1) and (2) of the *Local Government Act 1995*
 Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*

**Integrated Planning and
 Reporting Framework
 Implications**
Strategic Community Plan

Goal 8 - A city that delivers for its community

Policy

Policy No and Name:

N/A

Details:

The Financial Activity Statement is presented together with a commentary on variances from the revised budget.

Comments:

The Financial Activity Statement commentary compares the actual results for the 7 months to 31 January 2019 with the original budget approved by Council on **3 July 2018**, and amended on **28 August 2018** and **27 November 2018**.

The budget figures do not incorporate the most recent budget review based on December 2018 actual data, which was approved by Council on 26 February 2019.

This report compares the actual performance for the seven months to 31 January 2019 to the 2018/19 Budget adopted by Council on 3 July 2018 and amended by Council on 28 August 2018 and 27 November 2018.

Operating Revenue

- Parking revenue for the year to date was \$43.6 million, which was \$165,000 above the budget. The variance relates mainly to Undercover Car Parks performing above budget.
- Fines and costs were \$5.7 million, being \$491,000 or 9.5% above budget for the period. The budget review reflected reduced revenue expectation due to the planned impact of the IPMS implementation. This work has been delayed and the actual performance for the period October to January was therefore above expectation.
- Investment Income and Interest was \$150,000 under the budget mainly due to the performance of the Colonial Share index balanced fund to January.

Operating Expenditure

- Employee costs for the year to date were \$44.8 million being 1.4% or \$631,000 below the budget. This was due to a higher vacancy rate than forecast.
- Materials and Contracts were \$65,000 over the budget. This was mainly due to timing variances with higher spending in Hire Charges, Infrastructure Maintenance and Fees and Charges, partly offset by savings in Contractors and Consultants, Advertising Costs and IT Maintenance.
- Utilities were lower than the budget by \$79,000 due to lower than budgeted power consumption.
- Depreciation and Amortisation was under the budget by \$408,000.

Investing Activities

- Capital expenditure was \$6.5 million under budget for the year to date as detailed below.

Capital expenditure Variance for the period to January 2019				
Details	Revised Budget 2018/19	Year to Date		
		Actual	Budget	Variance
Integrated Parking Management and Enforcement System	6,587,470	177,691	32,103	145,588
Smart Cities Federal & Enhancements	2,409,042	763,149	1,282,438	(519,290)
Fleet and Plant Replacement -Community Amenities	1,848,287	459,349	241,287	218,062
Digital Workplace Enhancements	1,487,734	392,703	736,894	(344,190)
Concert Hall Structural Repairs	1,300,001	799,315	1,134,151	(334,836)
East End Revitalisation	1,200,000	137,796	240,618	(102,821)
2 Way Street Projects	1,015,000	202,293	812,707	214,112
Telemetric irrigation control system	865,664	-	400,000	(400,000)
Lighting - End of useful life replacement	659,161	131,012	364,457	(233,445)
Bollard Replacement in Hay & Murray St Malls	605,614	3,328	106,774	(103,446)
Riverbank - Claisebrook Cove Boat Section	586,000	55,595	528,000	(472,404)
Fleet and Plant Replacement -Parking Facilities	535,000	28,947	507,000	(478,053)
Provision of Public toilets - Various locations	500,000	134,292	363,124	(228,832)
Fleet and Plant Replacement Transport - Streets, Roads, Bridges	495,000	89,771	320,500	(230,729)
Asbestos Remedial Works (Carparks)	454,860	13,552	154,860	(141,309)
Façade Refurbishment - Council House	400,000	70,550	400,000	(329,450)
GIS Architecture Redevelopment	315,950	136,153	275,025	(138,872)
Drainage - Aberdeen St - Fitzgerald St To Parker St	300,000	1,257	150,000	(148,743)
Spring Street Pedestrian Crossing	300,000	24,589	216,226	(191,636)
Roads - Right of Ways - Nedlands	248,880	-	248,880	(248,880)
Automated Door Replacement Car Parks	231,000	2,418	231,000	(228,582)
Supply Chain Automation	217,759	41,395	217,759	(176,364)
First Planting Season	207,719	6,792	201,719	(194,926)
Council House New Office Fit out	145,558	158,180	50,000	108,180
Point Fraser Signage	125,000	-	125,000	(125,000)
Road – Havelock St – Murray St to Hay St	103,000	-	103,000	(103,000)
Projects with actual expenditure and no planned spend in the period	2,206,442	198,446	-	198,446
Projects with no planned and actual spend in the period	8,167,494	-	-	-
All other projects	22,189,840	8,249,395	9,343,888	(1,919,018)
TOTAL	55,707,472	12,277,969	18,787,408	(6,509,439)

Financing Activities

- Transfers to Reserves were under the budget by \$9.5 million mainly due to timing differences. Transfers have been budgeted on a linear basis, but the transfer to the Parking Levy reserve of \$19 million for example will not be made until June 2019.
- Transfers from Reserves were under the budget by \$1.6 million due to timing differences.

Amounts sourced from Rates

- Rates revenue raised was \$266,000 or 0.3% above the budget due to higher than budgeted interim rates.

CITY OF PERTH

FINANCIAL ACTIVITY STATEMENT for the period ended 31 JANUARY 2019

	Revised Budget 2018/19 \$	Actual YTD 31-Jan-19 \$	Revised Budget YTD 31-Jan-19 \$	Variance YTD 31-Jan-19 \$
Proceeds from Operating Activities				
Operating Revenue				
Parking Fees	74,059,544	43,571,704	43,406,787	164,916
Fines and Costs	8,972,512	5,687,380	5,196,021	491,359
Investment Income and Interest	5,165,102	3,430,206	3,580,181	(149,975)
Community Service Fees	1,680,548	928,401	950,709	(22,308)
Rubbish Collection	9,448,533	9,215,158	9,234,707	(19,549)
Rentals and Hire Charges	5,254,528	3,500,804	3,062,238	438,566
Recurrent Grants	1,495,402	1,123,876	587,317	536,558
Contributions, Donations and Reimbursements	958,634	505,576	526,885	(21,308)
Other Income	4,404,000	3,447,121	3,175,152	271,969
Distribution from TPRC	580,000	0	0	0
	112,018,803	71,410,224	69,719,997	1,690,228
Less: Operating Expenditure				
Employee Costs	77,372,754	44,847,594	45,478,161	630,567
Materials and Contracts	53,233,376	27,429,506	27,364,070	(65,435)
Utilities	3,180,652	1,735,940	1,814,510	78,571
Insurance Expenditure	969,765	586,232	574,789	(11,443)
Depreciation and Amortisation	35,165,700	20,088,063	20,496,247	408,184
Interest Expenses	961,438	623,795	614,263	(9,532)
Loss on Disposal of Assets	1,538,312	726,612	166,304	(560,308)
Expense Provisions	622,947	361,096	358,760	(2,336)
Other Expenditure	24,877,956	14,415,196	15,021,297	606,101
	197,922,901	110,814,034	111,888,401	1,074,368
Add back Depreciation	(35,165,700)	(20,088,063)	(20,496,247)	(408,184)
(Loss) / Profit on Disposals	(1,538,312)	(726,612)	(166,304)	560,308
	161,218,889	89,999,359	91,225,851	1,226,492
Net Surplus/(Deficit) from Operations	(49,200,087)	(18,589,134)	(21,505,854)	2,916,720
Capital Grants	2,041,933	884,533	933,566	(49,033)
Capital Expenditure	(55,707,472)	(12,277,969)	(18,787,408)	6,509,439
Proceeds from Disposal of Assets/Investments	1,516,025	492,168	893,001	(400,833)
Sub-total Investing Activities	(52,149,514)	(10,901,268)	(16,960,841)	6,059,573
Financing Activities				
Repayment of Borrowings	(7,448,608)	(5,551,141)	(5,551,141)	0
Transfers to Reserves	(40,649,178)	(1,294,960)	(10,745,785)	9,450,825
Transfer from Reserves	37,997,955	20,762,185	22,382,357	(1,620,172)
Sub-total Financing Activities	(10,099,831)	13,916,084	6,085,431	7,830,653
Add: Opening Funds	30,455,893	28,442,492	30,455,893	(2,013,401)
Net Surplus/(Deficit) before Rates	(80,993,539)	12,868,174	(1,925,371)	14,793,545
Amount Sourced from Rates	90,708,789	91,085,047	90,818,789	266,258
Closing Funds	9,715,250	103,953,222	88,893,419	15,059,803

CITY OF PERTH

CURRENT POSITION AS AT THE END OF THE PERIOD 31 JANUARY 2019

Description	Revised Budget 2018/19	Actual YTD 31-Jan-19	Revised Budget YTD 31-Jan-19	Variance YTD 31-Jan-19
Current Assets	\$	\$	\$	\$
Cash and Cash Equivalents	12,286,390	23,272,312	23,185,450	86,862
Deposits and Prepayments	8,787,964	10,108,894	7,660,319	2,448,575
Money Market Investments - Municipal Funds	4,471,710	73,661,118	66,295,006	7,366,112
Money Market Investments - Restricted Funds	103,602,530	78,487,710	76,038,939	2,448,771
Trade and Other Receivables	12,211,455	18,354,661	15,209,761	3,144,900
Inventories	822,095	1,164,598	1,312,289	(147,691)
Total Current Assets	142,182,144	205,049,292	189,701,763	15,347,529
Current Liabilities				
Trade and Other Payables	18,947,077	23,326,692	24,153,735	(827,043)
Employee Entitlements	9,417,195	10,858,915	12,347,458	(1,488,543)
Provisions	500,092	0	615,671	(615,671)
Borrowings	7,448,608	5,961,335	5,961,335	0
Total Current Liabilities	36,312,972	40,146,942	43,078,199	(2,931,257)
Working Capital Position Brought Forward	105,869,172	164,902,350	146,623,564	18,278,786
Deduct Restricted Cash Holdings	(103,602,530)	(78,487,710)	(76,038,939)	(2,448,771)
Add Current Liabilities not expected to clear	0	11,577,246	12,347,458	(770,212)
Add Current Borrowings	7,448,608	5,961,335	5,961,335	0
Current Funds Position Brought Forward	9,715,250	103,953,222	88,893,419	15,059,803

Net Cash on Hand	\$	\$	\$	\$
Cash On Hand	12,286,390	23,272,312	23,185,450	86,862
Money Market Investments	108,074,240	152,148,827	142,333,944	9,814,883
Overdraft	0	0	0	0
Funds on Hand	120,360,630	175,421,139	165,519,395	9,901,744
Analysis of Funds on Hand				
Reserves	103,602,530	78,487,710	76,038,939	2,448,771
Provisions	9,917,287	10,858,915	12,963,129	(2,104,214)
General Funds	6,840,813	86,074,515	76,517,327	9,557,187
Funds on Hand	120,360,630	175,421,139	165,519,395	9,901,744

EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

BACKGROUND

- Regulation 34 of the Local Government (Financial Management) Regulations 1996 was amended effective from 1 July 2005.
- The amendment prescribes a monthly Financial Activity Statement (FAS) reporting the sources and application of funds, as set out in the Rate Setting Statement which is included in the Annual Budget.

PURPOSE

- The FAS reports the actual financial performance of the City in relation to its adopted budget, which has been structured on financial viability and sustainability principles.
- The FAS is intended to act as a guide to Council of the impact of financial activities and the reasons for major variances to the annual budget estimates.

PRESENTATION

- Regulation 34 prescribes the minimum detail to be included in the FAS. These are listed below.
 - Annual Budget estimates, and approved revisions to these, are to be included for comparison purposes.
 - Actual amounts of income and expenditure to the end of the month of the FAS.
 - Material variances between the comparable amounts and commentary on reasons for these.
 - The net current assets at the end of the month to which the FAS relates.
- An explanation of the composition of the net current assets at the end of the month to which the FAS relates; less committed and restricted assets.
- Councils are given the option of adopting a format which is considered most appropriate to their needs. These options are listed below.
 - According to nature and type classification,
 - by program, or
 - by business unit.
- It is recommended that while the information presented by cost objects (programs and activities) or by cost centres (business units) are useful for expense allocation and cost centre accountability purposes, they are less informative and difficult to comprehend in matters of disclosure and less effective in cost management and control.
- The FAS has therefore been presented in the format using nature and type classification as the most meaningful disclosure to the Council and public.

FORMAT

- The FAS is formatted to align with the Rate Setting Statement.
- The first part deals with operating income and expenditure, excluding rate revenue.
- The next classification is the amount spent on capital expenditure and debt repayments.
- The classification 'Financing Activities' provides a statement of sources of funds other than from operating or rates revenue, which are usually associated with capital expenditure.
- Attached to the FAS is a statement of 'Net Current Assets' for the budget and actual expenditure to the end of the month to which the FAS relates.
- Opening and closing funds represent the balance of 'Net Current Assets', not including any funds which are committed or restricted.
- "Committed assets" means revenue unspent but set aside under the annual budget for a specific purpose.
- "Restricted assets" means those assets the uses of which are restricted, wholly or partially, by regulations or other externally imposed requirements", e.g. reserves set aside for specific purposes.
- To avoid duplication in calculating 'Closing Funds on hand', certain balances, such as provisions and borrowings, are also deducted.
- The total Closing Funds on hand are to be taken into account when calculating the amount to be raised by rates each year.
- The classification "Net Cash on Hand" represents the balances of funds held in cash or invested and the analysis into those funds reserved, carried forward or remaining unspent at the end of the month to which the FAS relates.



CITY of PERTH

Financial Report

For the 7 months ended 31 January 2019

**CITY OF PERTH
MUNICIPAL**

Statement of Comprehensive Income for the 7 months ended 31 January 2019

(By Program)

	Note	*Budget 2018/2019	Revised Budget YTD	Actual YTD 31/01/2019	YTD Variance	
OPERATING REVENUE		\$	\$	\$	\$	%
General Purpose Funding Rates		91,205,599	91,788,856	92,121,165	332,309	0.4%
General Purpose Funding Other		4,763,533	3,344,899	3,149,841	(195,058)	-5.8%
Law, Order, Public Safety		97,871	53,151	55,102	1,951	3.7%
Health		886,434	888,435	1,074,360	185,925	20.9%
Education and Welfare		1,987,870	1,118,836	1,093,963	(24,873)	-2.2%
Housing		1,086,624	638,955	685,534	46,579	7.3%
Community Amenities		12,820,109	10,765,258	10,700,961	(64,297)	-0.6%
Recreation and Culture		1,736,788	1,089,149	2,056,920	967,771	88.9%
Transport		84,690,064	49,904,317	50,643,192	738,875	1.5%
Economic Services		1,067,654	750,466	647,906	(102,560)	-13.7%
Other Property and Services		675,094	196,463	266,330	69,867	35.6%
Total Operating Income		201,017,640	160,538,785	162,495,274	1,956,489	1.2%
OPERATING EXPENDITURE						
Governance		(8,388,979)	(4,653,591)	(4,583,653)	(69,938)	1.5%
General Purpose Funding		(2,177,904)	(998,213)	(947,894)	(50,319)	5.0%
Law, Order, Public Safety		(5,857,753)	(3,472,563)	(3,545,486)	72,923	-2.1%
Health		(1,800,788)	(1,038,611)	(903,536)	(135,075)	13.0%
Education and Welfare		(3,859,097)	(2,320,926)	(2,414,836)	93,910	-4.0%
Housing		(656,634)	(436,679)	(430,276)	(6,403)	1.5%
Community Amenities		(31,520,532)	(14,803,141)	(14,566,345)	(236,796)	1.6%
Recreation and Culture		(32,865,760)	(21,017,066)	(21,679,305)	662,239	-3.2%
Transport		(84,244,158)	(46,298,167)	(44,721,479)	(1,576,688)	3.4%
Economic Services		(16,965,145)	(11,340,088)	(10,935,530)	(404,558)	3.6%
Other Property and Services		(9,888,529)	(5,343,053)	(5,359,082)	16,029	-0.3%
Total Operating Expenditure		(198,225,279)	(111,722,097)	(110,087,422)	(1,634,675)	1.5%
NET FROM OPERATIONS		2,792,361	48,816,688	52,407,852	3,591,164	7.4%
GRANTS/CONTRIBUTIONS						
For the Development of Assets						
- General Purpose Funding		60,000	103,298	103,298	-	0.0%
- Recreation and Culture		375,000	375,000	142,847	(232,153)	-61.9%
- Transport		377,165	455,268	638,388	183,120	40.2%
- Economic Services		657,247	-	-	-	0.0%
Total Grants/Contributions		1,469,412	933,566	884,533	(49,033)	-5.3%
DISPOSAL/WRITE OFF OF ASSETS						
Gain/(Loss) on Disposal of Assets	2	(1,663,015)	(166,304)	(726,612)	(560,308)	336.9%
Change in net assets resulting from operations before significant items		2,598,758	49,583,950	52,565,773	2,981,823	6.0%
SIGNIFICANT ITEMS						
Distribution from TPRC		580,000	-	-	-	0.0%
Change in net assets resulting from operations after significant items		3,178,758	49,583,950	52,565,773	2,981,823	6.0%

* 2018/2019 Budget adopted by Council on 3 July 2018

**CITY OF PERTH
MUNICIPAL**

**Statement of Comprehensive Income for the 7 months ended 31 January 2019
(By Nature or Type)**

	<i>Note</i>	*Budget 2018/2019	Revised Budget YTD	Actual YTD 31/01/2019	YTD Variance	
OPERATING REVENUE		\$	\$	\$	\$	%
Rates		90,190,099	90,818,788	91,085,047	266,259	0.3%
Grants and Contributions for Non Capital Purposes		2,104,830	1,114,202	1,629,452	515,250	46.2%
Fees and Charges		102,135,208	64,103,812	65,266,587	1,162,775	1.8%
Interest and Investment Income		4,767,575	3,580,181	3,430,206	(149,975)	-4.2%
Other Revenue		1,819,928	921,802	1,083,982	162,180	17.6%
Total Revenue from Operating Activities		201,017,640	160,538,785	162,495,274	1,956,489	1.2%
OPERATING EXPENDITURE						
Employee Costs		(78,297,999)	(45,478,161)	(44,847,594)	(630,567)	1.4%
Materials and Contracts		(52,144,397)	(27,364,070)	(27,429,506)	65,436	-0.2%
Utilities		(3,242,445)	(1,814,510)	(1,735,940)	(78,570)	4.3%
Depreciation and Amortisation		(36,371,570)	(20,496,247)	(20,088,061)	(408,186)	2.0%
Interest		(961,020)	(614,263)	(623,795)	9,532	-1.6%
Insurance		(861,507)	(574,789)	(586,232)	11,443	-2.0%
Expenses Provision		(622,947)	(358,760)	(361,098)	2,338	-0.7%
Other Expenses from Ordinary Activities		(25,723,394)	(15,021,297)	(14,415,196)	(606,101)	4.0%
Total Expenses from Ordinary Activities		(198,225,279)	(111,722,097)	(110,087,422)	(1,634,675)	1.5%
Change in Net Assets from Ordinary Activities before Capital Amounts		2,792,361	48,816,688	52,407,852	3,591,164	7.4%
GRANTS/CONTRIBUTIONS						
Grants and Contributions- Capital		1,469,412	933,566	884,533	(49,033)	-5.3%
NET OPERATING SURPLUS		4,261,773	49,750,254	53,292,385	3,542,131	7.1%
DISPOSAL/WRITE OFF OF ASSETS	2	(1,663,015)	(166,304)	(726,612)	(560,308)	336.9%
SIGNIFICANT ITEMS						
Distribution from TPRC		580,000	-	-	-	0.0%
Change in net assets resulting from operations after capital amounts and significant items		3,178,758	49,583,950	52,565,773	2,981,823	6.0%

* 2018/2019 Budget adopted by Council on 3 July 2018

**CITY OF PERTH
MUNICIPAL**

Statement of Financial Position as at 31 January 2019

	Note	31/01/2019	30/06/2018
CURRENT ASSETS		\$	\$
Cash and Cash Equivalents	11	23,272,312	20,842,973
Deposits/Prepayments	4	10,108,894	1,737,175
Investments	3, 11	152,148,827	112,708,017
Trade and Other Receivables	5	11,900,180	10,118,755
Rates Receivable	1	6,454,481	606,839
Inventories		1,164,598	1,072,442
TOTAL CURRENT ASSETS		205,049,292	147,086,201
NON CURRENT ASSETS			
Investments	3	6,564,949	6,601,314
Trade and Other Receivables	5	61,608	62,649
Property, Plant and Equipment	8	720,837,580	730,211,561
Infrastructure	8	368,210,338	377,221,243
Capital Work in Progress	8	58,385,351	49,042,894
TOTAL NON CURRENT ASSETS		1,154,059,826	1,163,139,661
TOTAL ASSETS		1,359,109,118	1,310,225,862
CURRENT LIABILITIES			
Trade and Other Payables	6	23,326,692	21,199,331
Employee Benefits	7	10,858,915	10,505,607
Provisions	7	-	612,044
Loan Liability	9	5,961,335	7,448,608
TOTAL CURRENT LIABILITIES		40,146,942	39,765,590
NON CURRENT LIABILITIES			
Employee Benefits	7	1,480,878	1,480,878
Loan Liability	9	11,619,266	15,683,134
TOTAL NON CURRENT LIABILITIES		13,100,144	17,164,012
TOTAL LIABILITIES		53,247,086	56,929,602
NET ASSETS		\$1,305,862,032	\$1,253,296,260
EQUITY			
Accumulated Surplus		747,744,985	675,673,431
Asset Revaluation Reserve	10	477,165,833	477,204,390
Reserves	10	80,951,214	100,418,439
TOTAL EQUITY		\$1,305,862,032	\$1,253,296,260

**CITY OF PERTH
MUNICIPAL**

Statement of Changes in Equity for the 7 months ended 31 January 2019

	Accumulated Surplus	Asset Revaluation Reserve	Reserves Cash/investment Backed	Total Equity
	\$	\$	\$	\$
Balance at 1 July 2017	659,485,259	612,865,897	93,205,998	1,365,557,154
Change in net assets resulting from operations	(112,260,894)	-	-	(112,260,894)
Transfer to Cash Backed Reserves	(33,413,115)	-	33,413,115	-
Transfer from Cash Backed Reserves	26,200,674	-	(26,200,674)	-
Transfers to Asset Revaluation Reserve	(4,365,967)	4,365,967	-	-
Transfers from Asset Revaluation Reserve	140,027,474	(140,027,474)	-	-
Balance at 30 June 2018	\$675,673,431	\$477,204,390	\$100,418,439	\$1,253,296,260
	\$	\$	\$	\$
Balance at 1 July 2018	675,673,431	477,204,390	100,418,439	1,253,296,260
Change in net assets resulting from operations	52,565,773	-	-	52,565,773
Transfer to Cash Backed Reserves	(1,294,960)	-	1,294,960	-
Transfer from Cash Backed Reserves	20,762,185	-	(20,762,185)	-
Transfers to Asset Revaluation Reserve	-	-	-	-
Transfers from Asset Revaluation Reserve	38,557	(38,557)	-	-
Balance at the end of the reporting period	\$747,744,985	\$477,165,833	\$80,951,214	\$1,305,862,032

**CITY OF PERTH
MUNICIPAL**

Statement of Cash Flows for the 7 months ended 31 January 2019

	Note	*Budget 2018/2019	YTD Actual 31/01/2019	YTD Variation	
		\$	\$	\$	%
Cash Flows from Operating Activities					
Receipts					
Rates		89,209,455	93,954,703	4,745,248	5.3%
Fees and Charges		102,068,853	65,452,426	(36,616,427)	-35.9%
Interest		4,767,575	2,948,484	(1,819,091)	-38.2%
Other		1,819,928	1,365,663	(454,265)	-25.0%
		197,865,811	163,721,276	(34,144,535)	-17.3%
Payments					
Employee Costs		(78,378,106)	(44,376,131)	34,001,975	43.4%
Materials and Contracts		(56,252,703)	(37,413,954)	18,838,749	33.5%
Interest		(961,020)	(806,747)	154,273	16.1%
Other		(29,966,325)	(24,380,282)	5,586,043	18.6%
		(165,558,154)	(106,977,114)	58,581,040	35.4%
Net Cash Flows from Operating Activities	12	32,307,657	56,744,162	24,436,506	-75.6%
Cash Flows from Investing Activities					
Proceeds from Disposal of Assets		1,516,025	492,168	(1,023,857)	-67.5%
Proceeds from Disposal of Investments		-	178,141,395	178,141,395	0.0%
Purchase Land and Buildings		(11,459,765)	-	11,459,765	-100.0%
Purchase Infrastructure Assets		(20,265,755)	(134,518)	20,131,237	-99.3%
Purchase Plant and Mobile Equipment		(14,378,763)	(1,256,744)	13,122,019	91.3%
Purchase Office Furniture and Equipment		(10,184,778)	(53,916)	10,130,862	-99.5%
Work in Progress		-	(10,638,530)	(10,638,530)	0.0%
Purchase of Investments		-	(217,545,842)	(217,545,842)	0.0%
Net Cash Flows from Investing Activities		(54,773,036)	(50,995,987)	3,777,049	-6.9%
Cash Flows from Financing Activities					
Repayment of Borrowings		(7,448,608)	(5,551,141)	1,897,467	25.5%
		(7,448,608)	(5,551,141)	1,897,467	25.5%
Cash Flows from Government and Other Parties					
Receipts from Appropriations/Grants					
Recurrent		3,262,399	1,347,771	(1,914,628)	-58.7%
Capital		1,469,412	884,533	(584,879)	-39.8%
		4,731,811	2,232,304	(2,499,507)	-52.8%
Net Increase (Decrease) in Cash Held		(25,182,176)	2,429,338	27,611,515	-109.6%
Cash at 1 July 2018		151,411,889	20,842,973	(130,568,916)	-86.2%
Cash at 31 January 2019	11	126,229,713	23,272,312	(102,957,401)	-81.6%

* 2018/2019 Budget adopted by Council on 3 July 2018

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Notes to the Balance Sheet for the 7 months ended 31 January 2019

1 Rates Receivable

	Actual YTD 31/01/2019	2017/18 YTD 31/01/2018
	\$	\$
Outstanding Amount at 30 June 2018	606,839	323,913
Rates Levied for the Year	90,522,403	89,413,576
Late Payment Penalties	-	110,977
Ex Gratia Rates	7,436	7,377
Rates Administration Fee	26,572	350,179
Rates Instalment Interest	355,376	352,218
Back Rates	73,030	(96,896)
Bins Levy	152,036	127,657
	91,743,692	90,589,001
Amount Received during the Period	85,289,211	85,450,107
Outstanding Amount at 31 January 2019	\$6,454,481	\$5,138,894

2 Gain/(Loss) on Disposal/Write off of Assets

	Annual Budget	Actual YTD 31/01/2019
Infrastructure		
Proceeds on Disposal	-	-
Less: Carrying amount of assets written off	1,917,040	625,994
(Loss) on Write Off	(1,917,040)	(625,994)
Plant and Mobile Equipment		
Proceeds on Disposal	1,516,025	492,168
Less: Carrying amount of assets sold/written off	1,262,000	466,559
Profit on Disposal /Write Off	254,025	25,609
Gain/(Loss) on Disposal/Write off of Assets	(\$1,663,015)	(726,612)

3 Investments

Current	31/01/2019	30/06/2018
Short Term Cash Investments *	\$	\$
Call Funds	-	19,384,434
Bank/Term Deposits	147,000,000	88,000,000
Managed Funds	5,148,827	5,323,583
Total Current Investments	\$152,148,827	\$112,708,017

* Short Term Cash Investments as stated in Note 11.

Non Current Investments	31/01/2019	30/06/2018
	\$	\$
Mortgage Backed Securities (MBS)	2,463,504	2,481,033
	2,463,504	2,481,033
Equity in Local Government House	10,000	10,000
Equity in Mindarie Regional Council	450,285	450,285
Equity in Tamala Park Regional Council	3,641,160	3,659,996
	\$6,564,949	\$6,601,314

MUNICIPAL**Notes to the Balance Sheet for the 7 months ended 31 January 2019****4 Deposits/Prepayments**

	31/01/2019	30/06/2018
	\$	\$
Prepaid Insurance	977,691	-
Prepaid Parking Bay Licence Fees	7,395,381	113,564
Other	1,735,822	1,623,611
	\$10,108,894	\$1,737,175

5 Trade And Other Receivables

	31/01/2019	30/06/2018
Current	\$	\$
Emergency Services Levy (ESL)	1,668,465	114,563
Accrued Interest and Investment Income	1,573,924	1,092,202
Accrued Income	1,470,278	1,767,763
Modified Penalties/Fines and Costs	8,127,494	7,886,627
Debtors - General		
Australian Taxation Office - GST Refundable	50,942	1,024,489
Other Debtors	3,000,330	2,216,562
	15,891,433	14,102,206
Less: Provision for Doubtful Debts	(3,991,253)	(3,983,451)
	\$11,900,180	\$10,118,755
Non Current		
Pensioners' Rates Deferred	61,608	62,649
	\$61,608	\$62,649

6 Trade And Other Payables

	31/01/2019	30/06/2018
Current	\$	\$
Trade Creditors	4,499,741	15,035,282
Emergency Services Levy	10,209,601	-
Interest Payable on Loans	48,915	231,867
Accrued Expenses - Operating	5,170,572	2,471,480
Accrued Expenses - Capital	577,329	396,625
Advances Received for Recoverable Works	149,929	96,738
Income Received / Raised in Advance	802,619	1,083,716
Other Creditors	1,867,986	1,883,623
	\$23,326,692	\$21,199,331

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Notes to the Balance Sheet for the 7 months ended 31 January 2019

7 Employee Benefits

	31/01/2019	30/06/2018
Current	\$	\$
Leave Entitlements		
Annual Leave	4,827,013	4,792,212
Self Funded Leave	161,522	163,543
Long Service Leave	5,770,216	5,435,598
Recognition of Employees- Presentations	100,164	114,254
	\$10,858,915	\$10,505,607
Non Current		
Annual Leave	379,099	379,099
Long Service Leave	1,101,779	1,101,779
	\$1,480,878	\$1,480,878

Provisions

	31/01/2019	30/06/2018
Current	\$	\$
Workers Compensation	-	612,044
	-	\$612,044

8 Property, Plant and Equipment and Work in Progress

	31/01/2019	30/06/2018
\$	\$	
Land - fair value	418,170,435	418,170,435
Less: Accumulated Depreciation	(8,615,301)	(8,224,622)
	409,555,134	409,945,813
Buildings - at fair value	461,089,957	461,389,957
Less: Accumulated Depreciation	(196,344,796)	(190,281,759)
	264,745,161	271,108,198
Leasehold Improvements - at fair value	654,500	654,500
Less: Accumulated Depreciation	(105,616)	(94,569)
	548,884	559,931
Infrastructure Assets - at cost/fair value	602,173,028	601,956,718
Less: Accumulated Depreciation	(233,962,690)	(224,735,475)
	368,210,338	377,221,243
Plant and Mobile Equipment - at cost/fair value	48,628,259	48,244,193
Less: Accumulated Depreciation	(33,868,485)	(32,299,077)
	14,759,774	15,945,116
Office Furniture and Equipment - at cost/fair value	47,388,900	47,137,143
Less: Accumulated Depreciation	(16,160,273)	(14,484,640)
	31,228,627	32,652,503
Property, Plant and Equipment	1,089,047,918	1,107,432,804
Work in Progress - at cost	58,385,351	49,042,894
	58,385,351	49,042,894
Total Property, Plant and Equipment and Work in Progress	\$1,147,433,269	\$1,156,475,698

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Notes to the Balance Sheet for the 7 months ended 31 January 2019

8 Property, Plant and Equipment and Work in Progress - Movement at Cost

	Balance 30/06/2018	Acquisitions Actual YTD 31/01/2019	Transfers Actual YTD 31/01/2019	Initial Recognition of Assets Actual YTD 31/01/2019	Disposals/ Write off/ Actual YTD 31/01/2019	Revaluation Actual YTD 31/01/2019	Balance 31/01/2019
	\$	\$	\$	\$	\$		\$
Land	418,170,435	-	-	-	-	-	418,170,435
Buildings	461,389,957	-	-	-	(300,000)	-	461,089,957
Leasehold Improvements	654,500	-	-	-	-	-	654,500
Infrastructure Assets	601,956,718	134,518	1,278,936	-	(1,197,144)	-	602,173,028
Plant and Mobile Equipment	48,244,193	1,256,744	-	-	(872,678)	-	48,628,259
Office Furniture and Equipment	47,137,143	53,916	197,841	-	-	-	47,388,900
Work in Progress	49,042,894	10,832,791	(1,490,334)	-	-	-	58,385,351
	\$1,626,595,840	\$12,277,969	(13,557)	-	(2,369,822)	-	\$1,636,490,430

9 Loan Liability

	31/01/2019	30/06/2018
Current	\$	\$
Loans - Western Australian Treasury Corporation	5,961,335	7,448,608
Non Current		
Loans - Western Australian Treasury Corporation	11,619,266	15,683,134

10 Reserve Funds

Purpose of Reserve Fund	Balance 30/06/2018	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Balance 31/01/2019
	\$	\$	\$	\$
Refuse Disposal and Treatment	3,758,149	51,775	(12,147)	3,797,777
Concert Hall - Refurbishment and Maint.	5,502,176	63,013	(998,420)	4,566,769
Asset Enhancement	30,621,651	424,729	(705,161)	30,341,219
Street Furniture Replacement	358,479	2,861	(271,197)	90,143
Parking Levy	21,222,806	47,634	(17,825,290)	3,445,150
Art Acquisition	399,275	5,441	(31,277)	373,439
Heritage Incentive	608,930	8,683	-	617,613
Parking Facilities Development	23,919,144	325,575	(904,678)	23,340,041
Employee Entitlements	1,924,579	26,830	-	1,951,409
David Jones Bridge	341,959	4,733	-	346,692
Bonus Plot Ratio	655,680	9,192	-	664,872
PCEC Fixed Plant Replacement	5,007,286	70,305	-	5,077,591
Enterprise and Initiative	5,477,133	245,572	-	5,722,705
Public Art	621,192	8,617	(14,015)	615,794
	100,418,439	1,294,960	(20,762,185)	80,951,214
* Asset Revaluation	477,204,390	-	(38,557)	477,165,833
	\$577,622,829	\$1,294,960	(\$20,800,742)	\$558,117,047

* The Asset Revaluation Reserve is a non cash backed reserve and cannot be used, except for adjustments to fixed assets on their revaluation, disposal or write off

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Notes to the Balance Sheet for the 7 months ended 31 January 2019

11 Cash Reconciliation

	31/01/2019	30/06/2018
	\$	\$
Cash and Cash Equivalents	23,272,312	20,842,973
Short Term Cash Investments	152,148,827	112,708,017
	\$175,421,139	\$133,550,990

12 Reconciliation of Net Cash Provided By Operating Activities to Operating Surplus

	31/01/2019	30/06/2018
	\$	\$
Change in Net Assets Resulting from Operations	52,565,773	11,846,488
Adjustment for items not involving the movement of Funds:		
Depreciation	20,088,061	34,706,879
Doubtful Debts	7,802	312,664
(Gain)/Loss on Disposal/Write off/Contribution of Assets	726,612	1,717,911
	73,388,248	48,583,942
Revenues Provided By :		
Government Grants	(2,232,304)	(5,028,039)
	(2,232,304)	(5,028,039)
Change in Operating Assets and Liabilities		
Add Back		
Decrease in Deposits and Prepayments	-	98,131
Decrease in Deferred Debtors	1,041	-
Decrease in Accrued Income	297,485	1,405,487
Increase in Income Received /Raised in Advance	-	373,519
Increase in Accrued Interest Payable	-	75,420
Increase in Accrued Expenses	2,699,092	-
Increase in Provisions	-	530,691
Increase in Trade and Other Payables	-	3,367,298
Deduct		
Decrease in Trade and Other Payables	(341,577)	-
Decrease in Income Received /Raised in Advance	(227,906)	-
Decrease in Accrued Interest Payable	(182,952)	-
Increases in Deferred Debtors	-	(16,293)
Decrease in Provisions	(258,736)	-
Decrease in Accrued Expenses	-	(1,293,063)
Increase in Inventories	(92,156)	(153,803)
Increase in Trade and Other Receivables	(7,452,632)	(1,457,099)
Increase in Prepayments	(8,371,719)	-
Increase in Accrued Interest and Investment Income	(481,722)	(386,685)
	(14,411,782)	2,543,603
Net Cash Provided by Operating Activities	\$56,744,163	\$46,099,506

MUNICIPAL

Notes to the Balance Sheet for the 7 months ended 31 January 2019

13 Ratios

	31/01/2019	30/06/2018
1 Current Ratio		
<u>Current Assets minus Restricted Assets</u>		
Current Liabilities minus Liabilities associated with Restricted Assets	3.15	1.24
2 Debt Ratio		
<u>Total Liabilities</u>		
Total Assets	3.92%	4.35%
3 Debt Service Ratio		
<u>Debt Service Cost</u>		
Available Operating Revenue	11.73%	7.33%
4 Rate Coverage Ratio		
<u>Net Rate Revenue</u>		
Operating Revenue	56.69%	44.79%
5 Outstanding Rates Ratio		
<u>Rates Outstanding</u>		
Rates Collectable	7.04%	0.67%
6 Untied Cash to Unpaid Creditors Ratio		
<u>Untied Cash</u>		
Unpaid Trade Creditors	21.54	2.37
7 Gross Debt to Revenue Ratio		
<u>Gross Debt</u>		
Total Revenue	10.82%	11.45%
8 Gross Debt to Economically Realisable Assets Ratio		
<u>Gross Debt</u>		
Economically Realisable Assets	1.77%	2.48%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.01.2019

Agenda
Item 13.11

Budget Reprioritisation – Hampden Road Parklet Trial

Recommendation:

That Council APPROVE BY AN ABSOLUTE MAJORITY the reprioritisation of \$40,000 from 'PJ 1400-12171 - ACH Database and Portal Project' to a new capital works project 'Hampden Road Parklet Trial'.

FILE REFERENCE:	P1036590#11
REPORTING UNIT:	Marketing and Activation
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	6 March 2019
ATTACHMENT/S:	N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	N/A
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 1 – A city for people Goal 2 - An exceptionally well designed, functional and accessible city Goal 8 - A city that delivers for its community
Policy	
Policy No and Name:	CP9.6 Budget Variation Policy

Purpose and Background:

The City of Perth provides regular tactical activations throughout the city in order to surprise and delight residents, visitors, workers and tourists. These activations are often integrated into existing City campaigns such as Winter Fest, Spring in the City or the Australia Day Long Weekend. As well as campaign activations, the City aims to take a precinct based approach to tactical activations and provide vibrancy and amenity to the communities of our neighbourhoods through small scale but high visibility localised initiatives.

Details:

At the its meeting held on **30 October 2018**, Council considered a report on parklets which indicated that a separate parklets policy was not required, as a parklet could be implemented within the City's existing policy and approvals framework.

The report further stated that *"Outside of the central city neighbourhoods, temporary parklet interventions are more feasible and would not need a Parklets Policy to deliver them. There is nothing to prevent the City from achieving this within existing operations and Capital Works programs"*.

The report surveyed suitable locations for parklets, of which Hampden Road in Nedlands was identified as *"Parklets may be an appropriate temporary intervention and warrants further investigation and consultation alongside other potential improvements to the public realm."*

The City has identified two suitable sites on the City of Perth managed side of Hampden Road in Nedlands in which to undertake a tactical twelve-week trial of two parklet structures commencing in early May. The express aim of the trial is to provide new amenity to the local community, support local businesses in the area and provide an opportunity for internal City business units to determine the most suitable processes to respond to any future parklet requests from the private sector, as there are currently no parklets in existence within City boundaries.

The City has conducted a survey of all street facing businesses in the trial area with 11 of 12 supportive of the trial on the City of Perth managed side and 4 of 4 supportive on the City of Nedlands side. The City of Nedlands administration has also been consulted and is supportive of the trial.

Throughout the trial, the City will conduct a business and community survey to compile any feedback and results for future use. The City has the option to leave the parklets in situ for a longer period should feedback be overwhelmingly supportive, or remove the parklet for future

use at an alternative location or event, as the structure is modular and designed for easy reuse. Following an initial six-week evaluation period, should findings show there is community support for extending the parklet installation period on Hampden Road, a report outlining this recommendation will be presented to Council in July 2019 for approval.

The Arts, Culture and Heritage Unit has unspent capital budget which can be reallocated to precinct activations. It is proposed that \$40,000 from 'PJ 1400-12171 – ACH Database and Portal Project' be reallocated from the operating budget to a new capital works project 'Hampden Road Parklet Trial'.

There are insignificant implications to parking revenue for the temporary removal for two on street parking bays, as Hampden Road is designated as 1P free parking.

The businesses located in the vicinity of the two sites will be responsible for the ongoing maintenance of the parklets including rubbish removal and watering of plants. This will be an informal 'parent' arrangement whereby the business takes ownership over the space as it provides additional amenity to their customers. Maintenance of the parklets after the trial will be determined by the City as appropriate when plans for future use are established, i.e. extended parklet installation period, relocation of structures to new sites, or repurposing assets for activation outcomes.

Financial Implications:

ACCOUNT NO:	PJ 1400-12171
BUDGET ITEM:	ACH Database and Portal Project
BUDGETED AMOUNT:	\$161,320
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$40,000
BALANCE REMAINING:	\$121,320
ANNUAL MAINTENANCE:	\$0
ESTIMATED WHOLE LIFE COST:	\$40,000

ACCOUNT NO:	TBA
BUDGET ITEM:	Hampden Road Parklet Trial
BUDGETED AMOUNT:	\$0
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$40,000
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	\$0
ESTIMATED WHOLE LIFE COST:	\$40,000

All figures quoted in this report are exclusive of GST.

Comments:

The trial is scheduled to commence in early May for a twelve-week period. Local businesses and the community will be asked to provide feedback during the trial which will be utilised to aid future decision making for parklets within City boundaries. Internal City units with involvement in the trial are supportive.

Recommendation:

That Council ENDORSES the City of Perth's proposed submission as detailed in Attachment 13.12A to the Department of Local Government, Sport and Cultural Industries in relation to Phase Two of the Local Government Act Review.

FILE REFERENCE:	P1000255
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	7 March 2019
ATTACHMENT/S:	Attachment 13.12A - City Response

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	<i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 4 - A future focused and resilient city
Policy	
Policy No and Name:	N/A

Purpose and Background:

A review *Local Government Act 1995* (Act) was commenced by the West Australian State Government in 2017. It has two phases.

Phase One was to review priority reforms. Following consultation in 2018, the areas of priority reform were identified as:

- universal training for candidates and council members;
- a new council member code of conduct;
- improvements to CEO recruitment and performance review; and
- a simplified gift framework.

The state government is currently working on a draft bill to address the areas of priority reform identified in the Phase One review.

The Department of Local Government, Sport and Cultural Industries (Department) has commenced Phase Two of the Local Government Act 1995 Review (Phase Two Review) and is seeking public comment.

The Phase Two Review is the first comprehensive review of the Act since its commencement. The Phase Two Review is intended to result in a new, modern, Local Government Act. The aim of the new Local Government Act is to empower local governments to better deliver to the community. Endorsement of the City's proposed response to the Phase Two Review will allow the City to advocate for an improved Local Government Act.

Details:

The Phase Two Review is based on the themes of Agile, Smart and Inclusive and considers nine key topic areas under these themes as outlined in the table below:

Agile	Smart	Inclusive
These topics focus on how local governments can best use their resources to adapt to changing conditions and allow local governments to strike a balance between community expectations, the practical limitations of revenue and expenditure and external pressures	These topics focus on enabling local governments to better meet the needs and expectations of their communities through being transparent and accountable	The topics focus on local governments representing and involving their communities in decision-making. As the tier of government closest to the community, there is an expectation that local governments represent the whole community, recognise diversity within their district and are responsive to community needs
Topics:	Topics:	Topics:
Beneficial enterprises	Administrative efficiencies and local laws	Community engagement and IPR
Financial management	Council meetings	Complaints management
Rates, fees and charges	Interventions	Elections

Eleven detailed discussion papers and surveys (as well as summaries and fact sheets) have been developed by the Department and are available from the Department's website. Submissions and survey responses are required to be provided to the Department by 31 March 2019.

The City's officers have worked to produce a considered draft response to the Department's consultation documents. While the City is not required to comment, if it does not provide a submission in response to the Department's Local Government Act 1995 Phase 2 Review, the City will have less ability to provide input into the review.

The City proposes to submit its own response rather than adopting the response of WALGA or another body but has considered those proposals when drafting its submission.

The draft response includes a response to each of the 11 topic based surveys including details of the reasoning for the responses. Questions one to 11 of each survey response has not been included as they are set information gathering questions that will be answered by the submitting officer on behalf of the City.

In addition, detailed submissions on beneficial enterprises and building upgrade finance have been produced and included in the response.

Financial Implications:

There are no direct financial implications associated with this report.

Comments:

Subject to Council endorsement, the submissions and survey responses will be submitted prior to the response deadline of 31 March 2019.



City of **Perth**

Submissions in Response to Phase Two of
the Local Government Act Review

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Survey – Beneficial Enterprises

12. The local government sector has been requesting that it be given additional powers to form independent corporations. These entities could be used to manage part of a local government's existing business activity or pursue new commercial opportunities. To what extent do you support the following statement?

"A local government should be able to create a company known as a beneficial enterprise."

- a. Very unsupportive
- b. Unsupportive
- c. Neutral
- d. Supportive
- e. **Very supportive**

13. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"There should be no limitations on a Local Government to create a beneficial enterprise."		X			
"Only local governments deemed to be a low risk should be allowed to create a beneficial enterprise."		X			
"Only local governments that meet a threshold for financial health should be allowed to be create a beneficial enterprise."				X	
"Local governments should only be permitted to invest in a company up to a specific percentage of their annual expenditure."		X			
"Only local governments that are in band 1 & 2 of the Salaries and Allowance Tribunal banding should be allowed to create a beneficial enterprise."		X			

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local government beneficial enterprises should be able to compete with private businesses."					X
"Beneficial enterprises should have to employ staff under the same pay rates and conditions as employees of local governments."				X	
"Local governments should have to tell their community how much they are investing in a beneficial enterprise."				X	
"Communities should be able to decide if their local governments can establish a beneficial enterprise."				X	

14. Which of the following functions should a local government beneficial enterprise be permitted to undertake?

	Agree	Disagree
There should be no restrictions		X
Local governments should not be permitted to form a company		X
Statutory approvals for example building and planning	X	
Leisure centres	X	
Human resources	X	
Information technology	X	
Airports	X	
Waste management	X	
Parking	X	

	Agree	Disagree
Road maintenance	X	
Retail (shops and service stations)	X	
Age or child care facilities	X	
Land development	X	
Caravan parks	X	
Other (please specify)		

15. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The local government should be required to guarantee any debt of a local government beneficial enterprise."				X	
"The local government should be able to lend money to a local government beneficial enterprise."				X	
"The Western Australian Treasury Corporation should be able to lend money to a local government beneficial enterprise"				X	
"Commercial lenders should be able to lend money to a local government beneficial enterprise"				X	

16. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The local government <u>must</u> receive approval from the Minister prior to creating a local government beneficial enterprise."				X	
"The local government <u>must</u> receive approval from the Treasurer prior to creating a local government beneficial enterprise."		X			
"The Office of the Auditor General should be responsible for auditing local government beneficial enterprises."				X	
"A local government beneficial enterprise should be required to hold public meetings."				X	

17. Do you have any comments or feedback on the ability of a local government to form a beneficial enterprise? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

See position papers (Beneficial Enterprises, Beneficial Enterprises Response Commentary)

Submission on Beneficial Enterprises

Review of section 3.60 of the *Local Government Act 1995*

Summary

Western Australia is the only Australian state to impose a statutory prohibition barring local governments from forming beneficial enterprises. This prohibition is contained within section 3.60 of the *Local Government Act 1995* (Act).

In compliance with this restriction, the City of Perth operates its off-street parking business as a business unit (City of Perth Parking (CPP)) within the City of Perth. CPP is subject to the same policies, procedures and controls applicable to other City of Perth operations.

The direct involvement of the City of Perth in commercial ventures such as CPP raises a number of ethical concerns regarding the operation of a commercial enterprise by a local government. Primarily, these include actual and perceived conflicts of interest between the regulatory, community, commercial and ownership roles of local government.

In line with WALGA's *Position Paper 2017: Council Controlled Organisations as a Means of Improving Local Government Efficiency* (2017 Position Paper), the City contends that:

the most efficient way to avoid potential or actual conflicts of interest, to minimise financial risk and to engage the necessary commercial and corporate expertise is through the creation of an arms' length vehicle such as a wholly-owned subsidiary company to hold and manage the commercial interests of a local government.

Council operation of a business under such a framework would place a duty on the entity to operate at arm's length from the local government and to act independently of factors which may influence local government decision making (including political pressure). The business would remain subject to relevant legal and other requirements applicable to any other corporate entity.

The CPP business

Whilst the CPP business does not form part of the core functions of the City of Perth, the income generated from the business contributes significantly to the funding of core services provided by the City.

This extra income stream has allowed the City, for over 20 years, to undertake significant capital and operational works to improve and maintain the City. This is particularly relevant going forward as contributed assets from State Government due to completion of projects at Elizabeth Quay and Perth City Link will result in increased

operating costs (though any increase in rates revenue will also need to be accounted for).

Revenue from the parking business is a critical income stream for the City and until a substitute is identified, the maintenance of that income needs to be considered. The efficient operation of the parking business is therefore critical in any consideration of future funding of City of Perth services.

Effects of current legislation

Commercial inefficiency

As a business unit within the City of Perth, CPP is subject to restrictions and controls formulated to regulate the function of local government. Matters such as pricing, financial control, asset management, procurement, management accounting and decision making are subject to the confines of local government legislation, policy and procedure. These mechanisms do not necessarily accommodate the commercial nature of the business nor allow it to compete freely against competition in an open market. These provisions create significant hurdles to the commercially efficient use of assets and resources, and the conduct of trading activities on normal commercial terms.

Decision making in the context of price setting illustrates the constraints under which CPP operates. In accordance with the Act, the imposition of fees and charges may only be imposed and recovered with absolute Council majority. While private operators may alter fees at short notice to suit the market, CPP must adhere to Council meeting schedules.

Another example is the absence of full cost accounting. Restriction of CPP to City of Perth accounting and financial methodology results in lack of visibility and control in budgeting and expenditure.

Commercial efficiency is compromised when decisions are made within the framework of restrictive controls designed to regulate local government activity but which have limited relevance to commercial enterprise. Any compromise to commercial efficiency should raise questions about the efficient use of local government resources.

Conflicts of interest

WALGA's 2017 Position Paper explains that the involvement of local government in property ownership and/or development beyond its traditional social reasons raises a number of issues regarding public perception and the relationship with the community. Potential conflicts and issues that may arise in the pursuit by local government of a commercial enterprise, were identified by WALGA as follows:

- *actual or perceived conflicts of interest between local government's role as a planning authority and as a property owner or developer;*
- *potential conflicts between political or social priorities of local government and its more commercial activities;*
- *conflict between the need for commercial confidentiality to achieve better returns and the responsibility for transparency and accountability to the residents and ratepayers;*
- *the appropriateness of any public authority undertaking commercial activities traditionally in the realm of the private sector;*
- *the management of financial risk when public or community assets are involved;*
- *decision-making processes which revolve around consultation and consensus that are not conducive to making commercial investment decisions.*

Unnecessary undertaking of risk

- **Commercial failure**
The risk of commercial failure should be at the forefront of any decision by local government to undertake a commercial venture. The current statutory framework provides limited controls allowing local governments to place significant risk on assets and resources.
- **Probity**
True probity at any level of government requires accountability and transparency for both regulatory and commercial activity. However, as WALGA stated in their 2017 Position Paper:

it should be acknowledged that leaving valuable assets at the disposal of elected Councillors may create opportunities for those assets to be used in ways that are designed to assist the political interests of Councillors rather than always those of the ratepayers at large (the true owners of the assets). This potential problem is inherent in the accountability model of elected local government, by contrast with the general law of accountability for directors and trustees.

By contrast, directors and trustees are accountable at law on a continuous basis for ensuring that every decision they make is in the best interests of their shareholders or beneficiaries, and heavy legal sanctions apply to any breach of these duties.

It is therefore argued that placing the commercial activities of local government at arms' length from political influence - under the control of independent Boards made up of expert directors and the regulatory provisions of normal company or trust law – may produce outcomes that are less susceptible to corruption than the existing arrangements.

- Debt leverage

It is common business practice to use debt as a means of spreading the cost of an asset and matching that cost to its revenue-generating capacity. Allowing local government to give security over defined assets may be a prudent measure to protect to a certain extent, ratepayers from commercial risk.

However, section 6.21 of the Act prohibits local governments from giving security over assets in relation to any borrowings by a local government. The only security which may be given is the general fund i.e. rates revenue. Debt cannot be secured against the value of a property in order to improve it. This constraint limits the scale of investment that can be undertaken and unnecessarily broadens risk to ratepayers.

Recommendation

Section 3.60 of the Act directly restricts Western Australian local governments from structuring their operations to form optimal and efficient entities or trading vehicles including Government Trading Enterprises. Except for the Northern Territory, no other *Local Government Act* imposes the same restriction.

The City supports legislative change to allow for the formation of a beneficial enterprise by West Australian local governments.

As discussed in WALGA's 2017 Position Paper, the use of an arm's length entity is preferable to direct local government control of commercial activities, to optimize commercial efficiency, to minimise overt political influence, to ensure separation of regulatory and commercial decision-making, to minimise commercial risk to ratepayers and to ensure that decisions are based on rigorous analysis of the financial risks and returns.

Ultimately, any legislative change should seek to achieve the broader goal of structuring local government commercial entities to facilitate a fair financial return on community-owned assets to better finance community programs.

Additional Response Commentary – Beneficial Enterprises

Questions 12-13

The City strongly supports allowing the ability of local governments to form beneficial enterprises provided reasonable checks and balances are placed on this process. The financial health check appears to be a reasonable model for determining this. However, other limitations such as preventing smaller local governments from participating is not supported.

The City is supportive of community consultation in this process.

Question 14 – See table

The City supports the ability to form a variety of beneficial enterprises provided those are subject to sufficient oversight. While the WALGA proposed model is supported the City is not opposed to additional mechanisms to allow for accountability and transparency and these could be tailored to limit unnecessary red tape.

Some of the proposals supported above may also be appropriate in an expanded shared services model which allows for commercial purposes. For example, a local government with significant expertise in an area could provide those services to other local governments and receive some profit in doing so.

Question 15 – See table

The City supports the ability to lend funds to beneficial enterprises and seek loans from appropriate sources. Requiring the guarantee of debts is not in line with the WALGA supported model and would make local governments unable to separate risk from the community – this should be considered carefully.

Question 16 – See table

The City does not oppose *either* the Minister or the Treasurer approving beneficial enterprises as both roles have relevant applicable knowledge but it does oppose any requirement to receive joint approval. This will create unnecessary red tape.

The City supports auditing and transparency in beneficial enterprises.

Survey - Financial Management

12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local government purchasing rules should be consistent with the State Government."				X	
"Different procurement rules should apply to different local governments."		X			
"Local governments with few staff or small operating budgets should have fewer procurement rules to comply with."		X			

13. What criteria should be used to set the threshold for when a local government must publicly advertise a tender? (select all options that should apply)

- a. **None. Procurement rules should be consistent across local government**
- b. A percentage of a local government's average operating expenditure
- c. Salaries and Allowances Tribunal bands
- d. An independent risk assessment
- e. Other (please specify)

14. Should the regulations set a threshold that a CEO is permitted to spend without needing approval from council?

- a. Yes
- b. **No – should be set as part of the Council's Delegated Authority limits**
- c. Unsure

15. Should the amount that a CEO is permitted to spend without needing additional approval from Council be scaled according to the local government's size or capacity?

- a. **Yes – see above comment**
- b. No
- c. Unsure

16. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local governments should be permitted to invest surplus revenue."					X
"Local government should have fewer restrictions on their ability to invest surplus revenue."					X
"Different local governments should have different investment powers and rules."		X			
"Certain types of investments should require independent approval."					X

17. Should local governments be required to give public notice in any of the following situations? (please select all options that should apply)
- Where a local government wishes to borrow money outside amounts listed in the annual budget
 - Where a local government has exercised its power to borrow for a purpose but no longer wishes to use the funds for that purpose
 - Where a local government has exercised its power to borrow for a purpose and has funding left over
 - Public notice is not required in any of these situations**
 - Unsure
18. Should local governments be permitted to secure loans using assets that they own freehold?
- Yes**
 - No
 - Unsure
19. Should local government be permitted to participate in Building Upgrade Finance programs?
- Yes**
 - No
 - Unsure
20. What types of upgrades should be eligible for the program?
- Environmental upgrades

- b. Commercial upgrades
- c. **Both environmental and commercial**
- d. Neither
- e. **Other (please specify)**
Rectification works for buildings with combustible cladding

21. Do you have any additional comments on the topic of financial management? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

See Submission on Building Upgrade Finance and additional Response Commentary

Response Commentary - Financial Management

Questions 12-13

The City supports consistency in the legislation requirements affecting local government procurement but thresholds can be implemented to determine when legislative requirements must be undertaken.

Question 12

In line with WALGA's position, the City supports increasing the tender thresholds to align with those of the State Government.

Question 16

The City supports relaxing the restrictions regarding the type of investments a Council can make.

We would expect an appropriate governance structure such as an Investment Committee would be in place to monitor and advise on the Council's investment portfolio.

Building Upgrade Finance

CM: 023080/2019

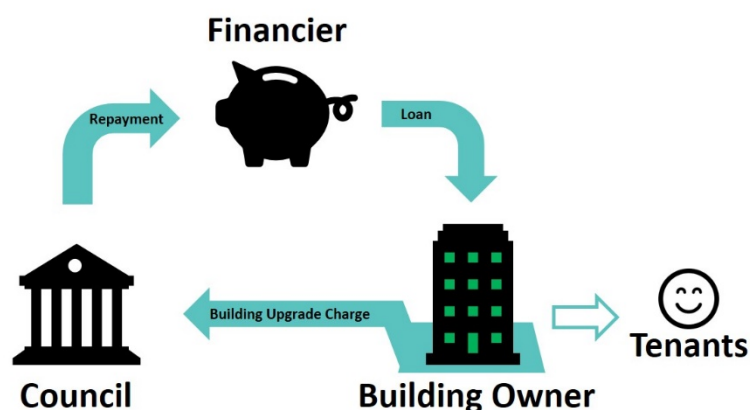
Explanatory notes to accompany the City's submission on Building Upgrade Finance in the review of the Local Government Act 1995.

What is Building Upgrade Finance?

Building Upgrade Finance (BUF) is a mechanism that allows non-residential building owners access to funds from select commercial lenders to upgrade the sustainability performance of their buildings.

Loans obtained under BUF differ from standard commercial loans in the way the loan is repaid. In BUF, there is a financier, a building owner and a local government.

- The BUF-approved financier provides funds to a building owner to upgrade a building.
- The building owner engages consultants and contractors to design, manage and complete the upgrade in a way that creates operational savings in energy and/or water consumption.
- The local government collects the loan repayments and passes them onto the financier.



Loan repayments are collected from the building owner via a *Building Upgrade Charge* (BUC) levied by the local government against the land on which the building is situated. The BUC is paid quarterly by the building owner to the local government as repayment for the loan.

The BUC means that the loan is tied to the property rather than property owner. Responsibility to pay for the loan shifts if ownership of the property changes. In other Australian States that have employed this approach, the local government is not, by law, financially liable for any non-payment by the building owner. Local governments are required to use their best endeavours to recover the loan. As the loan is recovered via the same powers as rates or a service charge, in the event of non-payment, local governments have the same powers available to recover unpaid rates or service charges. This can include taking possession of the land and selling the property.

The BUC also secures the loan, making the loan 'senior debt' in the eyes of the financier in the event of a default. This means that should the building owner go bankrupt, the financier can be satisfied they will be paid back as a priority. Because of this reduction in risk, finance terms can be made more attractive than for standard commercial loans.

The building owner may choose to invite tenants to contribute to the repayments however this contribution must be equal to or less than the energy/water bill savings they receive. No tenant can be worse off because of BUF. Tenants therefore benefit from better amenity in a better building whilst

building owners benefit from an improvement to the value of their building. As tenants and owners can share in the costs and savings associated with BUF and the financier has the additional security of the BUC, it is a win-win-win for all parties.

Background – City of Perth and Building Upgrade Finance

The City first began its investigation into the introduction of BUF in 2013 and conducted community consultation on the finance mechanism in 2014. During the process of local government amalgamations in 2014/15, consultation on BUF was paused.

With the development of the City of Perth Bill 2015, the City took the position that legislative change would enable the provision of BUF in the City of Perth local government area however these provisions were not included in the subsequent *City of Perth Act 2016*.

In 2017, the newly elected McGowan Government agreed to a review of the Local Government Act 1995, opening a window of opportunity to introduce BUF state-wide. Similar finance mechanisms have matured in Victoria, New South Wales and South Australia, imparting lessons for its introduction in WA.

Recognising the benefits of the finance mechanism, the City, the Property Council Australia and the national CitySwitch Green Office Program in WA partnered to raise the level of understanding of BUF in the commercial property sector across the State by holding information events and speaking at various industry gatherings.

In response to the Department of Local Government, Sport and Cultural Industries call for comments on BUF in the Financial Management Discussion Paper of the Local Government Act 1995 review, the City has created this submission in support of the introduction of BUF.

Submission on Building Upgrade Finance

Submission to Department of Local Government, Sport and Cultural Industries

For Inclusion in the City of Perth Submission on the Local Government Act 1995 Review

Introduction

The City of Perth (the City) is pleased to support and comment on the proposed changes to the *Local Government Act 1995* that would enable Building Upgrade Finance (BUF) for the purpose of improving the performance of non-residential buildings in WA.

The City strongly supports the introduction of BUF in WA, having first investigated implementation of the finance mechanism in 2013. Since then, similar schemes have reached maturity in Victoria, New South Wales and South Australia, and continue to grow in popularity each year. This submission draws on the experience of other the states as well as recent changes in the property industry that promote sustainability in commercial buildings. The City proposes that BUF would provide enormous opportunities to improve economic, environmental and social outcomes in WA as the result of a higher performing commercial building sector.

The City believes a BUF mechanism to finance upgrades to existing commercial buildings can:

1. Rejuvenate economic activity around buildings and precincts.
2. Boost the WA Economy.
3. Assist building owners to adhere to increasingly stringent sustainability requirements.
4. Reduce the energy, water and waste intensity of a building's operations.
5. Contribute to emissions reductions targets set by Australia under the UNFCCC Paris Agreement.
6. Create buildings that are adapted to a changing climate.

The City also supports widening the scope of a BUF mechanism to enable all building owners access to long-term, low-interest loans to pay for building work to rectify combustible cladding on their buildings.

1. Rejuvenating Economic Activity Around Buildings and Precincts

C-grade buildings make up 60% of the City of Perth's office building stock. These are typically unrenovated commercial offices built prior to 2000, with original HVAC systems, outdated technology and few amenities such as end of trip facilities and cafes. They are often further disadvantaged by poor links to major public transport nodes. Environmental performance ratings are either poor or non-existent¹.

Perth has a relatively high ratio of private to institutional building owners. In the recent economic downturn, well-resourced institutional investors upgraded their buildings and offered generous rent reductions and incentives to attract and retain tenants. Many private owners who lacked the financial capacity to upgrade their buildings, and others who were debt free and wishing to remain that way, lost tenants and chose to leave their buildings empty.

In 2018, with many suburban businesses having migrated to newly affordable high-quality buildings in the CBD, vacancy rates in premium grade buildings fell to 4.1%. Vacancy rates in C-grade buildings remained high at 22.9% whilst B-grade buildings rose even higher to 31.6%. Vacancy rates in suburban centres such as Herdsman Lake and Subiaco jumped from single figures to 25% in less than a year². Perth now has the highest vacancy rates of any capital city except for Darwin.

¹ City of Perth (2017). *C-Grade office case study: Exploring options for adaptive re-use in the central city*. City of Perth.

² Knight Frank (2018). *Office market report, August 2018*. Property Council of Australia.

BUF would allow lower grade building owners with limited financial capacity to attract tenants by improving their buildings' amenity and repurposing office space for alternative commercial purposes. Whilst improving environmental performance, heritage buildings could be made attractive for commercial purposes. These activities would assist to rejuvenate economic activity in precincts that have languished. Building owners would benefit from higher property values, lower vacancies and lower operating costs.

2. Economic Benefits to the WA Economy

BUF can be an instrument for economic stimulation by reducing costs of energy consumption and supply; increasing activity in the construction sector; and increasing property values and council revenues.

The improvement in energy performance in buildings in Australia over the past decade has resulted in \$28 billion in avoided energy bills. The economic impact of these savings however, is likely to be substantially higher because of re-investment of energy savings back into the economy, often into additional energy saving measures that further compound these savings. For energy generators and distributors, every 1KW of peak demand reduction saves \$1,000 in electricity network infrastructure investment³.

Modelling for the introduction of Environmental Upgrade Agreements (EUA) in Adelaide, an economically comparable city to Perth, indicated that with a medium uptake of EUAs, there would be a capital investment of between \$287M and \$431M in the city, creating 1,150 to 1,735 jobs⁴. Further economic stimulus would occur through demand for building fabric, electrical, plumbing, lighting, HVAC and renewable energy products.

Energy efficient buildings are characterised by higher performance ratings which attract higher rental yields and up to a 21% premium in value for a 5 star NABERS building⁵. As building values rise, so does rate revenue (calculated on property value) for local governments which assists to raise the levels of service that local governments can provide.

3. Adherence to Sustainability Performance Requirements

Sustainability performance requirements are becoming more stringent as government departments at federal, state and local levels, hone their focus on the Paris Agreement's net zero emissions target. Australia's two main building reporting platforms: Green Star and NABERS, having been incentivising property leaders to strive for emissions reductions for many years and now national compliance and reporting programs, state government policies and local planning laws are being tightened to bring along the rest of the market.

In May 2019, changes to the National Construction Code (NCC) will come into effect. These amendments include more stringent energy efficiency requirements for commercial buildings and will

³ ASBEC (2018). *Built to perform: An industry led pathway to a zero carbon ready building code*. ASBEC & ClimateWorks Australia.

⁴ ARUP (2012). *Quantifying the environment and economic opportunities from retrofitting commercial buildings across SA*. Melbourne: ARUP.

⁵ World Green Building Council (2019). *The business case for green building: A review of the costs and benefits for developers, investors and occupants*. London: World Green Building Council.

significantly impact the emissions intensity of commercial districts. Each consecutive three-year review of the NCC will move buildings closer to the net zero goal⁶.

The Commercial Building Disclosure Program (CBD Program) requires Australian offices buildings to publicly disclose their energy performance at the time of sale or lease. When the CBD Program commenced in 2011, only office buildings selling or leasing tenancy space over 2,000 sqm were required to report energy efficiency information. In 2016, this threshold was reduced to 1,000 sqm. In December 2018, the Commonwealth Government announced a review into the CBD Program that will consider extending reporting requirements to other forms of commercial building; requiring office tenancies to report (not just building owners); and switching to periodical reporting rather than reporting triggered by the sale or lease of commercial spaces⁷.

In late 2018, the City of Perth examined options for the inclusion of minimum environmental performance standards and the use of incentives to improve environmental performance through the City's Planning Scheme. These performance standards could apply to building retrofits meeting certain size and capital value thresholds.

The Western Australian Department of Finance stipulates sustainability performance requirements for State Government office accommodation. Government offices must meet Green Star and NABERS performance requirements above the national average performance for comparable offices⁸.

These examples of tightening building performance requirements raise issues of equity in the commercial market. Those building owners targeted by increasingly stringent regulations correlate with those least able to afford the cost of compliance, whilst at the other end of the market, more capable institutional building owners are capitalising on the advantages that high performance buildings and associated voluntary ratings provide.

BUF can therefore be a tool to overcome the most vocalised argument against increasing minimum performance standards for buildings: meeting the cost of compliance. Whilst nearly any commercial building owner would have access to BUF, it is most useful for those with the least financial capacity to make building upgrades, allowing them to undertake cash-flow positive projects without upfront capital, to ensure their buildings meet performance requirements.

4. Reducing the Resource Intensity of Buildings

Energy management practices in commercial buildings have been improving rapidly at the premium end of the market. The use of advanced metering, sensors, AI learning and big data analytics is allowing facility managers to fine tune energy performance for reduced energy costs and emissions. Even the changing nature in the way offices operate through practices such as activity-based-working is leading to energy savings.

Lower grade office buildings on the other hand, are on average, relatively poor performers in energy and water efficiency. They often lack facility management teams to undertake maintenance, plan upgrades, and manage changes to occupancy levels within a building. Studies suggest that with upgrades, many of these buildings have the capacity to perform on par with higher grade stock⁹.

⁶ Australian Building Codes Board (2018). *NCC 2019 public comment draft version 1.2*. Canberra: The Commonwealth of Australia and States and Territories of Australia.

⁷ Commercial Buildings Disclosure Program (2018). *Review of the Commercial Building Disclosure Program*. Canberra: The Commonwealth of Australia and States and Territories of Australia.

⁸ Department of Finance (2018). *Government office accommodation standards*. Perth: Government of Western Australia.

⁹ Savills (2018). *The mid-tier offices investment performance study*. Melbourne: Sustainability Victoria.

Water efficiency in commercial buildings demands attention in the effort to secure WA's water supplies. Within metropolitan Perth, the commercial office sector was the largest non-residential consumer of water in 2017/18, using 1.6 million kL of scheme water. The City has estimated that water consumption in this sector could be reduced by 30% p.a. merely through cost effective small scale measures and changes to maintenance practices.

BUF would assist building owners to refurbish, upgrade or redesign buildings to use less energy and water. Green Star rated buildings consume 66% less electricity than the average Australian building and 51% less potable water than the minimum industry standards¹⁰. Upgrades leading to these savings can make BUF a cashflow positive exercise for building owners and the financial benefits can be shared between building owners and tenants. The structure of BUF which allows the tenant to share in the costs of the upgrades *and* the utility savings means that BUF overcomes a major barrier to upgrading the resource efficiency of buildings: the split incentive that exists when owners pay for upgrades but the tenant benefits from reduced utility bills.

5. Reducing Greenhouse Gas Emissions

Buildings produce one fifth of Australia's greenhouse gas emissions. With its high density, buildings are responsible for 65% of emissions in the City of Perth, with 51% of those emissions coming from non-residential buildings. Whilst a 69% reduction in emissions below 2005 levels by 2030 is possible, current Australian Government policies are projected to only achieve an 11% reduction¹¹.

Given the significance of building emissions, BUF can be regarded as an important and cost-effective carbon abatement tool to achieve Australia's targets under the Paris Agreement. Energy efficiency upgrades and the installation of renewables provide the largest and cheapest source of emissions reductions, each accounting for around one third of Australia's abatement potential¹².

South Australia's modelling of BUF shows that an increase from a 2.5 star NABERS rating to a 5 star rating would reduce a building's emissions by 55%¹³. Data from the CBD Program for buildings in the Perth LGA, confirms that potential, with an average reduction in emissions intensity of 50% for upgraded buildings.

Table 1: CBD Program data showing emissions reductions in buildings in the Perth CBD since 2011. Buildings listed are from the 6000 postcode and have improved from a 3 stars or less (below average) to 3.5 stars or greater.

Building	PCA Grade	Baseline Year	Emissions Intensity Before (kg CO2e/m2)	Baseline NABERS Base Building Rating	Most Recent Rating	Current Emissions Intensity (kg CO2e/m2)	Current NABERS Base Building Rating	Reduction
108 St Georges Terrace	A	2011	254	0	2018	73.75	3.5	71%
140 William St	Premium	2012	93.257	3	2018	39.017	5.5	58%
197 St Georges Terrace	A	2011	90.498	3	2018	49.698	5	45%
5 Mill St	A	2012	110.197	3	2018	49.729	5	55%

¹⁰ Green Building Council of Australia (2019). *Why Green Star?*. [online] Available at: <https://new.gbca.org.au/green-star/> [Accessed 10 Jan. 2019].

¹¹ ClimateWorks Australia (2019). *Buildings: Could innovation in buildings help change our decarbonisation trajectory?*. Melbourne: ClimateWorks Australia.

¹² NABERS.gov.au. (2019). *Office energy ratings over time*. [online] Available at: <https://www.nabers.gov.au/data-gallery/office-energy-ratings-over-time> [Accessed 10 Jan. 2019].

¹³ ARUP (2012). *Quantifying the environment and economic opportunities from retrofitting commercial buildings across SA*. Melbourne: ARUP.

95 William St	B	2015	82.876	3	2018	54.504	4.5	34%
1 William St	A	2014	99.012	3	2019	52.459	5	47%
2 Mill St	A	2012	97.161	3	2018	43.799	5	55%
219 St Georges Terrace	A	2013	93.218	3	2018	60.933	4.5	35%
								Average 50%

These savings however, have been achieved by the premium end of the market. When all building grades are considered, the average building emissions in WA only fell by 32% over the same period¹⁴. The premium end of the market is driving emissions reductions yet it is the lower grade buildings, in their greater numbers, that have the most potential for cost-effective improvement. BUF could stimulate this end of the commercial market to bring down the average emissions intensity of buildings across the sector.

6. Adapting Buildings to Climate Change

Future climate projections by the CSIRO and Bureau of Meteorology for Perth and the South West, indicate that average temperatures will continue to increase; there will be more hot days; rainfall will continue to decrease; extreme rainfall events will become more intense; mean sea level will continue to rise; the height of extreme sea-level events will increase; and fire-weather will intensify.

The changing climate will have both acute and long-term impacts on buildings. The current and projected changes to our climate demands that WA's commercial buildings protect occupants from more frequent and intense weather events, whilst operating more efficiently. The projected climate will increase the use of electricity and water for cooling as exterior facades of buildings absorb, store and transfer more heat to interiors. Higher temperatures will accelerate degradation and weathering of buildings, increasing maintenance costs. Increased frequency and intensity of bushfires will increase the number of poor air quality days over populated areas, necessitating the need for more energy intensive fine air filters in building HVAC systems and increasing HVAC maintenance costs. Sea level rise and extreme rainfall events will create challenges from inundation and erosion. The intrusion of salt water or mineral rich ground water creates further damage to car parks, basements and building foundations.

These pressures make poor performing buildings a public health issue. Buildings are no longer fit for purpose when the design, construction or upkeep of the building means that the indoor environment conditions are inadequate to maintain the safety and comfort of the occupants. Poor indoor environment quality is also an economic issue. Commercial buildings that perform poorly, impact on the productivity and profitability of the businesses within them. Poor air quality, lighting, acoustics, thermal comfort and a range of other factors can all be addressed through BUF.

BUF can provide building owners and managers with a better capacity to mitigate and manage risks to buildings; assure continuity of business operations (for example, during weather related disruptions to electricity, water or transport networks); share in the financial benefits from lower operating costs of HVAC and reduced insurance premiums; build on reputational benefits with external stakeholders; and create spaces with higher appeal to renters¹⁵.

¹⁴ NABERS.gov.au. (2019). *Office energy ratings over time*. [online] Available at: <https://www.nabers.gov.au/data-gallery/office-energy-ratings-over-time> [Accessed 10 Jan. 2019].

¹⁵ United Nations Environment Programme (2012). *Business and climate change adaptation: Toward resilient companies and communities*. New York: United Nations Global Compact Office.

Case Study

There are several documented case studies on the application of BUF in other states. The following case study reflects the benefits of BUF to building owners and tenants from the upgrade of a B grade building in the Sydney CBD which is analogous to building stock in the Perth CBD.

St James' Hall, 169 Phillip Street, Sydney, is a 15-storey office building with ground floor retail. The total net lettable area of the building is 5,200 sqm, hosting 11 tenants managed by JLL. It was built in the Brutalist style of architecture in 1964 and refurbished in 1991.

In 2014, the Anglican Church Property Trust Diocese of Sydney who own the building, engaged Eureka Funds to finance a building upgrade using Environmental Upgrade Finance – New South Wales's name for BUF.

Through Eureka, finance to the value of \$877,000 was acquired from the National Australia Bank and Clean Energy Finance Corporation. Of this funding, \$700,000 was used for capital works and \$177,000 was for administrative costs.

The term of the finance was seven years with payments made quarterly through council rates via an Environmental Upgrade Charge placed on the property by the City of Sydney.

The building received a lighting upgrade; two new chillers; variable speed drives; and a new building management system. These works reduced energy costs and outgoings by 30%. Greenhouse gas emissions savings equal 340 tonnes annually.

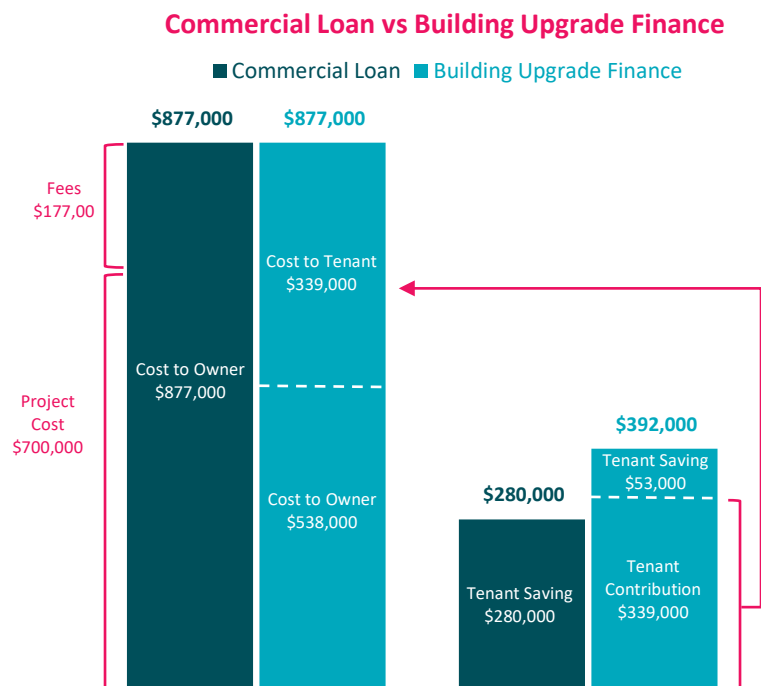


Figure 1: A commercial loan compared to BUF showing a significant difference in the overall cost of the project to the owner over the life of the project.

Under a standard commercial loan, the owner would not receive any benefits from energy savings and the tenants would not contribute to the cost of the project. Under BUF, the tenants contribute to the project repayments from the energy savings accrued, reducing the total project cost for the owner.

Cladding Rectification Agreements

As the West Australian State-Wide Cladding Audit nears completion it is timely as part of the review of the *Local Government Act 1995*, to consider widening the scope of BUF so that it does not just allow non-residential building owners to access funds to upgrade the sustainability performance of their buildings but it also enables all building owners access to long-term, low-interest loans to pay for building work to rectify combustible cladding on their buildings.

New reforms were introduced in Victoria in 2018 to reduce the cost of removing dangerous combustible cladding from buildings with changes to their Local Government Act that will create Cladding Rectification Agreements (CRA). BUFs could be divided into Environmental Upgrade Agreements and CRAs.

CRAs would be voluntary arrangements between owners (or strata bodies), lenders and local governments. The lender will loan the funds to an owner or the strata body and loan repayments will be charged via the owners' rates over a minimum period of ten years. A local government may enter into a CRA in respect of rateable land with an existing building on it, to fund works that rectify combustible cladding on buildings.

Any owners requiring financing to undertake cladding rectification works could be eligible for a CRA.

As with the Victoria model, strata bodies could enter a CRA, subject to having written approval from at least 75% of lot owners in the affected building. Loan repayments are distributed across all owners in the agreement based on their individual lot entitlement. As the CRA will be declared a rate on the land, if the property is sold the responsibility for repayment will pass to the new owner.

The strata body would be responsible for coordinating agreement from owners, liaising with lenders, managing the CRA on behalf of owners, and overseeing the rectification works until they are completed.

Works to improve building fire safety that could be funded through a CRA could include:

- removal or replacement of combustible building cladding;
- installation of fire breaks in cladding;
- extension or installation of an automatic suppression (sprinkler) system;
- installation of smoke or fire isolation or extraction systems;
- removal of combustible material in lobbies and paths of travel;
- installation of smoke detectors;
- upgrade or installation of an alarm system;
- installation of emergency lighting and exit signage;
- installation of a Fire Indicator Panel;
- installation of fire containment measures such as fire walls and fire doors;
- installation of alternative means of egress (exit);
- removal or isolation of ignition sources;

- upgrading of Essential Safety Measures in a building to provide additional risk reduction measures;
- installation of enhancements identified by DFES following an Operational Assessment; and
- any other cladding rectification works determined by the WA Building Commission.

Summary

The City supports the introduction of BUF through the Local Government Act review, believing that BUF can unlock significant economic, environmental and social opportunities for commercial districts across WA by removing the barriers that have hampered investment in non-residential buildings: access to capital, particularly for private investors, and the split incentive where building owners incur the cost of upgrades and the tenant receives efficiency benefits. The proposed addition of Cladding Rectification Agreements would reduce financial barriers to rectification works which would improve public safety.

The City supports BUF as a way to engage and support the private owners of lower grade properties, identifying this part of the market as having great potential yet in need of the most support, whilst also encouraging our top performing buildings to continue to show leadership in the push towards net zero buildings. The City would be happy to engage further to assist in the drafting of the necessary legislation to make BUF available in WA.

Survey - Rates, Fees and Charges

12. To what degree are you concerned about rates?

- a. Not at all
- b. A little
- c. **A moderate amount**
- d. A lot
- e. A great deal

13. Do you support the following statements?

	Yes	No	Unsure
"Local governments should be required to prepare a Rates and Revenue Strategy each financial year."	X		
"The value of the property should continue to be used to partially determine the value of the rates payable."	X		
"Local governments should be required to advertise all of their proposed rates and consider any submissions made, prior to adopting their budget."	X		
"Under the <i>Local Government Act 1995</i> , local governments may not advertise their rates prior to 1 May. Local governments should be permitted to advertise their rates at any time leading up to the adoption of their budget."	X		
"All types of rateable property should pay the same rate in the dollar, regardless of how the land is used."		X	

14. Should the legislation set the rating categories that can be used by local governments?

- a. Yes
- b. **No**
- c. Unsure

15. If rating categories are set in legislation, what would be appropriate categories?

	Yes	No	Unsure
Residential	X		

Rural residential	X		
Commercial	X		
Industrial	X		
Vacant	X		
Mining	X		
Mining - exploration and prospecting (separate from general mining)	X		
Farming	X		
Not-for-profit organisation or charity	X		

Other (please specify) **Office**

16. If rating categories were set in legislation, should local governments be permitted to introduce sub-categories within the set categories based on factors such as the type of mining being undertaken, the intensity of the land use or the type of commercial activity?

- a. **Yes**
- b. No
- c. Unsure

17. What powers should local governments have to recover payment of rates on exploration and prospecting leases?

A charge over the land

18. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local governments should be permitted to rate properties differently based on their location."				X	
"Local governments should be permitted to rate long term vacant properties differently to land that is being used."					X

"Local governments should be permitted to rate holiday houses, timeshare properties or AirBNB properties differently."			X		
"A lower rate in the dollar should apply to land used for exploration and prospecting compared to land used for mining."			X		

19. Currently, local governments are required to seek Ministerial approval when seeking to impose a rate in the dollar that is more than twice the lowest of its other rating categories. What is your preferred approach to differential rates?
- Ministerial approval for rates twice the lowest category
 - Ministerial approval for rates three times the lowest category
 - Ministerial approval for rates four times the lowest category
 - No Ministerial approval required for any differential rates**
 - Differential rates to a maximum of four times may be set with no option for Ministerial approval
 - Other (please specify)

20. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"All land should be subject to rates."				X	
"The types of land subject to rates should be consistent between local governments."				X	

21. Should the following types of land be subject to rates?

	Yes	No	Unsure
Land owned by the Crown that is used or held for a public purpose		X	
Land used or held exclusively for churches (religious bodies)		X	
Land used or held exclusively for schools		X	
Land used exclusively for charitable purposes		X	

Land vested in trustees for agriculture or horticultural show purposes	X		
Land owned by Co-operative Bulk Handling Limited (CBH)	X		
Land used primarily as a place of residence (no matter who owns the land)	X		
Land used for mining exploration or prospecting	X		
Aged care facilities	X		
Child care facilities	X		
Sporting clubs and Surf Lifesaving clubs	X		
Land used for the pursuit of the Arts	X		

22. Which of the following charges should be levied on properties exempt from rates?

- a. Waste charges
- b. A service charge to cover basic services and maintenance
- c. **Both**
- d. Neither
- e. Other (please specify)

23. Should a concession on rates be granted in any of the following scenarios?

The Council should have the option to grant a concession depending on circumstances

	Yes	No	Unsure
The land is owned by a person who currently receives a pensioner or health related concession	X		
The land is owned or used by a not-for-profit organisation	X		
The land is owned or used by an entity that provides assistance or encouragement for arts or cultural development	X		
The land is owned or used by a sporting or recreation body and is available for use by the general community without charge or below cost	X		
Community service organisations that are not-for-profit, for the benefit of the general public and provide community services without charge or below cost	X		

The payment of rates or charges will cause hardship to the land owner	X		
The concession will encourage the economic development of all or part of the local government district	X		
The concession will encourage land that is of cultural, environmental, historic, heritage or scientific significance to the local government area to be preserved, restored or maintained	X		
Land that is subject to a mining tenement	X		
Land that is determined by the Minister to be subject to a concession	X		

24. Should any other scenarios be subject to rates concessions?

No

25. Which of the following charges should be levied on that part of the land that receives a rates concession?

- a. Waste charges
- b. A service charge to cover basic services and maintenance
- c. **Both**
- d. Neither
- e. Other (please specify)

26. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Rate exemptions for the commercial (non-charitable) business activities of charitable organisations should be removed."				X	
"Certain categories of ratepayers, for example Independent Living Units, should only be exempt from rates where they qualify under the Commonwealth <i>Aged Care Act 1997</i> ."				X	
"Land used as a residence should not be regarded as charitable."				X	

27. To what extent do you support these statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local governments should be able to impose fixed charges or levies for particular services, facilities or activities."					X
"Local governments should be able to vary fees and charges at any time without advertising the change."				X	
"Local governments should have the autonomy to set fees and charges for all services they provide."				X	
"Services that are consistent across local governments should have the same fees or charges."		X			
"Local governments should not set a fee or charge higher than the cost of delivering that service."		X			
"A fee or charge should not be set lower than the cost of delivering that service."		X			
"Fees and charges imposed by local government and fixed under legislation should increase by CPI annually."		X			

28. Do you have any additional comments on the topic of rates, fees and charges? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

Additional commentary in position paper

Position Paper - Rates, Fees and Charges

Rates

Questions 12-16, 20-26

The City is supportive of the proposal for local governments being required to prepare a Rates and Revenue Strategy each financial year. This assists in transparency and provides clarity.

The City supports the position that there should be limited exemptions for rates but that Council may determine to waive rates or set a lesser or differential rate for in the circumstances it believes are appropriate.

All properties within the district, including those under a rating exemption, receive some benefit from local government services. Therefore, payment of waste and minimum services fees is appropriate unless Council determines to waive these fees too.

Setting rigid categories of rating exemptions and property types under legislation can lead to inappropriate exemptions or applying a differential rate that is not suitable in all circumstances. Organisations may fall between categories such as charitable and commercial or while being commercial produce a clear community benefit. It is difficult for legislation to effectively categorise the variety of uses and organisations types to ensure the rates are appropriate in all circumstances. Allowing the Council to determine to waive rates and charges or determine differential rates where it believes it is appropriate will allow for a nuanced approach. As long as the process is transparent and accountable this should support meeting community needs in a fair and equitable manner.

Question 17

The City supports similar mechanisms to recovery in exploration and mining leases as those currently existing, particularly charges over land and commencing proceedings.

Question 18 – see table

- The City has given a neutral response in relation to rating holiday and AirBNBs differently as it believes that AirBNBs used primarily as a residence but occasionally listed for short stays should generally be treated the same as a primary residence for rating (compliance with other legislation being a separate matter). However, other scenarios may be appropriate for separate rating.
- The City has given a neutral response in relation to rating exploration and prospecting at a lower rate than mining as it does not have mining or exploration areas within its district.
- Location based rates are supported as long as that rate is clearly justified for that location in an open and transparent manner. This could be achieved via the proposed Rates and Revenue strategy.

Question 19

With the provision of a clear rates strategy to the community providing a clear rationale for differential rates, Ministerial approval should not be necessary.

Question 27

The City supports the ability to have additional autonomy in relation to fees and changes to reduce the circumstances where the City is delivering services but cost but has not determined itself that it is appropriate in the circumstances. There may be circumstances where a higher or lower fee is appropriate based on value, community needs and competition. The local government is normally in the best position to know what costs it is incurring in delivering services and should have some ability to influence fees charged.

The City supports removing advertising requirements for fees to allow the City to immediately implement changes and be more agile. Fees should be open, transparent and easily located but the delay in implementing moderate fee changes is unnecessary.

Survey - Administrative efficiencies

12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"All local governments regardless of their size should have the same level of powers and responsibilities."		X			
"The functions of the Grants Commission and the Advisory Board should be combined under one Board."			X		
"Membership of the Local Government Advisory Board and the Local Government Grants Commission should be required to be drawn from specific geographic locations, for example, metropolitan Perth as well as regional and remote Western Australia."		X			
"Prior to conducting a poll to change the method of election of the Mayor/President from election by electors to election by the council, the local government should be required to draft the question and summaries and submit the question to the Advisory Board."		X			
"The Advisory Board should not assess a proposal for changes to boundaries that does not meet the minimum requirements."				X	
"The petition of affected electors should require each signatory to sign an acknowledgement that they have read the summary of the proposal and have seen a plan or map detailing any proposed changes."				X	
"The affected local government(s) should be provided with a copy of the proposal prior to it being submitted to the Advisory Board."				X	
"The applicant should be able to withdraw a proposal at any time prior to a recommendation being made to the Minister, providing there are circumstances which, in the				X	

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
Advisory Board's view, warrant withdrawal of the proposal."					

13. Currently a proposal to the Advisory Board from the community must be signed by 250 people or 10% of the community whichever is less. Should proposals from districts with a population over 5,000 be increased to 500 signatures?

- a. Yes
- b. No
- c. Unsure

14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"People need the power to impound stray cattle."			X		
"Local governments need the power to impound stray cattle."			X		
"People need the power to detain and dispose of stray goats, pigs and poultry."			X		
"Offences that apply to pound keepers should also apply to similar facilities maintained by local governments, for example cats and dogs."				X	

15. Which of the following pieces of information should be provided by local governments to the Department and the Minister for Local Government?

Section		Yes	No	Unsure
s 4.79	Provide a report on the result of an election (ordinary or extra-ordinary election)	X		
s 5.3	Advise of the failure to hold council meetings within the last 3 months	X		
s 7.12A	Provide a copy of the report that addresses the issues identified in the audit report	X		
LG (Audit) Reg 14	Provide a copy of the compliance audit report	X		
LG (Audit) Reg 15	Provide a certified copy of the compliance audit return		X	
LG (Constitution) Reg 11FA	Provide a report on the result of an election (election of Mayor/President and Deputy Mayor/President)	X		
LG (Constitution) Reg 11H	Advise the outcome of the Court of Disputed Returns (election of Mayor/President and Deputy Mayor/President)	X		
LG (Constitution) Form 2	Request for a poll on a recommended amalgamation	X		
LG (Elections) Reg 86	Advise the outcome of the Court of Disputed Returns (ordinary or extra-ordinary election)	X		
LG (Financial Management) Reg 33	Provide a copy of the annual budget	X		
LG (Financial Management) Reg 33A	Provide a copy of the review and determination of the reviewed annual budget	X		
LG (Financial Management) Reg 51	Provide a copy of the annual financial report	X		

16. Which of the following decisions should be made by the Minister?

Section		Yes	No	Unsure
s 2.25	Approval for a leave of absences greater than six consecutive council meetings	X		

Section		Yes	No	Unsure
s 3.53	Ordering which local government is responsible for managing a facility that is located within two or more districts (only when the local governments themselves do not agree about how to manage the facility)	X		
s 3.59	Commencing or undertaking a major land transaction or trading undertaking (as required under the regulations)		X	
s 3.61	Establishing a regional local government	X		
s 3.65	Amending the establishment agreement of a regional local government		X	
s 3.69	Establishing a regional subsidiary	X		
s 3.70	Amendment to a regional subsidiary's charter		X	
s 5.7	Reducing the number of people required for a quorum or absolute majority	X		
s 5.69	Approval to participate in a meeting (after disclosing an interest)	X		
s 5.69A	Exemption from some or all disclosure of interest requirements for committee members	X		
s 6.35	Minimum payment of rates on vacant land	X		
s 6.74	Approval to re-vest land to the State for non-payment of rates	X		
s 9.63	Direction to two or more local governments on how to resolve a dispute	X		

17. How should the following decisions be resolved by council?

Section		Simple Majority	Absolute Majority	Unsure
ss 3.12 & 3.16	Making local laws		X	
s 3.59(5)	Undertaking major land transactions or major trading activities		X	
s 4.17	Deciding if a councillor's seat should remain vacant prior to the next ordinary election (if the		X	

Section		Simple Majority	Absolute Majority	Unsure
	vacancy occurs between January and July in an election year)			
s 4.20	Appointing the Electoral Commissioner to conduct an election or appointing a returning officer	X		
s 4.57	Appointing a person to be a Councillor if no nominations are received twice for a vacant position		X	
s 4.61	Deciding if an election should be a postal election	X		
s 5.8	Establishing committees to assist council in the performance of powers and duties		X	
ss 5.10 & 5.11A	Appointing members (and deputies) to a committee		X	
s 5.15	Reducing the number of offices required to form a quorum at a committee meeting (if required)		X	
s 5.16	Delegating or revoking any local government powers and duties to a committee		X	
s 5.36	Decisions on CEO's employment contract		X	
s 5.42 & 5.45	Deciding to delegate powers or duties to the CEO (and revoke this delegation)		X	
s 5.54	Accepting the annual report for a financial year	X		
s 5.98A	Deciding to pay the deputy mayor an additional allowance		X	
s 5.99	Deciding to pay council members the prescribed minimum fee or a fee within the prescribed range		X	
s 5.99A	Deciding to pay council members an annual allowance or an allowance that has been set for expenses		X	
s 6.2	Preparing and adopting a budget for the financial year		X	

Section		Simple Majority	Absolute Majority	Unsure
s 6.3	Imposing a supplementary general rate or specified area rate		X	
s 6.8	Spending money from the municipal fund that was not in the annual budget		X	
s 6.11	Changing the purpose of a reserve account		X	
s 6.12	Granting a discount for the early payment of money, waiving or granting concessions, or writing off any amount owed to the local government	X		
s 6.13	Deciding to require a person to pay interest on an amount owed to a local government	X		
s 6.16	Imposing (or amending) a fee for goods or services	X		
s 6.20	Deciding to borrow and spend borrowed money		X	
s 6.32	Imposing a general rate on rateable land or a supplementary general rate in an emergency		X	
s 6.46	Granting a discount or other incentive for the early payment of any rate or service charge	X		
s 6.47	Deciding to waive a rate or service charge	X		
s 6.51	Deciding to impose interest on a rate or service charge or costs of proceedings to recover amounts unpaid	X		
s 7.1A	Appointing audit committee members		X	
s 7.1B	Delegating powers and duties to the audit committee		X	
Sch 2.2 clause 4	Deciding to propose to the Advisory Board that a submission should be rejected or dealt with as a minor matter that does not require public submissions		X	
Sch 2.2 clause 5	Making a proposal to the Minister or the Advisory Board to change the name of a district or ward		X	

Section		Simple Majority	Absolute Majority	Unsure
Sch 2.2 clause 9	Making a proposal to the Advisory Board to change ward boundaries, the name of the district or wards, or the number of councillors		X	
LG (Admin) Reg 10(2)	Deciding to revoke or change a decision made by absolute majority		X	
LG (Admin) Reg 14A	Deciding to approve a member to be present at a meeting via telephone		X	
LG (Admin) Reg 19C and 19DA)	Adopting a strategic community plan and corporate business plan		X	
LG (Financial Management) Reg 33A	Determining whether to adopt a review of the budget or recommendations in the budget review		X	

18. Which regulatory measures within the Act should be removed or amended to make the legislation more efficient? Please provide detailed analysis with your suggestions.

Response:

The City supports several of the administrative efficiencies outlined in the Department's position papers for the phase one review. This includes the more consistent gift disclosure model, the removal of senior employees from the Act, and the proposal to make authorisations more consistent over legislation.

In addition, as noted in our elections submission, the City believes the requirement that removes occupiers from the electoral roll after two elections and six months, which requires those persons to reapply should they wish to remain on the roll, is inefficient. It also leads to a drop in participation through the re-enrolment process.

This should be replaced with a requirement that the CEO is responsible for maintaining the roll. This will allow the CEO to conduct checks without forcing people to reapply. It will also prevent people being unable to participate despite remaining eligible if they were unaware that they have been removed.

Position Paper - Administrative Efficiencies

Question 12 – See table

The City supports measures that increase the administrative efficiency of the Advisory Board such as being able to refuse incomplete submissions and allow withdrawal of proposals.

The City supports the Advisory Board retaining its role in relation to drafting the question and summaries for a proposal to change between council elected Mayors to popularly elected Mayors as it is independent. Additionally, the question and summaries appear relatively standard and it is unclear if any administrative efficiency is being added to the process.

The City does not object to the Grants Commission and the Advisory Board being combined provided any new Board has the capacity to consider matters efficiently and effectively. Its composition should be based on merit, while representation of regional and metropolitan councils is ideal, this should not be the primary factor in appointment.

The City supports requirements that help ensure petition signatories have been provided with adequate information to make their decision.

The affected local governments being provided with a copy of the proposal is supported to allow it to be aware of the proposal and make appropriate submissions.

The City supports the Department increasing its capacity building functions to support all local governments in following appropriate processes, being accountable to their community, and meeting community needs.

Question 13 - Currently a proposal to the Advisory Board from the community must be signed by 250 people or 10% of the community whichever is less. Should proposals from districts with a population over 5,000 be increased to 500 signatures?

The proposal is supported as it is more representative of larger districts and thresholds should be linked to the population size.

Question 14 – See table

As the City is a very urban environment there has been limited experience with impounding stray cattle or detaining and disposing of stray goats, pigs and poultry. Given this, we have given a neutral response to allow the local governments and communities that experience these circumstances to consider the impact and need. Our only comment is that both impounding and disposal should be consistent with other animal welfare legislation.

The City supports requiring local governments with pound keeping facilities being held to the same standards as pound keepers. However, some offences themselves appear outdated, such as s. 454 of the *Local Government (Miscellaneous Provisions) Act 1960*.

Question 15 – See table

The City supports information being provided to the Department and the Minister for Local Government to ensure accountability and transparency. The only exclusion is providing a

certified hard copy of the annual compliance audit return (CAR) in addition to the report. This appears to be an unnecessary duplication that does not clearly add to the reporting process, especially as the CAR needs to be evidenced by a copy of the relevant Council minutes.

Question 16 - See table

- The Minister has an important role in resolving disputes between local governments without the need for costly legal action. This role is supported to continue.
- In relation to regional local governments and regional subsidiaries, it is reasonable that the Minister have oversight over the establishment of a multi local government agreement. However, amendments to the charters or establishment agreements should not require Ministerial approval unless they are significant, such as changing the purpose of the body.
- The Minister's role in determining whether persons should participate or allowing a reduced quorum provides an independent response to deal with unusual circumstances where there may be some conflict of interest.
- The Minister's role in determining minimum rates for vacant land is only in circumstances where the local government requests to Act outside of the legislated process. However, in line with response to the rates, fees and charges survey the decision making could be made by Council if done via a clear and justified process through a rates and revenue strategy.

Question 17 – See table

The City has supported the majority of absolute majority decisions to be retained as they relate to significant decisions that Council should have a stronger consensus on. They include major financial decisions, making legislation, and delegation of its functions.

The following are proposed to be changed to a simple majority:

- Appointing the Electoral Commissioner to conduct an election or appointing a returning officer.
- Deciding if an election should be a postal election.
- Granting a discount or other incentive for the early payment of any rate or service charge.
- Deciding to waive a rate or service charge.
- Deciding to impose interest on a rate or service charge or costs of proceedings to recover amounts unpaid.
- Granting a discount for the early payment of money, waiving or granting concessions, or writing off any amount owed to the local government.
- Deciding to require a person to pay interest on an amount owed to a local government.
- Imposing (or amending) a fee for goods or services.
- Accepting the annual report for a financial year.

Survey - Local Laws

12. Should any of the following topics covered by local laws be replaced by state-wide regulations?

	Yes	No	Unsure
Activities on thoroughfares and trading		X	
Beekeeping		X	
Cemeteries		X	
Dogs		X	
Cats		X	
Extractive industries		X	
Fencing		X	
Bush fire brigades		X	
Meeting procedures (standing orders)		X	
Pest plants		X	
Public places and Local Government property		X	
Parking		X	
Waste		X	
Urban environment and nuisance		X	
Other (please specify)		X	

13. Should model local laws be prepared by State Government for local governments to use?
- Yes**
 - No
 - Unsure
14. Should local governments be permitted to adapt the contents of model local laws?
- Yes
 - No**
 - Unsure

15. Currently a local government is required to consult for a period of six weeks. If a local government adopts a model local law without modification, how long should the mandatory consultation period be?
- Less than 6 weeks
 - Greater than 6 weeks
 - 6 weeks as it is currently**
 - The requirement for public consultation should be removed entirely
 - A duration determined by council
16. If a local government is seeking to adopt a model local law that it has modified, how long should the mandatory consultation period be?
- Less than 6 weeks
 - Greater than 6 weeks
 - 6 weeks as it is currently**
 - The requirement for public consultation should be removed entirely
 - A duration determined by council

17. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The Department should continue to provide comment on proposed local laws prior to consideration by Parliament's Joint Standing Committee on Delegated Legislation."					X
"Local governments should be required to modify proposed local laws according to the instructions of the Department."		X			
"Local governments should be required to have a legal practitioner certify that a local law is within power and legally enforceable."		X			

18. Should local governments be required to periodically review their local laws?
- No
 - Yes, every 6 years or less
 - Yes, every 8 years**
 - Yes, between 8 and 10 years

19. Do you have any additional comments on the topic of local laws? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au

Position paper attached

Position Paper – Local Laws

Commentary on responses

Question 12 - Should any of the following topics covered by local laws be replaced by state-wide regulations?

It is generally preferred to have model local laws that can be adopted rather than state-wide regulations so that there is the opportunity for more consistency within local laws without unnecessary regulatory prescription.

Question 13 - Should model local laws be prepared by State Government for local governments to use?

Model law laws are supported to allow local government to adopt appropriate laws that are of the standard expected by the state but also can allow for some community adaptation.

Question 14 - Adaptation of model local laws

The City support local laws being adapted to community needs via determinations. Determinations could allow overall consistency in local laws and adaptation to community needs.

To allow for an appropriate process and review, determinations should be subject to community consultation requirements and be able to be challenged by the Joint Standing Committee on Delegated Legislation (JSCDL). However, other than by determinations, modifications to model local laws is not supported.

This process should allow for some mechanism to amend penalties as the impact of some offences on the can be more severe depending on the location.

Question 15-16 - Model local laws consultation.

Community consultation is supported for all local laws, including unmodified model local laws, as the community may have concerns specific to their community.

A shorter timeframe for consultation on model local laws would be more supported if the model local laws are the subject of community consultation when developed. If this community consultation in development occurs, the City is supportive of shorter timeframes to increase administrative efficiency.

Question 17 - Department comments

The Department's recommended changes are generally adopted, and is best practice to amend in accordance with the Department's advice. However, occasionally a local government has justifiable reasons, including reasoning supported by legal advice, for not adopting changes suggested by the Department.

In such circumstances, the Department's comments and the local government's justification for not adopting such as change should be included in its submission to the JSCDL. The Committee can then consider whether to disallow the local law or require undertakings.

The Department should not step away from its role of providing comment on local laws unless the role is taken over by an appropriate alternative body with relevant expertise. The

guidance and commentary provided by the Department helps to avoid local governments submitting and gazetting inadequate local laws. This could include the JSCDL or the State Solicitor's Office.

Just as the JSCDL Reports are a key resource, the Department's feedback on local laws provided to individual local governments are a useful tool for other local governments when commencing a review. If the Department published its responses on types of local laws other local governments could easily refer to the advice and avoid similar issues reoccurring.

Question 17 - Certification

Certification may be an expensive process depending on the complexity of the local law, and this is on top of public advertisement fees and gazettal. While certification may assist in ensuring local laws are of a high standard and may assist in avoiding unnecessary disallowances, local governments can normally determine whether the law is of a level of complexity requiring legal review.

In particular, certification of local laws should be unnecessary for an unmodified model local law.

Question 18 - Review timeframe:

Reviews of local laws should occur on an as needed basis. However, without a timeframe requiring review local laws may be left unreviewed due to the time and resources that must be dedicated to a review.

Eight years is a reasonable minimum timeframe. While some local laws will require more frequent review this can be determined by the relevant local government.

Additional comments

The referral to the JSCDL is normally the last step in the local law process, after the local law has been adopted and gazetted. It occurs after costs and significant time has been expended and the local law is normally operative for some time before the JSCDL makes its comment. A disallowance at this stage will require the entire process to recommence.

Opportunities to address this may be:

- Promoting early referral to the JSCDL for comment or having the process amended so that the JSCDL is to comment prior to allowing the law to be gazetted;
- Publication of Department feedback in a centralised location for educational purposes.

Survey - Council Meetings

12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
"The process for public question time should be consistent between councils."				X	
"Public question time is an important feature of council meetings."				X	
"People unhappy with the quality of the answer given at public question time should be able to escalate the matter to an independent person."				X	

13. Should council members be able to participate in meetings remotely?

- a. **Yes**
- b. No
- c. Unsure

If yes, how?

Both telephone or video conferencing are appropriate.

Limitation should be in place to ensure the secrecy of voting on matters such as Deputy Mayoral elections.

14. Could General Electors Meetings be combined with or held consecutively with an Ordinary Council Meeting?

- a. **Yes**
- b. No
- c. Unsure

15. Should Council Meetings be live streamed?

This should be at the discretion of Council.

16. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Legislation should set rules for recording confidential items in minutes."				X	
"Local governments should be required to publish unconfirmed council meeting minutes prior to the local government's next council or committee meeting."				X	
"The CEO rather than the Presiding Member should be responsible for the minutes of council and committee meetings."				X	
"The rule concerning council's ability to revoke or change a decision should be amended to clarify that it only applies to decisions that are yet to be implemented."			X		

17. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The requirement to hold an annual electors meeting should be removed."		X			
"The ability to call a special electors meeting should be removed."		X			
"The number of times that a special electors meeting can be called on the same matter should be restricted."				X	
"The number of electors required to hold a special electors meeting should be increased."				X	

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The Local Government's standing orders should apply to special electors meetings."				X	
"The way special electors meetings are conducted should be uniform between local governments."				X	

18. Do you have any additional comments on the topic of council meetings?

Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

Position Paper - Council Meetings

Question 12 – See table

- The City generally supports consistency in public question time between local governments. However, while minimum standards should be maintained and a fair and equal process ensured, some flexibility should be maintained to ensure the needs of the community are met.
- The City supports public question time. It is an opportunity for public participation in an open forum which aligns with the City's commitment to accountability and transparency.
- People unhappy with the quality of the answer given at public question time should be able to escalate the matter to an independent person, after first raising their concern with the quality with the organisation and allowing appropriate internal processes to occur. For example, the City employs an external Ombudsman that can assist in reviewing complaints.

Question 13 - Should council members be able to participate in meetings remotely?

Yes, if Council determines to allow this. While there may be technical and practical challenges to consider, remote participation increases accessibility and inclusion by reducing barriers for participation in public office.

If yes, how?

Both telephone or video conferencing are appropriate. Limitation should be in place to ensure the secrecy of voting on matters such as Deputy Mayoral elections.

Question 14 - Could General Electors Meetings be combined with or held consecutively with an Ordinary Council Meeting?

Yes. As long as there is sufficient notice to the public of which meeting is the General Electors' Meeting and the same opportunities to participate are available to the public there is no objection to the meetings being combined.

Question 15 - Should Council Meetings be live streamed?

The City does not support making livestreaming mandatory. Livestreaming should be at the discretion of Council. Livestreaming increases accessibility to council meetings and may increase participation. However, there are also financial and operational costs to consider in this process as well as general legal concerns such as avoiding the publication of defamatory statements.

The City currently records its Council meetings and publishes them by close of business the following day as part of its commitment to transparency.

Question 16 – See table

- Clarity in the processes for confidential minutes is supported. If this can be achieved through guidelines and education that is also supported.
- Publishing unconfirmed minutes prior to the next meeting supports clarity in decision making.

- The responsibility of minute keeping is an administrative function. The City supports this being the responsibility of the CEO rather than the Presiding Member.
- The City supports clarity in decision making and revoking a decision that has been implemented may have both financial and legal consequences. However, careful consideration should be given to what constitutes implementation of a decision as, there may be decisions that may be reversed without affecting individual rights or causing undue burden.

Question 17 – See table

The City does not support the removal of annual electors' meetings. It reinforces transparency and accountability which the City is committed to. While there are other mechanisms for community participation, and ongoing community engagement and consultation throughout the year is essential, the annual electors' meeting gives the only mandated opportunity to move motions for Council's consideration.

The City supports the proposition to increase the numbers required to hold a Special Electors' Meeting. A 500 person (or 5%) minimum people will cease to be representative of the electorate.

The City supports WALGA's proposal in relation to calling Special Electors' Meeting on the same topic. This is that it is precluded to call more than one Special Electors' Meeting on a particular topic within 12 months, unless Council determines otherwise.

The City supports a clear and consistent manner of holding Electors' Meetings.

Survey - Interventions

12. Depending on the nature of the allegation, different parties are responsible for receiving allegations of breaches of the Act. Should the Department responsible for local government be responsible for receiving all allegations of breaches of the Act?

- a. **Yes**
- b. No
- c. Unsure

13. To what extent are you concerned about behaviour and good governance in local government?

- a. A great deal
- b. **A lot**
- c. A moderate amount
- d. A little
- e. Not at all

14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The Act should enable an external person to be appointed to work with a local government's administration to improve governance and resolve problems."				X	
"An external person appointed to work with a local government's administration to improve governance and resolve problems should have the powers to direct the administration and override decisions made by the administration."		X			
"The external person should be appointed by the Minister."				X	
"The costs of appointing an external person to work with an administration to improve governance and resolve problems in a local government should be met by the local government."				X	
"The costs of appointing an external person to work with an administration to improve governance and resolve problems in a local government should be met by the State Government."		X			

15. To what extent to you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The Act should enable an external person to be appointed to work with council members to improve governance and resolve problems."				X	
"An external person appointed to work with council members should have the power to direct the council."		X			
"An external person appointed to work with council members to improve governance and resolve problems should have the powers to override council decisions."		X			
"An external person should be appointed by the Minister."				X	
"The costs of appointing an external person to work with council members to improve governance and resolve problems in a local government should be met by the local government."				X	
"The costs of appointing an external person to work with council members to improve governance and resolve problems in a local government should be met by the State Government."		X			

16. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Former local government council members, committee members and employees should be prosecuted if they misuse information."				X	

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local government council members, committee members or employees should be prosecuted if they use their position to cause detriment to the local government or any person."				X	
"People who knowingly provide false or misleading information to a council should be prosecuted."				X	
"Local government employees that breach procurement rules should be prosecuted."				X	
"When a breach of the Act is identified an infringement notice should be issued as is the case for traffic offences."			X		

17. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
"In cases where a local law does not define a penalty amount, the Act should set a default penalty amount."				X	
"Local governments need greater powers to direct property owners to tidy property for amenity, health and safety reasons."				X	
"Local governments need greater powers to direct property owners and occupiers to remove items like disused motor vehicles for amenity, health and safety reasons."				X	
"Local governments should be able to destroy property or items removed from a property within 28 days when there has been a breach of a local law or regulations. This might include rubbish, goods deemed to be of little value, or decaying items."				X	

18. Do you have any additional comments on this topic of interventions?
Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.
See Position Paper

Position Paper - Interventions

Question 12. Depending on the nature of the allegation, different parties are responsible for receiving allegations of breaches of the Act. Should the Department responsible for local government be responsible for receiving all allegations of breaches of the Act?

The City is supportive of this measure. The current process can lead to confusion from the public regarding where to report concerns. However, more importantly the current process can lead the perception of a lack of independence. A member of the public may have more confidence in reporting a misconduct concern to an external body.

Question 13 - To what extent are you concerned about behaviour and good governance in local government?

b. A lot

It is any local government's role to be duly concerned about behaviour and good governance in local government.

Questions 14 and 15 – Table

The City supports an external person being appointed to assist the local government resolve issues and increase their capacity. This may strengthen capacity and avoid the need for further intervention. The Minister would appear to be the most appropriate person to appoint such a person.

In line with WALGA's position paper, the City recommends that the appointed person is recommended to have an advisory and supporting role rather than overriding Council or administrative decision making. The City does support the appointed person reporting back to the Department or Minister on issues, progress and recommendations.

The costs should generally be met by the local government as they are receiving the benefit of the assistance. However, it is noted that smaller local governments may struggle to meet the costs and allowance should be made for this.

Question 16 – Table

Prosecution for offences should be reserved for individuals who act with intent. Those that deliberately use their position to cause detriment, knowingly misuse information, knowingly provide false information to Council, and knowingly breach procurement rules should face consequences for their action.

However, individuals acting in good faith should not be prosecuted, although other consequences may be applicable (such as internal disciplinary action). For example, a person

may not follow procurement rules due to poor training rather than any intent to cause harm or seek benefit.

The City is supportive of the concept of allowing the Department the ability to issue an infringement against a local government instead of commencing a prosecution. This assists with ensuring appropriate avenues for enforcement depending on the nature of the offence and may increase compliance. However, as outlined, some offences may be inappropriate for being dealt with as an infringement so a neutral response has been given as we may object to the provisions selected.

Question 17 – Table

The default penalty provision is supported to avoid unenforceable local law provisions. However, the amount should be carefully considered to avoid excessive penalties for minor offences.

The City is supportive of the proposed measures. They would assist in ensuring properties do not represent a hazard to the community and are not kept in a state that unreasonably affects neighbours. The existing mechanisms to appeal a notice can be used to provide a check on powers.

Where the property represents a health hazard there may be relevant provisions to address this under the *Health (Miscellaneous Provisions) Act 1911* and its regulations. It also noted that the existing notice provisions are able to consider health and amenity impacts in the context of untidiness (see *Saliba v Town of Bassendean [2013] WASC 93*). However, further legislative powers is still recommended due to gaps in the provision. With the *Health (Miscellaneous Provisions) Act 1911* being transitioned it is important relevant provisions are kept or incorporated into the reviewed *Local Government Act*.

The opportunity raised in the paper, to provide notice to secure a building, is also strongly supported. This should include both initial securing of a building and requirements to ensure security of the building is maintained.

Question 18 - Do you have any additional comments on this topic of interventions?

The City strongly supports the implementation of the recommendations from the Department's Consultation Paper, *A Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework*.

Implementing these changes may reduce the need for interventions.

Survey - Community Engagement

12. What methods of engagement do you believe are most effective (please select all options that apply)
- a. In person
 - b. Telephone
 - c. Online
 - d. Community forums
 - e. Citizen juries
 - f. Other (please specify)**

Engagement projects should use a mixture of engagement methods that are tailored to the engagement purpose and level of community input required (e.g. Inform, Consult, Involve, Collaborate or Empower).

Each of the methods listed above can be effective for particular purposes. Telephone and online polls can be efficient methods where there is a finite number of options that require community feedback or endorsement whereas community forums and citizen juries are effective where a Council is seeking new ideas or where community based decision making is desired.

Social Media is increasingly being used to drive communication and engagement and notwithstanding the potential for negativity, has the potential to reach a large audience and can be used to target specific groups. The City of Perth currently uses Facebook, Twitter, Instagram and LinkedIn to drive users to the City's Engage Perth engagement portal.

13. How could local governments engage with different community groups (e.g. young people, seniors, families, people with disabilities, Aboriginal people and people from Culturally and Linguistically Diverse communities, etc.)?

Local governments should seek relationships with organisations that represent particular cohorts of the community and / or establish reference groups and steering committees to have readily available groups to consult with. Sector peak bodies and their networks are critical in providing informed and holistic advice to local governments and should be fostered to ensure full engagement and the provision of timely and accurate feedback.

Notwithstanding the above, depending on the purpose of the engagement, local governments should also seek out direct consultation with members of different community cohorts to solicit first hand feedback and advice.

To support consultation with Aboriginal people and representative groups, the local government sector should consider the development of principles for the development of partnerships with aboriginal people and groups, similar to that developed by Reconciliation Victoria (<http://www.maggolee.org.au/local-government-aboriginal-partnerships-project/>).

It is also critical to consider the accessibility needs of different community sectors to ensure all groups have equitable participation in engagement projects. This is crucial in delivering community feedback that is representative of the local governments population and broader stakeholders.

14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The Act needs to set rules for community engagement by defining what community engagement is and how it should be done."		X			
"Local governments should be required to adopt a community engagement charter or policy."				X	
"All local governments should operate under a universal community engagement charter or policy."		X			
"Local governments should determine if they require a community engagement charter or policy and the content of that charter or policy."		X			

15. Other jurisdictions have included principles with their engagement charter. How relevant do you believe each of these principles are?

	Irrelevant	Neutral	Relevant
Engagement is genuine			X
Engagement is inclusive and respectful			X
Engagement is fit-for-purpose			X
Engagement is informed and transparent			X
Engagement processes must be reviewed and improved			X

16. In what circumstances should local governments be required to engage with the community? (please select all options that apply)
- a. **When preparing or reviewing their Strategic Community Plan**
 - b. When preparing their annual budget
 - c. **Making a local law**
 - d. **Planning matters**
 - e. Emergency and community infrastructure planning
 - f. Only when the local government determines that it is necessary
 - g. Other (please specify)

The community should have wide ranging opportunities to provide input into a local government's policies and operations, both unsolicited and in response to requests. Existing legislative provisions for the engagement of the community on matters such as preparation of the Strategic Community Plan, making local laws and land use planning are considered sufficient. Introducing additional compliance requirements for the engagement of the community (other than a requirement of an engagement charter or policy) is unlikely to deliver any additional benefits unless sufficiently policed, which would require resources, which arguably would be better spent on promotion and education in best practice approaches to stakeholder engagement.

The community has an opportunity to comment on the annual budget when the budget comes before the Council for endorsement. Budgets should be aligned to the Corporate Business Plan which in turn is aligned and directed by the Strategic Community Plan. Provided the Strategic Community Plan is sufficiently detailed as per the Integrated Planning and Reporting Guidelines, and the Strategic Community Plan has been developed through appropriate community engagement, it is Council's responsibility to deliver a budget that delivers the community vision and aspirations within the Plan.

In addition to the circumstances indicated above, local governments should engage with its community whenever actions, policies or laws are proposed that impact on the community. This engagement should be timely to not just intend to be seen to engage, but reflect Council's obligation to genuinely capture the views of the community to better inform outcomes. Further, local governments should implement engagement strategies which, to the extent practicable, provide the greatest opportunity for the community to be involved in Council decision making (e.g. citizen juries, participatory budgeting).

Notwithstanding this, Council has an obligation to spend ratepayers' money judiciously and therefore need to be sure that engagement activities are prudent and deliver value for the community. Councils also need to be cautious not to over consult and risk consultation fatigue with the community.

17. Would you like to make any further comments regarding community engagement?

See Position Paper

Position Paper – Community engagement

The City of Perth has a number of instruments that guide its consultation with the community. These include:

- A Community Consultation Policy;
- A Community Participation Policy;
- A Council resolution for a “City of Neighbourhoods” approach; and
- A Stakeholder Engagement Framework.
- Strategic Community Plan

These instruments are further discussed below.

The City of Perth Community Consultation Policy states:

The City of Perth will:

1. Lead by example and ensure that community consultation is an integral part of its planning and decision-making processes, in order to meet the diverse and changing needs of the public, including residents, ratepayers and the wider community;
2. Ensure that consultation undertaken within the City is appropriate to the potential impact of the proposal, allows an adequate timeframe for the process and does not predetermine the outcome of a proposal; and
3. Encourage partnerships with stakeholders through a range of community consultation initiatives.

In addition to the Community Consultation Policy, the City also has a Community Participation Policy, established to provide guidelines for the establishment of a system for a wide representation of community participation on issues relating to the Council. This includes the use of Community Forums, Special Interest Advisory Groups and targeted consultations. City of Perth policies are available from <https://www.perth.wa.gov.au/council/reports-and-important-documents/local-laws>.

To operationalise these policies, the City has a Stakeholder Engagement Framework which guides the City’s development of engagement plans for its policy, program, service and local law reviews and project developments. The framework, based on the International Association for Public Participation Spectrum, assists the City in identifying the need for consultation and once identified, determining the engagement channels and strategies to be used to deliver on the engagement objectives (e.g. Inform, Consult, Involve, Collaborate or Empower).

In addition to the above, on 13 February 2018, Council endorsed seven policy principles of its “City of Neighbourhoods” approach, including:

1. Empowers local residents, small business and property owners who live, work and play in their neighbourhoods to develop and drive ideas to improve their precincts and create active management of a precinct; and
2. Recognises that the best ideas can be developed from the people who reside, live, work and play every day in those neighbourhoods and enable authentic precinct identities.

This resolution reinforced the City’s community engagement goal (as set out in the Strategic Community Plan) of being “An open and engaged city” and one that:

.... involves community, citizens and stakeholders in its future direction. Citizens have trust in the City of Perth and comfort knowing they collaborate with community, governments and businesses alike, working in an open and transparent manner. People feel connected, listened to and engaged with their city.

Each of the instruments above reflect the City’s commitment to being a leader in the areas of transparency, disclosure and public accountability. During 2018 the City engaged the community in over 40 projects through surveys, forums and workshops. In addition, the City’s Engage Perth website provided a platform for community members to leave comments and for the City to provide information. The site has nearly 1,300 registrants and had over 16,000 visits during 2018.

Reform

As outlined above, the City has a robust framework for its community engagement, headed by policies that provide flexibility for each engagement need to be considered on a case by case basis. As such, the City is supportive of the need for each local government to have a consultation policy or charter which places the community at the centre of its considerations and sets out its engagement objectives. However, the City does not support the introduction of any prescriptive measures for engagement. As with the City of Perth, each local government is best placed to determine the most appropriate manner in which it consults with its community. Introducing prescriptive provisions risks engagement activities that are not fit for purpose and will impose unnecessary costs on local governments.

Alternatively, the City supports the introduction of uniform performance indicators across local governments and the requirement that these indicators are published regularly. It is suggested that indicators measuring the extent of a local government’s engagement could be developed and reported. This will improve transparency and provide the community, being who local governments are accountable to, with the information to be able to judge a local government’s engagement performance.

Social Media

Social media is a powerful tool for local governments to use in its community engagement, across the engagement spectrum. Social media can be used to inform the community of events and new initiatives, as well as driving stakeholders to other engagement activities such as surveys, workshops and forums. The City of Perth currently uses Facebook, Twitter, Instagram and LinkedIn for these purposes. Notwithstanding these benefits, use of social media poses the risk of negative perception due to “keyboard warriors” and trolling. The City of Perth is currently developing a Social Media Policy which will inform the way the City responds to negative and offensive social media content, whether originating from within and outside the organisation. This policy will further support provisions within the City’s Code of Conduct which outlines the expected behaviours of staff, elected members and volunteers.

The City of Perth supports the need for all local governments to develop a policy on how its staff and elected members use and responds to social and media. However, caution should be exercised in considering legislating the need for a policy, as this will add to both local government and State Government compliance costs, ultimately borne by rate and tax payers. Consideration should be given to providing greater education and training to both local government staff and elected members on appropriate social media etiquette and the benefits of bespoke communications policies.

Survey - Integrated Planning and Reporting

12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Long-term and operational planning is an area where reform is required."		X			
"A local government should be free to conduct its long-term and operational planning in whatever manner it wishes."		X			
"Local governments should conduct their long-term and operational planning in the same way."		X			
"Local governments with smaller populations and fewer staff should have fewer rules for how they conduct long-term and operational planning."		X			
Local Governments with larger populations and more staff should have fewer rules setting how they conduct long-term and operational planning."		X			
"Integrated Planning and Reporting documents need to be reviewed too frequently."		X			
"The timelines for reviewing Integrated Planning and Reporting documents need to be synchronised with council election cycles."			X		
"There should be consequences for not complying with Integrated Planning and Reporting requirements."		X			

13. Should Integrated Planning and Reporting requirements differ based on any of the following criteria?

	Yes	No	Unsure
Population size		X	
Geographical size		X	
Location		X	
Salaries and Allowances Tribunal banding		X	
Other, please specify			

14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local governments should be required to publish measures of success in implementing their long-term and operational plans."				X	
"Local governments should be required to publish measures of success against uniform key performance indicators."				X	
"It is important that measures of success are comparable."					X
"Local governments should determine if they publish measures of success and what these measures should be."		X			

15. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The State Government should use local government Integrated Planning and Reporting documents to inform policy and service delivery."				X	
"All local government plans, including Local Public Health Plans, Disability Access Plans and Town Planning Schemes, should be combined under Integrated Planning and Reporting."			X		
"Local government Integrated Planning and Reporting needs to be conducted at a regional level to influence State Government policy and service delivery." No – however, LGAs should participate in regional councils and their strategic planning. Representative bodies, such as regional councils, WALGA should have greater involvement in State Government decision making forums.		X			

16. What should the role of the community be in Integrated Planning and Reporting?

	Yes	No	Unsure
To be actively involved in the development of the Strategic Community Plan	X		
To provide feedback to the local government on Draft Strategic Community Plans and Corporate Business Plans	Strategic Community Planning only		
To be notified of a local government's plans and reports (for example, publication of these documents on the local government's website)	X		
To assess the local government's success in achieving the priorities identified in the Strategic Community Plan	X		

17. Should all Local Governments have to meet the following community engagement requirements when developing their IPR documents?

	Yes	No	Unsure
A minimum number of people or percentage of people involved in the engagement process	X		
Ensure that community engagement is representative of the community's diverse population	X		
Demonstrate the community has been engaged in the development of plans	X		
Demonstrate the community has been consulted on the completion of draft plans	X		
Other (please specify)			

18. Should community engagement requirements be the same for all local governments?

- a. Yes
- b. No**
- c. Unsure

19. Do you have any other comments on the topic of Integrated Planning and Reporting? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

See Position Paper (attached).

Position Paper - Integrated Planning and Reporting

Introduction

The City of Perth seeks to be a leader in the delivery of services and infrastructure to its community. As set out in the *City of Perth Act 2016*, this includes not just City of Perth ratepayers but also local, interstate and international visitors and tourists. To achieve this, it is critical that the City undertakes thorough planning to firstly ensure that the vision and aspirations of the community are well understood, and also ensure that the City's strategies, plans, budgets and policies are designed to deliver the community's needs.

To undertake this planning, a structured framework is required that connects each stage of the planning cycle and is considerate of the interdependencies of the various planning documents. The Western Australian Integrated Planning and Reporting Framework provides the base for the City's planning framework, with a Strategic Community Plan and Corporate Business Plan aligned to the Framework first being produced in 2013. At this level, the City of Perth supports the Integrated Planning and Reporting Framework and the legislative requirement to plan for the future through a Strategic Community Plan and Corporate Business Plan.

Comments regarding elements of the Framework and further responses to discussion paper questions are set out below.

Questions 12 - 13:

Long-term and operational planning

The *Local Government Act 1995* (s. 5.56, s. 6.2), *Local Government (Administration) Regulations 1996* (r.19C and r.19DA) and *Local Government (Financial Management) Regulations 1996* (Part 3) set out the planning requirements for local governments. These statutory requirements for a Strategic Community Plan, Corporate Business Plan and annual budget reflects the conventional wisdom that for any organisation to perform it needs to engage with stakeholders, identify the organisation's vision and mission and plan for how to deliver the vision.

These requirements, plus other statutory planning requirements (such as the requirement for a *Disability Access and Inclusion Plan* under the *Disability Services Act 1993* and the requirement for *Local Planning Strategies* under the *Planning and Development (Local Planning Schemes) Regulations 2015*) provide sufficient legislative provisions for a local government's planning for the future. Including additional planning documents, procedures, or penalties related to planning in the *Local Government Act 1995* is not supported. The City is unaware of any evidence of non-compliance with existing planning provisions under the Act or community consequences as a result of non-compliance to warrant additional regulation. Further, increased compliance requirements requires additional effort to monitor compliance, which would place unnecessary resource burdens on the Department of Local Government, Sport and Cultural Industries (the Department) and ultimately taxpayers.

Notwithstanding this, additional oversight of local governments' implementation of the framework and guidelines could lead to improved planning across the sector. The existing Integrated Planning and Reporting Framework and Guidelines is considered a sound platform for local governments to base its strategic and corporate planning. The Framework provides guidelines on the informing documents that should be prepared (in addition to the mandated plans) and the types and standard of information to be provided, while allowing the flexibility for local governments to determine the additional issue specific strategies and plans that best fit their needs. In this respect, the adoption and implementation of the Framework should be encouraged. This could be achieved through:

- Promotion and training through the Department or industry groups;
- Establishment of a local government strategic planning network to share best practice;
- Periodic Department assessment of Strategic Community Plans and Corporate Business Plans against the Framework's achievement standards with reports publicly published;
- Best practice examples of Strategic Community Plans and Corporate Business Plans promoted.

As stated above, the City is unaware of any evidence of any non-compliance with existing planning provisions. However, if the incidence or impact of non-compliance with current planning provisions warrants stronger intervention, then a formal assessment regime could be considered. This may consist of:

- A self-reporting assessment that is recorded and published by the Department; or
- An independent assessment of a local government's planning and reporting that is published in the Corporate Business Plan, similar to that of the auditor's report in the annual financial statements.

The extent of this reporting should be implemented based on a risk management approach. That is, where local governments demonstrate sound planning practices and their planning documents meet or exceed the established standards, the assessment requirements should be lower to reflect the lower risks. This also ensures that assessment resources are directed where the greatest improvement and return can be achieved.

This subsequent reporting of planning assessments would provide increased transparency of a local government's planning performance against established best practice which could be considered by ratepayers and other stakeholders in their decision making at Council elections.

Timelines for Reviewing Integrated Planning and Reporting Documents

The discussion paper includes the statement (for comment):

“The timelines for reviewing Integrated Planning and Reporting documents need to be synchronised with council election cycles.”

This is neither supported nor objected to. Regulation 19C of the *Local Government (Administration) Regulations 1996* states that the Strategic Community Plan is to be reviewed once **at least** every four years. Therefore, the provision allows local governments to review the Strategic Community Plan as often as it deems necessary (including in sequence with Council elections) provided it is once every four years.

Question 14:

Performance Reporting

The City of Perth is committed to providing transparent information to the community on the services it provides and the level of performance in delivering its services. Through the development of a new Strategic Community Plan and Corporate Business Plan for 2019-20, new performance indicators will be developed on key objectives. In addition, performance indicators will be developed for key city services. As such, the City supports the publishing of performance measures in implementing long term and operational plans. While the MyCouncil website currently provides a platform for the comparison of local governments' financial performance, an expansion of this to include other standardized service performance data is supported.

This would provide the following benefits:

- The development of uniform indicators would assist those Councils without current resources to develop their own indicators;
- Uniform indicators would help establish best practice measures and standards; and
- Local governments would be able to benchmark their performance.

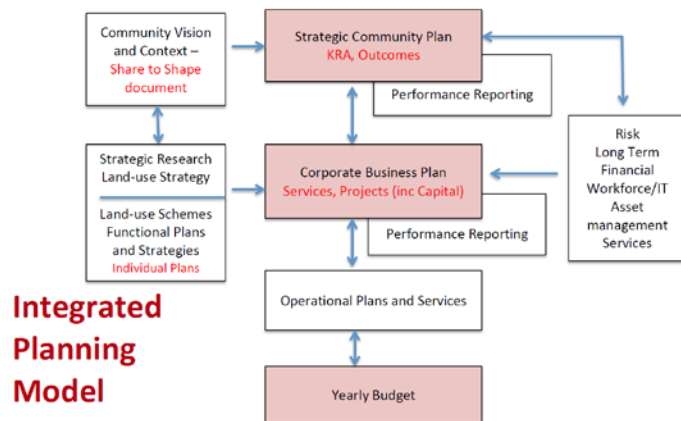
Notwithstanding this, caution would be required in developing the indicators to ensure only comparable services were measured and clear definitions on how data was determined, developed and collected are developed to ensure comparability. Also, local governments have varying degrees of data capture systems so provisions would be required to allow for this and provide for transition to improved data capture processes. Finally, provision would also be required local governments to report on specific performance measure that may only be relevant to its community.

Question 15:

Planning Integration

The City of Perth's strategic community plan is a result of extensive community consultation and analysis of the needs of the community and broader city stakeholders and sets out clear community aspirations over the long term. The corporate business plan reflects those activities and priorities that the community wishes to see achieved in the shorter term. In this respect the State Government should consider these documents when assessing State Government assessing policies and service.

The City of Perth's the Integrated Planning Model is based on the Integrated Planning and Reporting Framework (IPRF) guidelines (see below).



This model incorporates the mandated Strategic Community Plan and Corporate Business Plan and integrates both the resourcing plans (Asset Management, Finance, and Workforce) as well as the City's land use and issue specific strategies and plans. While the City of Perth supports the encouragement of this approach, it should not be mandated. Flexibility in the framework needs to remain flexible to allow local governments to determine the level of integration that best addresses their planning needs. The level of integration should be determined by need, rather than a compliance requirement. As stated previously, greater training and education on the framework and strategic planning in local government may assist in addressing this. This will also help address differing maturity levels experienced by local governments in their strategic planning abilities.

Regional Planning

The discussion paper includes the statement (for comment):

“Local government Integrated Planning and Reporting needs to be conducted at a regional level to influence State Government policy and service delivery.”

Regional planning provides a sound mechanism for the planning and implementation of elements of a local government’s services and infrastructure needs where:

- a) There are significant inter-jurisdictional spillovers resulting from the provision of services and infrastructure;
- b) commonalities in community needs, environmental conditions and issues suggest efficiencies and economies of scale can be achieved without a loss of value and satisfaction within individual local governments; and
- c) different rules or regulations across local government areas may result in high transaction costs.

However, the complexities of local government operations and the disparate needs and aspirations of communities means that planning and delivery of some services must occur at the local level. This is the basis for the principle of subsidiarity, whereby planning and decision making for a particular community should reside as close as possible and practicable to that community. Therefore, regional planning should be restricted to broad strategic but specific issues (e.g.. Waste, tourism, affordable housing) with the broader planning (such as Strategic Community Plans) remaining at the local government level.

Notwithstanding the above, engagement with the State Government and being able to influence policy is critical to the ongoing development of local governments. To achieve this local governments should utilize existing representative organisations such as regional councils and the Western Australian Local Government Association, and these bodies should be given every opportunity to engage with State Government policy makers.

Survey - Complaints Management

Question	Answer
<p>Q. 12 What matters need to be considered in complaints management policies and procedures (please select all that apply).</p> <ul style="list-style-type: none"> a) How the application must be made b) How a response to a complaint is to be made c) Opportunities for a review of a response d) The timeframes related to the process or review e) Notification requirements of the process f) Reporting of the complaints received g) Internal independent review of complaints h) None of these options i) Other (please specify) 	<ul style="list-style-type: none"> a) How the application must be made b) How a response to a complaint is to be made c) Opportunities for a review of a response d) The timeframes related to the process or review e) Notification requirements of the process f) Reporting of the complaints received
<p>Q. 13 To what extent do you support this statement?</p> <p>“A customer service charter should set the framework for local government complaints management.”</p> <ul style="list-style-type: none"> • Very unsupportive • Unsupportive • Neutral • Supportive • Very Supportive 	<ul style="list-style-type: none"> • Neutral
<p>Q. 14 Should a local government customer service charter be a legislative requirement?</p> <ul style="list-style-type: none"> a) Yes b) No c) Unsure 	<ul style="list-style-type: none"> a) Yes
<p>Q. 15 Who should review unresolved complaints (please select all options that apply)?</p> <ul style="list-style-type: none"> a) Different staff member in the local government 	<ul style="list-style-type: none"> b) A qualified complaints management officer

	b) A qualified complaints management officer c) A committee created by the local government d) A tabled decision for council to determine e) None of the people or groups listed above f) Other (please specify)	
Q. 16	Do you have any additional comments on the topic of complaints management? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au .	See Position Paper

Position Paper – Complaints Management

The City wholly supports a local government standard for complaints management which will not only provide the guidelines for all local government bodies, but will also align with the City's service action plan. However, the City believes it needs to be an easy, uniform and effective structure for the management of formal and informal customer feedback and not simply complaints.

Ensuring a transparent, consistent and unbiased approach means approaching the handling of feedback in a way that strives for best practice and continuous improvement in customer satisfaction and service delivery. Complaints only form one portion of the types of feedback received and while at times the most complex, compliments and suggestions for improvement also provide real opportunity for policy guidance, data driven decision making and community/stakeholder engagement.

There is neutral support for the customer charter providing the framework for complaints management, from an optics perspective. A customer service charter often goes hand-in-hand with complaints management with most reflecting the steps to making a complaint/management of a complaint in ranging levels of detail. However, using the charter as a platform for defining the management of complaints creates negative connotations around the customer charter.

Feedback management should be included as a point within the charter, but the framework which ensures a consistent standard across local government for feedback decision making practices and actions should form its own unique policy, guidelines and/or procedure. Customer charters are an opportunity to provide clear and concise commitments to the community in regards to service delivery, with a focus on the standards and expectations customers can expect in their contact with the City. For example, when connecting with the City via phone, email, in person you can expect to be assisted you with professional, accurate and efficient service, informed of the process around resolving your query, have the Customer Service Officer take ownership and aim to resolve your query at your first point of contact.

Where feedback needs to be separated is that it often relates matters that are effectively handled as part of the customer charter commitments, but have a negative input such as my bin was **not** collected. These queries should not form part of the complaints (feedback) management process and actions to resolve should form part of the day-to-day organisational work dealt with, outside of a formal complaints management process. In more detail these include:

- A request for service
- A request for information or an explanation of a policy or procedure.
- Disagreement with a policy of the Council.
- An appeal or request for internal or external review of a decision for which a structured process applies

- An expression concerning the general direction and performance of Council or its Councillors.
- An expression of dissatisfaction with the behaviour of a Councillor.
- Reports of damaged or faulty infrastructure.
- Reports about neighbours, noise, dogs, nuisances, or similar issues that fall into the regulatory aspect of our service.

For this reason alone, the complexity behind what is and isn't a complaint and the extent of feedback opportunities provided leans towards a separate framework that lends the appropriate context to how local government aims to formally/informally address feedback.

By re-branding complaints as feedback and incorporating additional components of customer interaction in the management process, it allows local government to support the objective of empowering the local community and provides a structured forum for our customers to engage with us. Having a clear feedback management structure also aids in outlining to customers who interpret a request for service as a complaint to have their thoughts heard through an outlined process, improving the customer experience.

A customer charter should cover and acknowledge a range of key principles that combine to deliver innovation, cultural diversity and a sustainable future. Should complaints (feedback) management be included directly within a charter, there are a range of ways to also incorporate the commitment to effective management in service delivery principles, ways that provide a positive, action-taking approach to standards of service. For example:

Commitment

The City of Perth is committed to delivering a great service and experience to our customers and actively promotes a culture that strives to exceed our customer's expectations. Our Customer Feedback Experience Policy demonstrates our commitment to providing an efficient, effective and consistent approach that strives for continuous improvement.

Responsiveness

The City of Perth will acknowledge and respond in a timely manner to all queries lodged through the City's standard channels of communication. Response times may vary dependent upon the channel our customer elects to contact us.

Where complaints management (feedback) can differ, is in the following principles which heavily lean towards escalated requests through Customer Service and not the day-to-day transactions that rarely highlight the need for such. This is not to say that these do not apply to day-to-day operational queries,

but customers are looking for different outcomes when providing feedback and therefore cannot be managed via general customer service charter principles.

1. Fairness and Objectivity

Handling of customer feedback is based on the values and guiding principles of the organisation and is in line with the standards set by the Customer Service Charter. All feedback will be addressed in an equitable, objective and unbiased manner.

2. Visibility

The City will endeavour to adequately publicise our customer feedback process to staff, customers and other interested parties.

3. Access

The City will ensure all staff and customers have easy access to the City's customer feedback process including access via the intranet and external web site. The City will ensure that customers are kept informed on the progress of feedback requiring specific action throughout the process. The City will ensure that customers with special needs have access to special needs assistance (such as interpreters) if required. City of Perth staff will help customers provide feedback where this is requested or identified.

4. Investigation of Complaints

Every reasonable effort will be made to investigate all the relevant circumstances and information, as required to make an informed response.

5. Escalation Process

There are 4 stages to the feedback escalation process:

Stage 1: Tell us about it. Our Customer Service Officers will attempt to resolve the matter at first contact.

Stage 2: Refer it. If the feedback is unable to be resolved, requires extensive investigation or is relating to a staff member, it will be referred to a Case Manager to handle. If the Case Manager determines the matter needs to be escalated outside of normal process, they will engage the relevant party/parties to do so.

Stage 3: Review it. If the feedback is unable to be resolved by the Case Manager, the matter will be reviewed before a small group as determined by the Case Manager. This is the final stage of the internal dispute resolution process.

Stage 4: External review. If the customer wishes to seek external reconciliation, they may refer the matter to the Ombudsman for review. The customer may do this at any time, however we will encourage the customer to complete our internal process first.

6. Confidentiality

Any information which could personally identify a customer will be kept confidential unless where this information is used for the purposes of addressing the feedback within the organisation or where the customer expressly consents to its disclosure.

7. Remedies and Resolution of Feedback

The City may elect to use different methods in which to resolve customer feedback and will endeavour to resolve in the best interests of both the customer and the City, where possible or reasonable.

8. Reporting

As feedback is recorded, the City will report on opportunities for improvements to the key stakeholders such as the CEO, Directors or Managers, staff and any other party as deemed necessary for the City to implement improvements.

9. Review

The City's customer feedback process will be reviewed annually or earlier if deemed necessary.

When considering these components and the complex outputs generated by feedback (at times) having a qualified complaints management officer (dedicated) ensures the appropriate level of scrutiny is placed on the quality of service, internal and external policy and process to ensure the customer feedback is dealt with correctly, but also that measures are taken to ensure relevant changes to service delivery are made to proactively prevent in the future.

Survey - Elections

12. To what extent do you support the following statements?

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
"Voting should be compulsory."				X	
"Voting should be conducted via a preferential voting system."		X			
"Electronic and online voting should be made available for local government elections."				X	
"The use of electronic or online voting would not change my confidence in the voting system."			X		
"Legislation should be introduced that would permit online voting to be trialled."				X	

13. Which local governments should be required to offer postal voting?

- a. Postal voting should not be required to be offered
- b. All local governments
- c. **Local governments with a population greater than 1,000 people**
- d. Unsure

14. Which local governments should be required to use the WA Electoral Commission?

- a. No local governments should be required to use the WA Electoral Commission
- b. **All local governments**
- c. Local governments with a population greater than 1,000 people
- d. Unsure

15. Should the WA Electoral Commission be the only organisation authorised to conduct local government postal voting?

- a. Yes
- b. **No**
- c. Unsure

16. What method should be used to resolve ties in council elections?

- a. **Drawing of lots (random selection)**

- b. Unsure
- c. Other (please specify)

17. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"A count-back from the previous election result should be used if available to fill vacancies between elections."		X			
"Local governments should be required to adopt a caretaker period that restricts council from making major decisions during a local government election period."					X
"Caretaker periods are only required in large local governments."	X				
"Council members who contest a State or Federal election should be required to take a leave of absence on the day of their nomination for a State or Federal election campaign."				X	

18. To what extent do you agree with the following statements?

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
"People who have been convicted under planning or building legislation offences in the past should be disqualified from serving as a council member."			X		
"Council elections should be held every four years rather than every two years with all council members being elected at the same time."				X	

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
"A cap should be set on the maximum amount that a candidate may spend on their campaign."				X	
"Prospective candidates should be required to declare their profession or primary source of income on the nomination form."				X	
"Local governments should be required to publish candidate profiles on the website."					X
"Information collected on the nomination form should include demographic information such as gender and ethnicity."		X			

19. To what extent do you agree with the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
"People who own land but who do not live in a district should be eligible to vote."					X
"People who lease rateable property in a district should be entitled to vote."				X	
"Corporations that own property in a district should be entitled to vote."				X	
"Corporations that lease property should be entitled to vote."				X	
"Occupiers of land, for example, commercial lease holders, should be eligible to vote."				X	
"Only people over the age of 18 who live in a district should be eligible to vote."				X	

20. How should the position of Mayor or Shire President be determined?

- a. **Vote by electors**
- b. Vote by council members
- c. A method determined by council
- d. Unsure
- e. Other (please specify)

21. To what extent do you agree with the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The rules regulating non-election gifts and elections should be aligned."				X	
"Election gifts and donations should be declared regardless of when they are received."				X	
"A register of election gifts and donations should be available online."				X	
"Donors should also be required to declare election gifts and donations made."		X			

22. Should gifts or donations from any of the following be prohibited? (please select all options that apply)

- a. Real estate agents
- b. Property developers
- c. Political parties
- d. Liquor or gambling business entities
- e. Tobacco industry business entities
- f. No election gifts or donations should be prohibited
- g. All election gifts or donations should be prohibited
- h. **Other (please specify) Over threshold**

23. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
"A local government should be required to have a ward structure if it reaches a certain population threshold."	X				
"A local government with fewer than 800 people should not have wards."			X		
"Ward boundaries should be set by the Electoral Commissioner."					X
"The number of members that a council has should be linked to the local government's population."		X			

24. How can participation be increased to ensure that Western Australia's diverse population is represented in local government?

Position paper attached

25. Do you have any other comments or feedback on local government elections?

Additional information can also be provided to the review team via email at

actreview@dlgsc.wa.gov.au.

Position paper attached

Position Paper – Elections

Commentary on responses

Question 12:

Question: Voting should be compulsory.

Response: Agree

Compulsory voting is supported for several reasons:

- It increases voter participation so that the views of the electorate are better represented.
- Increased voter participation provides a clearer mandate for the decisions of council.
- Increased voter participation reduces the influence of special interests.
- There is not a clear reason to differentiate the federal, state and local government systems.

Question: Voting should be conducted via a preferential voting system.

Response: Disagree

- As local government elections currently have lower voting numbers, the preferential voting system may be more likely to produce skewed results than state or federal elections. Increased voting or compulsory voting could counter the impact of this and allow for the most broadly supported candidate to be selected. In the current system of non-compulsory voting, preferential voting is not supported.

Question: Electronic and online voting should be made available for local government elections.

Response: Agree

- Electronic and online voting is supported in concept as it increases both accessibility of voting and ease of participation.
- While there may be perceived or actual risks with online system allowing the capacity to provide it is supported as a future proofing measure. Actual implementation should only occur with systems the Electoral Commission is satisfied with.
- The City does not support making online voting the only method available to electors, an opt-out measure is supported.

Question: The use of electronic or online voting would not change my confidence in the voting system.

Response: Neutral

A neutral response has been given as whether the electorate is confident in the integrity of online voting is best answered by the electors.

Question: Legislation should be introduced that would permit online voting to be trialled.

Response: Agree

- The City is supportive of measures that allow for increased participation and online systems may allow for increased access for the community.

- Trials will allow for findings to be assessed and ensure voter confidence in the system exists prior to any implementation.
- Legislation that anticipates future needs is supported.

Question 13

Which local governments should be required to offer postal voting

Response: c. Local governments with a population greater than 1,000 people

Postal voting is supported to as it has been previously demonstrated to increase voter participation. However, local governments with less than 1,000 people often have less capacity to afford postal elections. Therefore, it is proposed to exclude local government unless this proposal is accompanied by measures that reduce the cost of postal voting.

As noted in the discussion paper, increased postal times may decrease the efficacy of postal voting in the future. No local government should be required to use this process if, in future, responses cannot be received within the timeframe.

Question 14

Which local governments should be required to use the WA Electoral Commission?

Response: b. All local governments

In answering this question, we have assumed that this relates to postal voting and whether an independent body, outside of the local government, should oversee the process. Having an independent authority be involved with the postal voting reduces the risk of fraud and increases voter confidence in the process.

However, as discussed below, the WAEC is not the only body that could undertake this process. An appropriate electoral commission could undertake this role. It is also true that having an independent body oversee in-person elections could have value in reducing the risk of fraud in the process - but there is concern regarding the expense for smaller local governments.

Question 15

Should the WA Electoral Commission be the only organisation authorised to conduct local government postal voting?

Response: No

The City supports an independent authority overseeing the electoral process. The WAEC is in a good position to conduct postal voting due to its knowledge of the WA local government electoral process. However, there is no objection to this process being conducted by an alternative authority such as the AEC or (assuming appropriate information sharing was in place) another state's electoral commission. Postal voting being run by a commercial enterprise is not supported as it may undermine public confidence in the process.

Question 16

What method should be used to resolve ties in council elections?

Response: a. Drawing of lots (random selection)

Due to the cost of running an election on the local government a fresh election is not supported. A recount is a recommended measure in this instance but assuming the result is

the same drawing of lots is recommended. Drawing lots is a rare outcome for local government elections and will be rarer if measures to increase voter turnout are introduced. It is unclear what other reasonable measure could be implemented other than a fresh election.

Question 17 - To what extent do you support the following statements?

Statement: A count-back from the previous election result should be used if available to fill vacancies between elections.

Response: Unsupportive

The opinions of the electorate can change even within short period following the election. The longer the period between the election and the proposed countback, the more likely the previous election results will be an inaccurate reflection of the voter's intention.

Statement: Local governments should be required to adopt a caretaker period that restricts council from making major decisions during a local government election period

Response: Very Supportive

The City of Perth has a policy requiring a caretaker period. The Policy's objective is to:

- avoid Council making major decisions, prior to an election, that would bind an incoming Council; and
- prevent the use of public resources in ways that may influence or be perceived to influence the election.

It is noted that there are some matters that due to legislative timeframes or urgency cannot be delayed until after the election. The City has an exception for extraordinary circumstances and legislative requirements.

Statement: Caretaker periods are only required in large local governments.

Response: Very unsupportive

Both small and large local government elections can be influenced by the decisions made by Council prior to the election.

Both small and large local governments can find themselves bound by the decisions of a prior Council, and where major decisions were made just prior to the election this can be an inappropriate restriction of the ability of the new Council to set its direction.

Statement: Council members who contest a State or Federal election should be required to take a leave of absence on the day of their nomination for a State or Federal election campaign.

Response: Supportive

There may be a conflict between Council decision making and the State and Federal electoral campaign. A leave of absence will avoid inappropriate influence of matters that are irrelevant to a local government's remit.

Question 18 - To what extent do you agree with the following statements?

Statement: People who have been convicted under planning or building legislation offences in the past should be disqualified from serving as a council member.

Response: Neutral

A neutral response has been given as ultimately it should be the decision of the electorate whether a person's past behaviour should exclude them from future office.

The local government has an important role in planning, building and development decisions. However, an exclusion based on specific legislation only may not take into account the nature of the offence. The current exclusions are related length of time, which indicates the offence is of a serious nature.

Individuals should have the opportunity to reform themselves following past behaviour, if supported by the electorate, and the specific offences under either planning or building legislation may not necessarily relate to their ability to undertake the role and demonstrate the standard required for the office.

Any additional exclusions should be linked to the role that council members undertake. In particular, a high standard of integrity is an inherent requirement of a council member's role as they are required to make decisions affecting individual rights, maintain confidential information, and ensure their decisions are made on the basis of relevant considerations only. Offences related to serious misconduct and fraud are generally covered by the existing legislation but to the extent that they are not this could be considered.

Statement: Council elections should be held every four years rather than every two years with all council members being elected at the same time.

Response: Supportive

Council elections where all of Council is elected at once contributes to stability over the length of the Council's term. This creates consistency over the Council planning processes such as IPRF and the Corporate Business Plan as long as their reviews are timed appropriately.

The previous belief was that half Council elections gave continuity. However, they can cause conflict as the electorate has only considered half the Council and this can cause conflicting mandates. It is very rare for a complete spill to occur but should it occur this clearly articulates the community's intentions.

The separate suggestion to link this to State elections is not supported. It may create confusion between state and local government politics and also reduce the number of candidates running for local government office as it would be impractical and generally inappropriate to run for both offices concurrently.

Statement: A cap should be set on the maximum amount that a candidate may spend on their campaign.

Response: Supportive

The expense of a campaign can create an uneven playing field for candidates. There are significant costs associated with campaigns such as advertising. A cap could increase the likelihood of representative candidates and council members.

Statement: Prospective candidates should be required to declare their profession or primary source of income on the nomination form.

Response: Supportive

Providing the electorate with as much candidate information as possible is supported.

Statement: Local governments should be required to publish candidate profiles on the website.

Response: Very supportive

Providing the electorate with easy access to candidate profile information is supported.

Statement: Information collected on the nomination form should include demographic information such as gender and ethnicity

Response: Unsupportive

The information is of use to assess levels of participation and representation. However, as the nomination form should be public, candidates may find information such as ethnicity or religious beliefs personal or irrelevant to their campaign or be concerned it could be a basis for discrimination. Therefore, the measure is not supported.

Question 19 - To what extent do you agree with the following statements?

- “People who own land but who do not live in a district should be eligible to vote.”
- “People who lease rateable property in a district should be entitled to vote.”
- “Corporations that own property in a district should be entitled to vote.”

- “Corporations that lease property should be entitled to vote.”
- “Occupiers of land, for example, commercial lease holders, should be eligible to vote.”
- “Only people over the age of 18 who live in a district should be eligible to vote.”

The City is supportive of these statements as the groups that pay rates, reside in the district or operate businesses within the district all participate in the functioning of the district and are affected by the decisions of their local government.

The City does not support voting rights for those under 18 unless it commences concurrently with the State and Federal system.

One aspect that the does require consideration is the ability of corporations to have two nominees, allowing two votes on its behalf. This is unequal and provides corporations with more representation than individuals.

Question 20 - How should the position of Mayor or Shire President be determined?

Response: a. Vote by electors

The City supports Mayors being elected by electors as it strengthens the accountability of the role.

The City does not support Council, rather than electors, determining whether Mayors are elected by Council or by the electors.

Question 21 – See table

The City supports gift provisions being aligned to reduce complexity and the proposed alternative election gift framework is supported.

The City supports the proposal that the timeframe for electoral gifts being increased in recognition of the longer electoral campaigns.

Online publication of gift registers is supported in increase transparency and accountability.

The removal of the requirement that donors also complete a gift declaration. It is inconsistent with the non-electoral process and a requirement that has not practically increased transparency as many donors appear unaware of the requirement until advised by the candidate or the local government to complete a declaration.

Question 22 – Should gifts or donations from any of the following be prohibited?

The City does not support prohibiting donations from specified groups of the population but instead that all donations are openly and transparently disclosed and are below the accepted thresholds.

Question 23 – See table

The City does not support mandatory ward structures as ward structures are inconsistent with the role of council members being for the good governance of the district. (rather than the ward). In the City of Perth, as a result of the *City of Perth Act 2016*, a council member must

have a broader outlook, including considering the flow-on effects of Council's decisions on the broader metropolitan area. A ward structure is less appropriate in this context.

While the City has concerns with ward structures, as they have become an embedded feature determining whether they should be retained in smaller local governments is best commented on by those local governments and their communities.

Ward boundaries being set independently by the Electoral Commissioner is supported.

The number of council members of the City of Perth is determined by the *City of Perth Act 2016*. Some link between population and council numbers is sensible to support representation of the diverse community and the ability to access to council members to discuss concerns.

Question 24 – How can participation be increased to ensure that Western Australia's diverse population is represented in local government?

The City supports several measures to increase participation. While compulsory voting will specifically increase voting, this will not necessary increase diversity of representation.

The City supports availability of enrolment application forms in other languages to ensure individuals who use English as a second language are not hindered when enrolling.

The City supports state-wide education and awareness campaigns to encourage voting, running as a candidate and participation in local government. Previous campaigns have been run by the WAEC and WALGA.

Question 25 – Other comments on local government elections

The City believes the requirement that removes occupiers from the electoral roll after two elections and six months, which requires those persons to reapply should they wish the remain on the roll, is inefficient. This should be replaced with a requirement that the CEO is responsible for maintaining the roll. This will allow the CEO to conduct checks without forcing people to reapply. It will also prevent people being unable to participate despite remaining eligible if they were unaware that they have been removed.

The City supports review of the occupation of rateable property. The occupation of a "separate building or portion of a building on the rateable property" or "some other separate and distinguishable portion of the rateable property" under section 4.31 of the *Local Government Act 1995* can be read very broadly. Guidance on whether an area is sufficient to be occupied would assist local governments in processing applications over small and unusual areas.

Recommendation:***That Council:***

- 1. *in accordance with section 3.12(4) of the Local Government Act 1995:***
 - 1.1. *NOTES that one submission, attached as Attachment 13.13A, was received during the public submission period in response to the proposed City of Perth Outdoor Dining Local Law 2019; and***
 - 1.2. *CONSIDERS that submission and the amendments made to the local law as detailed within this report;***
- 2. *NOTES the comments received from the Department of Local Government, Sports and Cultural Industries in response to the public notice period and amendments made to the local law as detailed within this report;***
- 3. *in accordance with Section 3.12(4) of the Local Government Act 1995, BY AN ABSOLUTE MAJORITY, MAKES the City of Perth Outdoor Dining Local Law 2019 as detailed in Attachment 13.13B; and***
- 4. *in accordance with Section 3.12(6) of the Local Government Act 1995, GIVES local public notice of the City of Perth Outdoor Dining Local Law 2019.***

FILE REFERENCE:

P1015923-2

REPORTING UNIT:

Governance

RESPONSIBLE DIRECTORATE:

Corporate Services

REPORT AUTHOR DISCLOSURE OF INTEREST:

Nil

DATE:

7 March 2019

ATTACHMENT/S:

Attachment 13.13A - Public Submission

Attachment 13.13B - Proposed City of Perth
Outdoor Dining Local Law 2019**Council Role:**☐

Advocacy

When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.☐

Executive

The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.☒

Legislative

Includes adopting local laws, town planning schemes and policies.

☐

Quasi-Judicial

When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

☐

Information

For the Council/Committee to note.

Legislation / Strategic Plan / Policy:

Legislation

Sections 3.12, 3.13 and 3.16 of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Goal 8 - A city that delivers for its community

Policy

Policy No and Name:

Outdoor Dining Policy

Purpose and Background:

At its meeting held on **18 December 2018**, Council resolved by an Absolute Majority to repeal the *City of Perth Alfresco Dining Local Law 2009* and, in accordance with Section 3.12(3) of the *Local Government Act 1995*, initiate the local law-making process for a new local law.

Council approved the giving of state-wide public notice of its intention to make the proposed City of Perth Outdoor Dining Local Law 2019.

Details:

A state-wide public notice seeking public submissions on the proposed local law was published in The West Australian on Monday, 24 December 2018, and was displayed on the City's notice boards and the City of Perth website. A copy of the public notice and the proposed local law were also provided to the Minister for Local Government.

In accordance with section 3.12(4) of the *Local Government Act 1995*, after the last day for submissions, Council is required to consider any submissions received in response to the public notice. One public submission was received during the public notice period between 24 December 2018 and 12 February 2019 and is attached as Attachment 13.13A. Consideration of the submission is detailed in the below table.

Public Submission Consideration

A detailed submission was received from Alex Hotel. It considered the local law in detail and made reasoned comments from the perspective of the businesses using, or intending to use, the outdoor dining permit system. The submission has been considered in detail.

Clause	Submission	Officer Response
2.3(2)	In relation to Fees listed in Application for a Permit. Fees should not be material as they would discourage venues from activating outdoor spaces.	<p>The City of Perth recognises that reduced fees may encourage activation and at its Special Council Meeting of 15 January 2019 determined to cease requiring any annual or application fees for any application or renewed permit from 1 February 2019.</p> <p>The local law recognises that fees may not be required by stating “if any” after the fee requirement and allowing for payment arrangements.</p> <p>It is proposed that this clause is retained, as should an application fee ever be required by Council, the appropriate time for payment would be at application. This is consistent with other local laws.</p>
2.4	Suggest better guidelines. It appears there is a lot of discretion on behalf of the authorised person.	<p>The guidelines for relevant considerations are detailed outside of the local law in policies and guidelines adopted by Council. Officers are required to act in accordance with the guidelines and policies of Council.</p> <p>It is noted that decisions on applications are subject to a right of objection under the local law to provide for procedural fairness.</p> <p>No amendment is proposed as the policies and guidelines are intended to guide the discretion of authorised officers.</p>
2.5	There is no mention of how the process of any related Development Applications (DA) are incorporated for those instances where applicable. Would fees not be payable until the DA is approved? Would local government need to sign a relevant DA prior to submitting for a permit?	<p>A development application is a separate process covered under separate legislation and is not required for many outdoor dining permits. It is noted that the submitting business resides in the Metropolitan Redevelopment Authority (MRA) area, where MRA approval is also normally required.</p> <p>Outside of the MRA area, development approval is only required where permanent structures are proposed. Where applicants are only proposing outdoor dining furniture in accordance with the local law and guidelines, no development approval is required.</p> <p>Where permanent structures are proposed to be installed, applicants may wish to instead consider entering into a lease agreement with the City rather than</p>

Clause	Submission	Officer Response
		<p>applying an outdoor dining permit, to provide for exclusive use.</p> <p>Guidance can be obtained from the City in relation to more complex applications.</p> <p>As discussed above, Council has determined to cease requiring any annual or application fees for any application or renewed outdoor dining permit from 1 February 2019.</p>
2.5(1)	<p>Expected timing of the approval process should be incorporated. It recently took our premises over three months to receive an approval for a relevant development application that applies to our existing alfresco area.</p>	<p>At its Special Council Meeting of 15 January 2019, Council endorsed the recommendation that the endorsed guidelines provide a clear estimate of the anticipated waiting times for Outdoor Dining Permit Applications. In addition, Council endorsed the concept of web based self-accreditation for outdoor dining applications and the administration is currently undertaking investigations on this matter. This mechanism is intended to reduce permit application processing times.</p> <p>It is considered that expected timeframes are best informed within guidelines or on the City's website as it may change over time. As a local law requires a significant time to review and expected timeframes may become outdated. The City is committed to reducing red tape and reducing timeframes for permits.</p> <p>The application for development approval is a separate process under its own legislation. In MRA areas the estimated time is three months, noting this also includes referral to the City for comment.</p> <p>Outside of the MRA area, applicants should allow up to 60 days.</p>
2.5(2)(c) 2.14(1)(a) 2.14(1)(d)	<ul style="list-style-type: none"> • Would recommend mention regarding grade/severity of offence; opportunity or history of having remedied. • Would suggest proprietor must be given the opportunity to remedy any non-compliance in the first instance. 	<p>These comments are in relation to reasons a permit may be cancelled. It is noted that the permit holder has the right of objection to a cancellation.</p> <p>There is no requirement that the local government cancel a permit in the first instance and it has the discretion to take other reasonable measures such as</p>

Clause	Submission	Officer Response
	<ul style="list-style-type: none"> • Would suggest proprietor must be given the opportunity to remedy any breach by a customer. 	<p>education, direction to rectify, or issuing infringements prior to or alternatively to cancelling a permit.</p> <p>The non-compliance being a first instance is a relevant consideration and it is noted in the guidelines that enforcement action will consider the nature of the breach.</p> <p>It is preferred by the City that guidelines, policies and processes give guidance to officers and the local government in exercising this discretion as this can better allow for all circumstances to be considered and appropriate exceptions to be made. Officers are required to act in accordance with quasi-judicial principles and our Code of Conduct when making such decisions to ensure procedural fairness.</p> <p>Some breaches may be of a nature that immediate action is required and the opportunity for immediate cancellation should be preserved for these instances.</p>
2.14(2)	<p>Would suggest a permit cannot be cancelled, only suspended for the period of time the utility is requiring access to perform work.</p>	<p>The City agrees that suspension is the preferred alternative. However, there may be utilities using areas for an undefined, extensive term that runs beyond the length of the permit. Cancellation may be more appropriate in these circumstances.</p> <p>It is noted that the permit holder has the right of objection to both a suspension or a cancellation.</p>
2.14(3)	<p>Recommend amending word 'must' to 'may' on grounds that there should be valid reasoning behind withdrawal of consent. There should be some discretion in relation to neighbours. The City should only suspend a permit where access is required.</p>	<p>This comment is in relation to the requirement to cancel a permit that extends beyond the permit holder's frontage into the neighbour's frontage. The current requirement provides that the City must cancel if the permit holder doesn't apply for an amended permit (which no longer extends beyond into the neighbour's frontage).</p> <p>The City wishes to give balance between the operation of an outdoor area and the needs of the neighbouring businesses and that outdoor dining area is extending into. It does not wish to adjudicate the reasons</p>

Clause	Submission	Officer Response
		<p>a neighbouring business or property owner may not wish for the operation of the area to continue to extend into the frontage of their area as there are a variety of reasons – including wishing to use that frontage for its own purposes. On that basis, the City prefers to retain the clause as it is.</p> <p>Should the permit holder wish for additional security regarding the extended area they could consider entering into a private agreement with the adjoining parties.</p>
2.14(3)(c)	<p>In 2.14 (3)(c) – 10 day timeframe (to apply for an amended permit) is considered too short.</p> <p>The submission suggests replacing 10 days with “as soon as practicable” as there should be a time limit.</p>	<p>Noting that the requirement is not to have an approved amended permit, but to have applied for an amended permit, which should have little change from the current one other than reduced area, it is noted that there may be a few instances where 10 days is insufficient.</p> <p>Fourteen days, unless extended by the local government or an authorised officer, is proposed as an amendment to the local law.</p>

Summary

The City appreciates the above comments and has adopted an amendment in relation to the timeframes for applying for an amended permit. Comments in relation to providing an opportunity to rectify a breach were not adopted as this is on the basis that the City wishes to retain its discretion to cancel or suspend permits in appropriate circumstances. The City does consider the nature and severity of a breach in determining appropriate enforcement and this is noted in our guidelines.

Comments in relation to development approvals have been considered carefully and current estimated timeframes have been advised. Development approval is considered to be an additional process, only required in specific circumstances, rather than a necessary requirement for all outdoor dining permit approval. The City is happy to provide further guidance to applicants in these instances.

While the officer recommendation is to retain the majority of clauses, and believes this is justified for the reasons detailed the comments are of value and further consideration should be given to them when reviewing the guidelines and internal procedures.

Department Comment Consideration

The Department of Local Government, Sport and Cultural Industries (Department) on behalf of the Minister for Local Government, provided comments on the advertised local law on Tuesday, 12 February 2019. The majority of the Department’s comments relate to minor adjustments to the drafting to ensure alignment with current legislative practices and standards. The Department’s comments, together with the officer responses, are detailed in the below table.

Clause	Department Comments	Officer Response
N/A	Replace "Arrangement" with "Contents".	Agreed and amended in the proposed local law.
Clause 1.3 – Purpose and intent	<p>Clause 1.3 sets out the purpose and intent of the local law. This clause has no direct legislative effect and can be removed if the City wishes.</p> <p>While the <i>Local Government Act 1995</i> requires the purpose and effect to be included in the public notices relating to a proposed local law, there is no requirement to include purpose or effect clauses in the local law itself.</p>	<p>Noted, however, it is considered that the inclusion of the purpose and intent of the local law provides clarity for users of the local law and this is a standard practice adopted by the City of Perth.</p> <p>Additionally, in accordance with the <i>Interpretation Act 1984</i>, the expressed purpose and object are relevant for the interpretation of the local law.</p> <p>It is preferred to retain the clause.</p>
Clause 1.4 - Repeal	<p>Amend:</p> <p>The <i>City of Perth Alfresco Dining Local Law 2009</i>, published in the <i>Government Gazette</i> on 16 June 2009, is repealed.</p> <p>To:</p> <p>The <i>City of Perth Alfresco Dining Local Law 2009</i> as published in the <i>Government Gazette</i> on 16 June 2009 is repealed.</p>	<p>Prior legal advice suggested the deletion of "as" in the standard drafting of repeal clauses assists in ensuring any subsequent amendments to an existing local law would also be repealed in line with section 16 of the <i>Interpretation Act 1984</i>.</p> <p>As the existing local law has not been amended since its adoption the amendment has been made in this instance.</p>
Clause 1.7 – Terms used	It is suggested that public liability insurance policy be defined in the local law.	Definition added: public liability insurance policy means an insurance policy held with an insurance company that insures against sums for which the policy holder may become legally liable by way of compensation for claims of personal injury or property damage that a third party suffers as a result of the operation or activities of the policy holder's business.
Clause 1.7 – Terms used	It is suggested that permit period is deleted from clause 1.7 as it is not used elsewhere in the local law.	Agreed and amended in the proposed local law.
Clause 1.7 – Terms used	It is suggested that the following definition for Schedule be inserted: Schedule means the Schedule to this local law;	Agreed and amended in the proposed local law.
Clause 1.7 – Terms used	In the definition of outdoor dining area in paragraph (a) delete "or" after the semicolon.	Agreed and amended in the proposed local law.

Clause	Department Comments	Officer Response
Clause 2.4 – Refund of permit fees	<p>Clause 2.4(6) provides that permit fees may be refunded if a permit is cancelled “through no fault of the permit holder”.</p> <p>The City may wish to clarify what qualifies as “fault”. For example, it could specify that a refund may occur if the cancellation didn’t involve an offence under the local law and/or didn’t relate to the actions of the permit holder.</p> <p>Alternatively, the City may wish to reword subclause (6) to simply state that permit fees may be refunded at the City’s discretion.</p>	<p>Amended to the Department’s alternative proposal.</p> <p>The alternative proposed “permit fees may be refunded at the City’s discretion” would widen the circumstances to where the City may provide a refund following cancellation.</p> <p>However, this is not inappropriate. The City has determined to remove fees for outdoor dining area permits and it is therefore anticipated that broadening the refund clause will have limited future effect.</p> <p>Additionally, there may be circumstances where the City determines it is appropriate to refund fees due to circumstances partially in the permit holder’s control.</p>
Clause 2.5(2)(c)(iii)	Insert a semicolon after “Act”.	Noted and amended in the proposed local law.
Clause 2.13	<p>The City’s local law states that notice must be issued to an applicant when a permit is issued, rejected, amended or cancelled.</p> <p>It is suggested that a similar provision be added into clause 2.13 in relation to decisions on permit transfers.</p>	Agreed and amended in the proposed local law.
Clause 3.1	<p>Clause 3.1 provides that a right of review exists whenever a permit is issued, varied, suspended or cancelled.</p> <p>However, the clause does not clearly indicate if decisions involving permit transfers are also reviewable. It is suggested that clause 3.1(1)(b) be amended by adding “, transfer” after “cancel”.</p>	<p>While “vary” a permit arguably includes a transfer, it is agreed the addition of “transfer” will make the position under the local law clearer.</p> <p>Amended in the proposed local law.</p>
Schedule	In item 4, column 2 change “2.14(6)” to “2.14(7)”.	Agreed and amended in the proposed local law.
Schedule	<p>Schedule formatting:</p> <p>It is suggested that Schedule titles should be bold, centralised and not in block print. The heading should then be followed by a bracketed reference to the relevant clause in the local law.</p>	Agreed and amended in the proposed local law.

The following other officer changes were also made:

Other Officer Changes

Clause	Change	Reason
1.7	Add "if any" after associated fees.	So that it is without doubt that fee do not need to be paid where they are not required.
2.6(h)	Amended "public risk insurance" to "a public liability insurance policy"	To align with clause 2.11.

Council may now resolve by an absolute majority to make the local law, or to make a local law that is not significantly different from the originally advertised local law. The above amendments are not considered to be significantly different to the originally advertised local law.

Following adoption, in accordance with sections 3.12(5) and 3.12(6) of the *Local Government Act 1995*, subsequent to Council adoption, the City of Perth is required to:

- Publish the local law in the WA Government Gazette;
- Provide a copy of the gazettal to the Minister for Local Government (and any other relevant Minister); and
- Publish a local public notice advising of the local law, its purpose and effect, the day on which it becomes effective and advising it may be inspected via the local government's offices.

Financial Implications:

Costs of approximately \$2,000 will be incurred for the Public Notice and Gazettal of the local law. These costs will be met through existing operating budgets.

All figures quoted in this report are exclusive of GST.

Comments:

The amendments proposed by the Department, and officers that were incorporated in the proposed City of Perth Outdoor Dining Local Law 2019 relate primarily to drafting standards. They do not constitute significant changes to the originally advertised local law.

The amendment made in relation to timing prior to cancellation of a permit following the submission of Alex Hotel is not considered a significant change.

It is therefore recommended that Council resolve to make the City of Perth Outdoor Dining Local Law 2019 as detailed in Attachment 13.13A and gives local public notice of the local law.

In accordance with Section 3.14(1) of the *Local Government Act 1995*, the local law will come into effect 14 ordinary days after it is published in the WA Government Gazette.

12th of February 2019

To whomever it may concern,

RE: Proposed City of Perth Outdoor Dining Local Law 2019

Cicero Management Pty Ltd T/A Alex Hotel would like to present the following points for consideration in relation to the draft City of Perth Outdoor Dining Local Law 2019.

- In 2.3 (2) - In relation to Fees listed in Application for a Permit. Fees should not be material as they would discourage venues from activating outdoor spaces.
- In 2.4 - Suggest better guidelines. It appears there is a lot of discretion on behalf of the authorised person.
- In 2.5 – There is no mention of how the process of any related Development Applications (DA) are incorporated for those instances where applicable. Would fees not be payable until the DA is approved? Would local govt need to sign a relevant DA prior to submitting for a permit?
- In 2.5 (1) – Expected timing of the approval process should be incorporated. It recently took our premises over three months to receive an approval for a relevant development application that applies to our existing al fresco area.
- In 2.5 (2)(c) – Would recommend mention regarding grade/severity of offence; opportunity or history of having remedied
- In 2.14 (1)(a) – Would suggest proprietor must be given the opportunity to remedy any non-compliance in the first instance.
- In 2.14 (1)(d) – Would suggest proprietor must be given the opportunity to remedy any breach by a customer.
- In 2.14 (2) – Would suggest a permit cannot be cancelled, only suspended for the period of time the utility is requiring access to perform work.
- In 2.14 (3) – Recommend amending word ‘must’ to ‘may’ on grounds that there should be valid reasoning behind withdrawal of consent.
- In 2.14 (3)(c) – 10 day timeframe is considered too short.
- As soon as practicable as there should be a time limit.
- Opportunity to remedy non-compliance. Shouldn’t be immediate. Bad customers ditto.
- Should be some discretion in relation to neighbours. Should only suspend a permit where access is required.

Thank you for the opportunity to provide a submission on this issue. We would be happy to provide further information or assist in any other way possible if deemed appropriate and requested.

Sincerely,

A handwritten signature in black ink, appearing to be 'AF' with a large, sweeping flourish extending to the right.

Alan Ford

General Manager

p: 08 6430 4000 d: 08 6430 4013

m: 0452 208 805 e: alan@alexhotel.com.au

50 James St, Perth, Western Australia

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Schedule

Local Government Act 1995

CITY OF PERTH

OUTDOOR DINING LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 26 March 2019 to make this local law.

Part 1 - Preliminary

1.1 Short title

This is the *City of Perth Outdoor Dining Local Law 2019*.

1.2 Commencement

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

1.3 Purpose and intent

- (1) The purpose of this local law is to regulate the management of outdoor dining areas in any public place within the district.
- (2) This local law is intended –
 - (a) to enable outdoor dining areas to be managed so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles; and
 - (b) to encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district.

1.4 Repeal

The *City of Perth Alfresco Dining Local Law 2009* as published in the *Government Gazette* on 16 June 2009 is repealed.

1.5 Transitional

A licence issued under the *City of Perth Alfresco Dining Local Law 2009* -

- (a) is taken to be a permit issued under this local law;
- (b) is valid for the period specified in the licence; and
- (c) may be cancelled or suspended under this local law.

1.6 Application

This local law applies throughout the district.

1.7 Terms used

In this local law, unless the context otherwise requires -

Act means the *Local Government Act 1995*;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

Council means the council of the local government;

district means the district of the local government;

disability access and inclusion plan of the local government means the plan prepared and published by the local government, from time to time, under Part 5 of the *Disability Services Act 1993*;

fee means a fee or charge imposed under sections 6.16 to 6.19 of the Act;

food has the meaning given in the *Food Act*;

Food Act means the *Food Act 2008*;

food business has the meaning given in the *Food Act*;

footpath has the meaning given in the *Road Traffic Code 2000*;

furniture means chairs, tables, waiters' stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the outdoor dining area;

Health Act means the *Health (Miscellaneous Provisions) Act 1911*;

Liquor Control Act means the *Liquor Control Act 1988*;

local government means the local government of the City of Perth;

local government property has the meaning given in the Act;

local public notice has the meaning given in the Act;

outdoor dining means outdoor dining or drinking or both in a public place;

outdoor dining area means an area in which tables, chairs and other structures are provided for the purpose of the -

- (a) supply or consumption of food or beverages or both to the public;
- (b) preparation and supply of beverages to the public; or
- (c) safe storage of pre-packaged meals for supply to, or consumption by, the public;

pedestrian mall means any road or portion of a road that is gazetted as a pedestrian mall;

permit means a permit issued by the local government or an authorised person under this local law;

permit plan means a plan attached to and forming part of a permit depicting the parts of a street or public place within which an outdoor dining area may be set up and conducted;

permit holder means a proprietor of a food business who holds a valid permit;

proprietor has the meaning given in the *Food Act*;

Public Health Act means the *Public Health Act 2016*;

public liability insurance policy means an insurance policy held with an insurance company that insures against sums for which the policy holder may become legally liable by way of compensation for claims of personal injury or property damage that a third party suffers as a result of the operation or activities of the policy holder's business.

public place means any thoroughfare, pedestrian mall or local government property;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

Schedule means the Schedule to this local law;

thoroughfare has the meaning given in the Act;

utility means any public or private body which provides an essential service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

valid, in relation to a permit, means current and for which -

- (a) all the associated fees, if any, have been paid in full; or
- (b) if any part of the associated fees are permitted by the local government to be paid in installments, all installments due to be paid by the permit holder have been paid in full; and

vehicle crossing means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.

Part 2 - Permit

2.1 Permit required

Unless exempt under clause 2.2, a person must not set up or conduct an outdoor dining area in a public place -

- (a) other than in a portion of a public place adjacent to a food business;
- (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a);
- (c) unless the person is a permit holder; and
- (d) other than in accordance with the permit, including the permit plan and any conditions set out in, or applying in respect of, the permit.

2.2 Exemptions

- (1) The local government or an authorised person may give a written exemption to a person or class of persons from the requirement to have a permit.
- (2) An exemption may be given -

- (a) on the application of a person; or
 - (b) at the discretion of the local government or an authorised person.
- (3) An exemption may be given subject to any conditions the local government or an authorised person sees fit.
- (4) An exemption may apply to, or in respect of -
 - (a) a particular event, street festival, carnival or activity approved by the local government or an authorised person;
 - (b) particular goods or services; or
 - (c) a period of time.

2.3 Application for a permit

- (1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).
- (2) An application for a permit must -
 - (a) be in the form determined by the CEO or an authorised person;
 - (b) provide the information or documents required by -
 - (i) the form; or
 - (ii) the local government or an authorised person;
 - (c) be signed by the applicant for the permit;
 - (d) be signed by any neighbouring business owner and any neighbouring building owner where the proposed outdoor dining area is intended to extend beyond the public area in front of the applicant's food business into a public area directly in front of the premises of that neighbouring business owner or that neighbouring building owner;
 - (e) include an acknowledgement from each neighbouring business owner and each neighbouring building owner referred to in paragraph (d) that the extension of the outdoor dining area, as proposed, will result in that area no longer being available for their use during the outdoor dining trading hours; and
 - (f) be forwarded to the local government together with the appropriate fee, if any, imposed by the local government.
- (3) The local government or an authorised person may require an applicant to provide additional information reasonably related to an application before determining the application.
- (4) The local government or an authorised person may require an applicant to give local public notice of the application for a permit.
- (5) The local government or an authorised person may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the applicant has not complied with subclause (3) or (4).

2.4 Relevant considerations in determining application for permit

In determining an application for a permit, the local government or an authorised person may have regard to –

- (a) any relevant policies of the local government;
- (b) the disability access and inclusion plan of the local government; and
- (c) any other matters that the local government or the authorised person considers to be relevant.

2.5 Decision on application for permit

- (1) The local government or an authorised person may, in respect of an application for a permit -
 - (a) approve the application subject to any conditions; or
 - (b) refuse to approve the application.
- (2) Without limiting the scope of the discretion of the local government or authorised person under subclause (1)(b), the local government or authorised person may refuse an application for a permit if, in their opinion -
 - (a) the proposed outdoor dining does not conform with the requirements of any written law;
 - (b) the proposed design or furniture is unsuitable, in any respect, to the location in which the permit is to operate;
 - (c) the proposed permit holder has been convicted during the preceding 5 years of an offence against -
 - (i) this local law;
 - (ii) the *City of Perth Alfresco Dining Local Law 2009*;
 - (iii) the *Food Act*;
 - (iv) the *Health Act*;
 - (v) the *Public Health Act*;
 - (vi) the *Liquor Control Act*; or
 - (vii) any other written law which affects outdoor dining;
 - (d) the proposed permit holder is not a fit and proper person to hold a permit; or
 - (e) the pedestrian flow on a footpath would be unreasonably impeded.
- (3) If the local government or an authorised person approves an application for a permit, it is to issue to the applicant a permit in the form determined by the CEO.
- (4) If the local government or an authorised person refuses to approve an application for a permit, it is, as soon as practicable after the decision is made -

- (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) to inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.
- (5) Where a clause of this local law refers to conditions which may be imposed on a permit the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (6) Where a clause of this local law refers to the grounds on which an application for a permit may be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

2.6 Conditions which may be imposed on a permit

The local government or an authorised person may approve an application for a permit subject to conditions relating to -

- (a) the area or location to which the permit applies;
- (b) the number, type, form and construction of any structure or furniture which may be used in the outdoor dining area;
- (c) the care, maintenance and cleaning of any structure or furniture used in the outdoor dining area;
- (d) the removal and storage, prior to each closure of the adjacent food business, of any structure or furniture used in the outdoor dining area;
- (e) the maintenance of pedestrian access between the outdoor dining area and the adjacent food business;
- (f) the outdoor dining area not impeding or obstructing a public place used by either pedestrians or vehicles;
- (g) the maintenance of clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;
- (h) the obtaining and maintaining of a public liability insurance policy in an amount and on the terms reasonably required by the local government or an authorised person;
- (i) the grant of another approval, licence, permit or other authorisation which may be required under any written law;
- (j) the commencement and duration of the permit;
- (k) the placement of advertising on any structure or furniture within the outdoor dining area;
- (l) the payment of all fees and taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;
- (m) the clearing of the outdoor dining area and the immediate surrounds of any rubbish, matter or thing coming from or caused by patrons of the outdoor dining area;

- (n) specified times during which an outdoor dining area must not be set up or conducted;
- (o) the payment of costs associated with the local government preparing the public place for use as an outdoor dining area such as the reshaping of footpaths and marking the boundaries of the outdoor dining area; and
- (p) the payment of a bond or the provision of a bank guarantee or other security for the purpose of ensuring that –
 - (i) a public place can be repaired or reinstated where the operation of the outdoor dining area, including the installation of any structure or furniture, will or may or cause damage to or permanently alter the public place; and/or
 - (ii) conditions of approval insofar as they relate to the public place or local government property are complied with.

2.7 Compliance with conditions

Where an application for a permit has been approved subject to conditions the permit holder must comply with each of those conditions.

2.8 Payment and return of bond or security

- (1) A bond required as a condition of a permit is to be paid into an account established by the local government or an authorised person for the purposes of this clause.
- (2) A bond, or a bank guarantee or other security, required as a condition of a permit is to be returned to the permit holder if the local government or an authorised person is satisfied that the operation of the outdoor dining area, including the installation of any structure or furniture, has not caused damage to or permanently altered the public place affected by the outdoor eating area.

2.9 Responsibilities of permit holder

A permit holder must —

- (a) not allow the operation of the outdoor dining area to extend beyond the area specified in the permit or depicted on the permit plan;
- (b) keep the outdoor dining area free of any obstacle or thing likely to cause injury to persons or property;
- (c) ensure that any structure or furniture used in or in connection with the outdoor dining area remains within the outdoor dining area or the permitted storage location and does not impede pedestrian flow or access;
- (d) repair any damage to the surface of the outdoor dining area, and to any fixtures, fittings or utility services in or on the outdoor dining area, caused by or attributable to the conduct of the outdoor dining area;
- (e) pay all fees or taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;
- (f) ensure that trading within the outdoor dining area is limited to the operating hours stated in the permit; and

- (g) pay the costs associated with any alteration, repair, reinstatement or reconstruction of all or part of the outdoor dining area or adjacent public place required as a result of the operation of the outdoor dining area.

2.10 Amendment of permit conditions

- (1) A permit holder may apply in writing to the local government to amend any of the terms or conditions of the permit.
- (2) The local government or an authorised person may, in respect of an application under subclause (1) -
 - (a) amend the permit, either in accordance with the application or otherwise as it sees fit; or
 - (b) decline to amend the permit.
- (3) The local government or an authorised person may, at any time, amend any of the terms or conditions of the permit.
- (4) If the local government or an authorised person amends a permit under this clause, it is to notify the permit holder in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the permit apply from the date of the notification.
- (5) If the local government or an authorised person amends a permit otherwise than in accordance with an application from the permit holder, it is, as soon as practicable after the decision to amend is made -
 - (a) to give to the permit holder written notice of, and written reasons for, its decision to amend; and
 - (b) to inform the permit holder of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

2.11 Validity of permit

- (1) A permit is valid for 3 years from the date on which it is issued, unless -
 - (a) it is otherwise stated in this local law or in the permit;
 - (b) the permit holder ceased being the proprietor of the adjacent food business and no transfer of the permit has been approved under clause 2.13;
 - (c) any public liability insurance policy required as a condition of the permit lapses, is cancelled, or is no longer in operation; or
 - (d) it is cancelled under clause 2.14.

2.12 Renewal of permit

- (1) A permit holder may apply in writing to the local government, at or before the expiry of the permit, for the renewal of the permit.

- (2) The provisions of this local law relevant to the permit which is sought to be renewed apply, with such modifications as are required, to an application for the renewal of the permit.
- (3) To avoid doubt, the local government or an authorised person may refuse to consider an application for renewal of a permit until any fee outstanding in relation to a permit is paid.

2.13 Transfer of permit

- (1) A permit cannot be transferred without the approval of the local government or an authorised person.
- (2) An application for the transfer of a valid permit is to -
 - (a) be in the form determined by the CEO;
 - (b) provide the information required by the form or under any other clause of this local law;
 - (c) be signed by the permit holder and the proposed transferee of the permit; and
 - (d) be forwarded to the local government together with any transfer fee imposed by the local government.
- (3) The local government or an authorised person may refuse to consider or determine an application for the transfer of a permit which is not in accordance with subclause (2).
- (4) The local government or an authorised person may approve an application for the transfer of a permit, refuse to approve it or approve it subject to such terms and conditions as it sees fit and, if it is approved, the proposed transferee is to become the permit holder from the date of the approval.
- (5) If an application for the transfer is approved, the local government or an authorised person is to issue to the applicant a permit which contains such amendments as necessary to effect the transfer.
- (6) If the local government or an authorised person refuses to approve an application for the transfer of a valid permit, it is, as soon as practicable after the decision is made –
 - (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) to inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision

2.14 Cancellation or suspension of permit

- (1) A permit may be cancelled by the local government or an authorised officer on any one or more of the following grounds -
 - (a) the permit holder has not complied with -
 - (i) a term or condition of the permit; or

- (ii) a provision of this local law, or a provision of any other written law which relates to the activity regulated by the permit;
 - (b) if it is relevant to the activity regulated by the permit -
 - (i) the permit holder is an undischarged bankrupt, or is in liquidation;
 - (ii) the permit holder has entered into a composition arrangement with creditors; or
 - (iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the permit holder's undertakings or property;
 - (c) the permit holder is no longer the proprietor of the food business; and
 - (d) the setting up or conduct of the outdoor dining area, or the behaviour of customers within the outdoor dining area, is causing a nuisance.
- (2) The local government or an authorised officer may cancel or suspend a permit if the local government or a utility requires access to or near the place to which the permit applies, for the purposes of carrying out works in or near the vicinity of that place.
- (3) The local government or an authorised person must cancel a permit if –
- (a) a neighbouring business owner or a neighbouring property owner (as described in clause 2.3(2)(d)) notifies the local government and the permit holder in writing that it withdraws its consent to the continuing operation of the outdoor eating area in front of the premises of that neighbouring business owner or neighbouring building owner (as the case may be);
 - (b) the permit has not been amended to be consistent with that withdrawal of consent; and
 - (c) within 14 days, unless the period is extended by the local government or an authorised officer, of the written notification under paragraph (a), the permit holder has not applied in writing to the local government under clause 2.10 to amend the permit to be consistent with that withdrawal of consent.
- (4) If the local government or an authorised officer cancels or suspends a permit under this clause –
- (a) it is, as soon as practicable after the decision is made -
 - (i) to give the permit holder written notice of, and reasons for, the decision; and
 - (ii) to inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; and
 - (b) the cancellation or suspension takes effect from the date on which the permit holder is given the notice under subclause (4)(a)(i).
- (5) On the cancellation or suspension of a permit, subject to subclause (6), the permit holder is not entitled to any refund in respect of any fees paid in respect of the permit.

- (6) Where a permit is cancelled or suspended, the local government may, at its discretion, refund to the permit holder all or part of the permit fee in respect of what would otherwise have been the balance of the term of the permit.
- (7) If a permit expires or is cancelled, the permit holder must —
 - (a) remove all furniture, equipment, structures and other things placed in the outdoor dining area; and
 - (b) reinstate the area to the satisfaction of the local government or an authorised person or pay the costs of that reinstatement.

2.15 Temporary removal of an outdoor eating area may be requested

- (1) A permit holder must, when requested to do so —
 - (a) on reasonable grounds - by an authorised person or a member of the Police Force; or
 - (b) in the event of an emergency or for the purposes of public safety – by an emergency services agency,temporarily remove, in accordance with the request, all or any of the structures or furniture in or on the outdoor dining area.
- (2) The permit holder may replace the structures and furniture after being authorised by a person described in subclause (1)(a) or (b).

2.16 Production of permit

A permit holder must produce to an authorised person his or her permit immediately on being required to do so by an authorised person.

2.17 Permit limitation

A permit does not give the permit holder exclusive possession or use of the outdoor dining area to which it applies.

Part 3 - Objections and appeals

3.1 Application of Part 9 Division 1 of the Act

- (1) If the local government or an authorised person makes a decision —
 - (a) to grant an application for a permit;
 - (b) to vary, cancel, transfer or suspend a permit;
 - (c) to impose or amend a condition to which a permit is subject; or
 - (d) apply the proceeds of a bond, bank guarantee or other security under clause 4.3(2),the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, the decision of the local government or an authorised person.

Part 4 - Enforcement

4.1 Direction of authorised person to be obeyed

- (1) A permit holder who is given a lawful direction by an authorised person or a member of the Police Force must comply with that direction.
- (2) A permit holder must not obstruct or hinder an authorised person in the performance of that person's functions.

4.2 Notice to repair damage to public place

- (1) Where any portion of a public place has been damaged, physically altered, or soiled as a result of the use of that public place as an outdoor dining area, the local government or an authorised person may, by written notice to the permit holder, order the permit holder to repair or replace that portion of the public place to the satisfaction of the local government or an authorised person at the permit holder's cost.
- (2) In this clause, **permit holder** includes the person who was the permit holder when the portion of the public place was damaged, altered or soiled.

4.3 Local government may undertake requirements of notice

- (1) If a person fails to comply with a notice under clause 4.2, the local government or an authorised person may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.
- (2) To meet its costs incurred under this clause, the local government or an authorised person may apply the proceeds of any bond, bank guarantee or other security paid or provided as a condition of approval.
- (3) The liability of a permit holder to pay the local government's costs under this clause is not limited to any amount paid or provided under any bond, bank guarantee or other security as a condition of approval.

4.4 Removal and impounding of goods

Where an outdoor dining area is conducted without a permit or in contravention of a term or condition of a permit, any structure or furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.

4.5 Offences

- (1) A person who fails to do anything required to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against a clause specified in the Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence continues.

4.6 Infringement and infringement withdrawal notices

For the purposes of this local law -

- (a) the form of the infringement notice referred to in section 9.17 of the Act, is that of Form 2 in Schedule 1 of the Regulations; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

4.7 Offence and modified penalty

The amount appearing in the final column of the Schedule adjacent to a clause specified in in that Schedule is the modified penalty for that offence.

4.8 Authorised persons

Unless expressly stated otherwise by the local government, a person appointed by the local government to be an authorised person for the purposes of this local law is taken to have also been appointed by the local government to be an authorised person for the purposes of section 9.16 of the Act in relation to offences against this local law.

Schedule - Modified Penalties for Offences
[Clause 4.7]

Item No	Clause No	Modified Penalty \$
1	2.1	300
2	2.7	100
3	2.9	100
4	2.14(7)	100
5	2.15	100
6	2.16	100
7	Other offences not specified	100

Dated - 2019

The Common Seal of the)
City of Perth was)
affixed by the authority of a)
resolution of the Council)
in the presence of-)

Eric Lumsden
Chair of Commissioners.

Murray Jorgensen
Chief Executive Officer.