



City of Perth

# Ordinary Council Meeting

25 February 2020

## Agenda

Notice is hereby given that an Ordinary Council Meeting of the City of Perth will be held in the Council Chamber, Level 9, Council House, 27 St Georges Terrace, Perth on Tuesday, 25 February 2020 at 5pm.

Mr Bill Parker  
Acting Chief Executive Officer  
21 February 2020

**This meeting is open to members of the public**

## 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 of staff 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 complete the Public Question Time form 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 3pm on the day of the meeting, by:
  - Letter: Addressed to GPO Box C120, Perth, 6839;
  - Email: [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au).
- Public Question Time forms are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).

### Deputations

Applications for deputations to a Ordinary Council Meeting must be in writing to the CEO and sent to [governance@cityofperth.wa.gov.au](mailto:governance@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](http://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 Commissioner 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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# Order of Business

Item
1. Prayer/Acknowledgement of Country
2. Declaration of opening
3. Apologies Chair Commissioner Andrew Hammond
4. Question time for the public and notification of deputations
5. Members on leave of absence and applications for leave of absence
6. Confirmation of minutes Ordinary Council Meeting – 17 December 2019 Special Council Meeting – 21 January 2020 Annual General Meeting of Electors – 4 February 2020 Audit and Risk Committee – 19 February 2020
7. Announcement by the Chair Commissioner
8. Disclosures of members interest

Member/Officer	Item No. and Title	Nature of Interest
Commissioner Len Kosova (CM 37515/20)	Item 13.2 - Submissions on the State Government's Public Consultation Papers – Special Entertainment Precincts and Managing Amplified Music Noise in Entertainment Precincts	<b>Nature:</b> Impartiality Interest – Commissioner Kosova is a member of the Western Australian Planning Commission's Statutory Planning Committee, but was not in attendance at the committee meeting when this matter was determined. <b>Extent:</b> Insignificant
Commissioner Len Kosova (CM 37519/20)	Item 13.7 - Strategic Event Sponsorship – Town Team Movement - SHIFT: Cooperative Innovation Series	<b>Nature:</b> Impartiality Interest – In mid-2019, Commissioner Kosova collaborated with Town Team Movement on a project in his consultant

		role for another WA local government client. <b>Extent:</b> Insignificant
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**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 attachment in relation to Item 13.9, 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 13.9A	Item 13.9 – Tender 009-19/20 – Public Art Commission – East End Revitalisation	s5.23(2)(e)(ii)

**13. Reports**

Item No.	Item Title	Page No.
13.1	4 (Lot 5) Brown Street, East Perth – Change of use from gymnasium ('Community') to an event space, creative industry office, artist studio and creative mixed land use ('Culture and Creative Industry'), function centre ('Dining and Entertainment'), educational establishment and recreational facilities ('Community')	1
13.2	Submissions on the State Government's Public Consultation Papers – Special Entertainment Precincts and Managing Amplified Music Noise in Entertainment Precincts	11
13.3	Submission to the Western Australian Planning Commission: Proposed Metropolitan Region Scheme Amendment 1356/57 – Development WA Normalisation Central Perth and Subiaco	22
13.4	Interim Homelessness Plan – Six Month Progress Update	26
13.5	Key Sector Development Sponsorship – Innovate Australia	29
13.6	Key Sector Development Sponsorship – Western Australian Indigenous Tourism Operators Council	35
13.7	Strategic Event Sponsorship – Town Team Movement - SHIFT: Cooperative Innovation Series	44
13.8	Street Entertainment (Busking) Policy	52
13.9	Tender 009-19/20 - Public Art Commission – East End Revitalisation	60

13.10	Variation of Lease – Shops 8 and 10, City Station Concourse, 378-420 Wellington Street, Perth	69
13.11	Renewal of Lease – Shop 9, City Station Concourse, 378-420 Wellington Street, Perth	73
13.12	New Leases – City Foreshore Investments Pty Ltd – 25 (Lot 306) Riverside Drive, Point Fraser	78
13.13	Renewal of Lease – Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth	84
13.14	City of Perth Draft Policy Framework	89
13.15	Delegation of Authority to enable gating of Right of Way	92
13.16	Financial Activity Statement for the Period Ended 30 November 2019	96
13.17	Financial Activity Statement for the Period Ended 31 December 2019	99
13.18	Payments from Municipal Funds – January 2020	102
13.19	2019 Compliance Audit Return	105

#### **14. Motions of which previous notice has been given**

<b>Item No.</b>	<b>Item Title</b>	<b>Page No.</b>
14.1	Council House Accommodation Arrangements (To be circulated under separate cover)	-
14.2	Policy – Motor Vehicle and Transport Services (To be circulated under separate cover)	-

#### **15. Urgent Business**

#### **16. Closure**

**Item 13.1 – 4 (Lot 5) Brown Street, East Perth – Change of use from gymnasium ('Community') to an event space, creative industry office, artist studio and creative mixed land use ('Culture and Creative Industry'), function centre ('Dining and Entertainment'), educational establishment and recreational facilities ('Community')**

<b>File reference</b>	2019/5302
<b>Report author</b>	Chris Bien, Statutory Planner
<b>Other contributors</b>	N/A
<b>Reporting service unit and alliance</b>	Development Approvals, Planning and Economic Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	3 February 2020
<b>Nature of Council's role</b>	Quasi-Judicial
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.1A – Location Plan Attachment 13.1B – Development Plan Attachment 13.1C – Public Consultation Summary Attachment 13.1D – Applicant Response to Public Consultation Attachment 13.1E – Proposed Land Uses Guide
<b>Landowner</b>	Almacen Pty Ltd
<b>Applicant</b>	Almacen Pty Ltd
<b>Zoning</b>	(MRS Zone) Urban (City Planning Scheme Precinct) East Perth (P15) (Local Planning Scheme No. 26 – Normalised Redevelopment Area) EP9 – Brown Street
<b>Approximate cost</b>	\$200,000

## **Purpose**

The purpose of this report is to outline the assessment and recommendation for a development application proposing to use an existing tenancy as a multi-purpose event and function space.

## **Background**

The original application did not fully clarify the extent of uses and events, the associated times and duration, nor the expected numbers of patrons attending these events. The initial acoustic report also did not cover all requirements and the initial assessment and consideration of the application

was therefore based on the scenario where the primary proposed development was to use and operate the site as a dedicated function centre. This also included consideration that the function centre would be operating on a regular basis close to the maximum capacity of the venue being 200 people, and therefore considering the impacts that this would have on the surrounding area. As such, the use of a dedicated function centre on the site was considered contrary to the orderly and proper planning of the locality and inconsistent with conservation of the amenities of the locality. More specifically, the proposed use as a function centre only would not ensure a successful mix of land uses and activities in a compatible manner as it would have an adverse impact on existing residential development and impact on future potential residential infill and development. The concerns raised by the objections received from the community was shared by City officers and the application was initially not supported and recommended for refusal due to these reasons.

The application was considered by Council at its meeting held on 17 December 2019, where it was resolved to defer the application to clarify questions relating to the proposed mix of land uses which the applicants raised at the meeting. As such, the applicants met with City officers to expand on the details of the proposed land uses and submitting documentation clarifying the broad mix of events uses and expectations regarding the times and duration of events and the patron numbers.

## **Details**

Since Council resolved to defer the application at its meeting held on 17 December 2019, the applicants have discussed in detail the proposed land uses for the subject site with City officers and have submitted revised details that focus on uses of the building that are likely to attract reduced numbers of patrons and would have lower impacts on the amenity of surrounding residents. Having heard the concerns of the surrounding property owners, the applicants have explained that they are not intending to use the subject site primarily as a function centre but rather as a multifunctional space. The venue will utilise many different uses but are broadly categorised by the applicant as being related to the arts, education, corporate/business events, private events, health and fitness, or community activity.

For additional reference, a general summary of the proposed land uses is included below as categorised by the applicant (refer to Attachment 13.1E):

- Arts related – art exhibitions and galleries; fashion shows; photography studio; artist classes and incubator spaces;
- Education and learning related – seminars; conferences; and learning and teaching space;
- Corporate and business events related – product display, promotions and launches; corporate events; exhibition and seminars; meeting spaces;
- Private events related – small group dining; food and wine tasting; fashion wholesaler buying; private celebrations;
- Health and fitness related – yoga and pilates classes; private fitness sessions; meditation classes; and
- Community related – community education classes or presentations; and school holiday entertainment.

The venue will also be repurposed to ensure it is able to cater for these uses. The works include the installation of noise and fire insulated walls (to a greater value than originally proposed), upgraded

front windows to reduce noise, installation of a polished concrete flooring and overhead lighting and renovated toilet and kitchen facilities. The venue will contain a main event area, store rooms, communal foyer, toilets and a small kitchen area (which will be used only for reheating and plating of food by catering staff). The venue could accommodate up to 200 people but the applicant advises that even the largest events would, in most cases, only attract up to 120 people.

Depending on the type of activity or use that is being catered for, the estimated duration of an event could be for a short amount of time from an hour or less (such as a health/fitness class) or it may extend as long as a few days (such as an art exhibition). Whilst a significant number of events and activities are anticipated to occur during the day, there is a desire to utilise events during the early evening as well. The applicant has stated that most activities being proposed now are able to be undertaken during the day or evening (although it will be reliant on customer demand).

### Compliance with Planning Scheme

#### Land use

The subject site is located within the Brown Street Precinct (EP9) under Local Planning Scheme No. 26 (LPS26). The Brown Street Precinct will provide a mix of uses with commercial and high amenity light industry to the north of Brown Street and residential to the south and along the Claisebrook Inlet. This highly prominent location will showcase high quality design and medium density residential development.

Under LPS26, an event space, creative industry office, artist studio and creative mixed land use falls within the 'Culture and Creative Industry' land use category. A private function centre falls within the 'Dining and Entertainment' land use category while an educational establishment and recreational facilities fall within the 'Community' land use category. All three of these land use category groups are 'Contemplated' uses within the Brown Street Precinct.

In determining an application for development approval for a land use within the 'Culture and Creative Industry' land use category, in addition to the matters listed under clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council shall have regard to the following relevant objectives:

- (a) infusing creativity, originality and innovation into the built environment;
- (d) the provision of flexible and adaptive spaces to live, work and display; and
- (e) ensuring the compatible operation of culture and creative land uses with other land uses in the vicinity of the proposed development.

Furthermore, when determining an application for development approval for a land use within the Dining and Entertainment land use category, in addition to other provisions of the Scheme, Council shall have regard to the following objectives:

- (a) enhancing lifestyle, character and vibrancy;
- (b) achieving effective venue management, including venue operation, patron management, and customer and public safety; and
- (c) ensuring the operation of land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise or other emissions, and is compatible with surrounding land uses.

When determining an application for development approval for a land use within the Community land use category and in addition to other provisions of the Scheme, Council shall have regard to the following objectives:

- (a) encouraging facilities that provide essential services or enhanced lifestyles to segments of the community or to the general public;
- (b) facilitating social interaction and community building;
- (c) supporting physical activity and healthy lifestyles; and
- (d) ensuring the appropriate interface of development within the surrounding environment, including patron and traffic management, and high quality public realm.

### Development requirements

From a land use perspective, it is acknowledged that the area is intended to be a mixed-use area although LPS26 also acknowledges that this area will become increasingly residential in character. This is further highlighted by development approvals granted on 15 February 2018 and 5 December 2019 for the adjoining strata units within the same building at 10 Brown Street and 6 Brown Street respectively to be changed to residential use. As such, due consideration should be given to the potential impact(s) that non-residential uses may have on the residential properties near the subject site.

The City's Planning Policy 3.5 (Non-Residential Uses in or Adjacent to Residential Areas) recognises that there is the potential for conflict between residential and non-residential land uses. It states that non-residential uses on land which abuts land which is or may be used for residential purposes shall only be permitted where the nature of the non-residential use will not cause undue conflict through the generation of traffic or parking or the emission of noise or any other form of pollution which may be undesirable in residential areas. This potential for land use conflict was reflected profoundly during the consultation period, whereby the three main issues clearly identified by the surrounding landowners were noise, traffic and parking impact, and safety and security.

### **Stakeholder engagement**

In accordance with clause 34 of City Planning Scheme No. 2 (CPS2) and clause 64 of the Deemed Provisions, the original proposal was advertised to the owners of affected properties within the vicinity of the subject site for a period of 14 days, closing on 11 October 2019. These included 2 and 8 Brown Street; 17–21 Kensington Street; 1–10 Flagstaff Lane; 1–9 Ensign Lane, 1-13 Victory Terrace and 2 Henry Lawson Walk.

A total of 36 submissions were received during the advertising period, with 33 raising objections and three providing support in relation to the proposal.

There were four broad issues which the submissions objecting to the proposal commonly raised. These were noise; security and anti-social behaviour; parking and transport; and appropriateness of the venue's location. A few submissions also outlined the potential of the proposal to decrease property values. It is noted that any impact that the proposed change of use might have on the value of surrounding 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.

The three submissions received in support of the application noted that the proposed use could provide greater interest and activity in the area.

A summary of the submissions received is attached (refer to Attachment 13.1C). It is noted that following the decision by Council to defer the application on 17 December 2019, the revised details for this application were not readvertised, as there has been no extension to the scope or scale of the proposal but rather further clarity and limitations provided of the proposed use(s). The original submissions remain relevant to the consideration of this proposal.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Place
<b>Strategic Objective:</b>	Stimulating, functional and attractive design outcomes across all developments.

The proposal relates to several Strategic Objectives including Aspirations which encompass People, Place and Prosperity. However, the Strategic Objective that has been designated is the one which endorses places that are stimulating, functional and have attractive design outcomes. The proposal presents an opportunity for a stimulating and functional space but a well-balanced approach needs to be taken to ensure that the community's needs are respected so that any development can be facilitated viably and integrated successfully.

## Legal and statutory implications

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Scheme) Regulations 2015*
- Metropolitan Region Scheme
- City Planning Scheme No. 2
- Local Planning Scheme No. 26

### Connection with mandates in the *City of Perth Act 2016*

8(1)(j) - to strike an appropriate balance among civic, economic, social, cultural and environmental considerations



## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
People	Minor	Possible	Low
Reputation and External Stakeholders	Minor	Possible	Low
Legal and Regulatory/Ethical	Minor	Possible	Low

As identified in the table above, the proposal has low risk implications.

## Approval implications

If an applicant or owner is aggrieved by Council's decision, an application may be made in writing to Council to revoke or amend the planning approval and there is a right of review by the State Administrative Tribunal (SAT) in accordance with the *Planning and Development Act 2005* Part 14. Should a third party be aggrieved by the decision, there are no provisions for appeals as no third party appeal rights exist under the *Planning and Development Act 2005*. As such, should the community be aggrieved by the approval of this proposal, their grievances may be directed to the City. There is the possibility of further complaints regarding the venue in the future, particularly as it will be reliant on whether or not the development abides by the conditions of approval.

## Financial implications

There are no financial implications related to this report. However, should the applicant seek a review of the decision by the SAT, there may be financial implications for the City in its role as 'respondent'.

## Policy references

- CPS2 Policy 2.2 – Public Notification/Advertising
- CPS2 Policy 3.5 – Non-Residential Uses in or Adjacent to Residential Areas

## Comments

### Clarification on Proposed Land Uses

Since the application was deferred, City officers have held discussions with the applicant to better define the proposed land use for the subject site. The most significant point is that the proposal is not centred on being used solely as a standalone function centre, with the focus rather being on providing a space which utilises a range of land use activities with an emphasis on smaller scale activities and on those held during day times rather than evening events.

Whilst it is acknowledged that the venue could be used to host private functions, the additional information provided to the City has detailed that these private events are not expected to have the same impact as a dedicated function centre and the expected maximum number of guests to the majority of events is 120 people, which is significantly lower than the maximum occupancy number of 200 people.

Noting the clarification of the proposed use, the proposal is considered to be more respectful to residential development in the area and the issues pertaining to conflict now considered to be less than the original proposal. Acknowledging the new details around the proposed land uses, the issues identified and concerns expressed in the previous report relating to noise, traffic and transport, and safety and security are now assessed below:

### Noise

Many of the submissions received during the consultation period were concerned about the volume of noise created by various forms of entertainment and the high number of patrons in the one location, noting that it was previously understood that up to 200 patrons could be accommodated.

City officers had reviewed the information in the original and amended acoustic report and considered that it did not provide the appropriate level of detail to determine how sound from the initially proposed function centre with 200 patrons will be attenuated, how the noise will affect the residents near the subject site or how noise issues can be appropriately dealt with or addressed in any approval.

Based on the additional information provided to clarify the land uses, the time and duration of events and the expected number of visitors, it is considered that the noise impact will not be as significant as originally assumed. Furthermore, the acoustic report sufficiently demonstrates that the proposal can be made to comply with the assigned levels under the *Environmental Protection (Noise) Regulations 1997*. It is considered that noise can be satisfactorily attenuated and managed.

Disturbance from noise from the venue can be further addressed by reasonably restricting the hours of operation whereby the business can be viable without having adverse impacts on nearby residents. These matters can be appropriately addressed through conditions of any approval.

### Traffic and Parking Impact

Concerns have been raised by the objectors regarding traffic and parking associated with the proposal. The transport issues regarding patrons accessing and exiting the venue are less than previously anticipated noting that the larger events will not occur on a regular basis and are unlikely to be close to the capacity of 200 people. Many of the proposed uses are unlikely to generate significant or high volumes of traffic, however, private events or exhibitions may temporarily increase traffic volumes within the immediate area over certain periods of time (such as the end of an event).

Public transport is only considered a viable option to access the venue during the day, where there is a Yellow CAT bus stop situated around 600 metres from the site, whilst the Claisebrook Train Station is less than one kilometre away.

As part of any venue management plan, the applicant must give consideration as to how they will address access to the site by taxis and ride share options as well as by private vehicles. Patrons should

be advised that there is no on-site and very limited street parking available and be provided with information regarding alternative transport and public parking alternatives.

### Safety and Security

Many concerns initially raised by residents related to how post-function management is to be carried out and the potential for disturbance or anti-social behaviour. The nature of many of the proposed events will be low impact with the number of visitors is expected to reach a maximum of 120 people. The venue operators will be required to submit a detailed management plan that specifically addresses how they will control patron behaviour and noise as people arrive and depart from the venue to address residents' concerns.

Whilst approval is still sought for private events and functions, it has been clarified that the venue operator and the landowner is the same entity and no activity occurring within the venue will be managed by a third-party operator. This places greater responsibility and accountability on them to ensure that any concerns which may arise relating to safety and security can be managed promptly and efficiently.

### Conclusion

Considering the additional detailed information provided by the applicant, City officers are now satisfied that the proposal will not be used as a dedicated function centre operated at maximum capacity by third party operators but proposed as a multifunctional space which allows for a wide range of land uses that are generally compatible with the existing uses in this mixed-use locality.

The applicants are conscious that they need to ensure the proposed uses at the subject premise has limited adverse impact on the residents in particular, and they are intent on demonstrating that this proposal can be a positive addition to the East Perth area. The proposed land use meets the general scheme objectives and principles and will be adding to vibrancy, vitality and diversity of the city and potentially providing opportunities for innovation and additional facilities and amenities in the city.

As such, it is considered that the revised proposal can integrate well into this area and it is recommended that the application should be approved subject to relevant conditions around the management and operation of the venue.

### **Recommendation**

That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, APPROVES the application for the change of use from a gymnasium ('Community') use to an event space, creative industry office, artist studio and creative mixed land use ('Culture and Creative Industry'), function centre ('Dining and Entertainment'), educational establishment and recreational facilities ('Community') use at 4 (Lot 5) Brown Street, East Perth as indicated on the Local Planning Scheme Form and Metropolitan Region Scheme Form One dated 4 August 2019 and as shown on the plans and details provided on 13 August 2019 and 20 January 2020 subject to:

1. the use of the premises being restricted to the uses detailed in the event schedule ('4 Brown Street – Proposed Uses, Estimated Event Duration, Times and Number of Visitors') received on 20 January 2020;
2. the premises being used to accommodate up to a maximum of 120 people, with any use that exceeds this number being limited to a maximum occurrence of once per calendar month with the venue operator providing written notification to the City at least seven days prior to the use commencing, including details of the nature of the use and the anticipated attendance numbers;
3. the hours of operation for any of the approved uses being within the hours of 7am to 9.30pm, Sundays to Thursdays and including public holidays, and within 7am to 12 midnight on Fridays and Saturdays;
4. no speakers being located external to the premises, with all openings to the venue remaining closed at all times during operational hours except when staff and patrons are entering and exiting the venue;
5. final details of construction specifications required to reduce noise emissions from the use of the development to 15dB(A) when received as internal noise within 6 (Lot 4) Brown Street in accordance with the City's guidelines be submitted by a suitably qualified acoustic consultant to the City's satisfaction prior to applying for a building permit;
6. a certificate by a suitably qualified acoustic consultant that the building plans include the noise attenuation specifications, assumptions and recommendations outlined as required by Condition 5 and in the report prepared by Herring Storer Acoustics (25017-2-19270) dated 21 November 2019 shall be submitted prior to applying for a building permit;
7. a final waste management plan being submitted for approval by the City prior to applying for a building permit;
8. a final revised venue management plan being submitted including all relevant items, as outlined in Advice Note A, for approval by the City prior to the commencement of the use of the venue;
9. the venue being operated in compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*; and
10. any signage being integrated into the design of the building and any signs which are not exempt from approval under the City's Signs Policy 4.6 requiring a separate application for approval.

#### Advice Notes

- a. In relation to Condition 8, the following items are required to be addressed in the venue management plan:
  - i. management of large patron numbers leaving an event or function requiring transport;

- ii. procedures on notifying visitors/patrons that there is no on-site and very limited street parking available in the vicinity of the venue and providing information regarding alternative transport options and public parking locations;
  - iii. control of patron behaviour and noise on arrival and departure from the venue;
  - iv. deliveries and servicing of the venue;
  - v. enforcement of the approved hours of operation;
  - vi. the provision and service of alcohol at the venue (liquor licencing);
  - vii. complaint handling procedures; and
  - viii. emergency procedures.
- b. In relation to Condition 5, to allow sufficient time for review, the acoustic consultant's report should be submitted to the City 30 days prior to submitting the building permit. The report should include all necessary details on construction requirements including, but not limited to, wall height, material type and density, as well as technical details on any required insulation products.
- c. Prior to occupying the building, the occupier is required to obtain a Certificate of Approval under Section 178 of the *Health Act 1911*. The development is to be designed and constructed in accordance with the requirements of the *Health Act 1911* and the *Health (Public Building) Regulations 1992*. Design considerations of the *Health (Public Building) Regulations 1992* will need to be detailed in any plans submitted as part of your building permit application. Due consideration needs to be given to regulation specific stair dimensions, and door latching mechanism requirements, which are more onerous than the minimum requirements of the National Construction Code.

## Item 13.2 – Submissions on the State Government’s Public Consultation Papers – Special Entertainment Precincts and Managing Amplified Music Noise in Entertainment Precincts

<b>File reference</b>	P1033010#05
<b>Report author</b>	Siobhan Linehan, Senior Urban Planner
<b>Other contributors</b>	Samantha Ferguson, Principal Urban Planner Scott Teymant, Coordinator Environmental Health
<b>Reporting Service Unit and Alliance</b>	City Planning, Planning and Economic Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	22 January 2020
<b>Nature of Council’s role</b>	Advocacy
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.2A – Western Australian Planning Commission’s draft Position Statement: Special Entertainment Precincts Attachment 13.2B – Department of Water and Environmental Regulation: Managing Amplified Music Noise in Entertainment Precincts

### Purpose

The purpose of this report is for Council to consider and form a position on the State Government’s proposed planning and environmental reforms in relation to special entertainment precincts which are currently out for public comment.

### Background

Northbridge is the State’s premier entertainment precinct. The growth of noise sensitive premises (such as residential and short stay accommodation) in Northbridge has resulted in uncertainty for entertainment venue operators, due to the potential impact that noise complaints can have on the on-going operation of the venues.

The City has been working collaboratively with the State Government on planning and environmental reforms to address these issues for Northbridge, as well as other special entertainment precincts across the State.

At its special meeting held on the 4 December 2019, Council resolved to initiate Amendment No. 41 to its City Planning Scheme No. 2 to establish the Northbridge Special Entertainment Precinct. The amendment will support entertainment venues and facilitate an active night time economy by enabling venues to operate at higher external amplified music noise levels under the *Environmental*

*Protection (Noise) Regulations 1997* (Noise Regulations) than they can currently. It incorporates core and frame areas with higher noise levels in the core area (95dB in the 63Hz octave band) than in the frame area (90dB and 79dB in the 63Hz octave band). New entertainment venues and noise sensitive developments within the Precinct will be required to be designed to attenuate to the higher noise levels.

The Western Australian Planning Commission (WAPC) has since granted consent to advertise Amendment 41 without modifications. However, the amendment is currently with the Environmental Protection Authority (EPA) for consideration of the need for formal environmental assessment, prior to advertising.

## **Details**

The State Government is seeking public feedback on two planning and environmental reforms in relation to special entertainment precincts as outlined below. Comments are due by 14 February 2020 but the State Government is aware that the City is unable to formally respond until the matter has been considered by Council at its meeting held on 25 February 2020.

The State Government's reforms are aimed at balancing the competing needs of entertainment venues, other business and residents in vibrant entertainment precincts such as Northbridge.

The consultation papers take into consideration feedback received from stakeholders on a previous discussion paper prepared jointly by the Department of Water and Environmental Regulation (DWER) and the Department of Planning, Lands and Heritage (DPLH) and published by the WAPC in 2018: *Planning for entertainment noise in the Northbridge area*.

### **1. DPLH – WAPC Position Statement: Special Entertainment Precincts**

- i) Purpose – to provide guidance on the designation of special entertainment precincts within a local government's local planning scheme via the adoption of a special control area (SCA).
- ii) A Special Entertainment Precinct (SEP) – is defined as comprising a diverse mix of land uses, including entertainment venues, which contributes to an active night time economy.
- iii) Policy Objectives
  - provide clear and consistent development guidance;
  - establish a framework that reduces potential land use conflicts between noise-sensitive receivers and entertainment venues through the application of relevant planning considerations;
  - provide an increased level of assurance for entertainment venues by establishing a framework to achieve greater operational certainty.
- iv) Establishment of a SEP may be appropriate where it can be demonstrated that the precinct has strategic importance to the area in which it operates, particularly with regard to its tourism, cultural and commercial value.
- v) The relevant local government is to identify the case for establishing a SEP Special Control Area and define its boundary as well as the following:

- a robust problem definition statement, including current noise levels and any entertainment noise related complaints;
  - evidence of consultation with the local community and adjoining/impacted local governments;
  - demonstration of significant night –time economy supported by an economic assessment;
  - evidence of an established strategic vision for the precinct, including the existing and/or intended land use mix and the potential for future entertainment venue development;
  - a scheme amendment will require the following:
    - o an external amplified music noise level to identify the expected street level vibrancy within the SEP. It is not a compliance level but a level set by the local government from which building attenuation standards can be determined;
    - o adoption of precinct wide design and construction standards for new residential development to achieve internal noise levels of 47dB in the 63 Hz octave band. A Transmission Loss Design Report will be required;
    - o new entertainment venues to undertake a noise assessment, in the form of an Acoustic Report, to determine the level of noise to be attenuated through design and construction measures, consistent with the external amplified music noise level; and
    - o as a condition of development approval for noise sensitive premises, a notification on titles to inform prospective owners of the likelihood of higher noise levels.
- vi) Model Text Provisions for SEPs are provided in Appendix 1 which have been prepared in collaboration with the City and are similar to the provisions of Amendment No.41 with the exception of some nuances to allow for local context.

## 2. DWER – Managing Amplified Music Noise in Entertainment Precincts

To complement the planning components outlined in the WAPC Position Statement, DWER are concurrently considering proposed amendments as outlined below.

The paper outlines reform options for the management of amplified music noise in entertainment precincts and is required as part of a Regulatory Impact Assessment (RIA) which must be undertaken prior to any proposed changes to the Noise Regulations. A RIA requires government to consider the cost and benefits of a number of regulatory and non-regulatory options before deciding on how to change the way an issue is managed. New or amended regulations should address a clear market or regulatory failure. A RIA includes the following steps:

- i) Identify the problem
- Vibrant entertainment precincts contribute significantly to an area’s social and cultural scene, as well as its economic development, however entertainment venues typically operate at higher levels than those prescribed under the Noise Regulations;



- Residents value vibrant neighbourhoods close to city centres and transport but require health and amenity protections;
- Infill development in mixed use inner city areas has led to conflict when noise sensitive development is permitted close to existing noise emitters;
- The issue is predominantly the result of the Noise Regulations applying one set of noise standards across the whole State, with a presumption of separation between land uses which is not present in vibrant mixed use areas;
- The Noise Regulations do not provide certainty for entertainment venues as the noise levels that they must comply with are determined at each noise receiver rather than at the venue, which is simpler to monitor and control; and
- The Noise Regulations don't sufficiently address low frequency noise associated with amplified music.

ii) Consider options for the reform

- Option 1: Status Quo – incompatible land uses continue. Under the existing planning framework, noise sensitive premises can encroach on existing noise emitters, including venues. As noise emitters are responsible for emissions under the *Environmental Protection Act 1986*, the emitter may be required to moderate their operations to comply with the assigned levels at the receiver. This may result in risks to ongoing viability of entertainment venue, and/or inadequate protection of residents from environment noise.
- Option 2: Agent of change – new development accounts for noise impacts. This option was adapted from the Victorian Government's agent of change approach for live music in 2014 and is discussed in full in the 2018 consultation paper '*Planning for entertainment noise in the Northbridge area*'. Although the agent of change approach aims to strike a balance between new entertainment venues and residential developments, there are significant practical difficulties with implementing new building requirements and adopting indoor assigned levels. As compliance levels would be indoor levels, new venues would be required to make assumptions about the level of attenuation incorporated into nearby noise sensitive premises which is likely to be complex/impractical, and lead to ongoing uncertainty in respect of new venue operations.
- Option 3: Special Entertainment Precincts - sets noise expectations for entertainment venues and new noise sensitive development. Under this option the local government may designate a special control area as a special entertainment precinct (SEP) via an amendment to their local planning scheme as discussed previously. Amendments to the Noise Regulations will be made to provide for uniform noise emission levels for approved venues within a SEP as outlined below:

- Opt In - entertainment venues located within the SEP may apply for a venue approval to exceed the assigned levels for day to day operations. It should be noted that venues located within the SEP without a venue approval will continue to be subject to the requirements of the assigned noise levels set out in regulation 7 of the Noise Regulations;
- Venue noise levels - are proposed to be capped at the noise level set out in the local planning scheme (less an adjustment, where relevant, to account for cumulative noise effects);
- Determination of Venue Approvals - the local government's CEO will determine applications for and issue venue approvals which may specify the most appropriate compliance measurement location, or require an acoustic report or a noise management plan which describes how the venue will comply with the relevant venue noise level;
- Schedule – a SEP established by a local government will be listed in a Schedule to the Noise Regulations;
- Term of Venue Approvals - venue approvals will be in effect for a fixed period;
- Other matters such as appeal provisions and compliance matters (penalties for breach of approval conditions) and the removal or amendment of a SEP are still to be determined.

Option 3 is broadly consistent to that adopted in Brisbane's Fortitude Valley.

The consultation paper also refers to the City and the State Government working together to establish a SEP for the State's premier entertainment area, Northbridge, and outlines the external amplified music noise levels proposed for the core and frame areas (with the exception of the proposed levels for existing venues situated within the frame area).

iii) Consider impact of the proposed options on stakeholders (simplified)

	<b>Entertainment Venues</b>	<b>Existing Noise Sensitive Uses</b>	<b>New Noise Sensitive Uses</b>
<b>Option 1 – Status Quo</b>	Uncertain operating environment due to complaints	Regulation 7 protections <sup>1</sup>	Regulation 7 protections <sup>1</sup>
<b>Option 2 – Agent of Change</b>	Protection from complaint from new noise sensitive development only	Noise protection from new entertainment venues only	Noise protection due to increased construction requirements
<b>Option 3 – Special Entertainment Precincts</b>	Some limits to noise but greater protection from complaints <sup>2</sup>	Entertainment venue noise limited but still loud	Noise protection due to increased construction requirements

Notes <sup>1</sup> refers to the Noise Regulations

<sup>2</sup> if the entertainment venue chooses to opt in

- iv) A cost benefit analysis – will be undertaken by the Western Australian Treasury Corporation to assess the economic burden of reforms on different stakeholder groups across the reform options including residents (new and existing), entertainment venues, other business and the government.

## Stakeholder engagement

The State Government in collaboration with the City of Perth have held three public information sessions for residents and venues in January 2020 to present the proposed reforms. Another information session is scheduled for early February 2020.

A number of key stakeholder briefing sessions were held in January 2020:

Whilst the above information sessions have been primarily led by the State Government as part of their formal consultation requirements, it has also been an opportunity for the City to engage early with the community and key stakeholders (on an informal basis) on the key planning provisions relating to proposed Northbridge Special Entertainment Precinct.

## Strategic alignment

### Strategic Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Prosperity
<b>Strategic Objective:</b>	Precincts that utilise their unique sense of place, local pride and enthusiasm to encourage investment and economic activity.

The State Government's proposed planning and environmental reforms will enable SEPs to be established. The proposed reforms will enable the City and the State Government to progress Amendment No. 41 to establish a Northbridge Special Entertainment Precinct and provide for an active night time economy.

### Connection with mandates in the *City of Perth Act 2016*

8(1)(f) - to promote environmentally sustainable development, while ensuring Perth's role as a thriving business, cultural and entertainment centre, considering the flow-on impact to the Perth metropolitan area

## Legal and statutory implications

The proposed WAPC Position Statement has to be given due regard in any planning related matter or at the State Administration Tribunal where relevant. Amendment No. 41 has already been drafted in accordance with the proposed WAPC Position Statement. Any future local planning scheme amendment to establish a SEP within the city will also need to be drafted in accordance with this.

The proposed amendments to the *Environmental Protection (Noise) Regulations 1997* will enable the establishment of new legally enforceable assigned noise levels within SEPs. The responsibility for assigning noise levels will transfer from the State Government to the local government which is a transfer of risk. Local government will be responsible for assessing applications for Venue Approvals and associated compliance.

## Risk implications

Impact of Decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Reputation and External Stakeholders	Minor	Unlikely	Low
Environmental	Minor	Unlikely	Low
Legal and Regulatory/Ethical	Minor	Unlikely	Low

The State Government's proposed planning and environmental reforms provide the overarching framework and guidance for the establishment of SEPs within local government areas. As these proposed reforms do not stipulate the nominal external amplified noise levels the local community may experience, the risk to the community and City is considered to be low.

## Approval implications

Council's support of the proposed State Government reforms will assist in enabling the establishment of the Northbridge Special Entertainment Precinct as proposed under Amendment No. 41, as well as enabling additional SEPs to be established in the city in the future.

## Financial implications

Whilst there are no financial implications associated with this report, however, as noted above, the local government will be responsible for the assessment and issuing of Venue Approvals and associated compliance. This will have resource implications and it will be important to ensure that provisions are provided in the Noise Regulations to enable local governments to recover costs.

## Policy references

There are no policy references related to this report.

## Comments

The State Government reform documents acknowledge the land use conflicts arising in entertainment areas due to residential urban infill and the increasing uncertainty that this creates for venue operators. Managing and planning for entertainment in mixed use areas is a complex challenge that requires careful consideration of the needs of both entertainment venue operators and noise sensitive uses such as residential development and short stay accommodation.

## WAPC Position Statement

The WAPC position statement seeks to facilitate a balanced approach to protecting the viability of the entertainment industry and supporting vibrant urban communities. In some instances, however

it may not be possible to balance the needs of entertainment venues, business and noise sensitive uses. For example, there may be instances where the proposed external amplified music levels may preclude the further development of noise sensitive uses (due to sufficient attenuation not being possible). In such instances, the land use permissibilities outlined in the local planning scheme should be amended to reflect the purpose of the SEP and the preference/primacy of entertainment venues over new noise sensitive uses.

The precinct approach outlined in the WAPC position statement will provide the City with an opportunity in due course to investigate other potential SEP's beyond Northbridge within the city but will not address land use conflicts associated with stand-alone entertainment venues. In the city's context, this approach is supported as it is considered that implementing higher construction attenuation requirements for new noise sensitive development in close proximity to stand-alone venues, together with implementing the more stringent construction attenuation provisions for new noise sensitive development of any future SEPs, will compromise the city's ability to achieve its aspirational residential growth targets.

#### DWER Consultation Paper

As outlined above, three options have been put forward by DWER for consideration.

Option 1 (maintaining the status quo) would not address current land use conflict between entertainment venues and noise sensitive uses, as well as the issues with the current Noise Regulations, and is therefore not supported.

Option 2 (agent of change) is the option that the DPLH previously consulted on. It is understood however that feedback received during previous consultation raised the issue of ongoing uncertainty for venues under the proposed reforms, and emphasised the preference for levels to be set at the venue rather than indoors at the noise sensitive premises due to the inability for venues to accurately determine sound levels received internally within nearby noise sensitive premises. Furthermore, it was suggested that the reforms would be difficult to enforce and achieve compliance, and had the potential to discourage the establishment of new entertainment venues.

Given the implementation issues and lack of venue certainty associated with Option 2 (agent of change), it is considered that this option would not satisfy the reform objectives and is therefore not supported.

Option 3 (SEPs) reflects the approach the City has taken with Amendment No. 41. It will adequately address the land use conflicts which can arise between noise sensitive uses and entertainment venues in mixed use areas.

SEPs will provide certainty for venues, by allowing higher noise levels for approved venues to be set near the venue premise. Protection for new noise sensitive uses is achieved through higher construction standards for new noise sensitive developments. Although existing noise sensitive premises are unlikely to incorporate the same level of attenuation against amplified music that will be required for new development, the proposed external amplified music levels may in some instances be lower than what the existing noise sensitive uses are already experiencing. It is considered that by establishing a shared expectation of street vibrancy and precinct characteristics it

will assist to future proof important entertainment precincts and provide for a stronger night time economy.

Option 3 also enables the local government's CEO to have discretion to specify the most appropriate compliance measurement location for noise being emitted from entertainment venues which would afford some flexibility. For example, in setting the Venue Approval level, it may be appropriate to designate an internal sound level within the venue to measure against as opposed to an external level. The specific measurement will be guided by the Acoustic Report submitted with the Venue Approval location, having regard to things such as, proximity to other entertainment venues, direction of noise sensitive receivers, and reflective surfaces. The local government will, however, need to ensure consistency with the planning reforms which required entertainment venues located in a SEP to be designated and constructed to incorporate noise attenuation measures to ensure the maximum amplified music level is not exceed at 1 metre from the entertainment venue boundary.

It should be noted that in initiating Amendment No. 41 Council also resolved to request *"Department of Water and Environmental Regulation incorporate in its drafting instructions for the proposed amendments to the Environmental Protection (Noise) Regulations 1997 (as amended), the provision for a head of power to provide the CEO of the Local Government with the discretion to modify the assigned nominal external amplified music noise levels established for a Special Entertainment Precinct through a Venue Approval"*.

Initially there was concern about DWER's reference in its consultation paper to capping the external amplified music noise levels to those specified in the local planning scheme (less an adjustment, where relevant, to account for cumulative noise effects). It was considered that it may be appropriate in some instances for existing entertainment venues to be granted approval (on a temporary basis) to operate at a higher external amplified music noise level where it can be demonstrated that the proposed level will not create a greater impact on existing noise sensitive uses than the specified nominal levels.

However, subsequent to that decision which sought to provide flexibility and support for the ongoing operations of existing entertainment venues located in the proposed frame area, it is considered that the proposed provision to enable these venues to operate at 90dB in the 63Hz octave band will adequately address this matter.

Additionally, initial feedback from residents and businesses who have attended the State Government public information sessions indicated that, amongst other matters raised, they are seeking certainty. Given the significance of the proposed changes to noise compliance and land use expectations, elevation of the noise levels on a case by case basis would have unintended consequences and would not provide the local community, particularly residents, with certainty and transparency as to what noise levels they should expect in the precinct. For these reasons, DWER's proposal to cap the external amplified music noise levels to those specified in the local planning scheme is supported.

It is recommended that the City request to be able to review and provide comment on the DWER's drafting instructions for the proposed amendments to the Noise Regulations, particularly on matters yet to be resolved which may have implications for the local government's resources such as appeal provisions, compliance matters (penalties for breach of approval conditions). A provision should also be incorporated to allow a local government to charge a standard, capped fee for a Venue Approval

application, plus additional fees for service associated with assessment of the application, payable prior to a Venue Approval being issued.

Legal advice obtained by the City during the of preparation of Amendment No. 41 has recommended that regulation 5(2) of the Noise Regulations be amended so that the noise that is emitted in accordance with a Venue Approval issued under the amended Noise Regulations is not automatically deemed to be 'unreasonable noise' for the purpose of that offence under the *Environmental Protection Act 1986*.

### Next Steps

- State Government to review any submissions received on the proposed reform packages;
- WAPC endorses a final position statement on SEPs which takes into consideration feedback from the submissions received;
- A decision is made on the findings of the RIA; and
- Changes are made to the Noise Regulations.

### **Recommendation**

That Council:

1. COMMENDS the State Government for progressing planning and environmental reforms to address noise related land use conflicts in Special Entertainment Precincts and to ensure that Northbridge remains the State's premier entertainment precinct.
2. ADVISES the Department of Planning, Lands and Heritage (DPLH) that it is supportive of the guidance provided in the Western Australian Planning Commission's draft Position Statement: 'Special Entertainment Precincts' on the establishment of special entertainment precincts and associated scheme provisions. It is recommended however, that further consideration be given to the following matter;
  - 2.1 further guidance being provided in the draft Position Statement in relation to prioritising entertainment venues over noise sensitive uses in instances where the proposed external amplified music levels may preclude the further development of noise sensitive uses.
3. ADVISES the Department of Water and Environmental Regulation (DWER) that Council:
  - 3.1 supports the implementation of 'Option 3': Special Entertainment Precincts outlined in the DWER's consultation paper 'Managing Amplified Music Noise in Entertainment Precincts';

3.2 REQUESTS that the proposed amendments to the *Environmental Protection (Noise) Regulations 1997* include the following:

3.2.1 regulation 5(2) of the *Environmental Protection (Noise) Regulations 1997* be amended so that noise that is emitted in accordance with a Venue Approval is not deemed 'unreasonable noise' under the *Environmental Protection Act 1986*;

3.2.2 incorporate a provision which enable local governments to recover costs for the assessment and issuing of Venue Approvals;

3.3 REQUESTS the opportunity to review and comment on the drafting instructions for the proposed changes to the *Environmental Protection (Noise) Regulations 1997* prior to finalisation.



### **Item 13.3 – Submission to the Western Australian Planning Commission: Proposed Metropolitan Region Scheme Amendment 1356/57 – Development WA Normalisation Central Perth and Subiaco**

<b>File reference</b>	P1000684-3
<b>Report author</b>	Edward O’Connell, Urban Planner
<b>Other contributors</b>	Samantha Ferguson, Principal Urban Planner
<b>Reporting Service Unit and Alliance</b>	City Planning, Planning and Economic Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	28 January 2020
<b>Nature of Council’s role</b>	Advocacy
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.3A – City of Perth draft submission to the Western Australian Planning Commission on the proposed Metropolitan Region Scheme Amendment 1356/57 Attachment 13.3B – Metropolitan Region Scheme Amendment 1356/57 proposed reservations and zonings

#### **Purpose**

The purpose of this report is for Council to consider proposed amendments to the Metropolitan Region Scheme Amendment 1356/57 for submission to the Western Australian Planning Commission (WAPC).

#### **Background**

The WAPC has released for comment Amendment 1356/57 to the Metropolitan Region Scheme (MRS). The purpose of the amendment is to re-establish the various zones and reservations over the Central Perth Redevelopment Areas which are currently under the planning control of Development WA (formerly the Metropolitan Redevelopment Authority). The proposed amendment will facilitate the future ‘normalisation’ of most redevelopment areas, when planning control is transferred from Development WA to the WAPC and the City of Perth.

The City of Perth encompasses the following Central Perth Redevelopment Areas: Perth City Link, New Northbridge, Perth Cultural Centre, Claisebrook Village, Riverside and Elizabeth Quay. These areas were created under the former *East Perth Redevelopment Act 2001* and *Subiaco Redevelopment Act 1994*, which repealed the MRS when the redevelopment areas were created.

Development WA is preparing to return statutory planning control for most of the Central Perth Redevelopment Areas to the WAPC and the City of Perth, through a process referred to as 'normalisation'. The MRA Act provides the process for removing land from redevelopment areas through amendment of the *Metropolitan Redevelopment Authority Regulations 2011* as well as processes for amendment of the City's local planning schemes. However, the MRA Act does not provide a process for reinstatement of the MRS at the time of normalisation. As a result, an MRS amendment is required to be undertaken.

The WAPC and ultimately the Minister for Planning are the determining authorities for proposed amendments to the MRS, however the City of Perth is invited to comment.

## **Details**

The amendment contains seven separate proposals which are spread across the Cities of Perth, Subiaco and Vincent and the Town of Cambridge. Proposals 2 – 6 impact the City of Perth while Proposal 1 impacts the City of Subiaco and the Town of Cambridge only. The proposed amendment plan and report prepared by the WAPC are provided in Attachment 13.3B.

Details of each proposal are as follows:

### **Proposal 1**

Relates to several pockets of land within the City of Subiaco and Town of Cambridge. No land within the City of Perth is impacted.

### **Proposal 2 – Perth City Link**

Rezone the majority of the redevelopment area to Central City Area and reserve a minor portion of the Mitchell Freeway as Primary Regional Roads.

### **Proposal 3 – Elizabeth Quay**

Reserve the portion of Riverside Drive as Other Regional Roads, reserve Lot 642 adjacent the river foreshore as Parks and Recreation, reserve the Swan River waterbody (part Lot 301, Lot 504 and Lot 8005) as Waterways, and to rezone the remaining portion of land to Central City Area.

### **Proposal 4 – Part Claisebrook Village**

Reserve Lot 500 as Railways, reserve Lots 6-9, 20, 1051 and 1238 as Public Purposes – Technical School and to rezone the remaining portion of land to Urban.

### **Proposal 5 – Part Claisebrook Village**

Rezone part Lot 500 and Lot 0 to Urban and Reserve the remaining areas of Lot 500 and Lot 0 as Railways and Parks and Recreation.

### **Proposal 6 – Riverside and Part Claisebrook Village**

Reserve Lot 1233, Lot 556 and a portion of Trinity Avenue as Parks and Recreation, reserve portions of Hay Street, Adelaide Terrace, Riverside Drive, the Causeway, part Lot 301, part Lot 1160, part Lot

13598 and as Primary Regional Roads, reserve the Swan River waterbody (part Lot 301) as Waterways and rezone the remaining portion of land to Central City Area.

### **Proposal 7 – Perth Cultural Centre and New Northbridge**

Reserve Lot 51 and a portion of Francis Street and Roe Street as Civic and Cultural, reserve Lots 301, 302, 402, 410, 502, 802, 803, 804, 805, 806, 807, 808, 1286, 1306, Y64, Y65 as Public Purposes - Technical School, reserve a portion of Roe Street as Public Purposes - Special Uses, reserve portions of Beaufort Street between Parry Street and Newcastle Street and the intersection of William Street and Newcastle Street as Other Regional Roads, rezone a portion of Newcastle Street to Urban and rezone the remaining portions of land to Central City Area.

### **Ongoing Normalisation**

Although the MRS amendment encompasses most of the redevelopment areas within the City of Perth, the normalisation of these areas will be completed in stages over a number of years, as Development WA substantially completes its redevelopment function. Therefore, the MRS amendment, once finalised, will take effect in stages as normalisation occurs. The City of Perth has established a joint working group with Development WA to facilitate the implementation of the staged normalisation process.

### **Strategic alignment**

#### Strategic Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Place
<b>Strategic Objective:</b>	Individual precincts enjoying a unique sense of place, bespoke service delivery and governance arrangements

There are no strategic implications linked to this report.

### **Legal and Statutory implications**

*Planning and Development Act 2005*

Metropolitan Region Scheme

*Planning and Development (Local Planning Schemes) Regulations 2015*

City of Perth City Planning Scheme No. 2

City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas)

Metropolitan Redevelopment Scheme Central Perth Redevelopment Scheme 2012

### Connection with mandates in the *City of Perth Act 2016*

8(1)(f) - to promote environmentally sustainable development, while ensuring Perth's role as a thriving business, cultural and entertainment centre, considering the flow-on impact to the Perth metropolitan area

### **Risk implications**

<b>Impact of decision</b>	
Organisation	Low
Community	Low

<b>Risk domain</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Risk rating</b>
Legal and Regulatory/Ethical	Insignificant	Rare	Low

There are no risk implications linked to this report.

### **Approval implications**

There are no approval implications related to this report.

### **Financial implications**

There are no financial implications related to this report.

### **Policy references**

There are no policy references related to this report.

### **Comments**

The City's Administration has assessed each of the seven proposals of MRS Amendment 1356/57 below and prepared a draft submission on each of the proposals for Commissioner consideration located in Attachment 13.3A.

### **Recommendation**

That Council ENDORSES the submission to the Western Australian Planning Commission on the proposed Metropolitan Region Scheme Amendment 1356/57 as detailed in Attachment 13.3A.

## Item 13.4 – Interim Homelessness Plan – Six Month Progress Update

<b>File reference</b>	P1033601
<b>Report author</b>	Emma Landers, Alliance Manager Community Services
<b>Other contributors</b>	Nil
<b>Reporting Service Unit and Alliance</b>	Community Services, Community Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	30 January 2020
<b>Nature of Council's role</b>	Information
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.4A – City of Perth Interim Homelessness Plan – Six Month Progress Update 1

### Purpose

The purpose of this report is to provide a six month update to Council on the City of Perth's Interim Homelessness Plan as requested at its meeting held 31 July 2019.

### Background

At its meeting held on 31 July 2019, Council were presented with a City of Perth Interim Homelessness Plan. The Interim Homelessness plan was developed pending the completion of the City's community needs study in June 2020 and the development of the State Government's Homelessness Strategy. At this meeting, Council resolved to:

1. *ACKNOWLEDGE that the City of Perth has a shared responsibility in ending homelessness in the inner City together with the State Government.*
2. *ENDORSE the City taking a leadership role in collaborating with State Government and not for profit service providers in tackling homelessness as guided by agreed plans and strategies.*
3. *ENDORSE the interim Homelessness Plan 2019/2020, Homeless Sector Review Update, including the City Homeless Framework Committee Action Plan prioritising the following key issues:*
  - 3.1 *The improved coordination of services;*
  - 3.2 *The implementation of an assertive outreach service;*
  - 3.3 *The expansion of existing day centres operating hours to 7am -7pm, 7 days per week;*
  - 3.4 *The establishment of a safe shelter outside of the core retail area of the CBD with*

- integrated provision of support services; and,*
- 3.5 *The establishment of a low barrier/low threshold social housing options within the City.*
4. *ENSURE that regular progress reports be provided on plan implementation detailing the resources, programs and general support provided by all collaborating parties having committed to the plan.*
5. *ENDORSE that the 2019 /2020 Budget and relevant Service Plans and the Corporate Business Plan accommodate the necessary resources to honour the City's commitment to the Action Plan.*

## Details

The City has committed to taking a lead role in homelessness and is aligned to the State Government's 10 Year Strategy on Homelessness (released in December 2019) and Perth homelessness sector's goal of shifting from 'managing homelessness' to 'ending homelessness' in Western Australia within the next 10 years.

During the first six months of implementation, the City has been actively collaborating with the Department of Communities and the homelessness services sector on the City's priority projects and initiatives. Attachment 13.4A provides the first six month progress update on the actions identified within the City of Perth Interim Homelessness Plan.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	People
<b>Strategic Objective:</b>	Accessible and relevant community support services and, playing a leading role with homelessness.

## Legal and statutory implications

There are no legal or statutory implications related to this report.

### Connection with mandates in the *City of Perth Act 2016*

8(1)(i) - to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth

## Risk implications

Impact of decision	
Organisation	High
Community	High

Risk domain	Consequence	Likelihood	Risk rating
Reputation and External Stakeholders	Major	Likely	Extreme
People	Major	Likely	Extreme
Service Delivery/Strategic Objectives	Major	Likely	Extreme

## Approval implications

There are no approval implications related to this report.

## Financial implications

There are no financial implications related to this report.

## Policy references

There are no policy references related to this report.

## Comments

Whilst continuing to implement the City of Perth's Interim Homelessness Plan, work will commence on the development of a longer-term homelessness strategy for the City of Perth with clear alignment to the State's strategy on homelessness and consideration of the immediate and future need of people living in, working or visiting the City of Perth.

## Recommendation

That Council RECEIVES for information, the six-month progress update on the City of Perth's Interim Homelessness Plan.

## Item 13.5 – Key Sector Development Sponsorship – Innovate Australia

<b>File reference</b>	P1037825#02#03
<b>Report author</b>	Jordan Nix, Sponsorship Officer
<b>Other contributors</b>	Nil
<b>Reporting Service Unit and Alliance</b>	Activation and Cultural Experience, Community Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	9 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Nil

### Purpose

To provide a recommendation in relation to a sponsorship application received by the City of Perth.

### Background

#### Applicant details

Entity name	Innovate Australia Ltd
ABN	24602619634
Entity type	Australian Public Company
ABN status	Active
ATO endorsed charity type	Not endorsed

Innovate Australia was established in 2014 as a not-for-profit Perth-based organisation to encourage, assist and proactively promote innovation within industry. Innovate Australia is non-partisan and collaborates with industry, academia and government. The organisation holds an annual program of events aimed at connecting and enhancing business opportunities for industry.

### Details

Sponsorship category	Key Sector Development Sponsorship
Project title	2019-2020 Innovation Events Program
Project start date	01/02/2020
Project end date	31/12/2020



Venue	1. Liberty Executive Offices, 197 St Georges Terrace 2. Scitech, City West Centre
Estimated attendance	2,000 total attendance at events
Total project cost	\$75,000
Total amount requested	\$25,000 (33.3% of the total project cost)
Recommendation	Approval
Recommended amount	\$10,000 (13% of the total project cost)
Assessment score	42.5 out of 65 (65.4%)

Innovate Australia will deliver an annual events program within the city, incorporating four State Summits and six industry networking events. The program will engage emerging and established industry sectors, including space technology, the environment, new energy, tourism, defence, mining, aged care and disability services, medical sciences, transport and the built environment. The intention of the events is to attract greater investment to Perth in areas of innovation.

The event program is proposed as follows:

1. February 2020: Space Technology Innovation networking event;
2. March 2020: Circular Economy Summit;
3. April 2020: Nuclear Power networking event;
4. May 2020: Tourism Innovation Summit;
5. June 2020: Built Environment networking event;
6. July 2020: Defence Innovation Summit;
7. August 2020: Mining Innovation networking event;
8. September 2020: Aged Care and Disability networking event;
9. October 2020: Medical innovation networking event; and
10. Nov/Dec 2020: Annual Innovation Awards Ceremony.

Speakers for previous events by Innovate Australia have included a Nobel Laureate, key opinion leaders, industry leaders and CEO's, as well as federal and state members of parliament. The structure of the summits includes a formal panel component and networking opportunities.

The events will provide an environment for businesses to share knowledge, identify cross-collaboration and seek investment opportunities. A key aim of the program is that these sectors will see the benefits of working together, including clustering their activities in Perth.

Innovate Australia organisers will assist businesses to identify these opportunities and facilitate linkages between local, national and international business, such as putting stakeholders together with an interest in emerging export markets. Attendees will also have the opportunity to network with invited government representatives and financial investors.

The events will be marketed through print, online and TV media. Invitations will also be distributed to Innovate Australia's active mailing list of 4,000. Following the events, organisers will engage WestTV to develop a 10-minute segment for their Undercurrent program for the following week and a longer 30-minute program aired on West TV and uploaded to YouTube.

#### Previous five years of City of Perth support and acquittals

Year	Amount	Project
2015	-	
2016	-	
2017	-	
2018	-	
2019	\$10,000	2018-19 Events Program
<b>TOTAL</b>	<b>\$10,000</b>	

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:

- The City will be recognised as a Major/Platinum Sponsor;
- Acknowledgement in all promotional material;
- Banners featuring the City of Perth logo will be on display at all events;
- A speaking opportunity for the City of Perth CEO or a delegated representative at one or two relevant sponsored events;
- Acknowledgement of the City of Perth as a Major Sponsor of Innovate Australia more generally for the next 12 months on their website and at all other events;
- Acknowledgement by the CEO of Innovate Australia of the leadership of the City of Perth;
- Media coverage of all Innovation Summits sponsored by the City of Perth and RDA on WestTV acknowledging the support of the City; and
- An interview opportunity for a senior City of Perth representative as part of the recorded innovation series hosted on YouTube, our website, and syndicated to the ABC and WestTV.

#### Assessment score card

The application was assessed by an internal 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>	
<b>Alignment with a Key Sector</b>	
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?	3.50
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?	3.33
<b>Prestige and Significance</b>	

To what extent does the applicant demonstrate prestige and significance?	3.17
<b>Project Plan and Other Funding Sources</b>	
Has the applicant provided evidence of a robust project plan?	3.00
Has the applicant included a budget detailing investment through a variety of funding sources?	2.83
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable	3.50
<b>Sponsorship Benefits</b>	
Please rate the level of benefits and recognition provided to the City	3.67
<b>Sub total 23.00 out of 35</b>	
<b>Additional Project Outcomes</b>	
<i>Applicants must address <b>at least two</b> 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	3.00
Outcome 2. International Business Development	3.00
Outcome 3. Short term Direct Economic Benefits	3.17
Outcome 4. Long term Economic Development	3.33
Outcome 5. Professional Development, Training and Skill Development	3.17
Outcome 6. Linkages and Knowledge Exchange	3.83
<b>Project Outcomes addressed: 6</b>	
<b>Sub total 19.50 out of 30</b>	
<b><u>TOTAL ASSESSMENT SCORE 42.5 out of 65 (65.40%)</u></b>	

## Stakeholder engagement

No stakeholder engagement has been undertaken in relation to this report.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Prosperity
<b>Strategic Objective:</b>	4.5 A “can do” reputation that delivers investment and assists small businesses and development generally, through a willingness to assist and encourage.

## Legal and statutory implications

There are no legal or statutory implications related to this report.

### Connection with mandates in the *City of Perth Act 2016*

8(1)(g) - to strengthen Perth's reputation as an innovative, sustainable and vibrant city that attracts and welcomes all

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Reputation and External Stakeholders	Insignificant	Rare	Low
Financial	Insignificant	Rare	Low
Service Delivery/Strategic Objectives	Insignificant	Rare	Low

## Approval implications

If Council do not approve this sponsorship there is a high probability the project would not proceed.

## Financial implications

### Within existing budget

The financial implications associated with this report are fully accommodated within the existing 2019/20 budget.

<b>Account number:</b>	PJ 13958039000007901
<b>Description:</b>	Education and Vocational
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budgeted amount:</b>	\$211,000
<b>Amount spent to date:</b>	\$175,000
<b>Proposed cost:</b>	\$10,000
<b>Balance remaining:</b>	\$26,000

## Policy references

### 18.13 – Sponsorship and Grants.

The policy outlines a consistent and transparent assessment process and criteria which guides the recommendation to Council.

## Comments

Innovate Australia is proposing a robust series of events promoting collaborations within the relevant sectors, including development of new business opportunities for Perth. The themes of the proposed summits and industry networking events are strongly aligned to the key sectors which are of strategic significance to the City of Perth's economy.

A continued investment into the event series provides the City with an opportunity to be a recognised leader and a key driver in the conversation around innovation, as well as complementing work surrounding innovation the City is currently undertaking within various key sectors.

The recommended sponsorship of \$10,000 is in line with previous funding and will ensure the event program continues to be delivered with the city, The applicant is encouraged to explore additional funding opportunities to improve sustainability and ensure the quality of events is maintained.

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"><li>1. <u>APPROVES</u> a Key Sector Development Sponsorship of \$10,000 (excluding GST) to Innovate Australia Ltd for the 2019/20 Innovation Events Program; and</li><li>2. <u>AUTHORISES</u> the Chief Executive Officer to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount.</li></ol>

## Item 13.6 – Key Sector Development Sponsorship – Western Australian Indigenous Tourism Operators Council

<b>File reference</b>	P1037825#02#02
<b>Report author</b>	Virginia Withers, Senior Sponsorship Officer
<b>Other contributors</b>	Nil
<b>Reporting Service Unit and Alliance</b>	Activation and Cultural Experience, Community Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	9 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Nil

### Purpose

To provide a recommendation in relation to a sponsorship application received by the City of Perth.

### Background

#### Applicant details

Entity Name	Western Australian Indigenous Tourism Operators Council
ABN	88 206 818 729
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed

#### WAITOC

Established in 2000, WAITOC is a non-profit, membership-based organisation and the peak representative for Aboriginal tours and experiences in Western Australia.

WAITOC promotes authentic cultural experiences at a state, national and international level and provide Aboriginal tourism development programs to enhance the quality and capacity of Aboriginal cultural tourism operators and experiences in the City of Perth and Western Australia. WAITOC aims to assist in the creation of a vibrant and authentic Aboriginal tourism industry as a key component of the West Australian tourism industry and for Western Australia to become the premier destination in Australia for authentic Aboriginal experiences.

WAITOC, in partnership with Breakaway Tourism, has previously delivered the 2017 Perth Aboriginal Tourism Development Pilot Program and 2018 and 2019 Aboriginal Tourism Export Initiative - Perth, with sponsorship support from the City of Perth.

### Aboriginal Tourism in WA

There is still currently a gap in domestic and international visitor access to Aboriginal tourism experiences. Tourism WA statistics show that 81% of international tourists would like to experience an Aboriginal tourism product, however only 21% get to experience this.<sup>1</sup>

WAITOC notes there are 120 Aboriginal tourism businesses currently operating in Western Australia; 13 recognised as operational within the Destination Perth tourism region, and only six within the City of Perth.

Aboriginal tourism in Western Australia provides 339 full time employee jobs for Aboriginal people and has an economic impact of \$43.8 million in Western Australia<sup>2</sup>. While international visitor numbers have increased in the year ending September 2018, spend has decreased by -1.7% or \$177 million in total terms;<sup>3</sup> more Aboriginal product on the market may assist in an increased spend.

### Details

Sponsorship category	Key Sector Development
Project title	Aboriginal Tourism Academy Perth 2020
Project start date	01/04/2020
Project end date	31/12/2020
Total project cost	\$110,000
Total amount requested	\$30,000
Recommendation	Approval
Recommended amount	<b>\$30,000 (27% of total project cost)</b>
Assessment score	46.7 out of 65 (72%)

The Aboriginal Tourism Academy Perth 2020 is an Aboriginal tourism business development program created to meet the needs of new and existing Aboriginal tourism operators within the 'Destination Perth' tourism region. The program aims to build on the success of previous WAITOC and City of Perth programs and elevate professional and business opportunities and cultural knowledge exchange to new levels and support domestic and international tourism.

The program has been developed to benefit Aboriginal tourism operators, their employees, and the broader Aboriginal community by promoting authentic and sustainable Aboriginal tourism businesses and create meaningful careers and business opportunities in the tourism and hospitality sectors for Aboriginal people.

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<sup>1</sup> Source: Aboriginal Tourism Visitor Experience and Expectations Research (VEER) 2018-19, Tourism WA

<sup>2</sup> Source: ACIL Allen: Contribution of Aboriginal Tourism Businesses to the WA Economy (2017)

<sup>3</sup> Tourism Research Australia

The program will provide culturally appropriate training, skills development, industry advisory services and mentoring by qualified and experienced tourism industry professionals.

Examples of customised services to meet the needs of individual businesses include:

- training, skills development and professional development;
- product/service development;
- marketing assistance;
- business operations systems enhancement;
- special projects assistance;
- domestic/international consumer targeting; and
- mentoring.

The Academy will nurture Perth-based Aboriginal tourism businesses to:

- increase revenue streams;
- increase profitability;
- develop sustainable operations;
- enhance quality products and services;
- enhance capacity of business products, services, personnel; and
- build Perth's reputation as a world-class destination for Aboriginal cultural tourism experiences.

Rather than deliver a 'one size fits all' approach, a bespoke approach of training and support services will be tailored to the needs of each participating business. The 2020 Academy will offer three tiers of support that will provide the flexibility required to meet the needs of individual businesses.

The three tiers of the ATA Perth 2020 are broadly identified as:

<b>TIER 1: ATA Perth 2020 Emerging-Market Ready</b>  <i>New to industry (0-1 years of operation)</i>	<ul style="list-style-type: none"><li>- Business establishment assistance</li><li>- Foundation skills</li><li>- Product/service development</li><li>- Industry connections</li><li>- Marketing systems development</li><li>- WAITOC marketing campaign</li></ul>
<b>TIER 2: ATA Perth 2020 Export Ready</b>  <i>Established (2+ years of operation)</i>	<ul style="list-style-type: none"><li>- Product/service development</li><li>- Training/skilling and professional development e.g. online booking systems, Tourism Council of WA training, accreditations, China Ready etc.</li><li>- Operations capacity development</li><li>- Online booking system/online payment gateways</li><li>- Digital marketing systems development e.g. social media, online travel agents, directories etc.</li><li>- Inbound tourism capacity development</li><li>- WAITOC marketing campaign</li></ul>



<p>TIER 3: ATA Perth 2020 Advanced</p> <p><i>Established (3+ years of operation)</i></p>	<ul style="list-style-type: none"> <li>- Product/service development and/or diversification</li> <li>- Training and professional development e.g. formal and informal training access e.g. financial management, additional accreditations, licencing, specialist training etc.</li> <li>- Operations capacity development (business/employee growth)</li> <li>- Inbound tourism (export ready) network/partnerships</li> <li>- Industry trade/consumer programs, shows access (domestic/international) preparation/implementation e.g. Australian Tourism Exchange; Discover Aboriginal Experiences (Tourism Australia); Tourism WA Famils Program; Ni Hao WA (Chinese inbound trade exchange) etc.</li> <li>- WAITOC marketing campaign (domestic/international consumers)</li> </ul>
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Each participating business will receive:

- fifty hours of industry advisory, mentoring and support services to ensure a personalised, and flexible approach in a supportive environment, by an experienced, tourism professional and industry advisor;
- \$4,000 in support for each business including business/product/service/staff development, external training programs, accreditations and operational capacity improvements;
- WAITOC business support, sales and marketing services, trade/consumer events and networks assistance etc;
- customised program tools and resources; and
- business action plan for use during and beyond the program for ongoing business development and sustainability.

Key contributors to the project include: WAITOC (lead agent, marketing, support services, funds management, reporting); Breakaway Tourism (program design, delivery, training, support services, industry agency liaison, mentoring, reporting); Indigenous Business Australia (project funding – to be confirmed), Tourism WA (project funding – to be confirmed) and City of Perth (project funding).

#### Previous five years of City of Perth support and acquittals

Year	Amount	Project
2015	Nil	
2016	Nil	
2017	\$15,000	Perth Aboriginal Tourism Development Program Pilot
2018	\$30,000	Perth Aboriginal Tourism Development Program
2019	\$30,000	Aboriginal Tourism Export Initiative – Perth
<b>TOTAL</b>	<b>\$75,000</b>	

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

The applicant will provide the following Sponsorship Benefits for the requested sponsorship:

- The City of Perth to be recognised as a Supporting Sponsor of the project;
- WAITOC will liaise with the City of Perth on the set up of the Program;
- Recognition of the City of Perth crest and logo on the WAITOC website;
- Verbal acknowledgements of the City of Perth as a sponsor at any events mentioning the program;
- The City of Perth crest and logo to be displayed on marketing material where appropriate e.g. WAITOC e-news 'Message Stick';
- City of Perth staff access to familiarisations of participating Aboriginal business;
- WAITOC to collaborate with the City of Perth to promote the businesses in the program to the wider tourism industry;
- WAITOC to collaborate on marketing activities to do with the program's Perth CBD and Destination Perth based businesses;
- Any promotion of the businesses in the program on social media will highlight the City of Perth where appropriate; and
- An opportunity for City of Perth to seek advice from the WAITOC board members regarding cultural, heritage and nature based tourism matters.

The City of Perth will work with WAITOC to explore opportunities for city-based activations and events throughout the year to complement the program.

#### Assessment score card

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

<b>Essential Project Criteria</b>	<b>Score (5)</b>
<i>All applications are assessed on the following criteria:</i>	
<b>Alignment with a Key Sector</b>	
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?	3.8
<b>Prestige and Significance</b>	
To what extent does the applicant demonstrate prestige and significance?	3.7

Project Plan and Other Funding Sources	
Has the applicant provided evidence of a robust project plan?	3.8
Has the applicant included a budget detailing investment through a variety of funding sources?	3.7
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable	3.5
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	3.5
Sub total 26 out of 35	
<b>Additional Project Outcomes</b>  <i>Applicants must address <b>at least two</b> 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	2.2
Outcome 2. International Business Development	3.3
Outcome 3. Short term Direct Economic Benefits	3.0
Outcome 4. Long term Economic Development	3.7
Outcome 5. Professional Development, Training and Skill Development	4.3
Outcome 6. Linkages and Knowledge Exchange	4.2
Project Outcomes addressed: 6	
Sub total 20.7 out of 30	
<b><u>TOTAL ASSESSMENT SCORE 46.7 out of 65 (72%)</u></b>	

## Stakeholder engagement

No stakeholder engagement has been undertaken in relation to this report.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Prosperity
<b>Strategic Objective:</b>	Tourism is strategic economic focus reflected throughout the Strategic Community Plan. The proposed sponsorship supports the following objectives:

	<p>1.6: Thriving and sustainable cultural, artistic and heritage industries, activities and events that encourage locals and visitors to come back for more.</p> <p>4.1: A sustained increase in leisure and business tourism visitation.</p> <p>4.3: Strategic brand positioning for Perth as a city that is internationally recognisable, unique and inviting.</p> <p>4.4: Attract and support new and existing business to create a CBD retail experience that is superior to suburban competition.</p>
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The project also supports the deliverable of the City's Reconciliation Action Plan:

- 16 Evaluate the existing sponsorship of Aboriginal tourism and investigate opportunities for further involvement.
- 16.2. Work with West Australian Indigenous Tourism Operators Council and other providers to facilitate networking and business development opportunities for Aboriginal and Torres Strait Islander tourism operators to improve the range, quality and accessibility of Aboriginal and Torres Strait Islander cultures to visitors.

## Legal and statutory implications

There are no legal or statutory implications related to this report.

Connection with mandates in the *City of Perth Act 2016*

8(1)(g) - to strengthen Perth's reputation as an innovative, sustainable and vibrant city that attracts and welcomes all

## Risk implications

Impact of decision	
Organisation	Low
Community	Medium

Risk domain	Consequence	Likelihood	Risk rating
Reputation and External Stakeholders	Insignificant	Rare	Low
Financial	Insignificant	Rare	Low
Service Delivery/Strategic Objectives	Insignificant	Rare	Low

## Approval implications

If Council do not approve this sponsorship there is a high probability the project would not proceed.

## Financial implications

### Within existing budget

The financial implications associated with this report are fully accommodated within the existing 2019/20 budget.

<b>Account number:</b>	PJ 13955129000007901
<b>Description:</b>	Tourism
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budgeted amount:</b>	\$74,000
<b>Amount spent to date:</b>	\$44,000
<b>Proposed cost:</b>	\$30,000
<b>Balance remaining:</b>	\$0

## Policy references

18.13 – Sponsorship and Grants.

The policy outlines a consistent and transparent assessment process and criteria which guides the recommendation to Council.

## Comments

WAITOC is a unique organisation in Australia, and was the first organisation of its kind. WAITOC possesses the capacity to understand both Aboriginal business demands and the requirements and objectives of Government as they work together on this project, strengthening positive outcomes for all stakeholders. WAITOC is responding to an identified gap in the market by supporting the continued growth of Aboriginal cultural tourism.

WAITOC have submitted a very strong application with clear deliverables and measurable outcomes. Providing tailored support to participants will increase the program outcomes for each of the participants.

The Program will contribute to the development of sustainable Aboriginal tourism business models; skilling, training and employment for Aboriginal people; business growth and diversification; domestic and international partnerships; and greater economic contribution from the tourism and Aboriginal tourism subsector.

The program will assist to further establish the City of Perth's reputation as a preferred destination to access, high quality, authentic Aboriginal cultural tourism experiences. Long-term outcomes of the program could include increased visitation to the City and a strengthened tourism economy with more Aboriginal-led businesses.

The recommended sponsorship will ensure that the City of Perth is a key supporter of the project and allow City Officers to work closely with WAITOC across the project. There is potential to create content for both Think Perth and Visit Perth campaigns.

## Recommendation

That Council:

1. APPROVES a Key Sector Development sponsorship of \$30,000 (excluding GST) to WAITOC Association Incorporated (Western Australian Indigenous Tourism Operators Council) for the 'Aboriginal Tourism Academy Perth 2020'; and
2. AUTHORISES the Chief Executive Officer to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount.

## Item 13.7 – Strategic Event Sponsorship – Town Team Movement - SHIFT: Cooperative Innovation Series

<b>File reference</b>	P1037825#01#01
<b>Report author</b>	Virginia Withers, Senior Sponsorship Officer
<b>Other contributors</b>	Nil
<b>Reporting Service Unit and Alliance</b>	Activation and Cultural Experience, Community Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	13 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Nil

### Purpose

To provide a recommendation in relation to a sponsorship application received by the City of Perth.

### Background

#### Applicant details

Entity name	Town Team Movement Ltd
ABN	80 623 191 882
Entity type	Australian Public Company
ABN status	Active
ATO endorsed charity type	No tax concessions

Based in Western Australia, Town Team Movement (TTM) is a not-for-profit organisation, established with the aim to help create a network of town teams around Australia and New Zealand.

The aims of the organisation are to:

- Build connected, resilient communities and better places;
- Support existing Town Teams by;
  - Helping them to organise, engage and empower their communities;
  - Sharing knowledge, resources and best practices;
  - Hosting networking and learning events;
  - Assisting them to be financially sustainable;
  - Promoting events and activities of Town Teams;
  - Providing advice, support and mentorship;

- Establish new Town Teams; and
- Work with and assist local governments with placemaking, community development and creating a positive, 'can do' culture.

The organisation has a small number of paid staff which is supplemented by a group of volunteers called 'the Guardians' and volunteer Directors who oversee the strategic direction and corporate governance of TTM.

### Town Teams

The TTM defines Town Teams as positive and proactive organisations that include businesses, landowners and residents working collaboratively with their local government to improve a place or area, often a town centre or 'main street'.

TTM notes that *"Town Teams are catalysts for change in their local area. The Town Team model breaks down the barriers that often divide businesses, residents and local governments, and helps everyone to better understand the challenges and the opportunities to improve places"*.

Town Teams are focused on building relationships and practical actions by:

- Providing a vision and leadership for their place;
- Being non-political in approach and independent from government;
- Supportive of high-quality, environmentally sustainable development that provides for current and future residents, businesses and communities;
- "Getting stuck in and having a go" rather than waiting for "someone else" to do "something"; and
- Run by the community for the community.

TTM notes the Town Team model is considered an innovative and best-practice approach to community-led placemaking, and Western Australia is growing in reputation both nationally and internationally as a leader in this space.

The City is home to three recognised Town Teams (Historic Heart of Perth, Northbridge Common and West Perth Local) in addition to aligned groups including Activate Perth and the East Perth Community Group.

### **Details**

Project title	SHIFT: Cooperative Innovation Series (series of four workshops)
Project start date	08/04/2020
Project end date	19/08/2020
Venue	Venues within City of Perth and immediate surrounds (potential venues being considered include the Rechabite, UWA, The State Buildings, and Janet Holmes a Court Gallery in Pickle District).
Estimated attendance	800 attendees
Ticket cost	\$125 for one event



	\$400 for series ticket to four events \$60 for Town Team members (limited to 20 per event)
Total project cost	\$91,550
Total amount requested	\$35,000 (38% of the total project cost)
Recommendation	Approval
Recommended amount	\$15,000 + GST (16% of the total project cost)
Assessment score	26.33 out of 35 (75%)

In 2019, the City sponsored the second annual Town Team conference, which was considered a success, attracting 370 attendees and representatives from 31 local governments, and laid a solid foundation for engagement and interest from the Perth business community. Due to national interest, the 2020 Town Team Conference will be held in Canberra, so a different program is planned for Perth.

The SHIFT: Collaborative Innovation series will include four events with different themes, with the aim to introduce attendees to new concepts and ways of thinking. The event series will be presented from April - August 2020, with four events running every six weeks over the winter period.

The series will be tailored for leaders in local and state government, property developers, professionals in placemaking, urban planning and design, community development, economic development and not-for profit organisations, with a target of 200 attendees per event. Tickets will be sold for \$120 per event or \$400 for the whole series and include breakfast and coffee.

The venues will be in varied and unexpected places like the Rechabite or a long- table breakfast in a laneway.

Aims of the SHIFT series are to:

- highlight the importance of understanding places and their individual identities;
- discuss the competitive advantages of authentic places;
- showcase the work of West Australian Town Teams (Neighbourhood Groups), and how they are improving their places and communities; and
- provide networking opportunities with thought leaders and change-makers.

Proposed speakers being considered include:

- David Engwicht, Creative Communities International, Brisbane, global place leader;
- Susan Davidson, Braddon Town Team, Canberra;
- Si Lappin, Principal Project Officer at Department of Communities WA;
- Adrian Fini, Director FJM Perth;
- Shaun Nannup, Director, WISDOM in your life and Whadjuk Wardandi Nonn and
- Mike Fisher, Christchurch City Council Christchurch, New Zealand.

#### Previous five years of City of Perth support and acquittals

Year	Amount	Project
2015	Nil	
2016	Nil	
2017	Nil	
2018	Nil	
2019	\$25,000	Town Team Movement 2019 Conference
<b><u>TOTAL</u></b>	<b><u>\$25,000</u></b>	

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

#### Sponsorship benefits

For the requested sponsorship, the organiser would provide the following benefits:

- Naming Rights Sponsor of the event (*SHIFT: Cooperative Innovation series: presented by the City of Perth*);
- Opportunity for a nominated City representative to speak at the opening (or closing) of event;
- Development of a thought leadership content piece for inclusion in one of the events;
- Sponsor profile in program and on website (with links);
- Logo recognition of partnership on promotional collateral including AV screens at event, Main Stage Program and Event Program;
- Opportunity to provide signage for display at the events;
- Verbal acknowledgement of sponsorship at all series events by hosts;
- Advertisement in Series Program;
- Promotional Social Media Post;
- Partnership final report and debrief for feedback and improvements;
- Distribution of promotional collateral on at event;
- Opportunity for brand activation at event; and
- Complimentary registrations for City of Perth based Town Teams (Neighbourhood Groups). 48 registrations (12 per event, three per Town Team per event). The tickets will be shared with each Town Team committee who will then nominate three attendees for each of the four events. TTM will manage this process.

#### **Assessment Score Card**

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

Essential Assessment Criteria	Score /5
<b>Cultural Outcomes</b>	
To what extent does the event celebrate the diversity of Perth as a capital city?	2.33
<b>Social Outcomes</b>	
To what extent does the event strengthen social cohesion and provide opportunities to connect?	3.17

<b>Civic Outcomes</b>	
To what extent does the event have a point of difference, making it a drawcard to the city, and raising Perth's profile as a premier capital city?	2.83
<b>Economic Outcomes</b>	
Does the event stimulate the local economy and provide opportunities for engagement with local business?	2.83
<b>Organisational Competency</b>	
Does the applicant have a demonstrated capacity to manage all aspects of the event?	3.83
Does the event demonstrate financial viability through evidence of support from other government agencies, business or community organisations?	2.50
<b>Benefits</b>	
Does the event offer adequate benefits/ recognition for the City?	3.17
<b><u>Sub total 20.66 out of 35</u></b>	
<b>Optional Assessment Criteria</b> <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>	
To what extent does the event celebrate Aboriginal Culture?	2.33
To what extent does the proposal create a sense of community in the City or one of its precincts?	3.33
<b><u>Additional score 5.66 Bonus Points</u></b>	
<b><u>TOTAL ASSESSMENT SCORE 26.33 out of 35 (75%)</u></b>	

## Stakeholder engagement

No stakeholder engagement has been undertaken in relation to this report.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Place
<b>Strategic Objective:</b>	2.1 A city that is seen by all as a great place to be. 4.6 Precincts that utilise their unique sense of place, local pride and enthusiasm to encourage investment and economic activity. 6.6 Collaboration, support and communication with neighbouring local governments, peak industry associations and community groups to optimise outcomes for wider Perth areas served by all of these stakeholders.

## Legal and statutory implications

There are no legal or statutory implications related to this report.

### Connection with mandates in the *City of Perth Act 2016*

8(1)(g) - to strengthen Perth's reputation as an innovative, sustainable and vibrant city that attracts and welcomes all

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Reputation and External Stakeholders	Insignificant	Rare	Low
Service Delivery/Strategic Objectives	Insignificant	Rare	Low
Financial	Insignificant	Rare	Low

## Approval implications

If Council do not approve this sponsorship there is a high probability the project would not proceed.

## Financial implications

### Within existing budget

The financial implications associated with this report are fully accommodated within the existing 2019/20 budget.

Account number:	PJ 13958043000007901
Description:	Event Annual Sponsorship
Account type (Operating/Capital/Reserve):	Operating
Current budgeted amount:	\$700,000
Amount spent to date:	\$664,500
Proposed cost:	\$15,000
Balance remaining:	\$20,500

## Policy references

### 18.13 – Sponsorship and Grants.

The policy outlines a consistent and transparent assessment process and criteria which guides the recommendation to Council.

## Comments

The 2019 Town Team Conference was a successful event in the city. The event activated many venues around Perth, and brought together Town Teams and local government professionals from around Western Australia to foster and promote community-led placemaking. It is positive to hear that the 2020 Town Team Movement conference will be held in Canberra, as this is evidence that the Perth-born movement is developing an increasing national reach.

The outcomes of the 2019 conference for the City community included:

- 380 attendees in the city, including exploring seven unique venues in the East End neighbourhood; and
- speakers attended from across Australia, with three speakers travelling to Perth for the Conference. David Engwicht from Creative Communities International, Tobias Volbert, the Founder and Director of 7 Senses Foundation and keynote speaker from Mexico City Gabriella Gomez-Mont, the founder of Laboratory para la Ciudad (2013-2018), the experimental arm of the Mexico City government.

The proposed format of the series is on a smaller scale to the conference, however the events provide multiple opportunities for engagement and activate the city in the quieter winter months.

The events will help shape the discussion on key challenges and opportunities facing our community, especially in building more connected, vibrant and engaged communities. The events will facilitate business networking and help connect local industry sectors including government, property development, place management and urban planning.

Sponsorship of the event series demonstrates the City's commitment to creating better places and providing positive leadership for community-led precinct development and placemaking. The ethos behind Town Teams is increasingly important to the City as our residential population grows. Outcomes may be applicable to a large number of internal units and inform new ways to work positively with our community stakeholders.

The Assessment Panel had the following feedback for organisers on the proposed events:

- Ticket prices were considered high and the Panel was concerned this would limit the diversity of participants. The ticket price is likely to be prohibitive to a broad base of people, who are targeted to be the beneficiaries of the Movement;
- It is unlikely for the events to attract interstate or international visitors as detailed in the application. Notwithstanding that the annual Conference was well attended, the application didn't comprehensively demonstrate the demand for this new event series;

- The proposed events are targeted mainly at professionals, such as urban planners and property developers, and positioned primarily as industry development/networking events. It would be preferable to see a more prominent focus on providing development for Town Team members. The City would encourage the organisers to work with the Town Teams to establish the content that would be the most beneficial to them; and
- In the experience of the Panel, breakfast events are less successful in attracting diverse audiences than conferences where attendees are granted the day off work to attend; breakfast events tend to attract people who work in the city, as they can more easily get to work on time after the event. The Assessment Panel would encourage the TTM to explore different times of day for the events, across breakfast, lunch and evening, to increase accessibility across the series.

The sponsorship of \$15,000 + GST is recommended, equating to \$3,750 per event. This is considered to be an appropriate amount given the expected outcomes of the event and comparable sponsorships.

### Recommendation

That Council:

1. APPROVES a Strategic Event Sponsorship of \$15,000 (excluding GST) to Town Team Movement Ltd for the 2020 SHIFT: Cooperative Innovation Series; and
2. AUTHORISES the Chief Executive Officer to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount.

## Item 13.8 – Street Entertainment (Busking) Policy

<b>File reference</b>	P1010709-33
<b>Report author</b>	Rachael O’Toole, Arts Officer
<b>Other contributors</b>	Louise Mayberry, Activations Coordinator John Clark, Senior Strategic Project Officer
<b>Reporting Service Unit and Alliance</b>	Activation and Cultural Experience, Community Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	3 February 2020
<b>Nature of Council’s role</b>	Executive
<b>Voting requirement</b>	Absolute Majority
<b>Attachment/s</b>	Attachment 13.8A – Council Policy 18.9 – Street Entertainment Policy Attachment 13.8B – Proposed Street Entertainment (Busking) Policy Attachment 13.8C – Busking Guidelines Attachment 13.8D – Busking Trial Pitch Locations Map

### Purpose

To address complaints in relation to street entertainment and busking, the City of Perth commenced an investigation into developing a busking trial to test concepts related to the operation, challenges and opportunities of street entertainment and busking in the city. It was projected that this trial would provide evidence to measure community demand for street entertainment, while also ascertaining the impacts street entertainment and busking has on local businesses and other amenities of the City.

The following issues were identified as opportunities to improve busking in the city:

- No assessment procedure for incoming permit applications;
- Buskers overstaying welcome and overexposing businesses to their material;
- Buskers performing same acts or songs within a short timeframe (ie. limited variety of content);
- Buskers performing at excessive noise levels;
- Median performance standard was lower than comparable cities (eg. acts not being rehearsed for public performance); and
- Spruiking, rallying, or presenting inappropriate content, behaviours or connotations that did not align with intended busking spirit.

Street entertainment and busking in the city is permitted in accordance with the *City of Perth Public Trading Local Law 2005*.

## Background

Between March 2018 and November 2018, 146 busking related complaints from businesses and members of the wider public were received by the City. The nature of these complaints was mainly related to the quality and variety of buskers, as well as excessive noise. Complaints from the busking community were received regarding the prohibitive busking fees and guidelines. As a response, the City formed a Busking Working Group which conducted a review of guidelines, fees and procedures. From November 2018 until May 2019, a busking trial was undertaken by the City which implemented revised Busking Guidelines, reduced fees, streamlined application processes and third-party programming.

Attachment 13.8C and Attachment 13.8D outline the scope of the trial in the form of guidelines and a map, which were made publicly available throughout the period.

### Key Changes Trialled

- Significant reduction in busking permit fees from up to \$269 per year to just \$60 per year, in line with the fees charged by other capital cities, with the aim of:
  - a. Encouraging more buskers to perform in the city; and
  - b. Promoting a wider variety of acts.
- Demarcated busking pitches in priority activation areas with the aim of:
  - a. Promoting the busking program and encouraging busking at various locations around the city;
  - b. Eliminating confusion about appropriate locations for busking in busy areas, such as the Malls; and
  - c. Ensuring there is adequate space between buskers and a fair distribution of busking in busy areas to minimise complaints.
- Introduction of permit categories with the aim of:
  - a. Ensuring distribution of acts in locations that are best able to accommodate the nature of their performance; and
  - b. Encouraging all performers to strive to deliver high quality, engaging performances.
- Programmed performances, with the intention to:
  - a. Activate underutilised areas;
  - b. Showcase the diversity of Western Australian talent;
  - c. Encourage performances by artists who have not previously considered busking in the city;
  - d. Provide opportunities for performers, groups and organisations to promote their acts and programs to new audiences; and
- Use professional acts to raise the quality standard of busking taking place.



## Details

The following outlines the intended outcomes, actual outcomes and further recommendations for the improvement of future busking on land under the City's care, control and management.

### 1. Improve processes for issuing busking permits

The City upgraded the application process from hard copy applications to an online permit system hosted on the City's website. This improvement removed the requirement for buskers to attend Council House to lodge their applications in person.

#### Evaluation:

93% buskers surveyed reported their permit was processed in a reasonable time.

Intended Outcome	Actual Outcome	Recommendation
Online permit system	As planned	Retain and explore applicant self-printing permit.

### 2. Improve communication with busking permit holders

The new online system has created a growing digital database as well as functional improvements to reporting, along with the ability to automate communications to permit holders regarding important information, permit confirmations and renewal reminders.

#### Evaluation:

71% buskers surveyed reporting communications have improved

Intended Outcome	Actual Outcome	Recommendation
Automated emails	As planned	Retain
Digital database	As planned	Retain
Electronic reporting	As planned	Retain

### 3. Improve the quality/diversity of busking performances

The City undertook initiatives to improve the quality and diversity of busking performances. A significant reduction in permit fees increased the number of permit holders, increasing competition for busking locations. Prior to the busking trial, busking permit applicants were not vetted or assessed on artistic merit. The City introduced the requirement for permit holders to submit a performance video to be assessed as part of their application based on selection criteria. The City engaged external consultants to programme a selection of acts throughout the trial period to positively affect the quality and diversity of the busking pool. Throughout the trial over 140 programmed performances were delivered by the City.

Due to the reduction in Busking Permit fees, applications increased from 28 received between May 2018 – October 2018 to 264 received between November 2018 – May 2019. To further improve the City's busking program, and promote itself to more diverse and quality acts in Perth's broader regions, we recommend fees to be reduced further to \$0 per annum. This will

align with notable busking hubs such as City of Fremantle, City of Brisbane and City of Adelaide whom do not charge fees for legal busking activities. A free busking culture has allowed these local governments to effectively entice quality buskers to perform within their boundaries and maintain a satisfied busking community.

#### **Evaluation:**

- 100% of buskers surveyed requested the lower fees be retained;
- 86% of buskers surveyed believe the introduction of assessment to busking applications was a positive change and should be retained;
- 63% of residents and visitors agreed a high quality of busking activity can be experienced in Perth city;
- 49% reduction in busking related complaints compared to the same timeframe pre-trial; and
- Busking permit applications received by the City increased from 28 applications between May 2018 – October 2018 (pre-trial) to 264 applications received between November 2018 – May 2019 (during trial).

<b>Intended Outcome</b>	<b>Actual Outcome</b>	<b>Recommendation</b>
Programmed performers	144 programmed performances delivered	While programmed buskers were a positive stimulus during the trial, it is recommended programming be limited to support specific major events rather than ongoing.
Assessment of performance video for each application	As planned	Retain
Significant reduction in permit fees to \$60/year	As planned	Reduce fees to \$0/year.

#### **4. Minimise busking related complaints**

To alleviate the large influx of complaints received, the City trialled two key changes to the busking permits: an introduction of permit categories, and demarcated busking pitches. Throughout the trial period, permit applications were assessed and issued a permit category based on the level of impact their performance is deemed to have on the local amenity. These permit categories then dictated the possible demarcated busking pitch locations that permit holder could perform at. A negative outcome from demarcating busking pitches is businesses in close proximity to popular pitches receive a much higher frequency of busking activity than previously, which amplifies issues such as unreasonable noise levels and the quality and variety of performance by some buskers.

#### **Evaluation:**

- 49% reduction in busking complaints compared to a similar time-period before the trial;
- 75% of buskers surveyed wish the demarcated busking pitches to be retained;
- 80% of buskers surveyed would like more busking locations to be added;

- 63% of buskers surveyed would like busking permit categories to be retained;
- 93% of businesses surveyed said busking was important for vibrancy and cultural life, however 66% disagreed that busking activity in the City contributes to the success of their business, with majority of businesses feedback relating to excessive noise; and
- 70% of businesses surveyed agreed changes implemented during the trial improved busking in the City (based on 17 responses received from in-person surveys conducted in January 2020).

Intended Outcome	Actual Outcome	Recommendation
Busking permit categories	As planned, four permit categories are being issued	Retain
Demarcated busking pitches	As planned	Retain
Minimise busking complaints	49% reduction in complaints	Continuous stakeholder engagement to guide programming and usage frequency of busking pitches

## Stakeholder engagement

Significant stakeholder engagement has been carried out by the City before, during, and post-trial. This consultation occurred in three phases:

- Pre-trial: August – October 2018;
- During trial: November 2018 – May 2019; and
- Post-trial: June 2019 – January 2020.

## Outcomes of stakeholder and community consultation

Overall feedback has been positive within all stakeholders surveyed supportive of busking in the City. All parties surveyed acknowledged the vibrancy busking creates.

Additional improvements are required to meet the needs of some city businesses – particularly located on Murray Street – who commented busking is still occasionally too loud, and some performances still require improvement in quality. However, the 49% reduction in complaints is evidence the Busking Trial has improved most busking outcomes. The reduction in busking fees has increased the number of permit applications received by the City, with 206 buskers awarded permits during the trial period. This enables the City to continuously “lift the bar” of minimum performance standards required to receive a busking permit, and by doing so it is anticipated the quality of buskers and business satisfaction regarding busking will continue to increase over time.

Further engagements via online and in-person surveying of businesses, buskers and the general public will be made in 2020 to tackle ongoing issues and implement further positive changes.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	People
<b>Strategic Objective:</b>	Thriving and sustainable cultural, artistic and heritage industries, activities and events that encourage locals and visitors to come back for more.

Under Cultural Activity 4.8 of the Cultural Development Plan 2019-2029, the City has committed itself to develop a robust Busking Framework, including a revised policy, guidelines and street performance commissioning program. As a Social priority of the Strategic Community Plan 2019-2029, the Street Entertainment (Busking) Policy will assist the progression of the City's outcome to develop a vibrant, liveable and inclusive city. Street entertainment and busking has the unique ability to create a sense of place and deepens the community's recognition of a shared cultural heritage, as it drives cultural outcomes of creativity stimulated in the community and diversity of cultural expression appreciated by the community.

The Street Entertainment (Busking) Policy sets out to achieve the following objectives:

- Identify and describe the role of busking in the City of Perth;
- Integrate rules, regulations and guidelines in a cohesive manner for public use; and
- Develop Council strategic plans and legislations for street entertainment within Perth city.

To ensure achievement on these objectives, implementation of the policy will be guided by the following key principles:

- Cultural diversity and development of the city from the perspective of street entertainment is reviewed and developed in consultation with the busking community and external stakeholders; and
- The Street Entertainment (Busking) Policy defines all decision-making regarding busking within the City of Perth.

The adoption of the Street Entertainment (Busking) Policy will work towards achieving essential City strategies and plans for a better, more inclusive city for the community. By consistently reviewing satisfaction and recording correspondence within the Customer Relationship Management system (CRM) by the Administration will continuously assist external stakeholders and enable closer alignment between the community and Council.

## Legal and statutory implications

As stated in 2.5(1)b of the *Public Trading Local Law 2005*, the City reserves the right to refuse to approve applications that do not meet the standards set within the Busking Guidelines.

The *Local Government Act 1995* section 6.16 refers to fees and charges being amended during a financial year.

#### Connection with mandates in the *City of Perth Act 2016*

8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists

### **Risk implications**

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Reputation and External Stakeholders	Moderate	Possible	Medium
People	Minor	Possible	Low

As discovered from surveying the general public and local businesses, risks associated with the recommendations with this report are contemporary. These implications are derived from noise-pervasive performances, creating noise pollution and associated implications on business practices. However, as the report has shown, complaints regarding busking activity and noise have significantly reduced since the trialling of clearer regulations within the Busking Guidelines.

### **Approval implications**

Should Council not adopt the recommendations made in this report, dissatisfaction of external stakeholders regarding busking activities could ensue. In addition, the outdated Council Policy 18.9 – Street Entertainment Policy does not reflect the updated Busking Guidelines and as such, could result in non-compliance from buskers and misalignment of regulations enforced by the City.

### **Financial implications**

#### Within existing budget

The financial implications associated with this report are fully accommodated within the existing 2019/20 budget.

<b>Account number:</b>	PJ 1430-70040-0000-7207
<b>Description:</b>	Busking Strategy, Framework and Programming
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budget:</b>	\$21,360

Annual maintenance costs are associated with insurance and programming buskers to support and leverage strategic events in the City. As per Appendix 4 of the Cultural Development Plan, Implementation Plan and Ten-Year Resourcing Schedule, this budgeted amount will be reviewed each financial year to meet the needs of the organisation and community. Fees associated with

Busking Permits are recommended to be reduced to \$0 to further promote quality buskers to perform within the City boundaries. As such, City revenue will be impacted by -\$5,000pa. All figures quoted in this report are exclusive of GST.

## Policy references

18.9 – Street Entertainment.

18.9 – Street Entertainment policy is in need of updating to fully reflect the Busking Guidelines. By rescinding this Council policy and introducing a revised version as per Attachment 13.8B – Proposed Busking policy, we mitigate risks of policies not reflecting the enforcement of regulations by the Community Amenity and Safety team.

## Comments

Overall the busking trial has been a success with the community responding positively to its implementation. Further improvements are required to manage compliance of some buskers, particularly on Murray Street, to ensure businesses are not negatively affected. This may include the City proactively measure sound pressure levels (decibel levels) of buskers and infringing repeat offenders. In addition, to attract quality buskers to the City, it is requested to lower the associated fees for administrative permit costs to \$0 per annum. This will ensure that buskers with large audiences outside of Perth city (such as Fremantle) will be encouraged to bring their performances to Perth city's community. Audition and application processes as they stand will be retained to ensure rigor of quality.

### Recommendation

That Council:

1. RESCINDS Council Policy 18.9 – Street Entertainment Policy – as detailed in Attachment 13.8A;
2. ADOPTS the Council Policy – Street Entertainment (Busking) Policy – (new policy) as detailed in Attachment 13.8B; and
3. AMENDS the fees and charges for Busking Permits from \$60 to \$0.

## Item 13.9 – Tender 009-19/20 - Public Art Commission – East End Revitalisation

<b>File reference</b>	P1038619#04
<b>Report author</b>	John Clark, Senior Strategic Project Officer
<b>Other contributors</b>	Tabitha McMullan, Alliance Manager Activation and Cultural Experience
<b>Reporting service unit and alliance</b>	Activation and Cultural Experience, Community Development Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	28 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Confidential Attachment 13.9A – Tender Evaluation Matrix <i>Confidential attachments are distributed to Commissioners under separate cover</i>

### Purpose

Tender 009-19/20 - Public Art Commission – East End Revitalisation was advertised to acceptable tenderers via Tenderlink on Tuesday, 19 November 2019 and closed at 2pm on Thursday, 16 January 2020 with the following tenders received:

- Parallax Productions;
- Milne and Stonehouse;
- Jon Tarry;
- Exhibition Studios; and
- Angela McHarrie/Tony Jones.

As per the City's procurement processes, the received tenders were assessed against compliance and qualitative selection criteria.

### Background

To assist in the revitalisation of the East End, the City issued a Request for Tender 009-19/20 to seek public artwork submissions with the intention of the artwork to act as a visual drawcard to attract people to the East End. The artwork is due to be situated on the corner of Hay Street /Pier Street, and will be visible from St George's Terrace, Barrack Street, Murray Street and Irwin Street.

## Details

### Compliance Assessment Summary

All submissions were assessed for compliance with the tender requirements. There were no significant issues that prevented all submissions from proceeding to the qualitative criteria assessment.

The tenders were assessed against the following qualitative selection criteria:

Criteria	Weighting
1. <b>Concept</b> – demonstration how the proposed concept: a. Responds to the theme/ideas outlined in the brief b. Creates an experience of aesthetic enrichment c. Engenders a positive sense of place in the local built and natural environment d. Contributes to neighbourhood character	40%
2. <b>Artistic Excellence</b> - demonstration of artistic excellence in how: a. The design shows attention to detail and artistic quality befitting of a work displayed in a capital city b. The proposed artwork contributes to the development of artistic practice, art history and cultural identity in Perth	30%
3. <b>Quality and Durability</b> a. Demonstrate how the design shows quality fabrication, physical integrity and durability appropriate to the work's intended lifespan to minimise maintenance or conservation requirements.	30%

### Qualitative Assessment Summary

All submissions were assessed based on the above qualitative criteria. In no particular order, summaries of the qualitative assessment are outlined below.

#### Respondent 1 – Parallax Productions

The proposal responded to the theme/ideas outlined in the brief by proposing a demonstrated suspended pattern that evoked the concept of water, evolving shorelines, reclamation and previous topography. While considered, the concept did not have a particularly strong relationship to the site. The applicant provided a marginal response demonstrating physical integrity and durability to minimise maintenance. The concept was intricate, looked beautiful and aesthetically pleasing, but at the detriment to maintainability, which was expected to be difficult and require significant road closures. A structural engineer had not been consulted prior to submission, raising questions around structural integrity and a lack of detail regarding support pole sizes. Support poles were not integrated into the artwork. The panel agreed the final design could potentially change significantly from the original concept due to engineering considerations. Consideration was evident to materials and method of installation, however the panel expected challenges regarding installation and suspension of the artwork, and potential issues with wind loads.



Overall, the respondent submitted an average quality response to the qualitative selection criteria that was deemed high risk by the panel.

### **Respondent 2 – Milne and Stonehouse**

The proposal explored the interconnections between the natural and built world, with a focus on roots/mycelium/tentacle connections. Suspended laterally, the proposed artwork was a counter to traditional vertical spires and explored the lateral space across Hay Street. The proposal provided a good response to the creation of aesthetic enrichment. The lightweight structure was highly intricate, but did not obstruct the existing architecture, and achieved a floating, ethereal feeling. Consideration had been given to shadow casting and night time lighting options and techniques. The concept seemed disconnected to the site and failed to demonstrate site specificity, relation to place or reference to cultural identity. Materials chosen were durable, “moon finish” non-reflective steel to minimise reflection, however the panel were concerned without lighting the work could be lost in the sky and not seen from a distance. Consideration had been given to local fabrication, efficient installation and ongoing maintenance.

Overall, the respondents submitted an average quality response to the qualitative selection criteria that was deemed high risk by the panel.

### **Respondent 3 – Jon Tarry – “Cygna”**

The respondent provided a high-quality response to the brief, with the artwork clearly demonstrating aesthetic enrichment, engenderment of positive sense of place and contribution to neighbourhood character. Good consideration was demonstrated to the context of the site, the purpose of the artwork and what it would/could achieve. The proposed concept was visually striking and is expected to have different meanings to different people who interact with it; there is an opportunity for interpretive material to be incorporated into the work in consultation with the community. Consideration was given to the City’s current public art pieces and how the proposed artwork fits into the collection. The respondent provided a good response to the artistic excellence criteria, with the proposed artwork intriguing to the eye differently from each available vista. Extensive consideration was demonstrated as to how the work could be reinterpreted at night using programmable lighting. An outstanding response to fabrication, physical integrity and durability was supplied, with comprehensive documentation. Materials proposed were strong, high quality and with a proven track record. The applicants demonstrated a clear intention to engineer and fabricate locally, contributing to local artistic practice and business. Consideration had been given to installation and further possibilities, such as advanced lighting and projections.

Overall, the respondents submitted a high-quality response to the qualitative selection criteria that was deemed very low risk by the panel.

### **Respondent 4 – Exhibition Studios**

The respondents provided an adequate response to concept, with the proposal a literal interpretation of the brief centred on the natural ecosystem, endemic plants and their historical roles. The artwork was aesthetically pleasing with a lovely flow and playful nature, and demonstrated aesthetic enrichment. The maquette and drawings provided demonstrated integration with the site, however

the panel were of the opinion the artwork would better contribute to neighbourhood character in a more natural setting. The respondents provided an adequate response to artistic excellence, and demonstrated consideration to pedestrian experience, shadowing, and the activation of floor space. The panel did not find the proposal particularly ambitious in terms of artistic practice, art history or cultural identity, and had concerns whether the proposal would demonstrate enough impact from a distance. The respondents provided a very good response to fabrication, physical integrity and durability, with the ability to fabricate in-house using extremely durable materials with a modern patina. The proposed acrylic inserts were aesthetically pleasing but untested in a work of this scale, otherwise the artwork would be extremely durable and require minimal maintenance. Consideration given to occupational health and safety, entrapment and pinch points further added to the response.

Overall, the respondents provided an adequate response to the qualitative selection criteria that was deemed medium risk by the panel.

### **Respondent 5 – Angela McHarrie/Tony Jones**

The respondents provided an adequate response to the brief, submitting a traditional concept showcasing the endemic kangaroo paw with a simple design and integrated seating and lighting into a traditional plinth base. While the response was a literal interpretation to the theme of natural environment, the proposal demonstrated satisfactorily the ability to create an experience of aesthetic enrichment and positive sense of place. The proposal fit well within the current practice of the artists that is not well represented in the CBD, and would have successfully strengthened the cultural identity of Perth in both a literal and symbolic way (the latter due to the significance of the kangaroo paw as a state emblem). A marginal response to fabrication, physical integrity and durability was received, with concerns regarding the use of corten (weathering) steel and its ability to leach/stain its surroundings and catch clothing. The proposed materiality didn't reflect the iconic dynamic colours of the real flowers in nature, and this was considered a missed opportunity. Demonstration of consideration to lighting and maintenance was poor.

Overall, the respondents provided an adequate response to the qualitative selection criteria that was deemed medium risk by the panel, but lacking innovation.

### **Assessment Matrix**

Refer to Confidential Attachment 13.9A.

### **Strategic alignment**

#### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Place
<b>Strategic Objective:</b>	2.1 A city that is seen by all as a great place to be.

## Legal and statutory implications

This tender has complied with all requirements of Section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

### Connection with mandates in the *City of Perth Act 2016*

8(1)(g) - to strengthen Perth's reputation as an innovative, sustainable and vibrant city that attracts and welcomes all

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Financial	Moderate	Possible	Low

## Approval implications

Should Council choose not to adopt officer recommendation point 1 on this matter, the project team will have to go back out to tender to elicit new submissions. Due to the tight deadlines that need to be met in order for this project to fit in with the overall capital works program for the East End Revitalisation project, this would have significant cost implications for the artwork as the opportunity to integrate structural works (such as footings for example) into the overall program would be lost and the work would have to be retrofitted into the new streetscape.

Should Council choose not to adopt officer recommendation point 2 on this matter, the project is unable to be completed due to insufficient budget.

## Financial implications

### Within existing budget

#### *FY2019/20*

The total expenditure for the public artwork commission in FY2019/20 is \$219,000.

The existing East End Revitalisation project budget (PJ14087) has allocated \$83,000 in FY2019/20 for this artwork.

The remaining costs to be incurred in FY2019/20 were originally intended to be funded from the City's Public Art Reserve Fund, however cost savings from the City's overall capital works program have been identified during the current budget review, and the remaining \$136,000 from this financial year can now be funded from these savings (refer breakdown table below).

#### *FY2020/21*

This project will also have an implication of \$136,000 for the 2020/21 budget.

\$75,000 has been allocated within the capital works budget request for the East End Revitalisation project (PJ14087) for FY2020/21.

The remaining \$61,000 for FY2020/21 can be accommodated from the City's Public Art Reserve Fund (see breakdown below).

The purpose of the Public Art Reserve is to "provide sufficient financial capacity to deliver new commissions of enduring public art identified in the City's Public Art Strategy and any associated strategic plans for public art." (City of Perth Financial Statements 2018/19).

This commission aligns with Strategic Objective 2 of the Public Art Strategy, which states that the city will: "Continue to pursue and expand programs that include public art as an integral part of urban development within the City of Perth;" specifically, Strategy for Delivery 2.2 states that the City will: "Seek to involve public artists early, and in different ways, in the City's urban development initiatives." (Page 12, Public Art Strategy).

### Details

According to the pricing analysis listed in the table below Jon Tarry (Tarrmac Studio) presented a consistent price offer compared to the other submissions.

<b>Tenderer</b>	<b>Price excluding GST</b>
Parallax Productions	\$295,700
Milne and Stonehouse	\$300,000
Jon Tarry	\$297,000
Exhibition Studios	\$299,640
Angela McHarrie/Tony Jones	\$231,000

The proposed cost of "Cygna" will be taken from the below project accounts over the 2019/20 and 2020/21 financial years. A project budget of \$340,000 has been forecast, comprising the \$297,000 fee proposal from the preferred tenderer, plus 15% contingency). There was also a \$15,000 cost for the tender process, with the five shortlisted artists each being paid \$3,000 to develop their concept designs and tender submissions.

<b>MILESTONE</b>	<b>TOTAL BUDGET</b>	<b>ALLOCATED IN PROJECT BUDGET (PJ 14087)</b>	<b>FUNDED FROM 2019/20 TARGETED COST SAVINGS</b>	<b>CONTRIBUTION FROM PUBLIC ART RESERVE FUND</b>	<b>COMMENTS</b>
<b>FY 2019/20</b>					
Fee for concept design for shortlisted artists	\$ 15,000	\$ 15,000 (existing budget)	-	-	Cost of tender process for shortlisted artists (\$3,000 each, to five shortlisted artists)
Contract award – 20% of artwork budget	\$ 59,000	\$ 59,000 (existing budget)	-	-	
Detailed design submitted – 40% of artwork budget	\$ 119,000		\$ 119,000	-	\$119,000 to be transferred to the project budget, from FY2019/20 Targeted Cost Savings

MILESTONE	TOTAL BUDGET	ALLOCATED IN PROJECT BUDGET (PJ 14087)	FUNDED FROM 2019/20 TARGETED COST SAVINGS	CONTRIBUTION FROM PUBLIC ART RESERVE FUND	COMMENTS
Contingency	\$ 26,000	\$ 9,000 (existing budget)	\$ 17,000	-	\$ 17,000 to be transferred to the project budget, from FY2019/20 Targeted Cost Savings
<b>FY 2019/20 TOTAL</b>	<b>\$ 219,000</b>	<b>\$ 83,000</b>	<b>\$ 136,000</b>	-	
<b>FY 2020/21</b>					
Fabrication 50% complete – 20% of artwork budget	\$ 59,000	\$ 59,000 (requested FY20/21 budget)	-	-	
Installation complete – 20% of artwork budget	\$ 59,000	\$ 8,000 (requested FY20/21 budget)	-	\$ 50,000	\$ 61,000 to be expended from the Public Art Reserve Fund
Contingency	\$ 18,000	\$ 8,000 (requested FY20/21 budget)	-	\$ 10,000	
<b>FY 2020/21 TOTAL</b>	<b>\$ 136,000</b>	<b>\$ 75,000</b>	-	<b>\$ 61,000</b>	
<b>GRAND TOTAL</b>	<b>\$ 355,000</b>	<b>\$ 158,000</b>	<b>\$ 136,000</b>	<b>\$ 61,000</b>	

### Financial year 2019/20

<b>Account number:</b>	PJ 1345 – 14087 – 1115 – 7268
<b>Description:</b>	East End Revitalisation
<b>Account type (Operating/Capital/Reserve):</b>	Capital
<b>Current budget:</b>	\$4,191,775
<b>Amount Allocated for East End Public Art</b>	\$83,000 Concept and design development

<b>Account number:</b>	PJ 1125 – 82225 – 0000 – 7268
<b>Description:</b>	2019/20 Targeted Cost Savings
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budget:</b>	\$6,700,000
<b>Amount Proposed for East End Public Art</b>	\$136,000 Design Submission

### Implications for Financial year 2020/21

<b>Account number:</b>	PJ 1345 – 14087 – 1115 – 7268
<b>Description:</b>	East End Revitalisation
<b>Account type (Operating/Capital/Reserve):</b>	Capital
<b>Current budget:</b>	\$ 7,038,000 (requested, pending approval)
<b>Amount Proposed for East End Public Art</b>	\$75,000 Fabrication and installation

<b>Account number:</b>	100100005455
<b>Description:</b>	Public Art Reserve
<b>Account type (Operating/Capital/Reserve):</b>	Reserve
<b>Current budget:</b>	\$558,718
<b>Amount Proposed for East End Public Art</b>	\$61,000 Fabrication and installation

## Policy references

### 9.7 – Purchasing

The City's purchasing policy stipulates that purchases over \$150,000 must be undertaken by either a public tender process or an except tender process. This public artwork commission has been undertaken through the former, via a public expression of interest process followed by an invited tender.

### 1.5 – Public Art

The City's Public Art policy guides all aspects of the management of the City of Perth's public art projects, programs and services, and has informed the tender process in a number of ways, including shaping the assessment criteria; the guiding principles informing the social, cultural, civic, and economic ethos of the project; the definition of what constitutes a public artwork and an artist; and the procurement methodology.

## Comments

Jon Tarry (Tarrmac Studio) provided sufficient examples and clarified all enquiries raised by the evaluation panel, with responses to the selection criteria ranking higher than the other tenderers. Based on the qualitative assessment and pricing analysis, representing best value for money, it is recommended to appoint Jon Tarry for Tender 009-19/20.

## Recommendation

That Council:

1. APPROVES Jon Tarry (Tarrmac Studio) \$297,000 as the successful tenderer of Tender 009-19/20;
2. APPROVES the transfer of \$136,000 from 2019/20 Targeted Cost Savings (Account 1125-82225-1000-7268) to the East End Revitalisation project (PJ14087) ; and

3. APPROVES the expenditure of \$61,000 for 2020/21 for this project from the Public Art Reserve.

## **Item 13.10 – Variation of Lease – Shops 8 and 10, City Station Concourse, 378-420 Wellington Street, Perth**

<b>File reference</b>	P1001392-3
<b>Report author</b>	Paul Warren, Senior Assets and Leasing Officer
<b>Other contributors</b>	Bill Parker, General Manager Corporate Services Kathleen O'Brien, Paralegal
<b>Reporting Service Unit and Alliance</b>	Governance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	24 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.10A – Survey Plan – Shops 8 and 10, City Station Concourse

### **Purpose**

The purpose of this report is for Council to consider a rent adjustment proposal for Shops 8 and 10, City Station Concourse, 378-420 Wellington Street, Perth to the current tenants Stephen Onesti, Sun Tan and Christopher Smith trading as Priceline Pharmacy.

### **Background**

The tenants commenced a lease for the subject property on 1 October 2017 for an initial term of 10 years plus a further term of five years. The rent at commencement was \$305,672 per annum (or \$746.09 per square meter per annum) indexed to CPI.

Based upon a number of factors including a challenging retail environment, the tenants have initiated a formal request to consider reviewing their existing lease, specifically the rental amount.

### **Details**

The City of Perth has been approached by the tenants of the premises with a submission to consider reducing their rent based on the following factors:

- New Traffic Flow Patterns – As a result of the new Mandurah/Joondalup Line;
- Interrupted Traffic Flow – Directly impacted by the Forrest Chase and Carillion redevelopment;
- Infrastructure Works on surrounding streets;
- Wellington Street Upgrade and road works – Installation of new services which caused numerous delays;
- Decrease in train passenger numbers; and



- Declining sales and customer numbers.

A market valuation dated 1 August 2019 was undertaken on comparable similar uses and determined that the current market rent for the subject premises was \$270,700 per annum (\$650 per square meter per annum).

The current rent is approximately \$40,000 per annum above the current market. Council consideration is being sought to reduce the net rent to the market rent from 1 October 2019.

A copy of the Survey Plan for the subject premises is detailed in Attachment 13.10A.

## Stakeholder engagement

There is no stakeholder engagement related to this report.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
<b>Strategic Objective:</b>	Commercial operations that are transparent, profitable and compete fairly and lawfully with private enterprise.

## Legal and statutory implications

Council may authorise a variation to the existing lease agreement whereby a market rent review is applied from 1 October 2019.

### Commercial Tenancy (Retail Shops) Agreement Act 1985

The current lease is in accordance with the *Commercial Tenancy (Retail Shops) Agreement Act 1985* and any variations must be in accordance with this Act. This Act regulates commercial tenancy agreements relating to certain shops, to prohibit unconscionable conduct, or misleading or deceptive conduct, by landlords or tenants in relation to such agreements.

### Local Government Act 1995 - section 3.58

The disposal requirements under section 3.58 have been considered but the proposed variation is not considered to be a new disposal.

### Connection with mandates in the City of Perth Act 2016

8(1)(a) - to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors

Compliance with all relevant legislation ensures the provision for the good government of persons in the City of Perth.

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Financial	Insignificant	Unlikely	Low

The financial implications to this report are low given the specific rental income compared to the total overall property portfolio. It is, however, important to seriously entertain the request as the current market conditions remain challenging with high vacancy rates.

## Approval implications

If Council endorses the officer recommendation, the Chief Executive Officer will organise for the variation to be drafted and appropriately executed. If Council does not support the recommendation, the current rent will apply until the next rent review.

## Financial implications

With regard to the subject property, the 2019/20 budget reflects the following;

<b>Account number:</b>	PJ.1045-60190-0000-6521
<b>Description:</b>	Lease Rental
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budget:</b>	\$310,340.64

The current budget is based on the existing lease and reflects income that is more than the current market rent for the subject property. The current market rent for the subject property is \$270,700, representing a variance of -\$39,640.64.

Should Council agree to the request, the variance between the 2019/20 budget and the forecast actuals at 30 June 2020 will be approximately -\$30,000.

## Policy references

There are no policy references related to this report.

## Comments

The proposed variation to allow the market rent review is supported as it would be detrimental to lose a large branded anchor business in this location especially given the current market conditions.

The overall Perth central business district vacancy rate for the six months to July 2019 was 18.5 per cent according to the Property Council's July 2019 Office Market Report, which was the fifth consecutive reporting period in which the city's overall office vacancy recorded a dip.

## Recommendation

That Council AGREES to vary the lease agreement dated 16 August 2018 between the City of Perth and Stephen Onesti, Sun Tan and Christopher Smith trading as Priceline Pharmacy for Shops 8 and 10, City Station Concourse, 378-420 Wellington Street, Perth to include a market rent review from 1 October 2019.

## Item 13.11 – Renewal of Lease – Shop 9, City Station Concourse, 378-420 Wellington Street, Perth

<b>File reference</b>	P1003111-3
<b>Report author</b>	Paul Warren, Senior Assets and Leasing Officer
<b>Other contributors</b>	Bill Parker, General Manager Corporate Services Kathleen O'Brien, Paralegal
<b>Reporting Service Unit and Alliance</b>	Governance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	24 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Absolute Majority
<b>Attachment/s</b>	Attachment 13.11A – Proposed Lease Schedule Attachment 13.11B – Survey Plan – Shop 9, City Station Concourse Attachment 13.11C – Draft Delegation 1.2.28

### Purpose

The purpose of this report is to seek Council's approval to advertise a proposed disposal for Shop 9, City Station Concourse, 378-420 Wellington Street, Perth to the current tenant Shante Holdings Pty Ltd. To expedite the disposal, the Administration is seeking a delegation to finalise the disposal process after advertising is complete.

### Background

Shante Holdings Pty Ltd has been a long-term tenant and has continuously occupied the subject property since 1 May 2009. The current lease expired on 30 April 2019 and is currently holding over on a month to month basis.

Shante Holdings Pty Ltd has formally requested that the City consider renewing their lease agreement for a further term. The tenant is seeking an initial term of five years with a further term of five years.

### Details

Following a market rental valuation of the subject premises and a period of discussion with the proponent, the Administration is in a position whereby the proposal can be considered by Council and advertised in accordance with the requirements of the *Local Government Act 1995*. A market valuation dated 1 August 2019 was undertaken and determined that the current market rent for the subject property is \$139,400 per annum (\$700 per square meter per annum).

The tenant has advised that they are prepared to accept a new net lease using the City's standard Retail Lease Agreement with:

1. Rent of \$125,496 per annum (\$630 per square meter per annum);
2. Three month rent free period;
3. Storage at a market rate of \$5,000 per annum (\$200 per square meter per annum);
4. Estimated variable outgoings agreed at \$14,210.93 per annum (\$71.34 per square meter per annum); and
5. An initial term of five years plus a further term of five years.

Whilst below the market rental valuation by \$13,904 per annum, the inclusion of storage and variable outgoings under the proposed disposal offsets this amount. Therefore, the offer is considered to provide a reasonable return given the potential of an extended vacancy period should a suitable replacement tenant not be found immediately (likely given current tenancy statistics).

Under the proposal, rent reviews will include annual Consumer Price Index (CPI) adjustments and a market rent review on exercising the further term.

A copy of the details associated with the proposed disposal are attached to this report (Attachment 13.11A) along with a copy of the Survey Plan for the subject premises (Attachment 13.11B).

A delegation is requested to allow the CEO to finalise the disposal process following advertising. It is a condition of the delegation that the matter is to return to Council to consider the disposal should there be any adverse submissions.

## **Stakeholder engagement**

There is no stakeholder engagement related to this report, however public consultation is outlined under legislative and statutory implications.

## **Strategic alignment**

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
<b>Strategic Objective:</b>	Commercial operations that are transparent, profitable and compete fairly and lawfully with private enterprise.

## **Legal and statutory implications**

### Local Government Act 1995 (s3.58)

A local government can dispose of property other than by auction or tender if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
  - (i) describing the property concerned; and

- (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Additionally, section 3.58(4) of the *Local Government Act 1995* requires the local public notice to include certain details including the market value of the disposition as ascertained by a valuation carried out not more than six months before the proposed disposition or as declared by a resolution of the local government. This declaration must be based on a valuation carried out more than six months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

The Administration acknowledges that for the purposes of section 3.58(4), the valuation expired on 1 February 2020. Given the current market conditions, the Administration feels that the valuation carried out in August 2019 remains appropriate and relevant.

#### *Commercial Tenancy (Retail Shops) Agreement Act 1985*

Subject to the disposal process in section 3.58 of the *Local Government Act 1995*, should the disposal be entered into, the lease must be prepared in accordance with the *Commercial Tenancy (Retail Shops) Agreement Act 1985*. This act regulates commercial tenancy agreements relating to certain shops, to prohibit unconscionable conduct, or misleading or deceptive conduct, by landlords or tenants in relation to such agreements.

#### *Local Government Act 1995 (s 5.42)*

This section provides that, subject to section 5.43 of the *Local Government Act 1995*, a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act.

#### *Connection with mandates in the City of Perth Act 2016*

8(1)(a) - to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors

This lease renewal is largely an operational matter and therefore compliance with all relevant legislation ensures the provision for the good government of persons in the City of Perth.

### **Risk implications**

Impact of decision	
Organisation	Low
Community	Low

<b>Risk domain</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Risk rating</b>
Financial	Insignificant	Unlikely	Low

The financial implications to this report are low given the specific rental income compared to the total overall property portfolio. It is however important to seriously entertain the tenancy renewal as the current market conditions remain difficult with high vacancy rates.

### **Approval implications**

Should Council approve the advertising process, the disposal will be advertised for a period of two weeks. At the conclusion of the advertising period, Council is required to consider any submissions made prior to formally disposing of the asset.

Should no adverse submissions be made, the Administration is recommending that the Chief Executive Officer be delegated authority to finalise the disposal process and execute the lease documentation.

### **Financial implications**

With regard to the subject property, the 2019/20 budget reflects the following;

<b>Account number:</b>	PJ 1045-60200-0000-6521
<b>Description:</b>	Lease Rental
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budget:</b>	\$187,515.40

The current budget is based on the existing lease and reflects income that is more than the current market rent for the subject property.

Under the proposed disposal, the City would receive:

1. Rental income of \$125,496.00 per annum;
2. Storage income of \$5,000 per annum; and
3. Variable outgoings income at \$14,210.93 per annum.

Combining these three elements, the projected income per annum would be \$144,706.93.

It is worth emphasising that the proposed disposal includes a three month rent free period. Taking into consideration the 2019/20 budget, the rental income received to date, the new rental amount to be applied (including positive changes to storage and variable outgoings) and the three month rent free period, the projected variance between the 2019/20 budget and forecast actuals based on this proposed disposal will be -\$48,122.86.

All figures quoted in this report are exclusive of GST.

### **Policy references**

There are no policy references related to this report.

## Comments

In discussion with the tenant, the City supports the tenants proposed terms with the exception of the lease term. Given the opportunities that may present into the future with the new airport link, the staff feel that a five year term with no further option is the most appropriate outcome.

Proceeding to advertising is supported as the proposal is considered a good commercial outcome in a challenging retail environment and will support the vibrancy of this area surrounding the Perth City Concourse.

The overall Perth central business district vacancy rate for the six months to July 2019 is 18.5 per cent according to the Property Council's July 2019 Office Market Report. It was the fifth consecutive reporting period in which the city's overall office vacancy has recorded a dip. The performance of retail tenancies in recent years as the economy has struggled to bounce back from predominately the decline in the mining sector. In this market, a major consideration in securing tenancies is incentives. To reduce vacancies and the associated loss of income, reduced rent and rent-free periods are being offered by landlords to secure tenants.

### Recommendation

That Council:

1. RESOLVES that the market valuation dated 1 August 2019 with regard to Shop 9, City Station Concourse, 378 Wellington Street, Perth is a true indication of the market value of the subject property.
2. APPROVES the advertising via local public notice of the proposed disposition between the City of Perth and Shante Holdings Pty Ltd for Shop 9, City Station Concourse, 378 Wellington Street, Perth and the proposed details as outlined in Attachment 13.11A.
3. DELEGATES to the Chief Executive Officer the authority to enter into any new lease in respect of Shop 9, City Station Concourse, 378 Wellington Street, Perth in accordance with the delegation detailed in Attachment 13.11C.



## Item 13.12 – New Leases – City Foreshore Investments Pty Ltd – 25 (Lot 306) Riverside Drive, Point Fraser

<b>File reference</b>	P1026773
<b>Report author</b>	Paul Warren, Senior Assets and Leasing Officer
<b>Other contributors</b>	Bill Parker, General Manager Corporate Services Kathleen O'Brien, Paralegal
<b>Reporting Service Unit and Alliance</b>	Governance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	24 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Absolute Majority
<b>Attachment/s</b>	Attachment 13.12A – Brook & Marsh Survey Plan Option C – Dated 7 August 2019. Attachment 13.12B – Commercial Lease Terms and Conditions. Attachment 13.12C – Proposed Delegations

### Purpose

The purpose of this report is for Council to consider:

- seeking the Minister's approval to resolve an encroachment of the leased area at "On the Point" 25 (Lot 306) Riverside Drive, East Perth beyond the boundaries of the Lot 306;
- entering into a new head lease with the State of Western Australia; and
- granting a new sublease (inclusive of new commercial terms) for "On the Point" 25 (Lot 306) Riverside Drive, East Perth.

### Background

The City of Perth (City) holds a ground sub-lease with City Foreshore Investments Pty Ltd (CFI) dated 30 May 2012 in relation to Lot 306 at Point Fraser. This is a sub-lease agreement enabled via a head-lease between the City and the State of Western Australia (the State). Lot 306 was originally part of a Class 'A' Reserve. However, in 2005, the area was excised from the Class 'A' Reserve to enable the development of the Point Fraser precinct.

The purpose of the ground sub-lease with CFI was for the construction and operation of an "Approved Use" inclusive of "... Café, kiosks, commercial offices, restaurants, function centre, cocktail lounges, boutique brewery, taverns, bars, retail outlets, jetty for mooring boat purposes and museum and other such uses as approved by the Sub-Lessor..." This was subsequently developed and became "On the Point."

The basis of the current tenure for the head lease (between the State and the City) is 21 years commencing 30 June 2012 (expires 29 June 2033) with an option for a further term of 21 years (expires 29 June 2054) and also includes a ten year rent free period (expires 29 June 2022). Following the end of the rent free period the City will pay rent to the State for the duration of the lease. The term of the sub-lease (between the City and CFI) is 21 years less 1 day commencing 30 June 2012 with an option for a further term of 21 years less 1 day.

In early 2018, the City of Perth was approached by City Foreshore Investments Pty Ltd, with a request to consider a variation of their ground sub-lease to extend the term.

At its meeting held on 24 April 2018, Council resolved;

*“That Council APPROVES a lease extension between the City of Perth and City Foreshore Investments Pty Ltd over 25 (Lot 306) Riverside Drive, Point Fraser, East Perth subject to no objections being received following statutory advertising of the proposal.”*

Delays attributable to the actioning of the above Council resolution include but are not limited to changes in personnel at City Foreshore Investments Pty Ltd and the City of Perth as well as the identification of lease encroachment issues resulting in a resurveying of the land. Lot 306 is adjoined by Class ‘A’ Reserves (Lots 305 and 307) which are the subject of Management Orders, a Swan River Reserve (Lot 301), and another Reserve (Lot 303). Therefore, the encroachments are not simple to resolve. Reviewing the encroachments with the Department of Planning Lands and Heritage (DPLH) an extension would not resolve the total of the encroachment issues and a new head lease and sub-lease were subsequently proposed. Regardless, the situation has been delayed for a protracted period and both parties are keen to see the matters resolved.

## **Details**

The Administration has been liaising with CFI in relation to the calculation of semi gross rental, operational issues pertaining to an encroachment, and the requested extension of the tenure of sub lease agreement. However, in order to resolve these matters ongoing assistance from the DPLH has been required and various approvals will need to be obtained as it is a Crown leasing matter with complications arising from encroachments into reserves.

### **Lease Area**

As a result of the CFI building construction, a sizeable encroachment has resulted (totalling 517sqm). Encroachments extend beyond the original sub-lease area and also into adjoining lots. In order to address the issue of the lease area, the City has resurveyed the subject area to take account of the building encroachments into the surrounding Lots. A copy of the new Brook & Marsh Survey Plan for the subject premises is attached to this report as Attachment 13.12A.

The survey demonstrates an area of 4,580 sqm over Lot 306 and also parts of Lots 301, 303, 305 and 307 as delineated in colour purple on the survey plan.

In addition to reviewing the encroachment issue, the Administration has been liaising with CFI in order to negotiate proposed terms that would achieve greater clarity and fairness on operational responsibilities. The purpose of the resurvey was also to specifically delineate and exclude the soft

form, lawns, gardens and paths etc within the public domain which will be the responsibility of the City of Perth and the areas which should be the responsibility of CFI.

Prior to agreeing to enter into a new ground sublease with CFI which varies the area to incorporate encroachments and remove public realm areas, the City must advertise the proposed disposal, consider objections and seek various approvals as detailed below. Subject to these processes, it is envisaged that the new survey will form the basis for the proposed disposition with rent based upon the land area only.

#### Basis of Rental

The basis of the current rental was calculated based upon the building area only of 2,200 sqm. This has led to some confusion given the intent of the sub lease is ground only.

The current rent is \$100,812 per annum calculated from the current total land area 4,240 sqm at a rate of \$23.78 per square meter per annum.

#### Details of Proposed Disposition

Further to independent market rental valuation upon the new surveyed land area of 4,580 sqm, the City and CFI negotiated the details of the proposed disposition to a point where they are ready to be advertised for public comment.

The proposed rent is \$110,000 per annum calculated from the new Total Area 4,580 sqm at a rate of \$24 per square meter per annum. The valuation amount has been confirmed by certified trading valuer.

The term of the existing lease between State and the City is 21 years from the lease commencement date of 30 June 2012 and the lease expiry is 29 June 2033 with a further term of 21 years (expiring 29 June 2054). Subject to the approvals related to the surrender and re-grant of the head lease as detailed below, a lease with CFI for a term of 21 years with an option for a further term of 21 years is sought by the tenant.

CFI have indicated their agreement and a full copy of the proposed commercial terms is attached to this report as Attachment 13.12B.

#### Approval Requirements

In addition to the advertising process required by section 3.58 of the *Local Government Act 1995* prior to a local government agreeing to enter into a lease, this matter will require various additional approvals.

The City cannot sensibly grant or vary a sublease where it would extend beyond the head lease to the City. However, the areas beyond Lot 306 cannot simply be incorporated by the City and the State into the head lease without additional approvals as advised by the DPLH.

Following discussions with DPLH, it has been determined that the most appropriate method of resolving the encroachments would be to excise the delineated areas from their Reserves (as detailed in Attachment 13.12A). Following which, a surrender of the current head lease and re-grant of the head lease between the City and the State could occur over Lot 306 and the parts of Lots 301,303,

305 and 307 that are delineated in survey plan. This would, as confirmed by DPLH, require relevant approvals such as ministerial consent.

In relation to the encroachments into Lots 305 and 307, as those Lots are a Class A Reserves, in order to excise the encroaching areas Ministerial approval is required. The Minister is also required to cause statutory advertising of a proposal to occur and have the proposal tabled in each house of State Parliament for Parliamentary approval. In relation to Lot 301, the Swan River Trust will also need to consent to the encroachment being excised from Lot 301 as the area is part of Swan River Trust Reserve 48325.

This process would allow the City to enter into a new head lease with the State which would include the part lots and existing Lot 306. This would then allow for the City to enter into a new sublease with CFI to incorporate the entire property into the subleased premises.

Additionally, as the City's ground sub-lease is enabled via the head-lease with the Minister for Lands (WA), any new agreement will require the Minister for Lands (WA) consent.

## **Stakeholder engagement**

There is no stakeholder engagement related to this report, however public consultation is outlined under legislative and statutory implications.

## **Strategic alignment**

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
<b>Strategic Objective:</b>	Commercial operations that are transparent, profitable and compete fairly and lawfully with private enterprise.

The City of Perth Commercial Property Portfolio aims to deliver revenue diversification from traditional rates income and car parking revenue in order to make the City more sustainable and reduce dependency on these sources of income. More broadly the City's property portfolio is maintained to ensure the availability of assets for future strategic and generational needs.

## **Legal and statutory implications**

### Local Government Act 1995 (s3.58)

A local government can dispose of property other than by auction or tender if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
  - (i) describing the property concerned; and
  - (ii) giving details of the proposed disposition; and

- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

#### Connection with mandates in the *City of Perth Act 2016*

8(1)(a) - to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors

This lease variation is largely an operational matter and therefore compliance with all relevant legislation ensures the provision for the good government of persons in the City of Perth.

#### **Risk implications**

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Financial	Minor	Unlikely	Low
Reputation and External Stakeholders	Minor	Unlikely	Low

The financial implications to this report are low given the specific rental income compared to the total overall property portfolio.

#### **Approval implications**

Should the Council determine not to approve the proposal the encroachment issues will remain.

#### **Financial implications**

The financial implications associated with this report are accommodated within the existing 2019/20 budget.

<b>Account number:</b>	PJ.1045-82158-0000-6521
<b>Description:</b>	Lease Rental
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budget:</b>	\$101,577.07

The City will receive a commercial benefit from the additional income gained from the small increase in rental income. Note that this income stream is currently within the 2019/20 budget.

All figures quoted in this report are exclusive of GST.

## Policy references

There are no policy implications associated with this report.

## Comments

The proposal is considered commercially reasonable and is supported in order to normalise and entering into the proposed sublease agreement with the valued Tenant along with continuing to enhance the vibrancy and amenity of the Point Fraser precinct.

The proposal to excise areas from the surrounding reserves and surrendering and re-granting the head lease with the State is supported to normalise the arrangement.

## Recommendation

That Council:

1. REQUESTS the Minister for Lands to excise those portions of Class 'A' Reserve 13375 (affecting Lots 305 and 307), Swan River Trust Reserve 48325 (affecting Lot 301) and Reserve 48462 (affecting Lot 303), as shown depicted in purple on the survey plan attached as Attachment 13.12A, for the purpose of resolving the encroachment issues;
2. DELEGATES to the Chief Executive Officer the authority to surrender the head lease and enter into a new head lease with the State of Western Australia over 25 (Lot 306) Riverside Drive, Point Fraser, East Perth and the land excised in (1) and determine commercial terms in accordance with the delegation detailed in Attachment 13.12C;
3. DELEGATES to the Chief Executive Officer the authority to enter into a new sublease and any variation or extensions over 25 (Lot 306) Riverside Drive, Point Fraser, East Perth and the Land excised in (1), in accordance with the delegation detailed in Attachment 13.12C and the proposed commercial details outlined in Attachment 13.12B; and
4. AUTHORISES the affixing of the common seal of the City to documents that are required to implement the terms of this resolution and that are required to be executed with the common seal of the City.

## Item 13.13 – Renewal of Lease – Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth

<b>File reference</b>	P1025052-2
<b>Report author</b>	Paul Warren, Senior Assets and Leasing Officer
<b>Other contributors</b>	Bill Parker, General Manager Corporate Services Kathleen O'Brien, Paralegal
<b>Reporting service unit and alliance</b>	Governance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	24 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Absolute Majority
<b>Attachment/s</b>	Attachment 13.13A – Proposed Lease Schedule Attachment 13.13B – Survey Plan – Shop 3, Pier Street Carpark Attachment 13.13C – Proposed Delegation 1.2.27

### Purpose

The purpose of this report is to seek Council's approval to advertise a proposed disposal for Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth to the current tenants, Mr Christopher Robert Smith and Mr Michael Kemble Sinclair Smith (Smith and Sinclair). To expedite this proposal, the administration is seeking a delegation to finalise the disposal process after advertising is complete.

### Background

Smith and Sinclair have been long term tenants and have continuously occupied the premises since 1 July 2002. The current lease expired on 30 June 2019 and is currently in holding over on a month to month basis.

Smith and Sinclair have formally requested that the City consider renewing their lease agreement for a further term. The tenant is seeking an initial term of five years with a further term of five years.

### Details

Following a market rental valuation of the subject premises and a period of discussion with the proponent, the administration is in a position whereby the proposal can be considered by Council and advertised in accordance with the requirements of the *Local Government Act 1995*. A market valuation dated 1 August 2019 was undertaken and determined that the current market rent for the subject property is \$20,995 per annum (\$425 per square meter per annum).

The tenant has advised that they are prepared to accept a new net lease using the City's standard Retail Lease Agreement with:

1. Rent of \$19,266 per annum (\$390 per square metre per annum);
2. Three month rent free period; and
3. Estimated variable outgoings agreed at \$5,366.82 per annum (\$108.64 per square metre<sup>7</sup> per annum).

Whilst below the market rental valuation by \$1,729 per annum, this offer is considered to provide a reasonable return given the potential of an extended vacancy period should a suitable replacement tenant not be found immediately (likely given current tenancy statistics).

Under the proposal, rent reviews will include annual Consumer Price Index (CPI) adjustments and a market rent review on exercising the further term.

A copy of the details associated with the proposed disposal are attached to this report (Attachment 13.13A) along with a copy of the Survey Plan for the subject premises (Attachment 13.13B).

A delegation is requested to allow the CEO to finalise the disposal process following advertising. It is a condition of the delegation that the matter is to return to Council to consider the disposal should there be any adverse submissions.

All figures quoted in this report are exclusive of GST.

## **Stakeholder engagement**

There is no stakeholder engagement related to this report, however public consultation is outlined under legislative and statutory implications.

## **Strategic alignment**

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
<b>Strategic Objective:</b>	Commercial operations that are transparent, profitable and compete fairly and lawfully with private enterprise.

The City of Perth Commercial Property Portfolio aims to deliver revenue diversification from traditional rates income and car parking revenue in order to make the City more sustainable and reduce dependency on these sources of income. More broadly the City's property portfolio is maintained to ensure the availability of assets for future strategic and generational needs.



## Legal and statutory implications

### Local Government Act 1995 (s3.58)

A local government can dispose of property other than by auction or tender if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
  - (i) describing the property concerned; and
  - (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Additionally, section 3.58 (4) of the *Local Government Act 1995* requires the local public notice to include certain details including the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition or as declared by a resolution of the local government. This declaration must be based on a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

The Administration acknowledges that for the purposes of section 3.58 (4), the valuation expired on 1 February 2020. Given the current market conditions, the administration feels that the valuation carried out in August 2019 remains appropriate and relevant.

### Commercial Tenancy (Retail Shops) Agreement Act 1985

Subject to the disposal process in section 3.58 of the *Local Government Act 1995*, should the disposal be entered into, the lease must be in accordance with the *Commercial Tenancy (Retail Shops) Agreement Act 1985*. This act regulates commercial tenancy agreements relating to certain shops, to prohibit unconscionable conduct, or misleading or deceptive conduct, by landlords or tenants in relation to such agreements.

### Connection with mandates in the City of Perth Act 2016

8(1)(a) - to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors

This lease renewal is largely an operational matter and therefore compliance with all relevant legislation ensures the provision for the good government of persons in the City of Perth.

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Financial	Insignificant	Unlikely	Low

The financial implications to this report are low given the specific rental income compared to the total overall property portfolio. It is, however, important to seriously entertain the tenancy renewal as the current market conditions remain difficult with high vacancy rates.

## Approval implications

Should Council approve the advertising process, the disposal will be advertised for a period of two weeks. At the conclusion of the advertising period, Council is required to consider any submissions made prior to formally disposing of the asset.

Should no adverse submissions be made, the administration is recommending that the Chief Executive Officer be delegated authority to finalise the disposal process and execute the lease documentation.

## Financial implications

The financial implications associated with this report are accommodated within the existing 2019/20 budget.

<b>Account number:</b>	PJ.1045-50093-0000-6521
<b>Description:</b>	Lease Rental
<b>Account type (Operating/Capital/Reserve):</b>	Operating
<b>Current budget:</b>	\$22,901.00

The current budget is based on the existing lease and reflects income that is more than the current market rent for the subject property.

Under the proposed disposal, the City would receive:

1. Rental income to the City of Perth of \$19,266 per annum (\$390 per square metre per annum); and
2. Variable Outgoings income is currently estimated at \$5,366.82 per annum (\$108.64 per square metre per annum).

Combining these elements, the projected income per annum would be \$24,632.82.

It is worth emphasising that the proposed disposal includes a three month rent free period. Taking into consideration the 2019/20 budget, the rental income received to date, the new rental amount

to be applied and the three month rent free period, the projected variance between the 2019/20 budget and forecast actuals based on this proposed disposal will be -\$3517.85.

All figures quoted in this report are exclusive of GST.

## Policy references

There are no policy implications associated with this report.

## Comments

Proceeding to advertising is supported as the proposal is considered a very good commercial outcome in a challenging retail environment and will support the vibrancy of this area surrounding the Pier Street Carpark.

The overall Perth central business district vacancy rate for the six months to July 2019 is 18.5 per cent according to the Property Council's July 2019 Office Market Report. It was the fifth consecutive reporting period in which the city's overall office vacancy has recorded a dip. The performance of retail tenancies in recent years as the economy has struggled to bounce back from predominately the decline in the mining sector. In this market, a major consideration is securing tenancies is incentives. To reduce vacancies and the associated loss of income, reduced rent and rent-free periods are being offered by landlords to secure tenants.

## Recommendation

That Council:

1. RESOLVES that the market valuation dated 1 August 2019 with regard to Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth is a true indication of the market value of the subject property;
2. APPROVES the advertising via local public notice of the proposed disposition between the City of Perth and Smith and Sinclair over Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth and the proposed details as outlined in Attachment 13.13A; and
3. DELEGATES to the Chief Executive Officer the authority to enter into any new lease in respect of Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth in accordance with the delegation detailed in Attachment 13.13C.

## Item 13.14 – City of Perth Draft Policy Framework

<b>File reference</b>	P1005611-3
<b>Report author</b>	Mark Ridgwell, Manager Governance
<b>Other contributors</b>	Bill Parker, General Manager Corporate Services
<b>Reporting service unit and alliance</b>	Governance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	25 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.14A – Draft Policy Framework

### Purpose

The purpose of this report is for Council to consider approval to undertake public consultation on the Draft Policy Framework.

### Background

The City of Perth has in excess of one hundred Council policies, many of which require significant review, revocation or reclassification as an Executive Policy due to the operational nature of the subject matter.

In a series of Commissioner workshops related to policy development, it was identified that the first significant step was to establish a framework that defines the types of policies and the process to which they will be reviewed.

### Details

The primary objective of the Policy Framework is to ensure that Elected Members are effectively engaged with all aspects of policy development and review and appropriate levels of transparency and engagement with the community are undertaken.

The Policy Framework outlines step by step the milestones of policy development and review and will guide both the organisation and community.

### Stakeholder engagement

The Policy Framework proposes to establish a mandatory 21-day community consultation process whenever a policy is proposed to be reviewed, rescinded or created. Community consultation will

involve notifications on the City of Perth website, social media and through identified stakeholder engagement on subject specific matters.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
<b>Strategic Objective:</b>	5.6 Decision Making that is ethical, informed and inclusive.

## Legal and statutory implications

The *Local Government Act 1995* stipulates the role of Council (s2.7) is to govern the local government's affairs; and is responsible for the performance of the local government's functions. As such the council required to oversee the allocation of the local government's finances and resources; and determine the local government's policies.

### Connection with mandates in the *City of Perth Act 2016*

8(1)(b) - to represent the community and encourage community participation in decision-making

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Legal and Regulatory/Ethical	Insignificant	Unlikely	Low

There are minimal risk implications associated with this report.

## Approval implications

There are no approval implications related to this report.

## Financial implications

There are no financial implications related to this report.

## Policy references

This Policy Framework will be a critical tool in the development and review of policy.

## Comments

Approval to undertake public consultation is recommended so as to help inform Council prior to the final adoption of the Policy Framework. The results of the public consultation will be presented to a future meeting of Council.

### Recommendation

That Council:

1. RECEIVES the Draft Policy Framework as detailed in Attachment 13.14A; and
2. Agrees to INITIATE a 21 day public consultation period on the Draft Policy Framework.

## 13.15 – Delegation of Authority to enable gating of Right of Way

<b>File reference</b>	P10000305-33
<b>Report author</b>	Kathleen O'Brien, Paralegal
<b>Other contributors</b>	Tracey Vowles, Senior Commercial Property Specialist Bill Parker, General Manager Corporate Services
<b>Reporting service unit and alliance</b>	Governance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	3 February 2020
<b>Nature of Council's role</b>	Legislative
<b>Voting requirement</b>	Absolute Majority
<b>Attachment/s</b>	Attachment 13.15A – Row Location Attachment 13.15B – Proposed Delegation 1.2.29

### Purpose

To consider granting the Chief Executive Officer (CEO) with delegated authority to issue permits under regulation 6 of the *Local Government (Uniform Local Provisions) Regulations 1996* in order to resolve a request to gate a right of way to address anti-social behaviour.

### Background

Between 5 and 7 Aberdeen Street and 10 Nash Street Perth there is a laneway (see Attachment 13.15A) which is owned by the State of Western Australia in freehold but is reserved as a public right of way. The laneway is considered an “otherwise unvested facility” under section 3.53 of the *Local Government Act 1995* and therefore responsibility for the control and management of the laneway is with the City of Perth.

The representatives of the buildings abutting the right of way have advised that owners, occupiers and visitors have been experiencing serious anti-social behaviour in and around the laneway, particularly in the laneway area between 5 and 7 Aberdeen Street. The representatives have reported ongoing issues including bins being set alight, threats of violence towards visitors and tenants, use of drugs and other concerning behaviour.

To ameliorate this issue, the representatives have sought that the portion of the right of way between 5 and 7 Aberdeen Street be closed by a gate at each end. The gates are proposed to be closed from 6pm until 7am Monday to Friday and all day over the weekends. The representatives also requested consideration of an alternative proposal that the right of way be kept gated at all times. The representatives have offered to cover associated costs for the gates including installation, maintenance and insurance costs.

The CEO does not currently possess the delegated authority to determine the proposal relating to the obstructing gate or to determine appropriate conditions.

## **Details**

The proposal to gate each end of the right of way is intended to prevent antisocial behaviour occurring within the laneway. The representatives of the abutting buildings have reported the issues detailed above have been ongoing for over three years and represent a health, safety and amenity issue for those accessing building, especially outside of ordinary business hours.

The proposal to gate the right of way at each end requires careful consideration as the presumption at law is that rights of way should be kept open for public passage. While section 3.53 of the *Local Government Act 1995* gives the local government management and control of the laneway as an otherwise unvested facility, this does not clearly extend to grant authority to close off the area. Therefore, a more specific authority is necessary.

Regulation 6 of the *Local Government (Uniform Local Provisions) Regulations 1996* provides a local government with authority to permit items to obstruct a public thoroughfare. This would include an item such as a gate.

A delegation is proposed to allow the CEO to determine the matter, balancing the presumptions of public access, avoiding privatisation of public facilities, and the evidenced ongoing safety and amenity issues. The delegation is also proposed to grant the CEO the authority to consider the appropriate conditions necessary for this permission in order to balance these matters.

It is noted that the regulation requires the permission only for a specified period. Therefore, the proposed delegation will allow the CEO to renew the permission, cancel the permission, and determine and amend appropriate conditions.

Key likely conditions have been discussed with the representatives including the costs associated with the gates and the need for waste facility access to service the area. The representatives have advised they would be accepting of such conditions. The relevant regulation requires conditions relating to proper illumination of the gates at night and rectification of any damage caused by the gates.

Separately the gates will also require development approval. However, this decision can be dealt with using existing delegated authority. The development approval will consider matters such as emergency access overrides, appropriate specifications for the gates and other standards.

## **Stakeholder engagement**

The Administration has had ongoing discussions with the building owner representatives and nearby service providers in relation to the proposal.

## **Strategic alignment**

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:



<b>Aspiration:</b>	People
<b>Strategic Objective:</b>	Safe, clean and inviting public places that are well patronised and enjoyed by all.

The proposed gating intends to ameliorate safety, health and amenity concerns associated with antisocial behaviour in a set location. The delegation will enable efficient and appropriate decision making.

## Legal and statutory implications

### Local Government Act 1995 s. 3.53(2)

(1) In this section —

**former section 300** means section 300 of the Local Government Act 1960 as in force before the commencement of this Act;

**otherwise unvested facility** means a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.

(2) A local government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that this section does not apply.

### Local Government (Uniform Local Provisions) 1996 – Regulation 6

Regulation 6 provides that a person must not, without lawful authority, place on a public thoroughfare anything that obstructs it. It further provides that a person may apply for permission to place an obstructing object on the thoroughfare and that the local government may grant this permission for a specified period, and set conditions (some which are mandatory such as requiring an appropriate bond and others that are to be determined by the local government).

### Connection with mandates in the City of Perth Act 2016

8(1)(a) - to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors

8(1)(c) - to provide a safe, clean and aesthetic environment for the community, city workers, visitors and tourists

## Risk implications

Impact of decision	
Organisation	Low
Community	Medium

<b>Risk domain</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Risk rating</b>
Reputation and External Stakeholders	Minor	Possible	Low
Legal and Regulatory/Ethical	Minor	Possible	Low

The risk implications are less associated with the decision to delegate authority but instead are associated with the resulting decision.

Refusal of the proposal may have adverse implications for the relationship between the City and the owners, occupiers and visitors of the buildings due to the demonstrated health, safety and amenity concerns related to the anti-social behaviour.

Both refusal of permission to gate and the determination of conditions to apply is appealable to the State Administrative Tribunal. The decision will need to ensure due consideration of the competing public interests.

### **Approval implications**

If the delegation is refused, Council will need to determine whether to grant or refuse the proposal and, if granting determine the appropriate conditions. The City is currently seeking advice on the appropriate conditions.

Any permission granted will need to be subject to other approvals including the development approval required for the gate.

### **Financial implications**

There are no financial implications related to this report.

### **Policy references**

There are no policy implications related to this report.

### **Comments**

A delegation to the CEO to resolve this matter is proposed to allow the CEO to resolve the matter without further delay. The proposed conditions are taken from the WALGA template delegation for this topic and are considered appropriate both for this matter and other matters related to obstructions in thoroughfares that fall under these regulations.

### **Recommendation**

That Council DELEGATES to the Chief Executive Officer the authority to provide, refuse or renew permission, including imposing and varying appropriate conditions, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare, in accordance with the delegation detailed in Attachment 13.15B.

## Item 13.16 – Financial Activity Statement for the Period Ended 30 November 2019

<b>File reference</b>	P1014149-25
<b>Report author</b>	Neil Jackson, Acting Senior Management Accountant
<b>Other contributors</b>	Reshma Jahmeerbacus, Acting Manager Finance
<b>Reporting service unit and alliance</b>	Finance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	13 December 2019
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.16A – Financial Statements and Financial Activity Statement for the Period Ended 30 November 2019

### Purpose

For Council to receive the Financial Activity Statement for the period ended 30 November 2019.

### Background

The Financial Activity Statement is submitted to Council as per the requirements of Section 6.4(1) and (2) of the *Local Government Act 1995 Regulation 34(1) of the Local Government (Financial Management) Regulations*

### Details

The Financial Activity Statement commentary compares the actual results for the five months to 30 November 2019 with the budget approved by Council on 23 July 2019 and subsequent amendments on 24 September, 3 October 2019 and 26 November 2019.

### Stakeholder engagement

There is no stakeholder engagement has been undertaken in relation to this report.

### Strategic alignment

#### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
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<b>Strategic Objective:</b>	A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
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## Legal and statutory implications

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

Connection with mandates in the *City of Perth Act 2016*

8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Financial	Minor	Unlikely	Low

The report has minimal risk implications on the City as it is a statutory reporting requirement for the period to November 2019.

## Approval implications

There are no approval implications to this report.

## Financial implications

There are no financial implications related to this report.

## Policy references

There are no policy references related to this report.

## Comments

Nil

<b>Recommendation</b>
That Council <u>RECEIVES</u> the Financial Activity Statement for the period ended 30 November 2019 detailed in Attachment 13.16A.

## Item 13.17 – Financial Activity Statement for the Period Ended 31 December 2019

<b>File reference</b>	P1014149-25
<b>Report author</b>	Neil Jackson, Acting Senior Management Accountant
<b>Other contributors</b>	Reshma Jahmeerbacus, Acting Manager Finance
<b>Reporting service unit and alliance</b>	Finance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	29 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Attachment 13.17A – Financial Statements and Financial Activity Statement for the Period Ended 31 December 2019

### Purpose

For Council to receive the Financial Activity Statement for the period ended 31 December 2019.

### Background

The Financial Activity Statement is submitted to Council as per the requirements of Section 6.4(1) and (2) of the *Local Government Act 1995 Regulation 34(1) of the Local Government (Financial Management) Regulations*.

### Details

The Financial Activity Statement commentary compares the actual results for the 6 months to 31 December 2019 with the budget approved by Council on 23 July 2019 and subsequent amendments on 24 September, 3 October 2019 and 26 November 2019.

### Stakeholder engagement

There is no stakeholder engagement has been undertaken in relation to this report.

### Strategic alignment

#### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
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<b>Strategic Objective:</b>	A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
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## Legal and statutory implications

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

Connection with mandates in the *City of Perth Act 2016*

8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists

## Risk implications

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Financial	Minor	Unlikely	Low

The report has minimal risk implications on the City as it is a statutory reporting requirement for the period to December 2019.

## Approval implications

There are no approval implications to this report.

## Financial implications

There are no financial implications related to this report.

## Policy references

There are no policy references related to this report.

## Comments

Nil

<b>Recommendation</b>
That Council <u>RECEIVES</u> the Financial the Financial Activity Statement for the period ended 31 December 2019 detailed in Attachment 13.17A.



## Item 13.18 – Payments from Municipal Funds – January 2020

<b>File reference</b>	P1036562-9
<b>Report author</b>	Reshma Jahmeerbacus, Acting Manager Finance
<b>Other contributors</b>	Bill Parker, General Manager Corporate Service Alliance Sarah Gosling, Senior Financial Accountant
<b>Reporting service unit and alliance</b>	Finance, Corporate Services Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	7 February 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Simple Majority
<b>Attachment/s</b>	Nil

### Purpose

In accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority for the month ended January 2020 to be received and recorded in the Ordinary Council minutes.

### Background

A monthly report that summarises the payments for the Municipal Account for the month December 2019 as required by *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996*.

### Details

Payments for the month of January 2020 included the following significant items, but exclude payroll and payroll taxation payments to the Deputy Commissioner of Taxation:

- \$765,520.81 to Western Australian Treasury for loan payments of –  
\$711,834.69 for the Perth City Library and Public Plaza; and  
\$53,686.12 for the Government Guarantee Fee.
- \$469,280.44 to Enviropath Pty Ltd for payment of –  
\$441,510.06 for supply and delivery of two CMAR NC286R hot water cleaners;  
\$21,560.28 for Roads and Footpath cleaning for November 2019; and  
\$6,210.10 for State Library car park degreasing of surfaces for December 2019.
- \$357,140.30 to Mark One Visual for payment of  
\$283,630.60 for 50% deposit Christmas trees and decoration for Wellington, Royal and Hay Streets and St Georges Terrace; and

\$73,509.70 for 50% deposit Christmas decorations hire and Christmas tree for Murray St Mall and Forrest Place.

- \$319,784.31 to Electricity Generation and Retail for electricity payments for various properties.
- \$282,358.52 to Department of Local Government Sport and Culture for the recoup of wages for City of Perth Commissioners –  
\$107,986.95 – Commissioner Gaye McMath from 9 August 2019 to 11 November 2019;  
\$107,986.95 – Commissioner Andrew Hammond from 9 August 2019 to 11 November 2019;  
\$64,792.18 – Commissioner Leonard Kosova from 10 August 2019 to 11 November 2019; and  
\$1,592.44 – Commissioner Eric W T Lumsden from 9 August 2019 to 11 November 2019.

## Stakeholder engagement

There is no stakeholder engagement related to this report.

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
<b>Strategic Objective:</b>	Strategic Priority - Leadership

## Legal and statutory implications

Section 6.4(1) and (2) of the *Local Government Act 1995*

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*

### Connection with mandates in the *City of Perth Act 2016*

8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists

## Risk implications

There are no risk implications related to this report.

## Approval implications

There are no approval implications related to this report.

## Financial implications

There are no financial implications related to this report.

## Policy references

There are no policy references related to this report.

## Comments

Nil

### Recommendation

That in accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority for the month ended January 2020 be RECEIVED and recorded in Ordinary Council Meeting minutes, the summary of which is as follows:

<u>FUND</u>	<u>PAID</u>
Municipal fund	\$16,068,246.84
Trust fund	\$0.00
TOTAL	\$16,068,246.84

## Item 13.19 – 2019 Compliance Audit Return

<b>File reference</b>	P1013788-5
<b>Report author</b>	Niloha Mendoza, Assistant Internal Auditor
<b>Other contributors</b>	Mario Cheldi, Internal Auditor
<b>Reporting service unit and alliance</b>	CEO Unit, CEO Alliance
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	28 January 2020
<b>Nature of Council's role</b>	Executive
<b>Voting requirement</b>	Absolute Majority
<b>Attachment/s</b>	Attachment 13.19A – 2019 Compliance Audit Return

### Purpose

Western Australian local governments are required to complete a Compliance Audit Return (CAR) annually to the Department of Local Government, Sport and Cultural Industries (DLGSCI) in accordance with the requirements of the *Local Government Act 1995* (Act) and *Local Government (Audit) Regulations 1996*.

The completed 2019 CAR is required to be:

- Presented for review by the Audit and Risk Committee before being presented for adoption by Council;
- Subsequently certified by the Chair Commissioner and the Chief Executive Officer; and
- Returned to the DLGSCI with a copy of the relevant Council minutes by 31 March 2020.

### Background

The CAR is a checklist of a local government's compliance with the requirements of the Act and its Regulations [i.e. *Local Government (Administration) Regulations 1996*, *Local Government (Audit) Regulations 1996*, *Local Government (Functions and General) Regulations 1996*, *Local Government (Financial Management) Regulations 1996*, *Local Government (Elections) Regulations 1997* and *Local Government (Rules of Conduct) Regulations 2007*] as approved by the Minister. It focuses on areas considered high risk as determined by the DLGSCI. The 2019 CAR has a total of 104 questions under the following sections:

- Commercial Enterprises by Local Governments (5 questions);
- Delegation of Power / Duty (13 questions);
- Disclosures of Interest (19 questions);
- Disposal of Property (2 questions);

- Elections (2 questions);
- Finance (14 questions);
- Integrated Planning and Reporting (7 questions);
- Local Government Employees (5 questions);
- Official Conduct (6 questions);
- Optional Questions (4 questions);
- Tenders for providing Goods and Services (27 questions).

This Compliance Audit covers the period 1 January to 31 December 2019.

## Details

The Compliance Audit has been undertaken as an internal audit, sourcing evidence of compliance through the City's record keeping system and where required, through additional information held by respective Units. Each legislative requirement listed on the 2019 CAR has been examined either wholly or by sample, dependent on the volume of activity and known risk factors.

This approach has been successful in achieving a more rigorous assessment of the City's compliance whilst facilitating identification of opportunities for improvement. It is important to note that where a sample has been examined the audit results are based only on that sample.

The completed 2019 CAR is provided as Attachment 13.19A.

The following is a summary of sections reviewed as part of the 2019 CAR and includes a description of instances of non-compliances.

### Commercial Enterprises by Local Governments

There was one instance of non-compliance identified during the audit period for this section of the 2019 CAR. This instance refers to question 1 below.

**Question 1:** *Has the local government prepared a business plan for each major trading undertaking in 2019?*

s3.59(2)(a)(b)(c)  
F&G Reg 7,9

The City had prepared and given Statewide public notice for a business plan for City of Perth Parking (CPP) in 2018. However, this plan was not endorsed by Council at its Ordinary Council Meeting held on 31 July 2018, with Council seeking "a more comprehensive business plan that addresses all aspects of the City of Perth Parking Business including, but not limited to, the current and future net financial impacts on the City, strategic and operational risks, and the application of competitive neutrality principles".

At its meeting held on 30 July 2019, Council resolved that the Chief Executive Officer (CEO) is to "Deliver a business plan for the City of Perth Off Street Parking business (by 31 December 2020)". However, at the Audit and Risk Committee held on 19 February 2020, the Acting CEO advised that the business plan will be completed in March/April 2020.

## Delegation of Power / Duty

There were no non-compliances identified during the audit period for this section of the CAR.

## Disclosures of Interest

There were two instances of non-compliance identified during the audit period for this section of the 2019 CAR. These instances refer to questions 7 and 13 below.

**Question 7:** *Was a primary return lodged by all newly designated employees within three months of their start day?*  
s5.75(1) Admin Reg 22 Form 2

One instance of non-compliance whereby a newly designated employee (from 5 August 2019) did not lodge a primary return within the required three-month period (late lodgement).

Since July 2019 the Governance Unit has relied upon a staff movements report to be produced from the Human Resources Information System (HRIS) (implemented on 1 July 2019) to identify employees required to complete a Primary/Annual Return. It was confirmed that the employee in question did not appear on the HRIS staff movements report provided to Governance Unit for July and August 2019, due to these reports not being correctly configured at this time. Improvements have since been made to these reports although manual checking to identify staff requiring completion of a Primary/Annual Return is being undertaken by the Governance Team. The Governance Team are continuing to work with relevant Human Resources staff in order to improve the effectiveness of the HRIS staff movements report as a means for identifying staff requiring completion of a Primary/Annual Return.

This instance of non-compliance has been communicated to the Governance Coordinator and a Primary Return for the abovementioned employee was obtained on 12 December 2019.

**Question 13:** *Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?*  
s5.89A Admin Reg 28A

The current City's Register of Gifts was found not to be in the form prescribed in Administration Regulation 28A (amended legislation listed below came into operation on 19 October 2019) due to the following issues:

- Current register contains detailed street addresses of individuals providing gifts.  
Regulation 28A of the *Local Government (Administration) Regulations 1996* requires that "In the version of the register of gifts published under section 5.89A(5) information about individuals' addresses must be modified as required by section 5.89A(5A)".  
Section 5.89A(5A) states "The version of the register published under subsection (5) must not, in the case of a disclosure about a gift made by an individual, include the address disclosed under section 5.87C(3)(b) and must instead include the town or suburb mentioned in the address".

- Current register does not contain a column for recording excluded gift details as per section 5.62(1B) i.e. the date of the approval and the reasons for the approval as required under section 5.89A(2B) of the Act and in the form of Form 4 as per regulation 28A of the *Local Government (Administration) Regulations 1996*. Excluded gifts are required to be approved in accordance with a policy for attendance at events as per section 5.90A of the Act.

According to section 5.90A(2) of the Act “A local government must prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- (a) the provision of tickets to events [a concert, conference, function, sporting event, an occasion of a kind prescribed as per legislation]; and
- (b) payments in respect of attendance; and
- (c) approval of attendance by the local government and criteria for approval; and
- (d) any prescribed matter [ includes excluded gifts as per Administration Regulation 20B]”.

Abovementioned policy has not been prepared and adopted by Council.

The above issues have been confirmed with relevant Governance Unit staff who have agreed to amend the City’s Register of Gifts accordingly as well as develop the abovementioned policy by June 2020.

### **Disposal of Property**

There were no non-compliances identified during the audit period for this section of the CAR.

### **Elections**

There were no non-compliances identified during the audit period for this section of the CAR.

### **Finance**

There was one instance of non-compliance identified during the audit period for this section of the CAR. This instance refers to question 12 below.

**Question 12**      *Did the agreement between the local government and its auditor include a plan*  
 Audit Reg 7      *for the audit?*

In accordance with regulation 7 of the *Local Government (Audit) Regulations 1996*, an agreement between a local government and its auditor is to include the following requirements:

- Objectives of the audit;
- Scope of the audit;
- Plan for the audit;
- Remuneration/expenses to be paid to the auditor; and
- The method to be used by the local government to communicate with, and supply information to, the auditor.

The above requirements except for the plan for the audit were provided within an “Arrangement for the Audit of the Annual Financial Report of the City of Perth” letter by the City’s auditor, Office of the Auditor General (OAG). This letter applies to the audit for the year ended 30 June 2019 as well as subsequent financial years.

A request for an amended Arrangement Letter to include a reference to the plan for the audit was sought from the OAG Director responsible for the City of Perth financial audit by the City’s Senior Financial Accountant on 20 December 2019. To date, no response has been received from the OAG Director. The Financial Accountant is continuing to seek an amended Arrangement Letter. In addition, the Chair of the Audit and Risk Committee and the Acting CEO have agreed to assist in the attainment of this amended letter if required.

Despite no mention of the plan for the audit within the abovementioned letter (agreement), Ernst & Young (appointed external audit contractor by the Auditor General) provided an Audit Plan report for the year ended 30 June 2019 to the Finance Unit (not to the Audit and Risk Committee as required by the Terms of Reference for this committee).

### **Integrated Planning and Reporting**

There was one instance of non-compliance identified during the audit period for this section of the CAR. This instance refers to question 2 below.

<b>Question 2</b> s5.56 Admin Reg 19DA (4)	<i>Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?</i>
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Current Corporate Business Plan 2017-2021 was adopted at the Ordinary Council Meeting of 19 December 2017.

No review of the abovementioned plan in accordance with regulation 19DA (4) of the *Local Government (Administration) Regulations 1996* was undertaken in 2019.

A Corporate Business Plan is currently under development by the Strategy and Partnership Unit. This plan is scheduled for completion by June 2020.

### **Local Government Employees**

There were no non-compliances identified during the audit period for this section of the CAR.

### **Official Conduct**

There were no non-compliances identified during the audit period for this section of the CAR.

### **Optional Questions**

There were no non-compliances identified during the audit period for this section of the CAR.



## Tenders for Providing Goods and Services

There was one instance of non-compliance identified during the audit period for this section of the CAR. This instance relates to question 1 below.

**Question 1:** *Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2))?*

s3.57; F&G Reg  
11

Audit identified three instances where the procurement values exceeded the tender threshold of \$150,000 during 2019 as identified within supplier expenditure reports provided for analysis by the Procurement Team. These instances are described below.

- One of the abovementioned three instances involved the City engaging a supplier for the provision of signage services. Expenditure with this supplier for the 2019 calendar year totalled \$173,056.28 (GST exclusive). The City has not undertaken a tender process before entering a contract with this supplier. The City rather undertook multiple quotes throughout the year which equated to the collective expenditure being over the tender threshold. The supplier in question is also not part of a West Australian Local Government Association (WALGA) preferred supplier panel or a state government common use agreement.
- In another instance the City engaged a supplier in July 2018 via an open market quote for the provision of internet services. This engagement continued until July 2019 with the City expending a total of \$152,032.70 (GST exclusive) with this supplier under this open market quote arrangement.
- The final instance involved expenditure with a supplier for the Smart Cities Environmental Sensors project. The supplier in question was engaged for this project in February 2019 via a Request for Formal Quotation (RFQ). A total of \$147,214 (GST exclusive) was expended with this supplier in accordance with the RFQ. However, additional expenditure relating to this project was incurred in July 2019 resulting in a total expenditure of \$158,734 (GST exclusive) and thereby exceeding the tender threshold.

Procurement/Contracts module within the Finance One system is currently being configured and tested by the Procurement Team with implementation planned for February/March 2020. This module will provide improved reporting and monitoring controls in relation to supplier expenditure.

## Stakeholder engagement

The following stakeholders were engaged in relation to this report.

- Chief Executive Officer;
- General Manager Corporate Services;
- Alliance Manager Parking Services;

- Alliance Manager Infrastructure and Assets;
- Alliance Manager Customer Experience;
- Manager Governance;
- Governance Coordinators;
- Governance Officers;
- Paralegal;
- City Records Team;
- Senior Business Analyst;
- Senior Financial Accountant;
- Financial and Systems Accountant;
- Directorate/Assistant Financial Accountant;
- Strategic Procurement Lead;
- Contracts Coordinator – Business Development (CPP);
- Category Specialist;
- Payroll Supervisor;
- HR Team;
- Senior Assets & Leasing Officer;
- Asset Management Specialist;
- Asset and Insurance Accountant;
- Administration Officer – Infrastructure & Assets;
- Leasing and Finance Officer;
- Coordinator Library Services;
- Customer Service Officer;
- Senior Sponsorship Officer;
- Obstruction Permits – Officer;
- Governance Advisor, Sector Support and Advice at WALGA;
- Department of Local Government, Sport and Cultural Industries (LG Hotline).

## Strategic alignment

### Strategic Community Plan

This item addresses the community's vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019 – 2029:

<b>Aspiration:</b>	Performance
<b>Strategic Objective:</b>	5.6 - Decision-making that is ethical, informed and inclusive.

This report provides assurance that the City is working to deliver good governance in line with the abovementioned strategic objective.

## Legal and statutory implications

Completion of the CAR assesses whether the City is meeting its key legislative requirements as determined by the DLGSCI.

Non-completion of the CAR is a breach of the section 7.13(1)(i) of the *Local Government Act 1995* as well as regulation 14 and 15 of the *Local Government (Audit) Regulations 1996*.

### Connection with mandates in the *City of Perth Act 2016*

8(1)(a) - to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors

## Risk implications

Impact of decision	
Organisation	High
Community	Medium

Risk domain	Consequence	Likelihood	Risk rating
Service Delivery/Strategic Objectives	Minor	Likely	Medium
Legal and Regulatory/Ethical	Moderate	Likely	High
Reputation and External Stakeholders	Minor	Possible	Medium

The decision to approve the CAR has a high impact for the organisation. Failure to obtain this approval results in a breach of the Act and *Local Government (Audit) Regulations 1996*. In addition, existing risk ratings for the abovementioned risk domains may be adversely affected.

## Approval implications

As mentioned above, if Council does not adopt the completed 2019 CAR and submit to the DLGSCI by 31 March 2020 then the City will not comply with the requirements of the Act and its Audit Regulations.

## Financial implications

There are no financial implications related to this report.

## Policy references

19.1 - Risk Management

## Comments

The following table provides a comparative summary of the City's compliance per sections of the CAR for the 2017, 2018 and 2019 calendar years.

Section of the CAR	Non-compliances (Questions) Reported		
	2017	2018	2019
Commercial Enterprises by Local Governments	0	1	1
Delegation of Power / Duty	1	1	0
Disclosure of Interest	5	3	2
Disposal of Property	1	1	0
Elections	1		0
Finance	1	1	1
Integrated Planning and Reporting		0	1
Local Government Employees	1	1	0
Official Conduct	0	0	0
Optional Questions			0
Tenders for Providing Goods and Services	1	1	1
<b>Totals</b>	<b>11</b>	<b>9</b>	<b>6</b>

Note: The shaded boxes above denote section of the CAR not included for that year.

A comparison between 2017, 2018 and 2019 results show a gradual decrease in a number of non-compliances reported via the CAR.

Each of the non-compliances reported in the 2019 CAR have been discussed and confirmed with relevant staff.

The cooperation and assistance received from various staff to enable the completion of the 2019 CAR is appreciated.

The Committee recommendation to Council for this report was resolved by the Audit and Risk Committee at its meeting held on 19 February 2020.

### Audit and Risk Committee Recommendation

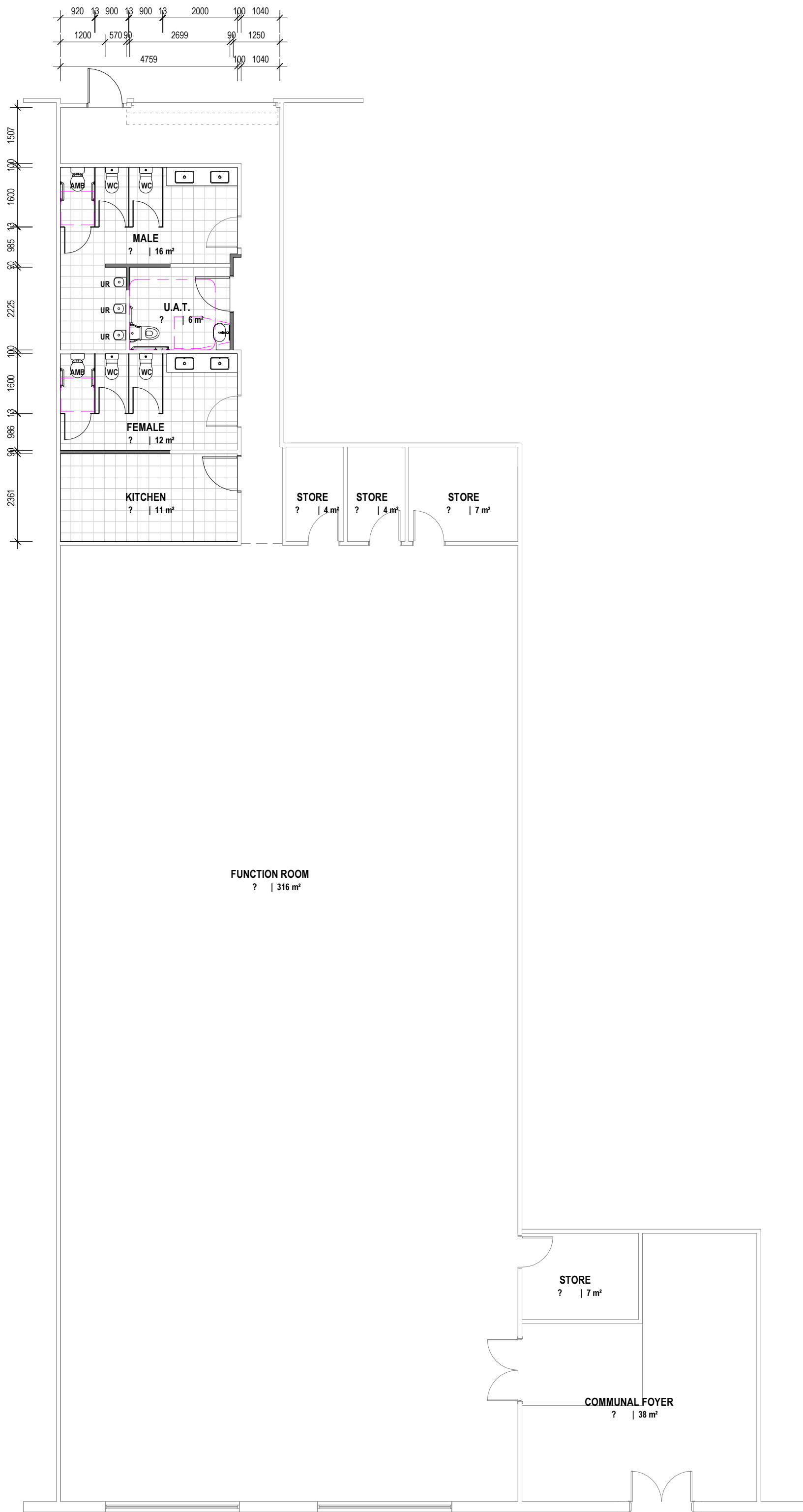
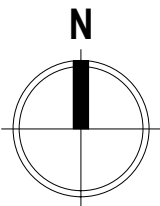
That the Audit and Risk Committee recommends to Council that Council ADOPTS the completed 2019 Compliance Audit Return as detailed in Attachment 8.1A for certification by the Chair Commissioner and the Chief Executive Officer in accordance with Regulation 15(2) of the *Local Government (Audit) Regulations 1996*, subject to further detail and context being provided in response to the following questions to better articulate the actions taken by the City to address the issues identified:

1. Commercial Enterprises by Local Governments – Question 1;
2. Disclosures of Interest – Questions 4 and 7;
3. Finance – Question 12; and
4. Tenders for Providing Goods and Services – Question 1.





**19/5302; 4 (LOT 5) BROWN STREET, EAST PERTH – LOCATION PLAN**



FLOOR PLAN - PROPOSED  
1 : 100

GENERAL  
CHECK ALL DIMENSIONS ON SITE  
DRAWINGS TO BE READ IN CONJUNCTION WITH ALL  
CONSULTANTS DRAWINGS, SPECIFICATIONS & REPORTS  
DO NOT SCALE DRAWINGS, USE NUMERAL DIMENSIONS ONLY  
REFER TO INTERNAL LAYOUTS FOR PLUMBING REQUIREMENTS

REV	DESCRIPTION	DATE	APP

DWG: **FLOOR PLANS**  
STAGE: **SKETCH**

PROJECT: **FUNCTION CENTRE**  
CLIENT: **ALMACEN Pty Ltd**  
ADDRESS: Lot 5, U5/2 Brown St EAST PERTH

PROJECT N3190710  
SCALE 1 : 100  
SHEET SIZE: A2  
26/07/2019 13:54:59  
REV: **A2.01**

## **PUBLIC CONSULTATION FEEDBACK FOR 4 (LOT 5) BROWN STREET, EAST PERTH – CHANGE OF USE FROM GYMNASIUM TO AN EVENT SPACE AND FUNCTION CENTRE**

A total of 36 submissions were received during the advertising period, with 33 raising objections and three providing support in relation to the proposal. The main objections raised during the advertising period are quoted below:

### Noise:

*'Noise levels during the function (function entertainment/music) and after the function finishes as people leaving the function vocalize as they mill around/retrieve their parked vehicles late at night';*

*'The main issue is the amount of noise inside and outside the building. The proposal is unclear as to the type of function that will occur, but it is likely that they will include events that involve loud music inside, and a significant number of people arriving and departing. There will also be noise related to cleaning up after functions';*

*'I am extremely worried about the negative impacts of creating a noisy environment especially of up to 200 guests. We are located on the second floor and are already more affected by noise due to the echo effect being higher up. We are already under significant strain due to accommodating the new Optus Stadium with an increase in foot traffic which often extends well after the events have finished';*

*'How do you control noise and manage noise with 200 people coming and going together and with the increased traffic in the area. The houses and apartments here are not designed to keep out noise (eg no double glazed windows, no central air conditioning). The noise impact assessment by the proponent is an assessment not based on actual conditions and contains a lot of air';*

*'The noise factor in this area is already having an impact from the increased foot traffic and noise from Optus Stadium. To have another event property straight across the road would be unbearable';*

*'Certain sounds (especially low frequencies) will travel throughout the whole building and along Brown Street, regardless of all precautions taken';*

### Security and Anti-Social Behaviour:

*'Unless there is a daylight curfew on such an establishment I anticipate unwarranted noise and possible unwarranted behaviour from patrons either inebriated or chemically enhanced and this will be unnecessarily intrusive and possibly threatening property and other persons';*  
*'It is unlikely that the operators will be able to adequately control anti-social behaviour from 200 guests departing a function centre at the same time';*



*'Some people attending functions will be smokers and/or drinking and/or using recreational drugs resulting in anti-social behaviour, noise, litter, urination in the street and wandering through the streets which will negatively impact on local residents';*

*'Whether it was coincidental or not, we have had a few break-ins and beer bottles left in our garden. If we are already experiencing a disturbance to our way of life by pedestrians commuting by foot from Optus Stadium, I strongly believe that the function centre, if approved, will further deteriorate our way of life';*

*'The proposal states that guests will not be allowed to exit the building whilst waiting to be picked up but will be held in the foyer. I have seen the current foyer space and it can possibly accommodate 10 people as it is also the entrance to the adjoining Lot. Inevitably guests will congregate on the street whilst waiting to be picked up because where else can they go? This*

*will certainly be the case where the event is for 80 people or less as the DA states no security staff will be provided in this case';*

*'It is noted with concern that groups under 80 guests would effectively act as venue managers. This policy is at odds with a responsible management approach. The staff/patron ration of 1:40 is considered "light on" for larger functions given the lack of property setback. Patrons will emerge directly onto the footpath which is the highest risk point for noise (other than amplified music)';*

*'The theme of the client being responsible for maintaining compliance with the proponents set of criteria is valid but allows the proponents the ability to defend by stating "they broke the rules" or "they were supposed to do this or that". The proponent should take on this responsibility and be proactive in regard to the key issues of noise, anti-social behaviour and similar. It is suggested the proponent should provide staff and build a relationship with contractors who then become fully aware of the local specifics and are effectively incentivised to maintain the OMP for reasons of repeat business.'*

#### Parking and Transport Issues:

*'A reception area by its nature attracts people from outside the immediate area making it likely that all attendees will require transport to the event. Nearby parking barely services locals and their visitors. There is no public transport convenient to the proposed venue';*

*'We are also concerned about car parking which is already under significant pressure and relied upon by many residents for overnight parking via paid City of Perth residential permits. We also have a need for our own visitors and entertaining which would become more difficult';*

*'With no genuine public transport options and barely any reliable parking available, patrons and staff will likely rely on taxi/ride-sharing as the preferred mode of transport. However, there is no designated taxi rank in the area, resulting in patrons who will have to hail taxis/ride sharing vehicles whilst waiting on the street. This would be in contradiction to the noise mitigation measures noted in the application where the venue will reply on patrons being "contained in an air-lock space within a foyer"';*

*'Given there are no public transport stops on Brown Street, it is likely the patrons will be arriving by car. This will exacerbate the parking problems in the area';*

*'The application states that there is sufficient parking in Brown Street and Mardalup Park. That is incorrect as my understanding is that car parking at Mardalup Park is for the use of park users while Brown Street is used by occupants and their visitors and cannot cater for up to 200 visitors. The comment that event visitors will utilise the Yellow CAT bus is laughable noting it stops running at 7:00pm';*

*'It is foolhardy in the community's view, to develop a 200 person reception centre without any available venue parking. On-street bays referenced in the application are all used currently by residents, business owners and their visitors. Mardalup Park and Optus Stadium weekend visitation means the adjacent car parks are fully patronised at the same time the proposed venue would be at maximum occupancy';*

*'The proponent has noted there are no minimum parking allowances to be complied with. This does not detract from the point that locals will suffer from reduced parking access when they have their own private gatherings'*

#### Appropriateness of Venue:

*'The term "function centre" is a mask to use for bars, nightclubs, karaoke etc. Such activity is definitely not the lifestyle or vibrancy we want in our area';*

*'The staging of events for up to 200 people with associated noise, car parking issues, probable anti-social behaviour is totally inappropriate in a residential area';*

*'We simply do not see a function centre to host up to 200 guests, being managed by different groups and not by a designated company, for example is an "inclusive asset to the local community"';*

*'Current available event space at venues such as The Royal, City Farm, The Claisebrook Design Community etc. is sufficient to meet demand, they are located in areas already zoned for this activity and have both parking (CPP Regal Place) in the case of The Royal or public transport (Claisebrook Train Station) in the case of City Farm or the Claisebrook Design Community on their respective doorstops. These businesses have invested in East Perth already and in a manner consistent with the current residential/entertainment balance';*

*'The proponent (Almacen) is requesting a change in use from Light Industrial to Function Centre. The definition of the types of events to be conducted at the function centre itself is broad which presents concerns as to the type of function that may be conducted. There is no information regarding the types of functions that will not be conducted which suggests the options of night club or club as noted by Category 7 under Scheme #26 may be supported. It is suggested the proponent in future notes what type of function will and will not be allowable per their Operational Management Plan (OMP)';*

*'Residents of East Perth support increased vibrancy and commercial activity. However, it needs to support neighbourhood demand and retain a human scale. It is well documented that the precinct has the highest commercial vacancy rates in the City. The market demand has not been established for an additional Reception Centre. The community does however support the position that the area zoned Light Industrial either be retained as such or modified to Residential as per the adjacent strata lot';*

Statutory Planning  
City of Perth  
By email: [Chris.Bien@cityofperth.wa.gov.au](mailto:Chris.Bien@cityofperth.wa.gov.au)

24 Oct 2019

Attn: Chris Brien

**RE: Public Consultation Feedback for 4 (Lot 5) Brown Street, East Perth – Change of Use from  
Gymnasium (Community) to an Event Space (Culture & Creative Industry): DA-2019-5302**

Thank you for your letter dated 15 October 2019, referencing the comments received in the public advertising of the above Development Application.

With respect to the comments received, the following responses are offered:

**NOISE:**

Please note the size of the venue is a relatively small 409 square metres catering for small to medium events not exceeding 200 people. Use of the space will be intermittent and the types of events that the proponent is focused on hosting is corporate, family and community events that typically occur during the day and finish early evening. Market research by the proponent suggests there is limited availability of suitable spaces for the offering proposed. More information on the type of events being offered is available upon request.

As a responsible operator and as discussed in the Operational Management Plan provided with the Development Application, the Proponent will require clients to declare the nature of the proposed event as part of the booking process. For events that have the potential to create noise (i.e. above 80 persons), security will be retained on site at all times to ensure compliance set operational requirements (i.e. no loitering, management of any antisocial behavior and the noise thresholds set under the *Environmental Protection (Noise) Regulations 1997*).

Noise cleaning up after functions is not expected to be a concern, as long as disposal of waste to the rear of the building does not involve the emptying of bins with bottles (particularly at night).

The Proponent cannot comment on the impact of the Optus Stadium and passing by foot traffic. Nor can the Proponent comment on the construction detail of the nearby residences. The requirements for the Proponent to operate under, being the Environmental Protection (Noise) Regulations 1997 are well defined and are a clear obligation for the operation of the Proposal.

Comments offered about “sounds travelling through the whole building and along Brown Street, regardless of precautions taken” are factless; The Noise Impact Assessment (Herring Storer) clearly concludes that the Proposal can operate within the set regulatory requirements with a number of management measures available to ensure any noise is appropriately controlled.

It is noted that the previous gymnasium operated day and night, 7-days per week with high energy amplified music playing and no known noise issues with adjacent residents.

The events the proponent is aiming to host do not include ones of a nature that have the

potential to be uncontrollable from a noise perspective and are to be respectful of the space and the surrounding area. Any event hosted will be private to the client and at no time will doors be open to the street or open to the public, with maximum numbers stated in their agreement.

#### **SECURITY & ANTI-SOCIAL BEHAVIOUR:**

Comments offered about requiring a “daylight curfew because of patrons are either inebriated or chemically enhanced, ...threatening property and other persons” are unnecessary. The Respondent is reminded that we live in an inner city community and that diversity and balance in attractions, places and things to do is what makes the City of Perth so fantastic.

Regarding patrons leaving at the same time, the Proponent is not concerned by the relatively small numbers (up to 200) resulting in an approximate 3.5 vehicle movements per minute on Brown Street (assuming a passenger ratio of 2.5 and everyone leaves by car/taxi/share ride over a 25 minute period). To put it into perspective, the impact is insignificant when compared to 70,000 patrons leaving the Perth Stadium following a football game or concert.

Patrons will not be allowed to loiter out the front of the venue to “smoke, drink, urinate and use recreational drugs” as suggested by Respondents. As previously advised (and described in the Operational Management Plan), Security will be hired to ensure guests leaving do so quietly and efficiently by ensuring patrons only leave once their transport has arrived or leave the area on foot without loitering. Any antisocial behavior witnessed by escorting security will be reported to Police (it is noted Brown Street is under comprehensive CCTV surveillance).

Contrary to the Respondent’s claim that only 10 people can fit in the foyer, it is 38sqm and can comfortably fit at least 38 individuals (in accordance with the National Code of Construction 2019). At completion of an event, people are expected to leave in a staggered fashion, using multiple forms of transport. Brown Street is a public street and people have the right to use it as a path of travel, as long as behavior is appropriately managed (thus the security). The proposed use of Brown Street, the footpath and the traffic generation are well within the design tolerances with any potential impact being insignificant.

As part of the booking process, within the terms and conditions of hire, clients will be reminded that they need to be conscious and respectful of the neighbors when arriving and departing from the venue and that there is to be no loitering, smoking or socialising outside of the venue.. The venue is to be a smoke free venue, both inside and outside.

The Proponent is confident that the provisions described in the Operational Management Plan provided with the Development Application are appropriate to manage the potential impacts of Anti-social behavior. As described in the documentation provided and supporting the Development Application, a “zero tolerance approach” will be adopted in the management of the premises.

A comment made by the Respondents to “incentivise staff and contractors to maintain the measures in the Operational Management Plan” is a very good suggestion and will be adopted. Please note that clients leasing the venue will be required to place a security bond which will also be used as an incentive to ensure good behavior of guests. The Proponent will retain the right to deduct on the security bond for documented breaches by their guests.

The Proponent notes that few specific comments have been made by Respondents into the management measures proposed and comments offered are largely generalised and not specific to the documentation provided in the Development Application.

Please note the Proponent is committed to forging a strong and mutually respectful relationship

with nearby residents (they are the target market!). The proponents are aiming to establish a low-key, high end venue designed to accommodate a wide number of events that will bring benefit and enhance the East Perth area.

**PARKING & TRANSPORT ISSUES:**

The comments made by Respondents in that “nearby parking barely services local and their visitors” are unsubstantiated. It is the Proponent’s view that Brown Street is well serviced with the 3P restricted parking along the street and the dedicated car park at the eastern end of Brown Street (Mardalup Park ~150 metres away). The Proponent has observed that the only time the car bays on Brown Street and in the dedicated car park are full is when there is an event on at Optus Stadium. It is the Proponent’s view that the on-street parking and dedicated car park is actually underutilised.

Further, the comment about “there is no public transport convenient to the proposed venue” is incorrect (please refer to the detail in the Development Application about bus routes, Cat buses and trains). Please note that many of the events proposed will be held during the operating hours of these services.

In response to the comment about it “being foolhardy to develop a 200 person reception center without any available venue parking”, the Respondent is directed to look at the multiples of other venues that operate successfully in the City of Perth (including the nearby Royal Tavern, catering for 500 persons and adjacent restaurants and cafes).

The Proponent is comfortable to refer to the City of Perth’s policies on the requirement for provision of parking.

**APPROPRIATENESS OF VENUE:**

The Proponent can assure residents that the Proposal is not a mask for “bars, nightclubs and karaoke”. The proponent is investing significant finances in creating a space that enhances the structure and street appeal of the building as a benefit to the community and is in no way interested in opening the property to the public for such uses. Function Centre is a specified use within Local Planning Scheme 26. The Proponent is acutely aware of its location and direct conflict with any potential use as a bar or night club. As previously described, the predominant use of the space will be for corporate events, with supporting product launches, art installations, photography hire, intimate private unique dining experiences and controlled private hire where clients will be required to disclose the nature of the event in detail.

In response to the comments made about East Perth having the highest commercial vacancy rates in the City, increasing diversity of use is a well-documented remedy to increase place activation and vibrancy (and further take-up of vacant spaces).

The Proponent is of the view that the proposed Function Centre is more compatible with the community’s expectations and needs over the existing “Light Industry” use. Light Industry uses potentially see impacts from the use of power tools, commercial and trade based traffic and longer extended utilisation of the space (as per uses within two of units within the complex), with such uses not being required to control noise.

The issues of noise, carparking antisocial behavior have been previously addressed above and by the supporting documentation in the Development Application. The Proponent is confident that the potential impacts identified are manageable with the appropriate measures (as proposed in the Operational Management Plan provided with the Development Application).

The Respondent’s comments about demand for function centers being adequately catered for by other venues are unfounded and respectfully not for their comment.

**CLOSING COMMENTS:**

In review of the comments received, the Proponent is satisfied that there is nothing that materially changes or impacts the Proposal as submitted. Based on the nature of the comments received, it appears many of the respondents are simply against change of any kind and would like to see the space go on being unoccupied/unutilised.

The potential impacts of any traffic, noise and antisocial behavior can and will be adequately managed by the measures proposed in the Operational Management Plan, attached to the Development Application. The proponent assures the City as well as local residents and occupiers that we take very seriously the safe and respectful operation of the proposed business and the avoidance and mitigation of any issues that could cause disruption is of paramount importance to the long term sustainability of the proposed business.

The Proponent respectfully requests the City complete their recommendation and assessment of the Proposal.

Should there be any questions, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'BMcCarthy', written in a cursive style.

**BEN McCARTHY**

**PROPRIETOR**

**ALMACEN PTY LTD**





4 (Lot 5) , Brown  
Street  
East Perth



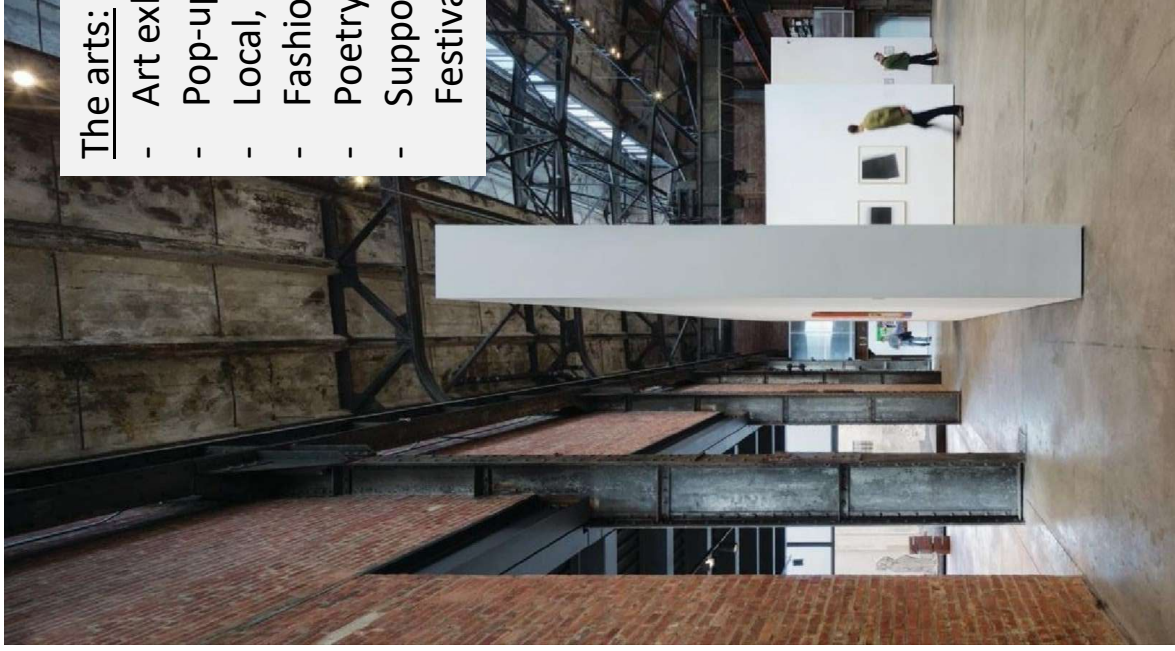
# THE PROPOSAL:

**A versatile, flexible event space for the community.**

- The property is unoccupied and unusable in its current condition.
- The owner is committed to investing in the area, renovating and beautifying the space (adding to the urban fabric of East Perth).

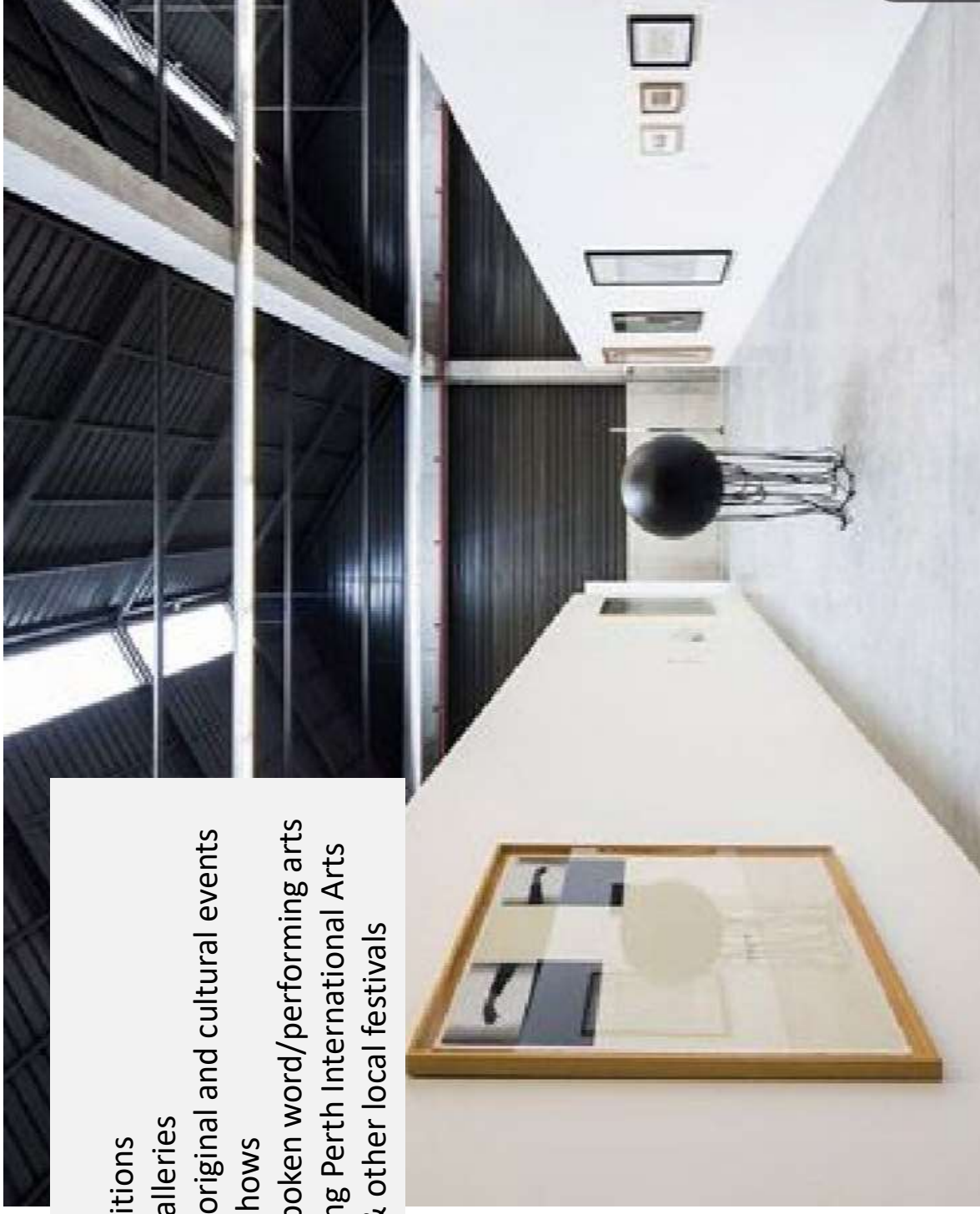
## USES:

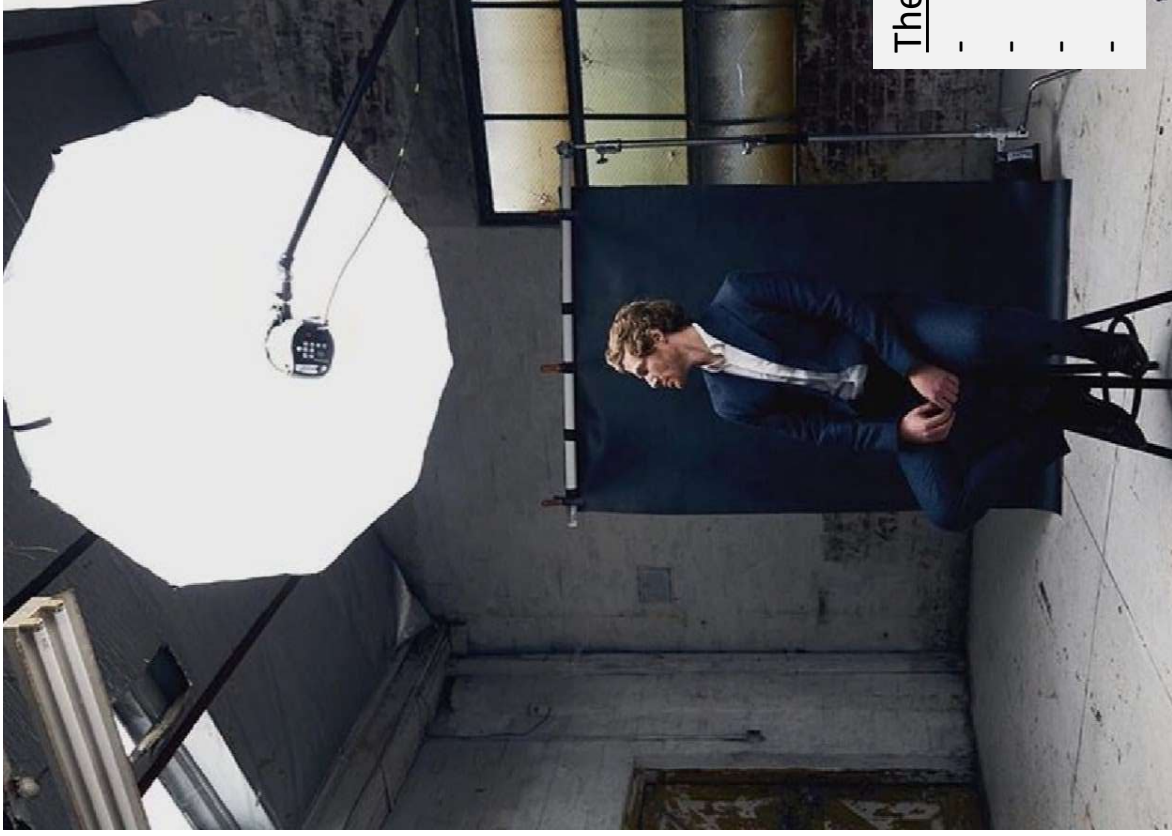
- In addition, the aim is to be an incubator, facilitator and spring board for small businesses and start ups by offering short term 'pop-up' space hire for users.
- The space would be available for hire on an hourly, half day, whole day basis or more.
- Some uses may include....



The arts:

- Art exhibitions
- Pop-up galleries
- Local, Aboriginal and cultural events
- Fashion shows
- Poetry/spoken word/performing arts
- Supporting Perth International Arts Festival & other local festivals





- The arts cont'd:
- Hobby / Arts
  - Photography Studio
  - Art classes
  - Artist incubator spaces

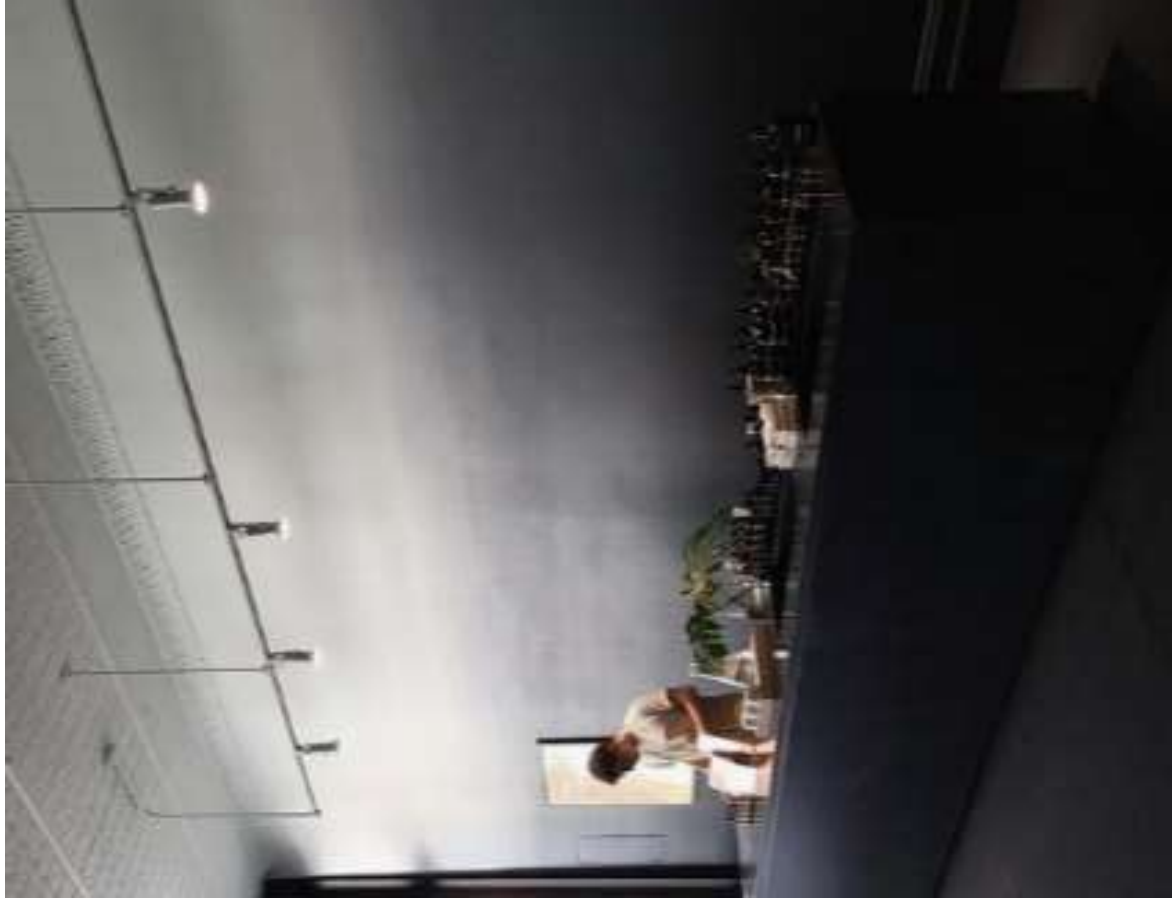






### Learning & Education:

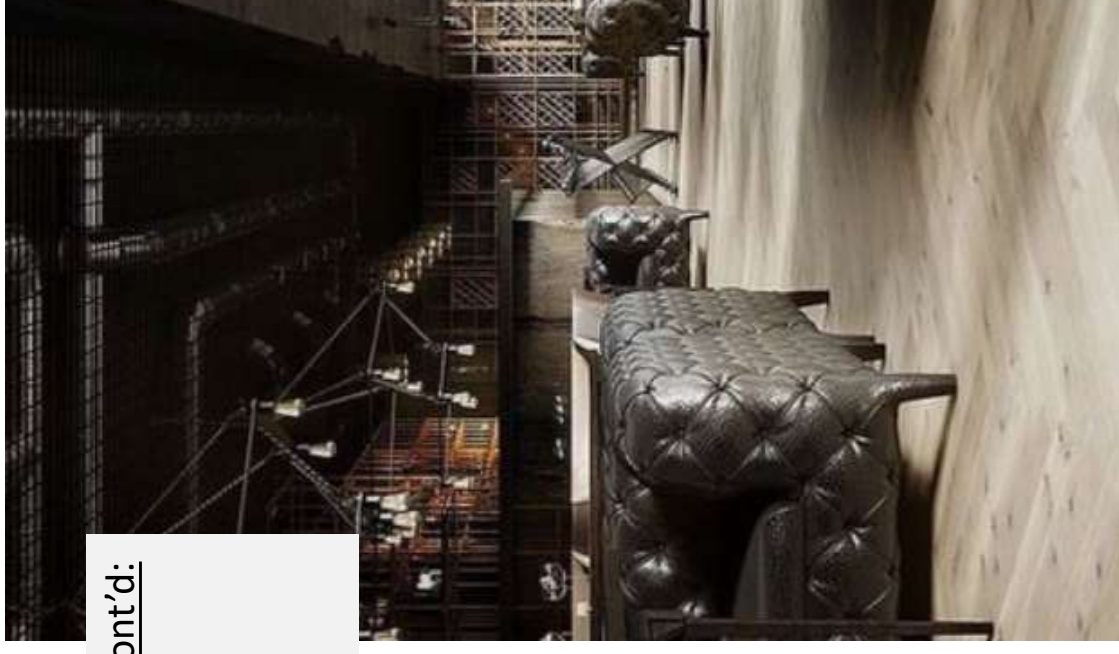
- Workshops
- Teaching
- Lecturing
- Training
- Seminars
- Leadership & Team building
- Small conferences



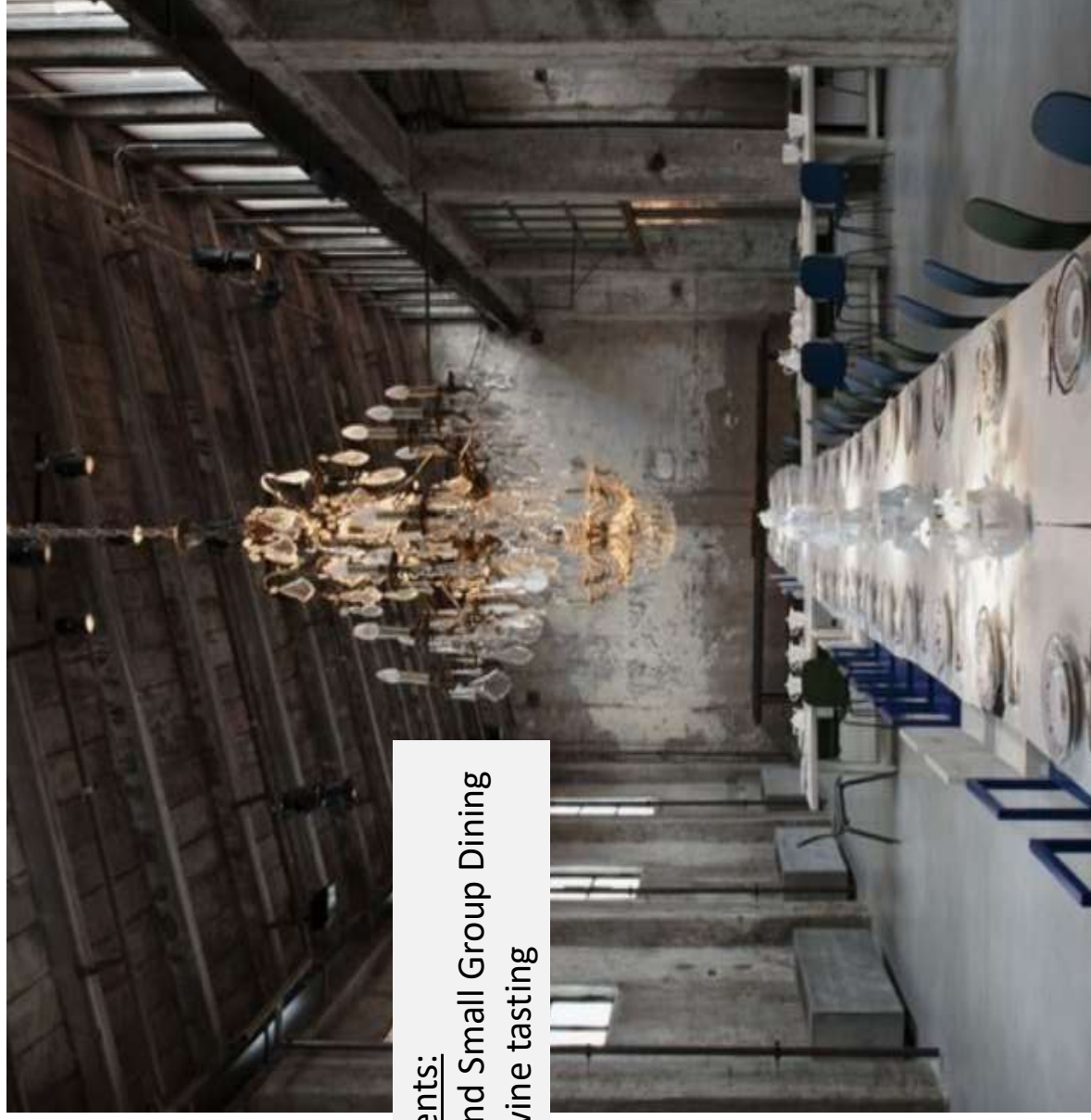


Corporate & Small Business cont'd:

- Corporate events
- 'Off-site' Meetings
- Presentations
- Small Scale Networking

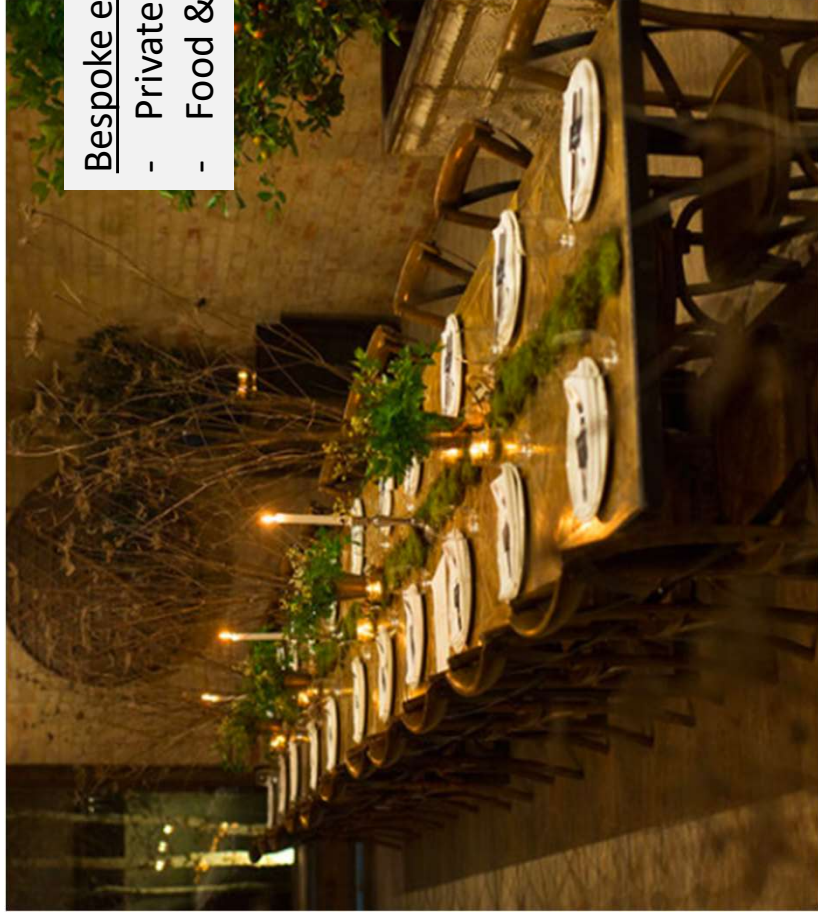






Bespoke events:

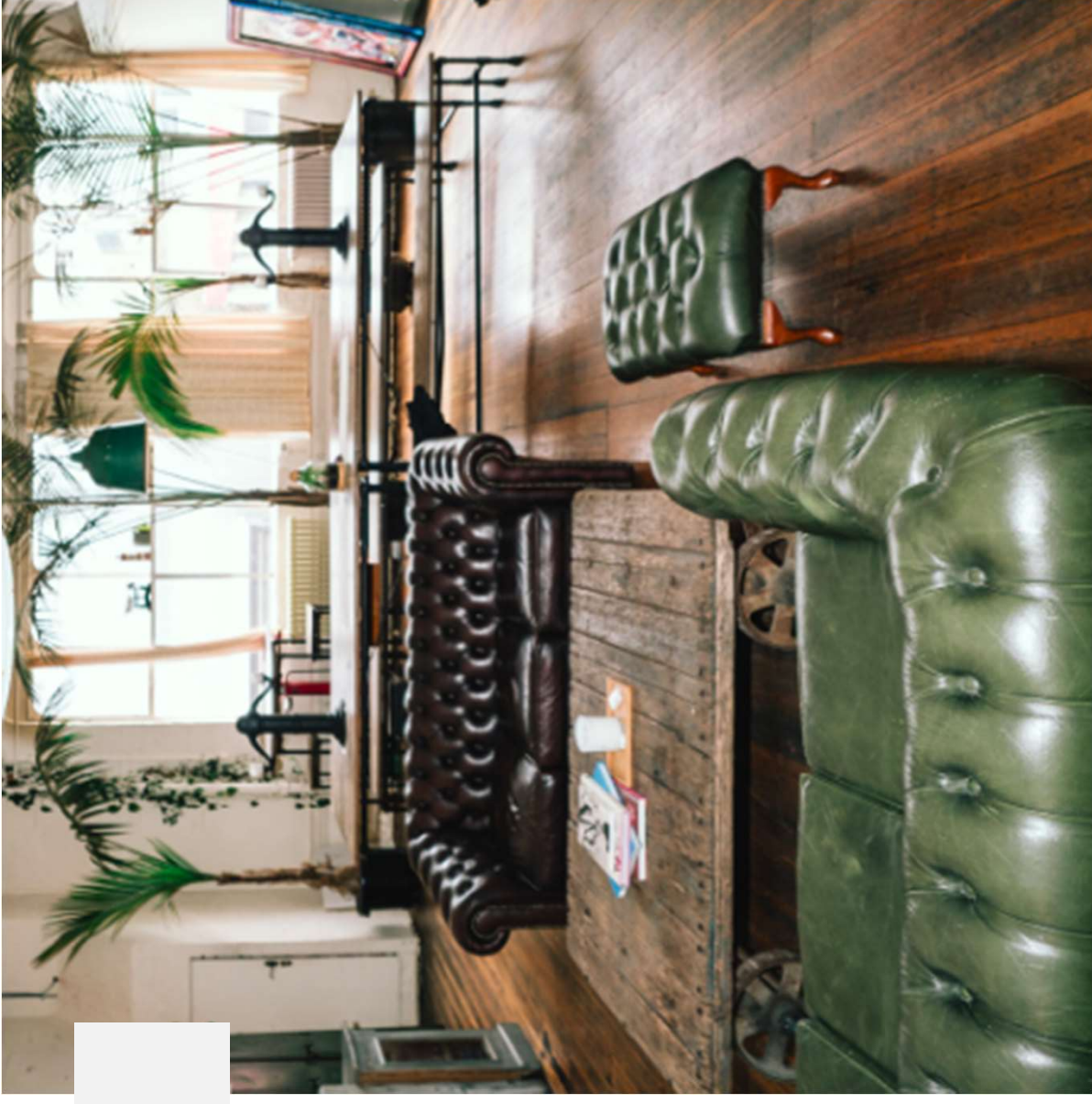
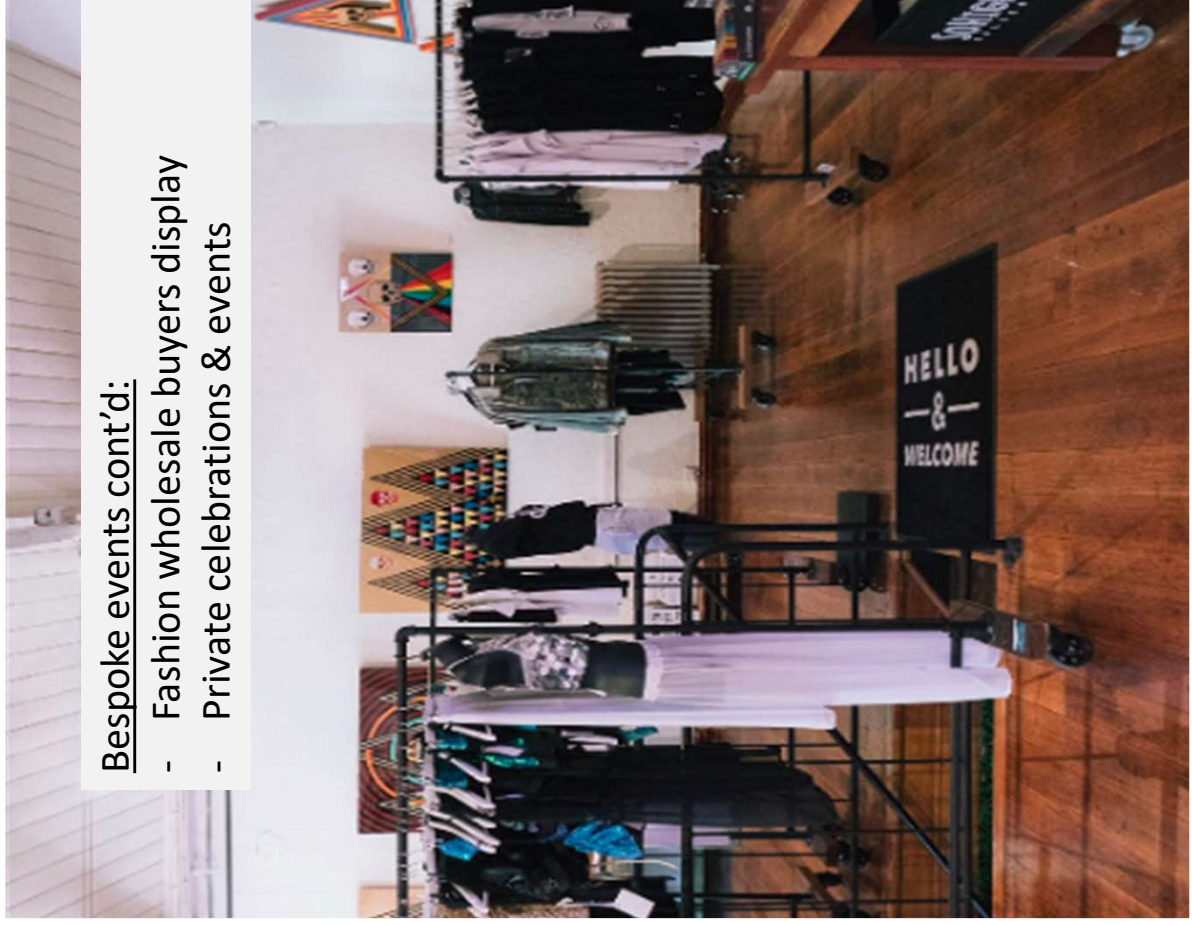
- Private and Small Group Dining
- Food & wine tasting





Bespoke events cont'd:

- Fashion wholesale buyers display
- Private celebrations & events



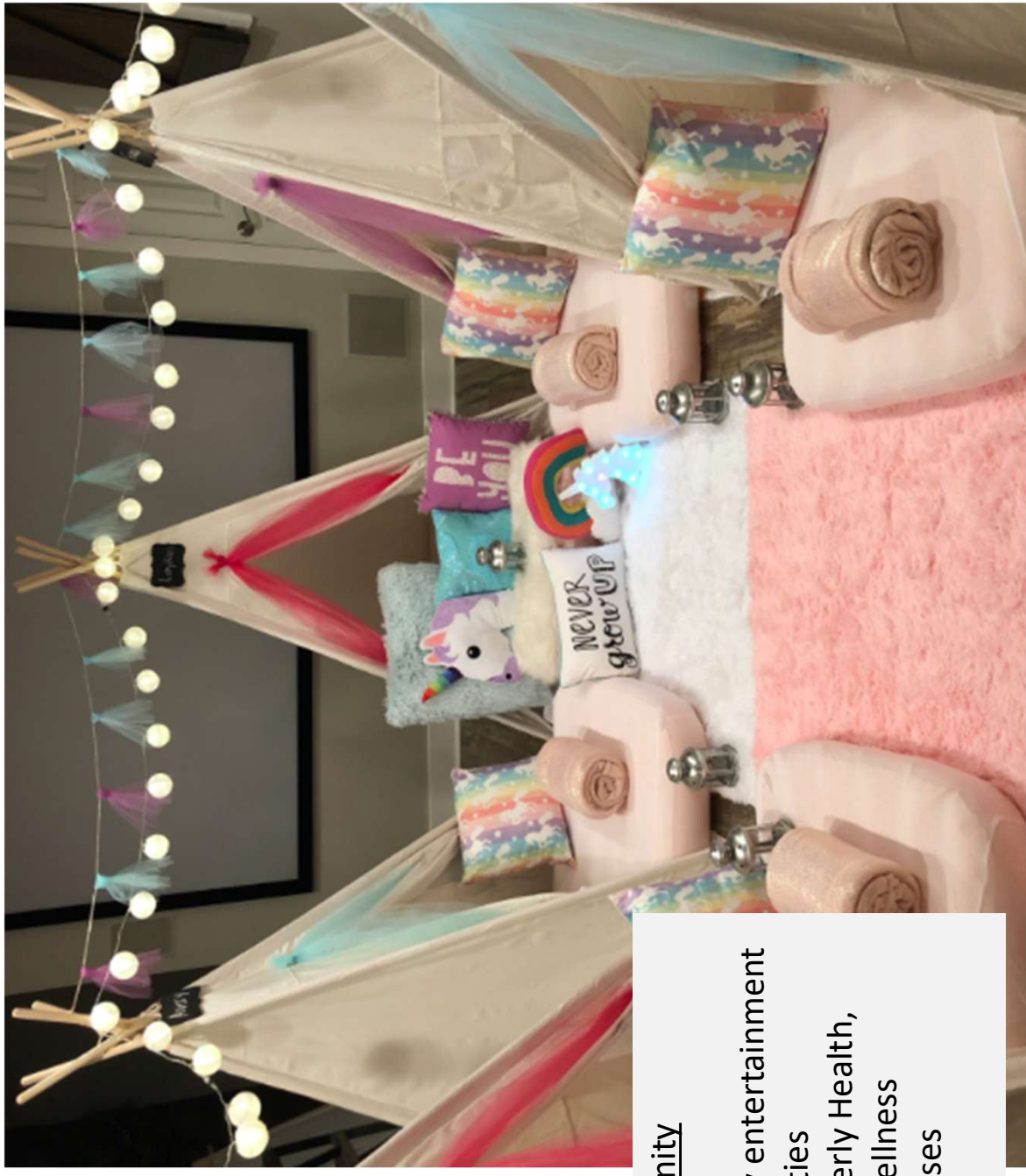
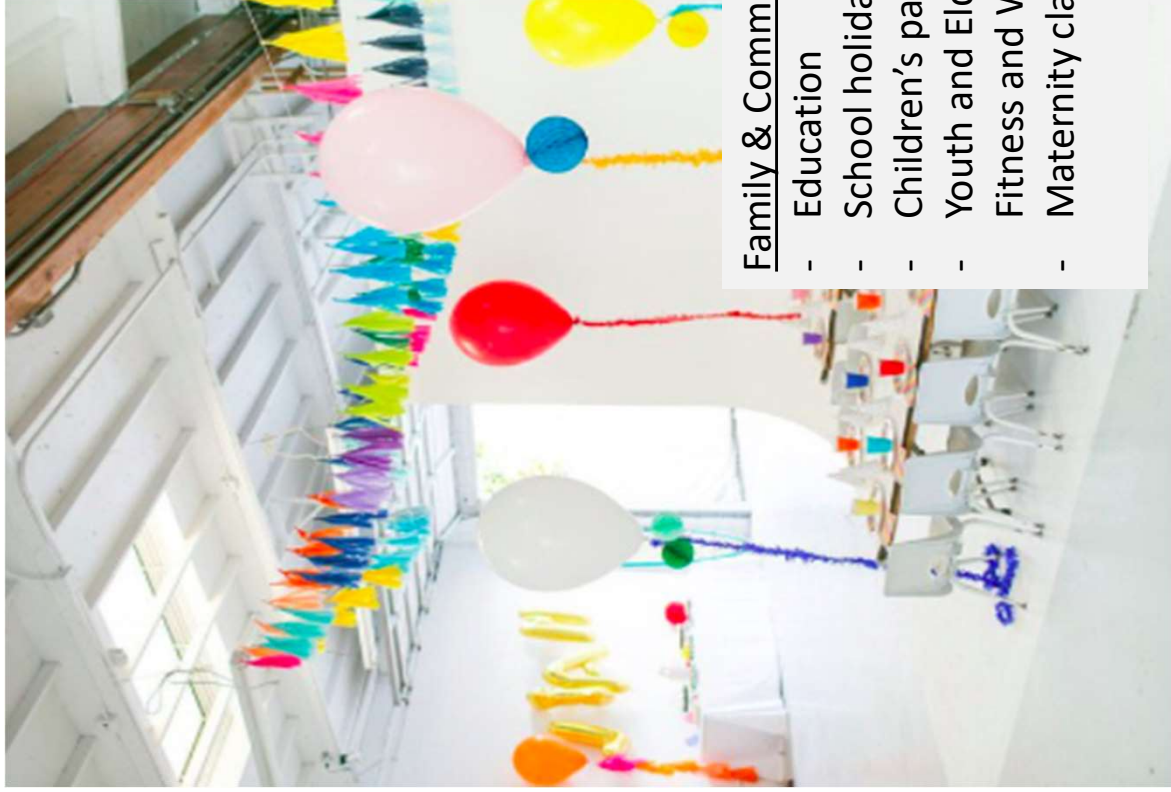




### Health & Fitness

- Yoga
- Pilates
- Private fitness
- Mindfulness classes
- Meditation classes
- Movement classes
- Tai chi

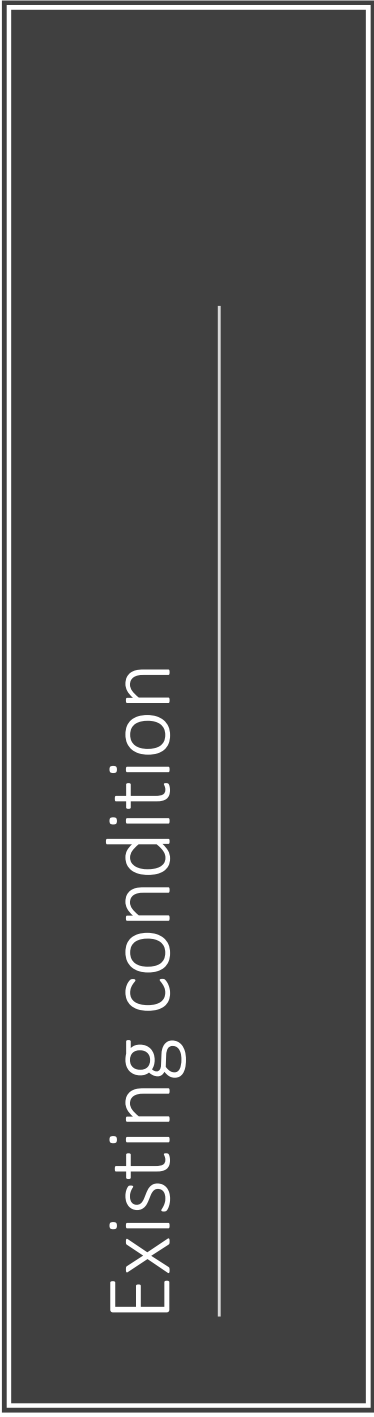
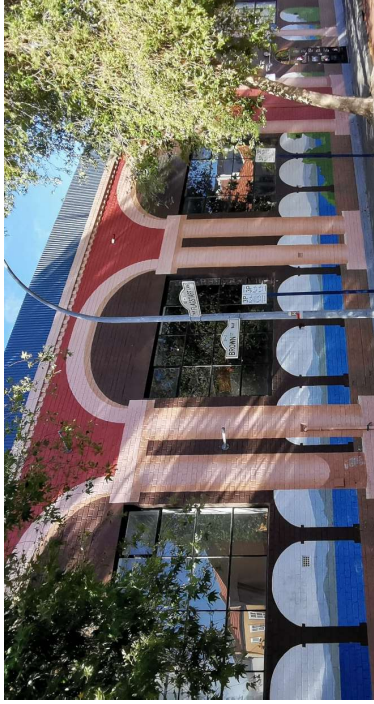
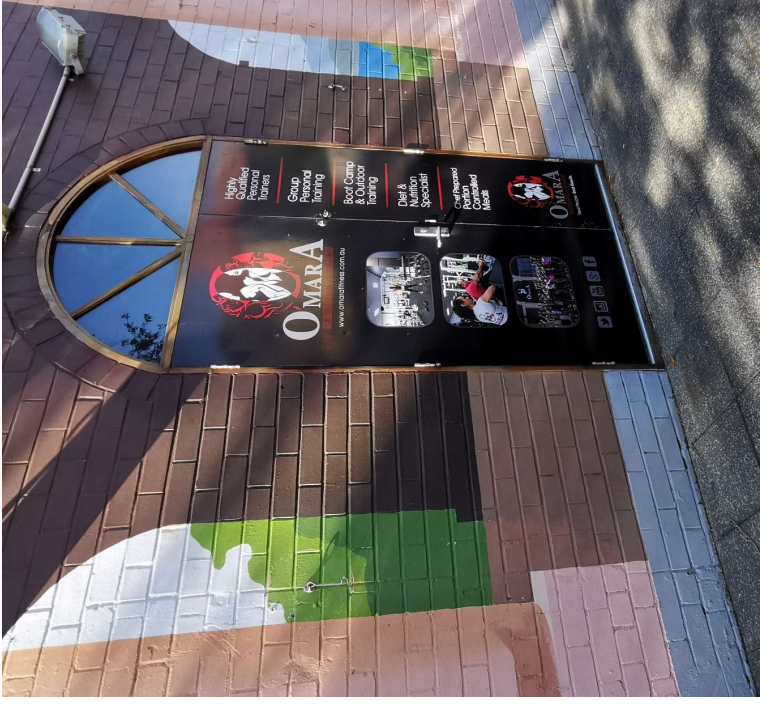
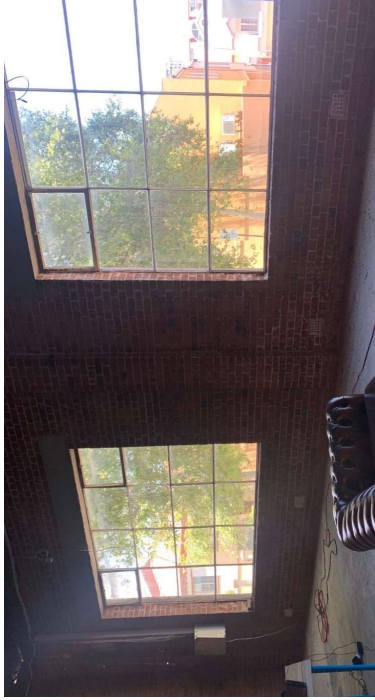




### Family & Community

- Education
- School holiday entertainment
- Children's parties
- Youth and Elderly Health, Fitness and Wellness
- Maternity classes







Department of Planning,  
Lands and Heritage



*We're working for  
Western Australia.*

# Draft Position Statement: Special Entertainment Precincts

November 2019

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## 1. Purpose

To provide guidance on the designation of special entertainment precincts. A special entertainment precinct will comprise a diverse mix of land uses, including entertainment venues, which contribute to an active night-time economy.

## 2. Special entertainment precincts in Western Australia

Western Australia is home to a number of vibrant entertainment districts, which offer a diverse mix of live music venues, nightclubs, bars, cafes and restaurants and make a significant contribution to the State's culture and economy. However, with an increasing trend towards mixed-use, high-density living, the convergence of land uses can cause conflict, particularly when noise-sensitive development is permitted close to existing noise emitters, such as entertainment venues. Managing and planning for entertainment in mixed-use areas is a complex challenge that requires careful consideration of the needs of both entertainment venue operators and residents.

## 3. Application of this policy

This position statement applies to the establishment of special entertainment precincts in local planning schemes, improvement schemes or redevelopment schemes. It is expected that responsible authorities will undertake a scheme amendment to introduce a special control area (SCA) when a special entertainment precinct is to be established. The scheme amendment will include provisions that apply to both entertainment venues and noise-sensitive developments within the boundary defined by the SCA.

### 3.1 Other relevant regulation and policies

Other regulations and policies overlap with the planning system, and some proposals may require approvals outside of the planning system.

The primary instruments for noise regulation in the State are the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 (Noise Regulations).

The Noise Regulations set legally enforceable assigned (or allowable) levels for noise emitted from a premises or venue at the point of a sensitive receiver. The assigned levels are outdoor levels and vary according to the type of premises receiving the noise and



the time of day the noise is received. Higher levels of protection are afforded to the most sensitive premises, classed as 'noise-sensitive'. Premises classified as noise-sensitive are listed in Schedule 1 Part C of the Noise Regulations and include residential accommodation, small hospitals, schools, aged care facilities and short-term accommodation.

This position statement does not override the requirements of the Noise Regulations.

To complement the planning components outlined in this position statement, the Department of Water and Environmental Regulation are concurrently considering proposed amendments to the Noise Regulations. One of the options being considered includes the introduction of provisions for a venue approval for the day-to-day operations of entertainment venues located within a recognised SCA. This will allow venues to exceed the assigned noise levels, subject to conditions. Under this approach, venue compliance in relation to the Noise Regulations would be assessed against the individual conditions of the venue approval. Venue approvals are proposed to operate on an opt-in basis.

## 4 Policy objectives

The objectives of this position statement are to:

- provide clear and consistent development guidance for designated special entertainment precincts
- establish a framework that reduces potential land use conflicts between noise-sensitive receivers and entertainment venues through the application of relevant planning considerations
- provide an increased level of assurance for entertainment venues by establishing a framework to achieve greater operational certainty.

## 5 Policy measures

The following measures should be implemented in local planning schemes, improvement schemes or redevelopment schemes to establish special entertainment precincts.

Model SCA provisions (Appendix 1) have been prepared as a guide for local governments wishing to establish a special entertainment precinct. Local planning policies may also be required to manage the impacts of entertainment noise in these areas.

### 5.1 Special entertainment precincts

The establishment of a special entertainment precinct can be considered where a diverse mix of existing or planned land uses, including entertainment venues, contribute to an active night-time economy. Establishment may be appropriate where it can be demonstrated that the precinct has strategic importance to the area in which it operates, particularly with regard to its tourism, cultural and commercial value.

A special entertainment precinct is established through the designation of a SCA in a local planning scheme, improvement scheme or redevelopment scheme. The primary function of the SCA is to manage existing and/or potential

land use conflicts associated with entertainment venues and noise-sensitive uses.

The relevant local government or responsible authority is to identify the case for a special entertainment precinct SCA and define its boundary. Examples of materials which may be provided to support the establishment of the SCA include:

- a robust problem definition statement, including current noise levels and any entertainment noise-related complaints
- evidence of consultation with the local community and adjoining/impacted local governments
- demonstration of a significant night-time economy supported by an economic assessment
- evidence of an established strategic vision for the precinct, including the existing and/or intended land use mix and the potential for future entertainment venue development
- specific performance criteria, development requirements and/or guidance to be applied to development through a local planning scheme, redevelopment scheme or local planning policy.

The establishment of the SCA requires early consultation with the Western Australian Planning Commission and the Department of Water and Environmental

Regulation (or the Government agency responsible for the administration of the Noise Regulations) ahead of the scheme amendment process. The SCA will identify the precinct boundary and contain provisions to guide development.

The boundary of the special entertainment precinct should give consideration to the location of existing entertainment venues, especially where the boundary abuts another local government. A local planning policy for noise attenuation in surrounding areas may be appropriate to reduce the impact on noise-sensitive land uses outside the SCA.

Following the possible introduction of new provisions in the Noise Regulations, entertainment venues located within a designated SCA/special entertainment precinct recognised by the Noise Regulations will be eligible to apply for a venue approval to exceed the assigned levels for day to day operations, subject to conditions.

The designation of special entertainment precincts in local planning schemes, improvement schemes or redevelopment schemes will facilitate a balanced approach to protecting the viability of the entertainment industry and supporting vibrant urban communities.

## 5.2 External amplified music noise level

Local governments should have regard to the strategic role and function of the precinct and future direction of surrounding land uses to determine a desired level of entertainment noise for the special entertainment precinct. The desired external amplified music noise level should be incorporated into the SCA to inform construction and design standards for new noise-sensitive development and new entertainment venue proposals in the precinct. The external amplified music noise level will provide the community with an indication of the noise they could expect to receive within the precinct area. The external amplified music noise level should be articulated in decibels, and expressed as  $L_{Leq}$  in the 63 Hz octave band and 125 Hz octave band.

The external amplified music noise level in the SCA serves a planning purpose and does not regulate the level of noise emitted by entertainment venues or override the requirements of the Noise Regulations.

## 5.3 Venue approvals

Under the possible changes to the Noise Regulations currently being considered by the Department of Water and Environmental Regulation, venues within a special entertainment precinct may apply for a venue approval to exceed the

assigned levels for day-to-day operations, subject to conditions. The venue approval will be issued by the responsible local government in accordance with the Noise Regulations. The venue approval will specify a maximum allowable noise level at the venue boundary, or a defined point, for compliance purposes and may have other conditions attached. The maximum allowable venue level will be set with regard to the external amplified music noise level in the SCA, consistent with the attenuation requirements adopted for the precinct.

Venues operating without a venue approval within the special entertainment precinct will continue to be subject to the assigned levels set out in the Noise Regulations.

## 5.4 Construction and design standards

The local planning scheme, improvement scheme or redevelopment scheme must outline the level of attenuation or 'building transmission loss' that needs to be achieved for new noise-sensitive development. New entertainment venues may also require construction and design standards to demonstrate compliance with the external amplified music noise level. Precincts with higher external amplified music noise levels will require greater levels of attenuation/transmission loss to ensure acceptable indoor levels can be met.

Enhanced noise attenuation for new development will ensure areas designated as special entertainment precincts become better protected from the impacts of amplified music noise over time.

The construction and design standards should be informed by the transmission loss design report and/or acoustic report (refer to section 5.5) and any applicable local planning policy (if relevant).

Where approval is contemplated, a process should be established that provides for post-construction certification of measures incorporated to achieve building attenuation/transmission loss.

Noise attenuation requirements should not be applied retrospectively to existing development.

## 5.5 Noise assessments for new development

Within a special entertainment precinct, applications for new noise-sensitive development must be accompanied by a transmission loss design report setting out measures to be adopted in the construction and design of the development to achieve indoor levels set out in the SCA.

Applications for development of new entertainment venues will be required to submit an acoustic report demonstrating



how the venue will achieve the external amplified music noise level set out in the SCA.

Assessments must be undertaken by a qualified acoustic consultant and should incorporate the measures required to meet the SCA objectives. The acoustic consultant should remain engaged through the design, construction and practical completion stages of the project. A checklist detailing acoustic solutions which can be signed off post-construction is to be included.

## 5.6 Notification on titles

In a special entertainment precinct, residents should expect ambient noise levels to be relatively higher both inside and outside residences, due to the proximity of entertainment venues.

A condition of approval for noise-sensitive land uses is to have a notification placed on the title. This will inform prospective purchasers of the existence of entertainment noise in the area.

## Definitions

**Entertainment venue:** a hotel, tavern, nightclub, small bar, function centre, entertainment complex, theatre, or other such entertainment premises that plays amplified music, either live or pre-recorded, on a regular or periodic basis. This includes both indoor and/or outdoor areas where applicable.

**External amplified music noise level:** the maximum, nominal noise level directly attributable to amplified music emitted by an entertainment venue or multiple entertainment venues.

**Noise-sensitive premises:** has the same meaning as defined in the Environmental Protection (Noise) Regulations 1997, however excludes the following: churches, education establishments and day-time childcare facilities. This definition includes but is not limited to, the following land use terms as defined in Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 1, clause 38: bed and breakfast, caravan park, caretakers dwelling, holiday accommodation, holiday house, hospital, hotel, motel, serviced apartment, tourist development, and workforce accommodation. May also include rehabilitation centres and residential aged care facilities.

**Special entertainment precinct:** a precinct containing a number of entertainment venues and includes a diverse mix of land uses which contribute to an active night-time economy as referenced in the Environmental Protection (Noise) Regulations 1997.

## Appendix 1: Model Text Provisions for Special Entertainment Precincts

### Part X – Special control areas

#### XX. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area are set out in the section below.

#### X.1 **<Name of precinct>** Special Entertainment Precinct – Special Control Area

The following provisions apply to the land marked *<Insert name of precinct>* Special Entertainment Precinct Special Control Area on the Scheme Map.

*[Additional text if Core and Frame Entertainment Areas are proposed]*

The special control area comprises a Core Entertainment Area and a Frame Entertainment Area.

#### X.2 Purpose

The purpose of the special control area is to establish a framework that reduces potential land use conflicts between noise-sensitive premises and entertainment venues through the application of relevant planning considerations.

**NOTE – the special control area does not regulate the level of noise emitted by entertainment venues or override the requirements of the Environmental Protection (Noise) Regulations 1997.**

#### X.3 Objectives

- (a) Ensure the *<Insert name of precinct>* Special Entertainment Precinct is a primary entertainment area, evolves as a vibrant cultural and arts scene, with a variety and a high concentration of entertainment venues.
- (b) Reduce potential land use conflicts between noise-sensitive uses and entertainment venues by ensuring the design and construction of buildings incorporate appropriate noise attenuation measures.

- (c) Acknowledge and support a higher concentration of entertainment venues by ensuring development incorporates noise attenuation measures which respond to external amplified music noise levels which may be permitted under the Environmental Protection (Noise) Regulations 1997, including levels that may not comply with the standard prescribed under Regulation 7.

OR

- (c) [Alternative text if Core and Frame Entertainment Areas are proposed]  
Acknowledge and support a higher concentration of entertainment venues in the Core Entertainment Area by ensuring development incorporates noise attenuation measures which respond to external amplified music noise levels which may be permitted under the Environmental Protection (Noise) Regulations 1997, including levels that may not comply with the standard prescribed under Regulation 7; and
- (d) [Alternative text if Core and Frame Entertainment Areas are proposed]  
To provide a Frame Entertainment Area, which acts as a transitional area between the Core Entertainment Area and the area outside the special control area, by ensuring development incorporates noise attenuation measures which respond to external amplified music noise levels which may be permitted under the Environmental Protection (Noise) Regulations 1997, including levels that may not comply with the standard prescribed under Regulation 7.

## **X.4 General Provisions**

### **X.4.1 Noise Attenuation Standards**

- (a) Within the *<Insert name of precinct>* Special Entertainment Precinct, the noise attenuation standards for entertainment venues and noise-sensitive premises shall be based on a nominal external amplified music noise level of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band.

OR

- (a) [Alternative text if Core and Frame Entertainment Areas are proposed]  
Within the Core Entertainment Area, the noise attenuation standards for entertainment venues and noise sensitive premises shall be based on a nominal external amplified music noise level of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band.

(b) [Alternative text if Core and Frame Entertainment Areas are proposed]

Within the Frame Entertainment Area, the noise attenuation standards for:

- (i) entertainment venues shall be based on a nominal external amplified music noise level of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band.
- (ii) noise-sensitive premises shall be determined as part of a Transmission Loss Assessment, prepared by a qualified acoustic consultant, which takes into consideration that an external amplified music noise level of up to  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band could be received from the adjoining Core Entertainment Area, in addition to any external amplified music noise levels assigned for entertainment venues situated within the special control area.

(b) Where an application for development approval relates to a noise-sensitive premises and/or an entertainment venue, the noise attenuation standards outlined in clauses X.5 and X.6 [update as necessary] respectively shall be complied with.

(c) Where an application for development approval relates to a mixed-use development which incorporates noise-sensitive premises and/or entertainment venues, the noise attenuation standards for these uses outlined in clauses X.5 and X.6 [update as necessary] respectively shall be complied with.

(d) Noise attenuation measures must be carefully integrated into the design of the development and not significantly detrimentally impact upon:

- (i) the buildings aesthetics, environmental sustainability, and cultural heritage significance where applicable;
- (ii) the internal amenity for building occupants; and
- (iii) the public realm.

**X.4.2 Requirement for Development Approval**

(a) In accordance with clause 61(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, an application for development approval within this special control area shall be required for:

- (i) any works associated with a noise-sensitive premises, entertainment venue or mixed-use development (which contains a noise-sensitive premises and/or entertainment venue) excluding works under clause 61(1) (d) of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2; and
- (ii) any change of use involving a works component (as defined under Part 1 of the Deemed Provisions) to a noise-sensitive premises or an entertainment venue.

**X.5 Noise-Sensitive Premises**

- (a) Noise-sensitive premises located in the special entertainment precinct shall be located, designed and constructed so that the Transmission Loss is a minimum of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band.

OR

- (a) [Alternative text if Core and Frame Entertainment Areas are proposed]  
Noise-sensitive premises within the Core Entertainment Area shall be located, designed and constructed so that the Transmission Loss is a minimum of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band.
- (b) [Alternative text if Core and Frame Entertainment Areas are proposed]  
Noise-sensitive premises within the Frame Entertainment Area shall be located, designed and constructed so that the Transmission Loss is a minimum of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band, plus any additional Transmission Loss required to achieve a theoretical internal design level of  $L_{Leq}$  47 dB in the 63 Hz octave band and  $L_{Leq}$  41 dB in the 125 Hz octave band.

- (b) Where an application for development approval relates to:
  - (i) an extension or addition of an existing noise-sensitive premises, and/or
  - (ii) proposed works or changes in use to a noise-sensitive premises outlined in clause x.4.2 (a) the applicable noise attenuation standards outlined in clause x.4.1 shall only apply to any new habitable room(s).
- (c) Transmission Loss Design Report
  - (i) An application for development approval relating to a noise-sensitive premises shall include a Transmission Loss Design Report, prepared by a qualified acoustic consultant in a manner and form approved by the local government. The Transmission Loss Design Report shall include the details of noise attenuation measures that will be included in the proposed development's design and construction to achieve the applicable [Core and Frame] Transmission Loss levels prescribed by subclause[s] x.5 (a) [and (b)] to the satisfaction of the local government.
  - (ii) Noise-sensitive premises shall be designed and constructed in accordance with the attenuation measures detailed in the approved Transmission Loss Design Report, in addition to any other attenuation measures required by the city.

- (d) Noise-sensitive premises shall not be approved where the local government is not satisfied that the development can be acoustically attenuated to meet the applicable Transmission Loss levels.
- (e) The local government shall, as a condition of development approval for noise-sensitive premises, require a notification pursuant to section 70A of the *Transfer of Land Act 1893* to inform prospective owners of the likelihood of elevated noise levels from entertainment venues.
- (f) Prior to the commencement of development, a qualified acoustic consultant shall review the construction drawings and certify to the satisfaction of the local government these documents incorporate all the necessary noise attenuation elements described in the approved Transmission Loss Design Report.
- (g) After practical completion stage and prior to occupation of the development, a qualified acoustic consultant shall certify to the satisfaction of the local government that all the recommendations of the approved Transmission Loss Design Report have been implemented.

#### **X.6 Entertainment Venues**

- (a) Appropriate noise mitigation shall primarily be achieved through design and construction methods rather than reliance upon on-going operational management measures.
- (b) Entertainment venues located in the special entertainment precinct shall be designed and constructed to incorporate noise attenuation measures to ensure that a level of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band is not exceeded at 1 metre from the entertainment venue boundary.

OR

- (b) [Alternative text if Core and Frame Entertainment Areas are proposed]  
Entertainment venues located in the Core Entertainment Area shall be designed and constructed to incorporate noise attenuation measures to ensure that a level of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band is not exceeded at 1 metre from the entertainment venue boundary.
- (c) [Alternative text if Core and Frame Entertainment Areas are proposed]  
Entertainment venues located in the Frame Entertainment Area shall be designed and constructed to incorporate noise attenuation measures to ensure that a level of  $L_{Leq}$  xx dB in the 63 Hz octave band and  $L_{Leq}$  xx dB in the 125 Hz octave band is not exceeded at 1 metre from the entertainment venue boundary.

- (c) Where an application for development approval relates to:
- an extension or addition of an existing entertainment venue; and/or
  - proposed works or changes in use outlined in clause x.4.2 (a) above
- the applicable noise attenuation standards outlined in clause x.4.1 above shall only apply to the new or substantially modified component of an entertainment venue.
- (d) Acoustic Report
- (i) An application for development approval relating to an entertainment venue shall include an Acoustic Report, prepared by a qualified acoustic consultant, in a manner and form approved by the local government, detailing existing and proposed attenuation and mitigation measures to meet the applicable **[Core and Frame]** noise levels prescribed by subclause[s] x.6 (b) **[and (c)]**.
- (ii) Entertainment venues that have potential noise impacts, as identified in the Acoustic Report shall incorporate appropriate design, construction methods, materials and devices to mitigate noise emissions to the satisfaction of the local government.
- (e) Prior to the commencement of development, a qualified acoustic consultant shall review the construction drawings and certify to the satisfaction of the local government that these documents incorporate all the necessary noise attenuation elements described in the approved Acoustic Report.
- (f) After practical completion stage and prior to occupation of the development, a qualified acoustic consultant shall certify to the satisfaction of the local government that all recommendations of the approved Acoustic Report have been implemented.

## **X.7 Definitions**

**[Additional text if Core and Frame Entertainment Areas are proposed]**

**Core Entertainment Area** means the area designated as such in Map xx.

**Entertainment venue** means a hotel, tavern, nightclub, small bar, function centre, entertainment complex, theatre, or other such entertainment premises that plays amplified music, either live or pre-recorded, on a regular or periodic basis. This includes both indoor and/or outdoor areas where applicable.

**Entertainment venue boundary** means the perimeter walls or outdoor containment structures, floors, ceiling or roof, that form the horizontal and vertical extent of an entertainment venue, unless the entertainment venue is the sole land use on a lot, in which case its horizontal extent shall be the

boundaries of the lot upon which it is located. Where an entertainment venue has no physically defined vertical extent, such as in the case of an outdoor area or roof top venue, its vertical extent shall be 4 metres above the ground or floor level of the venue.

**External amplified music noise level** means the maximum, nominal noise level directly attributable to amplified music emitted by an entertainment venue or multiple entertainment venues.

[Additional text if Core and Frame Entertainment Areas are proposed]

**Frame Entertainment Area** means the area designated as such in Map xx.

**Noise-sensitive premises** for the purposes of this special control area has the same meaning as defined in Environmental Protection (Noise) Regulations 1997, however excludes the following: place of worship, education establishments and day-time childcare facilities. This definition includes, but is not limited to, the following land use terms as defined in Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 1, clause 38: bed and breakfast, caravan park, caretakers dwelling, holiday accommodation, holiday house, hospital, hotel, motel, serviced apartment, tourist development, and workforce accommodation. It may also include rehabilitation centres and residential aged care facilities.

**Receiver facade** means the roof and all external walls of premises situated within the special entertainment precinct.

**Special entertainment precinct** means a precinct containing a number of entertainment venues and includes a diverse mix of land uses which contribute to an active night-time economy as referenced in the Environmental Protection (Noise) Regulations 1997.

**Transmission loss** means the noise level reduction provided by a receiver façade that is required to meet acceptable internal noise levels.





Government of **Western Australia**  
Department of **Water and Environmental Regulation**



# Managing amplified music noise in entertainment precincts

Consultation paper

November 2019



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Consultation paper

Department of Water and Environmental Regulation  
November 2019

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# Contents

Consultation on managing amplified music noise in entertainment precincts in Western Australia .....	1
How to make a submission .....	4
1 Background to this reform .....	5
Planning considerations for entertainment precincts .....	5
Northbridge entertainment precinct .....	6
Northbridge noise complaints .....	7
2 Previous consultation on reforms for Northbridge .....	8
Key issues raised in submissions .....	9
3 Management of environmental noise .....	10
Entertainment noise .....	12
4 Options for the management of amplified music noise in entertainment precincts .....	13
Option 1: status quo .....	14
Option 1: advantages .....	14
Option 1: disadvantages .....	14
Option 2: agent of change and indoor assigned levels .....	15
Option 2: advantages .....	16
Option 2: disadvantages .....	16
Option 3: special entertainment precincts .....	17
Option 3: advantages .....	18
Option 3: disadvantages .....	19
5 Establishing a special entertainment precinct in Northbridge .....	20
6 Potential application of reforms to other entertainment precincts .....	22
7 Next steps .....	23
Appendices .....	24
Glossary .....	26
References .....	27

## Figures

Figure 1 Special entertainment precincts consultation package .....	2
Figure 2 Comparison of familiar sounds at their noise levels .....	11
Figure 3 Reform package consultation elements .....	23

## Tables

Table 1 Tourism/visitor-oriented businesses in Northbridge .....	6
Table 2 Amplified music noise levels Fortitude Valley .....	25



# Consultation on managing amplified music noise in entertainment precincts in Western Australia

The Department of Water and Environmental Regulation (the department) is working with the Department of Planning, Lands and Heritage to engage the community and key stakeholders in discussions about how to best manage noise from amplified music in entertainment precincts. The State Government's reforms are aimed at balancing the competing needs of entertainment venues, other businesses and residents in vibrant entertainment precincts such as Northbridge.

This consultation paper seeks feedback on approaches to plan and manage areas with an active night-time economy including entertainment venues that play amplified music.

The paper sets out a number of reform options, including the establishment of special entertainment precincts in local planning schemes together with venue approvals to provide an option for entertainment venues to exceed Western Australia's assigned (prescribed) noise levels. The latter will require regulatory amendments to the Environmental Protection (Noise) Regulations 1997 (Noise Regulations).

The paper takes into account feedback received from stakeholders on a previous discussion paper prepared jointly by the department and the Department of Planning, Lands and Heritage and published by the Western Australian Planning Commission (WAPC) in 2018: *Planning for entertainment noise in the Northbridge area*.

In parallel with this consultation, the City of Perth is contemplating a planning scheme amendment to its *City Planning Scheme No.2*. Consultation on the scheme amendment, once initiated, will allow for community input on the City of Perth's proposal to establish Northbridge as the state's first 'special entertainment precinct'.

Stakeholder feedback on the planning elements associated with the Northbridge special entertainment precinct, including the boundary, building construction standards and external amplified noise levels, should be submitted to the City of Perth through their consultation process. Information and updates on the City of Perth's scheme amendment will be available at: <https://www.perth.wa.gov.au>

Complementary to the above, the WAPC has developed a draft *Position statement: special entertainment precincts* (position statement) to provide guidance to local governments in the establishment of special entertainment precincts in local planning schemes, improvement schemes or redevelopment schemes. The draft Position Statement includes general principles and minimum requirements for scheme provisions, including building attenuation measures and notifications on title.

The WAPC is seeking public comment on the draft position statement in conjunction with this consultation paper. Submissions received as part of this consultation paper will also inform the finalisation of the broader state-wide planning framework proposed in the draft position statement.





Figure 1 Special entertainment precincts consultation package

Stakeholder consultation promotes transparency, improves design and ensures risks are identified and unanticipated outcomes are avoided. It also allows innovative ideas to be proposed for consideration. You can provide feedback via an online survey or by a written submission to the department.

The consultation provides an opportunity for businesses, residents and visitors of entertainment precincts to express their views about the reform options and provide estimates of how the implementation measures may impact their businesses, personal finances or entertainment experience.

By making a submission you are consenting to the submission being treated as a public document. Your name will be published; however, your contact address will be withheld for privacy. If you do not consent to your submission being treated as a public document, you should either mark it as confidential or identify the parts that you consider confidential, and include an explanation.

Following public consultation on the reforms outlined in this paper, submissions will be analysed and the Department will make recommendations for amendments to the Noise Regulations to the Minister for Environment.

Submissions, including online survey responses, will be collated and summarised in a report following the close of the consultation period.

The department may request that a non-confidential summary of the material is also provided. It is important to note that, even if your submission is treated as confidential, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1992*, or any other applicable law.



The department reserves the right to remove or delete any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or organisation.

## How to make a submission

The consultation period will be 12 weeks. Written submissions must be received by 5pm (WST) on 14 February 2020. No late submissions will be considered.

Written submissions can be lodged by email (preferred) at:

[entertainment-noise@dwer.wa.gov.au](mailto:entertainment-noise@dwer.wa.gov.au)

Hard copies can be mailed to:

Entertainment Noise

Department of Water and Environmental Regulation

Locked Bag 10, Joondalup DC, WA 6919

Feedback from this consultation process will inform the development of legislative and planning approaches to entertainment noise in Western Australia.

For further information please email [entertainment-noise@dwer.wa.gov.au](mailto:entertainment-noise@dwer.wa.gov.au)

Note: stakeholders with feedback on the Northbridge-specific planning elements of special entertainment precincts should make a submission through the forthcoming City of Perth consultation process.

# 1 Background to this reform

The State Government is committed to supporting the arts sector and is exploring reforms to encourage development of live music and entertainment venues and cultural industries. This support is articulated in *Creative WA: Supporting the arts and creative industries* (WA Labor 2016).

Creative industries, particularly the music industry, contribute significantly to the Western Australian night-time economy. Entertainment venues such as hotels, taverns and nightclubs represent 16 per cent of all businesses in Western Australia and generate significant revenue in some precincts, with more than \$1 billion in sales in the City of Perth (Ortus 2017).

As well as contributing to economic prosperity, live music venues, nightclubs, bars, cafes and restaurants also contribute to a city's culture, with entertainment venues and event spaces fostering the development of the arts and creative industries, broader tourism and hospitality industries, and opportunities for complementary business activities (WAPC 2018).

While the benefits of a vibrant arts and cultural sector are clear, mixed use entertainment precincts present challenges for planning and, in particular, the management of environmental noise. Inner city areas with a higher density of entertainment venues are experiencing significant infill development with an increasing number of mixed-use and high density residential developments.

This mix of land uses can cause conflict when noise-sensitive development is permitted close to established noise emitters, particularly where the noise is amplified music noise which has dominant or 'intrusive' characteristics. This land use conflict can also restrict the development of new entertainment venues close to residential development.

Although residents choosing to live in vibrant urban centres may be willing to accept higher noise levels at certain times, residents have a right to a reasonable level of amenity, including environmental noise levels that do not unduly interfere with their enjoyment of their premises or adversely impact health. Consideration of the needs of both residents and entertainment venues is required in order to address the planning needs of entertainment precincts.

## Planning considerations for entertainment precincts

Local government has an important role in ensuring appropriate planning controls for land use and development through the preparation and administration of local planning schemes and strategies. Local planning schemes designate appropriate land use, residential density and development standards. Local government can also designate special control areas to control a particular type or characteristic of development associated with a precinct.

The WAPC defines a 'special entertainment precinct' as an area with a diverse mix of existing or planned land uses, which include entertainment venues that contribute to

an active night-time economy. A special entertainment precinct will include a number of entertainment venues clustered within a defined location and can include a mix of small bars and live music venues, restaurants, cafes, nightclubs, and pubs.

The draft WAPC position statement on special entertainment precincts, released on 7 November 2019, states that these precincts may be established by a local government through the adoption of a special control area in a local planning scheme.

The function of a special control area that establishes a special entertainment precinct is to manage existing or future conflicts associated with amplified music noise from entertainment venues. Special control area provisions will require higher construction standards for noise-sensitive (particularly residential) developments to ensure appropriate attenuation of music noise and acceptable indoor noise levels.

## Northbridge entertainment precinct

Northbridge is considered to be Western Australia's premier entertainment precinct. The area is characterised by a high density of entertainment venues.

*Table 1 Tourism/visitor-oriented businesses in Northbridge*

Type	Number	% of total
Accommodation	13	8%
Bars	20	12%
Cafes	38	22%
Nightclubs	12	7%
Restaurants/Takeaways	86	51%
Total	169	100%

Source: Lucid Economics 2018

Northbridge contributes significantly to economy of the City of Perth and Western Australia. The *Northbridge Economic Assessment* commissioned by Tourism WA estimates that visitation to Northbridge generates around \$239 million in turnover annually and is predicted to grow as visitor-friendly developments within the precinct (such as the new WA Museum) are completed (Lucid Economics 2018).

Visitation in Northbridge is fairly evenly spread across a 24-hour period with 27 per cent of visits occurring during the day, 33 per cent during the after-work/dinner period and 40 per cent of visitors using the precinct between 10pm and 4am (Lucid Economics 2018), demonstrating a vibrant 24-hour economy.

Northbridge has also attracted an increasing number of permanent residents with State Government policies prioritising infill residential development as the Perth population grows (WAPC 2018b). New residents are drawn to the vibrancy of the location as well as its proximity to the city centre. There are approximately 757 individual residences across 64 properties in the proposed Northbridge special entertainment precinct, with the greatest density of residential development occurring outside of the inner core area.

To support the regulatory impact assessment process, the department commissioned measurement of venue noise levels in Northbridge over August and September 2019. Measured A-weighted levels indicate that amplified music noise outside venues on Friday and Saturday nights (Lloyd George Acoustics 2019) is generally between  $L_{Leq}$  70—90 dB(A). This level of noise is likely to exceed the assigned (or allowable) levels in the Noise Regulations when received at noise-sensitive premises, and areas for future noise-sensitive development, in Northbridge.

Given the importance of our state's cultural industries and Northbridge's contribution to the wider Western Australian economy, there is a good case for establishing a special entertainment precinct in Northbridge.

### **Northbridge noise complaints**

Noise complaints from residents in and around Northbridge relate to the following areas:

- concert and event noise (e.g. Fringe World festival)
- amplified music noise from venues
- amplified music noise from private premises
- patron noise
- road and traffic noise
- construction noise.

According to data provided by the City of Perth, the annual number of complaints about established entertainment venues in Northbridge between 2012 and 2017 has been variable (between 7 and 22 each year).

Complainants include residents, hotel guests and businesses in the area. The number of complaints is relatively limited in the context of Northbridge's overall population. It's possible that some residents, however, are experiencing unresolved issues in relation to particular entertainment premises.

The number of complaints does not necessarily correspond to the areas with high recorded noise levels. This is because the response to noise is subjective, and individuals may become accustomed to higher noise environments over time (DOH 2018).

## 2 Previous consultation on reforms for Northbridge

In September 2018, the WAPC published the [Planning for entertainment noise in the Northbridge area](#) public consultation paper. The paper was prepared jointly by the Department of Planning, Lands and Heritage and the Department of Water and Environmental Regulation, and was open for public comment from 20 September 2018 – 20 November 2018.

The consultation paper sought feedback on a suite of reforms to establish an entertainment precinct in Northbridge in the City of Perth.

### **Planning for Entertainment Noise in the Northbridge Area: discussion paper**

The 2018 consultation canvassed stakeholder views on a framework for the management of entertainment noise in Northbridge based on the following principles:

Agent of Change: new developments (both noise-sensitive and noise-emitting) would be responsible for noise attenuation.

Designation of a special control area: designation of a special control area would apply special planning controls to protect the health and amenity of residents and the viability of entertainment venues; and to maintain the special character of the entertainment precinct.

Noise impact assessments: planning proposals for new noise emitting and noise receiving developments would be required to undertake a noise assessment to determine the level of noise to be attenuated through design and construction measures.

Construction standards: planning proposals for new noise emitting and noise receiving developments would be required to demonstrate how construction and design will achieve acoustic attenuation to comply with the standards set in the Noise Regulations.

Notification on title: a notification on title would be required for all approved planning proposals affected by entertainment noise.

Amendments to the Noise Regulations: noise protections would be applied to indoor areas of noise-sensitive developments only (with windows and doors closed).

A total of 64 submissions were received from a variety of stakeholders including:

- City of Perth
- other local governments
- Northbridge residents
- property developers
- entertainment venues
- acoustic consultants

- individuals who visit Northbridge for cultural and entertainment purposes.

## Key issues raised in submissions

While submissions were broadly in favour of reform to support entertainment venues in Northbridge, there were concerns that the proposed approach did not go far enough to alleviate land use conflict. A summary of key issues raised by stakeholders is outlined below.

- **Uncertainty for venues:** stakeholders raised the issue of ongoing uncertainty for venues under the proposed reforms, and emphasised the preference for levels to be set at the venue. In particular, submissions noted the complexity of venue compliance as a result of indoor levels. The complexity arises from the inability for venues to determine the level of attenuation incorporated in nearby noise-sensitive premises, and thus reasonable emission levels for compliance purposes.
- **Ongoing land use conflict:** a significant number of submissions noted that the proposed reforms, including removal of outdoor assigned levels and adoption of indoor levels, combined with enhanced attenuation for new residential development, would not resolve the existing land use conflict between existing residential development and venues in Northbridge. Ongoing land use conflict was noted by developers, venues and acoustic consultants.
- **Agent of change:** support for adoption of 'agent of change' principles was varied. There was mixed support in particular among developers, venues and arts organisations, and acoustic consultants, some of whom pointed to practical implementation difficulties. A number of submissions noted that agent of change would create an uneven playing field between existing and new venues, and would unfairly disadvantage venues (who typically have less access to capital) compared to developers, which is contrary to the goal of the reforms.
- **Alternative approaches:** a proportion of submissions advocated for alternative approaches to those proposed, such as a 'precinct approach' to entertainment venues and noise management, and expansion of the use of r. 19B of the Noise Regulations to provide an avenue for venue approvals for entertainment venues.

This option is discussed further in section 4 of this consultation paper. For the reasons outlined, it is not the government's preferred approach.

### 3 Management of environmental noise

Environmental noise can be described as unwanted sound or noise pollution that originates from sources such as transport, commercial and industrial activities, construction sites, residential activities and entertainment.

The primary instruments for noise regulation in Western Australia are the *Environmental Protection Act 1986* (EP Act) and the Noise Regulations.

The Noise Regulations set legally enforceable assigned (or allowable) noise levels for noise emitted from a premises or public place when received at another premises. The assigned levels are defined as outdoor levels and vary according to the type of premises receiving the noise and the time of day the noise is received. Higher levels of protection are afforded to the most sensitive premises, classed as 'noise-sensitive'.

#### **What does 'noise sensitive' mean?**

'Noise sensitive' has a specific meaning in the Noise Regulations. Noise-sensitive premises are listed in Part C of Schedule 1 of the Noise Regulations and include:

Residential accommodation, rural properties, caravan parks and camping grounds, small hospitals (less than 150 in-patients), residential care facilities, schools, churches and places of worship, hotel accommodation, aged care facilities, childcare facilities, prisons and detention centres, and water storage dams and catchments.

A noise-sensitive purpose, in relation to a building, means the part of the building used for residential accommodation or the purposes outlined above.

For the purposes of special entertainment precincts, we are primarily concerned with the health and amenity of residents, particularly in the sleeping areas of residential accommodation.

Local governments administer the Noise Regulations throughout Western Australia. Local government Chief Executive Officers (CEOs) have delegated powers to address noise issues from premises within their jurisdiction. Environmental health officers can also be appointed as Authorised Persons and Inspectors under Sections 87 and 88 of the EP Act for the purpose of investigating unreasonable noise emissions.

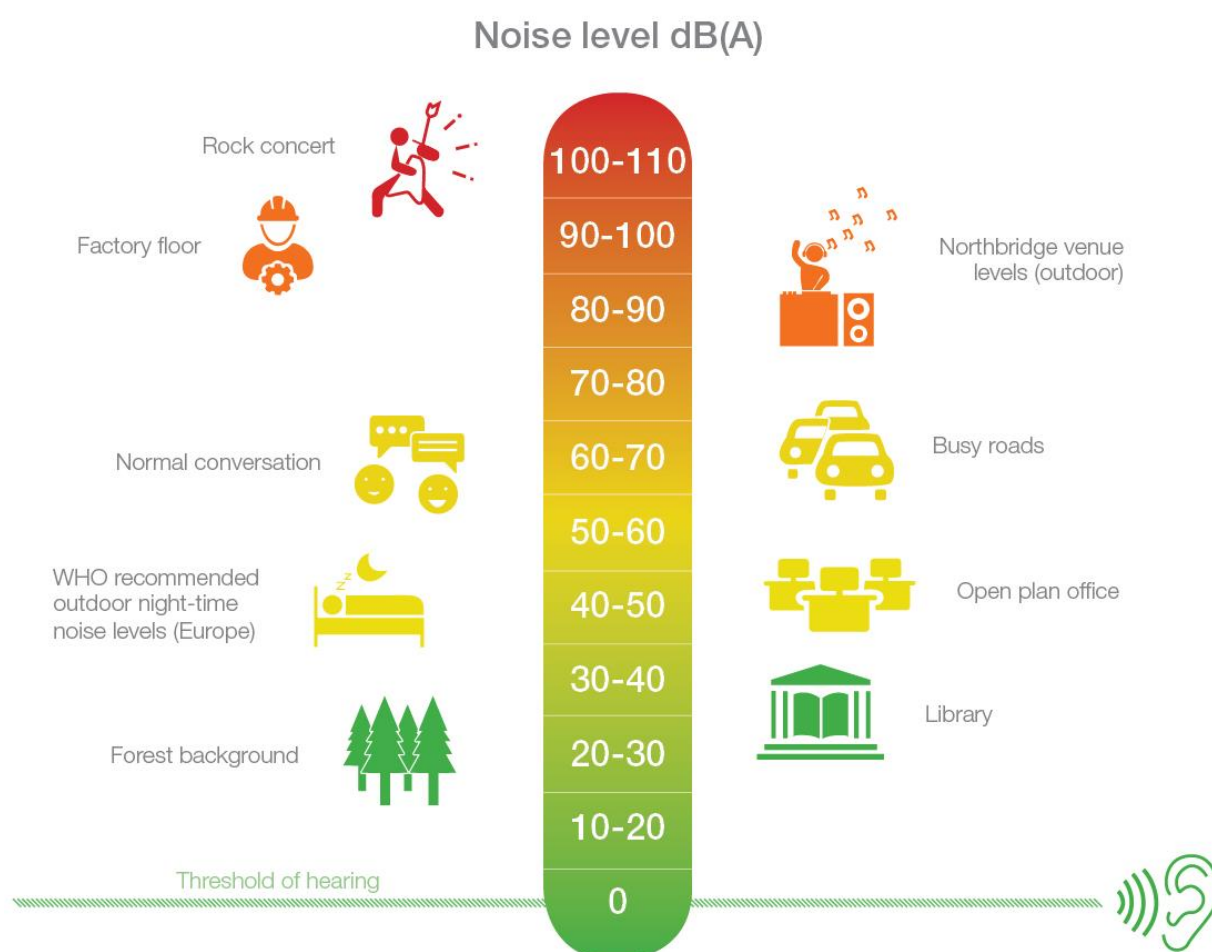
If the noise received at noise-sensitive premises exceeds the assigned levels in the Noise Regulations, an authorised officer has a range of enforcement options, including infringement notices, noise abatement directions, environmental protection notices, and prosecution, available under the EP Act to protect the health and amenity of sensitive receivers.

The assigned levels set in the Noise Regulations, and environmental noise levels internationally, are A-weighted levels or dB(A). The '(A)' or 'A-weighting' represents a frequency weighting applied to sound that best aligns with the human ear's response to sound at low sound pressure levels.



Environmental noise can impact public health and amenity. The World Health Organisation (WHO) defines 'health' as '[a] state of complete physical, mental and social well-being and not merely the absence of disease or infirmity' (WHO 2018). This definition embraces the concept of wellbeing and thus considers noise impacts such as annoyance, interference with communication, and impaired task performance 'health' issues.

While exposure to very high levels of noise can lead to direct injury to the auditory system, noise can also be a non-specific stressor that adversely affects physical and mental health.



*Figure 2 Comparison of familiar sounds at their noise levels*

The WHO *Night Noise Guidelines for Europe* outline impacts of night-time noise on health. The guidelines draw on indirect evidence, such as effects of noise on sleep and the association between sleep and health, where direct evidence is not available. The guidelines also acknowledge that, in the range between 30dB and 55dB, impacts 'will depend on the detailed circumstances of each case'.

## Entertainment noise

The capacity of a noise to induce annoyance depends upon its characteristics. Noise from amplified music has the potential to cause annoyance and disturb sleep because it contains significant low frequency noise components (sometimes referred to as 'doof').

While human hearing is relatively insensitive in the low frequency range compared to higher frequencies, there is a greater increase in annoyance at lower frequencies with changes in level. Low frequencies pass more easily through building façades than high frequencies, essentially stripping away the higher portions of music noise and leaving behind the low frequency 'doof'. The inability of building façades to reduce this low frequency content is a major issue with amplified music noise.

While the A-weighted sound pressure level is used to assess the impact of general environmental noise, it underestimates the sensitivity of the ear when there are high levels of low frequency noise. Additionally, human hearing is more sensitive to changes in acoustic energy in low frequencies than in the mid to high frequencies. These aspects of hearing response suggest that the A-weighting may not be the most appropriate metric where music noise is concerned.

Generally the low frequency components associated with entertainment noise are found in the 63 Hz and 125 Hz octave bands, although occasionally elevated levels can extend to the 31.5 Hz octave band. Control of sound levels in these octave bands will better address the low frequency impacts associated with entertainment noise.

An important consideration for low frequency noise in residential settings is the degree to which the noise can be attenuated by a building façade. The level of noise reduction from one side of a building element to the other is known as the transmission loss. Transmission loss is typically determined by testing or mathematical prediction and performance is often specified in octave bands. Sound reduction testing of building elements is not usually undertaken for frequencies below 100 Hz and the most common prediction methods only predict performance down to the 50 Hz one-third octave band. So, for the purpose of criteria for entertainment noise, often only the 63 Hz and 125 Hz octave bands are considered.

## 4 Options for the management of amplified music noise in entertainment precincts

This paper outlines reform options for the management of amplified music noise in entertainment precincts and satisfies the consultation element of a regulatory impact assessment (RIA) for the proposed changes to the Noise Regulations.

An RIA requires government to consider the costs and benefits of a number of regulatory and non-regulatory options before making a decision on how to change the way an issue is managed. The RIA process aims to reduce the regulatory burden on government, businesses and the community by ensuring that all options are considered and that unintended consequences of regulation are avoided where possible.

New or amended regulations should address a clear market or regulatory failure. In the case of entertainment precincts such as Northbridge, historic planning decisions have resulted in noise-sensitive development being permitted with inadequate separation from established entertainment venues. This trend can be exacerbated by infill development in mixed use areas, where convergence of land uses causes conflict when noise-sensitive development is permitted close to existing noise emitters.

The current framework for regulation of environmental noise is designed to protect the health and amenity of receivers, while still allowing for some activities that cannot reasonably and practicably meet noise limits. These activities – including sporting, cultural and entertainment events – are considered acceptable either because of their temporary nature or because of the community benefits they confer. Except in relation to these specific activities, the noise emitter is responsible for ensuring noise levels at the receiver comply with the assigned levels.

While the Noise Regulations are highly effective at protecting the health and amenity of the community, they do not recognise ‘first occupancy’. As a result, conflicts may arise when the requirements of the Regulations aren’t considered at development stage.

Further, the assigned levels provide for protection of amenity in all the noise-sensitive areas of relevant premises, including outdoor areas such as balconies and patios. Protection of such outdoor areas in highly urbanised mixed-use entertainment precincts, subject to high levels of ambient noise, may not be practicable. In these environments it may be necessary to focus on providing protection in internal living spaces.

Western Australia’s *Regulatory Impact Assessment Guidelines* state that ‘[r]egulatory failure may occur where regulation is not ... targeted to address an identified issue and there are unintended or undesirable consequences of that regulation’. (DOTAF 2010)

These combined features of current planning and environmental frameworks have led to unresolved tension between different land uses and different needs of the community in an entertainment precinct.

Over the last 12 months, the State Government has considered a number of reform options for Western Australia's entertainment precincts. In 2018, community input was sought on options to implement agent of change planning principles and adopt indoor assigned levels for entertainment precincts. Stakeholder feedback has informed development of a revised approach to better achieve the government's reform objectives.

A detailed comparison of reform options is outlined below.

## **Option 1: status quo**

Under the current legislative framework, most environmental noise, including noise from entertainment venues, is managed by local government (generally Environmental Health Officers) who implement the provisions of the Noise Regulations under delegation.

The assigned noise levels are the levels of noise allowed to be received at a premises at a particular time of the day or night. It is therefore an offence for the noise emitted from a premises to exceed the assigned level at another premises.

If noise-sensitive development is allowed to occur next to an established noise emitting premises, such as a venue, the noise emitting premises may be required to modify operations to ensure that noise at the new receivers complies with the assigned levels.

If a receiver complains about noise, a local government will usually investigate. In the case of an entertainment venue where the noise emissions result in a breach of the assigned levels at a receiver, the venue must either reduce the noise levels to meet the assigned levels, or risk enforcement action such as prosecution.

### **Option 1: advantages**

- Cost to government and the taxpayer: option 1 represents no net cost to the taxpayer as no changes are required to planning schemes or regulations.
- Protections for all noise-sensitive receivers: the current regulatory regime protects the health and amenity of noise-sensitive receivers (including residents). The assigned levels have been designed to ensure that noise from other premises is kept to acceptable standards.

### **Option 1: disadvantages**

- entertainment venues may be required to alter operations in response to noise complaints: if noise complaints are numerous and sustained, local government officers may require an entertainment venue to reduce their noise emissions. For some businesses this could mean significant investment in infrastructure, for others, it may require changes to the way the business operates including restriction of operations. For entertainment venues it is rarely as simple as

turning the music down. Customers have expectations of how noisy or vibrant an entertainment venue should be (both inside and outside of the venue). Significant changes to the way an entertainment venue operates will affect the business it attracts and its future viability.

- land use planning conflicts may persist: under the existing planning framework, noise-sensitive premises can converge (encroach) on existing noise emitters, including venues. As noise emitters are responsible for emissions under the EP Act, the emitter may be required to moderate their operations to comply with the assigned levels (which are outdoor levels) at the receiver. This may result in either risks to ongoing viability of entertainment venues, or inadequate protection of residents from environmental noise, or both. In addition, there may be unwillingness on the part of local government to enforce the Noise Regulations, particularly in cases where longstanding and iconic venues are the subject of complaints by residents.

## Option 2: agent of change and indoor assigned levels

In 2018, the State Government investigated the 'agent of change' planning approach as part of a suite of reforms to manage noise and competing interests in Northbridge and, potentially, in future entertainment precincts in Western Australia.

A comprehensive summary of the approach can be found in the 2018 consultation paper *Planning for entertainment noise in the Northbridge area*.

Agent of change requires that the person or business responsible for a new development bears the cost associated with the protection of noise-sensitive receivers (primarily residents). In practice this means that new residential development needs to account for high levels of amplified music noise by building to a standard that protects residents from unreasonable noise. New entertainment venues, on the other hand, need to implement noise attenuation measures at their business.

The agent of change approach was investigated for adoption in the Northbridge area through the designation of a special control area via a local planning scheme amendment. The proposed scheme amendment required:

- a. Noise impact assessments: new noise-emitting and noise-receiving developments would be required to undertake a noise assessment to determine the level of noise to be attenuated through design and construction measures.
- b. New construction standards: new noise-emitting and noise-receiving developments would be required to demonstrate how construction and design will achieve acoustic attenuation to comply with the standards set in the Noise Regulations.
- c. Notification on title: all approved planning proposals affected by entertainment noise would require information about noise impacts on the property title.

The planning elements of option 2 were complemented by proposed amendments to the Noise Regulations. Under the amended regulations, outdoor assigned levels in

designated areas would be removed and equivalent protections would be provided for indoor areas of noise-sensitive premises (with windows and doors closed).

### **Option 2: advantages**

- **Fairness:** Agent of change requires that the new development is responsible for incorporating appropriate noise attenuation to protect residents from unreasonable noise (indoors). The option 2 approach was adapted from the Victorian Government's agent of change approach for live music venues in 2014 and addressed the State Government's election commitment to investigate the agent of change approach to support creative industries in WA (WA Labor 2016).
- **Protections for all noise-sensitive receivers:** amendments to the Noise Regulations under this option would set new assigned levels *inside* residences with doors and windows closed. This change would acknowledge the need to protect the health and amenity of existing and future residents from unreasonable noise in noise-sensitive areas of residential buildings.

### **Option 2: disadvantages**

- **Implementation difficulties:** although the agent of change approach aims to strike a balance between new entertainment venues and residential developments, there are significant practical difficulties with implementing new building requirements and adopting indoor assigned levels. The 2018 discussion paper acknowledged the difficulty of indoor noise measurement, particularly for entertainment noise with significant low frequency components. In addition, basing new development standards on acoustic predictions is inherently uncertain.
- **Ongoing land use conflict:** option 2 does not remove the existing land use conflict between residents and entertainment venues. Although new residents would benefit from increased sound attenuation and noise-sensitive encroachment would not get any worse, the difficulties for venues in respect of existing noise-sensitive development remain unresolved.
- **Uncertainty for new venues:** as compliance levels would be indoor levels, new venues would be required to make assumptions about the level of attenuation incorporated into nearby noise-sensitive premises. This is likely to be highly complex or impracticable, and lead to ongoing uncertainty in respect of venue operations.
- **Discouragement of new entertainment venues:** while the agent of change approach provides a level of protection for existing venues with respect to further noise-sensitive encroachment, it discourages new entertainment venues by significantly increasing establishment costs (through enhanced attenuation requirements).

Given the implementation issues and lack of venue certainty associated with this option, it is not considered to satisfy the reform objectives and is not the government's preferred option.

## Option 3: special entertainment precincts

A 'precinct approach' is an alternative to the agent of change model outlined in option 2. Under this option, the local government will implement key planning reforms, including precinct-wide building attenuation requirements for new residential development to future-proof the area for amplified music noise.

The planning reforms will be complemented by amendments to the Noise Regulations to provide for uniform noise emission levels for approved venues within a special entertainment precinct.

This approach is broadly consistent to that adopted in Brisbane's Fortitude Valley. (See Fortitude Valley case study at Appendix 1.)

The reforms for option 3 would be implemented through the following suite of reforms:

### *WAPC position statement on special entertainment precincts*

The WAPC will outline the principles of a special entertainment precinct and provide high level policy support for their establishment in appropriate locations in Western Australia. The draft WAPC position statement can be found on the Department of Planning, Lands and Heritage's [website](#).

### *Designation of a special entertainment precinct in a special control area*

A local government may designate a special control area as a special entertainment precinct via an amendment to their local planning scheme. The scheme amendment will require:

- a. An external amplified music noise level to identify the expected street level vibrancy within the special entertainment precinct for planning purposes.
- b. Adoption of precinct-wide design and construction standards for new residential development to achieve internal noise levels consistent with the protection of health and amenity<sup>1</sup> (equivalent to 47 Leq dB(Lin) in the 63 Hz octave band and no more than 41 Leq dB(Lin) in the 125 Hz octave band). Adoption of suitable standards would be demonstrated by the submission of a Transmission Loss Design Report for all new residential development and should recognise the external amplified music noise level.
- c. New entertainment venues to undertake a noise assessment, in the form of an Acoustic Report, to determine the level of noise to be attenuated through design and construction measures, consistent with the external amplified music noise level.
- d. As a condition of development for noise-sensitive premises, a notification pursuant to section 70A of the *Transfer of Land Act 1893* to inform prospective owners of the likelihood of higher noise levels.

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<sup>1</sup> Noise levels set by the UK Department of Environment, Food and Rural Affairs consistent with protection of health and amenity.

The external amplified music noise level is **not a compliance level** but a level set by the local government to signal the expected street level 'vibrancy' within the precinct, from which building attenuation standards can be determined.

### *Amendments to the Noise Regulations*

The Regulations will be amended to provide an option for entertainment venues located within the special entertainment precinct to apply for approval to exceed the assigned levels.

Generally, approvals will provide for uniform noise levels for venues located within the special entertainment precinct aligned to the levels set out in the local planning scheme (less an adjustment, where relevant, to account for cumulative noise effects). Venue approvals are not compulsory and will be provided on an opt-in basis.

Venues located in the special entertainment precinct without a venue approval would continue to be subject to the requirements of the assigned levels set out in Regulation 7.

Consistent with their responsibility for administering the Noise Regulations, the local government CEO will determine applications and issue venue approvals.

While venue approvals will generally be set consistent with the external amplified music noise level, the CEO may specify the most appropriate compliance measurement location, or require an acoustic report or a noise management plan which describe how the venue will comply with the relevant venue level.

Special entertainment precincts established by local governments will be listed in a Schedule to the Noise Regulations. Entertainment venues located within special entertainment precincts listed in the Schedule will be eligible to apply for a special entertainment precinct venue approval.

### **Option 3: advantages**

- Increased certainty for entertainment venues: entertainment venues with a venue approval will have increased certainty about the maximum amplified music noise level they can emit (measured at a specified point on the venue premises). Venue approvals will be in effect for a fixed period of time, providing business certainty over a fixed period.
- Certainty for developers: a new standard for design and construction of residential development, or mixed use that includes residential use, will include specific requirements for noise transmission loss. The transmission loss will relate directly to the external amplified music noise level specified in the scheme amendment. The higher the external amplified music noise level, the higher the required transmission loss for new development.
- Stronger night-time economy: establishing shared expectations of street vibrancy and precinct characteristics will future-proof important entertainment precincts and have flow-on benefits for surrounding businesses, visitors and residents seeking a vibrant arts and cultural experience.
- Protection of health and amenity for new residents: new residents will be protected from unreasonable noise due to more stringent noise attenuation



standards. Venue approvals will effectively be ‘capped’ at the level set in the scheme, to future proof the area for a given level of noise.

### **Option 3: disadvantages**

- Existing noise-sensitive premises may not be appropriately acoustically treated for the levels of amplified music noise expected in a vibrant entertainment precinct. Retro-fitting noise attenuation measures to existing noise-sensitive premises may assist in protecting the health and amenity of the resident, but will impose a cost on the building owner.

#### **Implications of special entertainment precincts for residents**

The suite of reforms for special entertainment precincts are intended to provide certainty for venues, by allowing levels for approved venues to be set near the venue premises, and protection for residents. Protection of residential premises is achieved through minimum construction standards for new residential development, ensuring that special entertainment precincts become better protected from the impacts of amplified music noise over time.

##### *Protections for new residential premises*

New residential development will be designed and constructed with the aim of achieving internal noise levels of no more than 47 Leq dB(Lin) in the 63 Hz octave band and no more than 41 Leq dB(Lin) in the 125 Hz octave band. These levels are consistent with protection of health and amenity for residents, ensuring that residents can enjoy their living areas without excessive noise intrusion. Residents cannot, however, expect quiet internal noise levels with their windows and doors open.

##### *Protections for existing residential premises*

Existing premises are unlikely to incorporate the same level of attenuation for amplified music noise as that required for new residential development.

In granting a venue approval, the CEO may also specify the appropriate compliance measurement location, or require an acoustic report or noise management plan to outline how the venue will comply with the relevant level.

## 5 Establishing a special entertainment precinct in Northbridge

The State Government is committed to progressing a solution to the issue of entertainment noise and land use conflict, with an initial focus on Perth's premier entertainment precinct. The Northbridge area has a mix of entertainment, cultural and residential land uses unique to this location, and has been the subject of significant deliberation, modelling and research for almost two decades.

The City of Perth is contemplating a precinct boundary for Northbridge to delineate a special entertainment precinct within the local planning scheme. Within the contemplated precinct, the 'core' area has a high density of entertainment venues and relatively low levels of residential development. The contemplated core area is bounded by William, Roe, Aberdeen and Parke streets and contains 38 identified entertainment venues and 148 individual residences located within five properties. There is one single-dwelling house in this area.

Measurement of venue noise levels in Northbridge commissioned by the department and conducted between August-September 2019 indicates that amplified music noise outside venues on Friday and Saturday nights is generally between 80-100 dB in the 63 Hz octave band, with a small proportion of venues emitting noise over 100 dB in the 63 Hz octave band (Lloyd George Acoustics 2019).

The City of Perth considers that the community has an expectation that noise in the core part of Northbridge will spill into the street and contribute to a vibrant precinct throughout busy night-time periods.

Changes to City of Perth's *City Planning Scheme No.2* to establish the Northbridge special entertainment precinct are likely to propose an external amplified music noise level in the core of  $L_{Leq}$  86 dB in the 125 Hz octave band and  $L_{Leq}$  95 dB in the 63 Hz octave band. The external amplified music noise level is set with regard to community expectations of street level vibrancy but is in excess of the assigned levels in the Noise Regulations.

As a consequence, existing residents may receive noise inside sensitive-use areas of their homes which exceeds assigned (allowable) levels. As the external amplified music noise levels proposed by the City of Perth are close to the noise levels currently emitted by venues, existing residents in Northbridge may not notice a significant difference to the current situation.

Under the amended Noise Regulations, entertainment venues in the core area may apply for venue approvals. Approvals for venues in the core will provide for uniform noise levels aligned to the levels set for the Northbridge core (less an adjustment, where relevant, to account for cumulative noise effects).

Outside of the core area, the land use mix accommodates a higher proportion of residential use. The City of Perth is considering designating this as the 'frame' area. There are 609 individual residences across 59 properties and 20 entertainment venues within the frame area.

The external amplified music noise level contemplated by the City of Perth in the frame area has regard to community expectations and the level of noise attenuation which is practicable for new residential premises. The external amplified music noise level proposed by the City of Perth for the frame is  $L_{Leq}$  70 dB in the 125 octave band and  $L_{Leq}$  79 dB in the 63 Hz octave band.

At this noise level, it is technically and economically feasible to construct new residential buildings to provide for the protection of health and amenity of residents inside their homes (Gabriels Hearne Farrell 2019).

Under the amended Noise Regulations, entertainment venues in the frame area may apply for venue approvals under the Noise Regulations. Approvals for venues in the frame will generally provide for uniform noise levels aligned to the levels set for the Northbridge frame (less an adjustment, where relevant, to account for cumulative noise effects).

Capping venue levels at the level set in the scheme will ensure new residential attenuation requirements are adequate in the context of existing and new venues.

## 6 Potential application of reforms to other entertainment precincts

The proposed planning and regulatory reforms outlined in this paper may be adopted in other areas of Western Australia in addition to Northbridge.

Local government authorities considering the establishment of a special entertainment precinct will need to consider relevant planning matters, in particular the WAPC's draft Position Statement on special entertainment precincts.

The proposed process for establishing a special entertainment precinct is the designation of a special control area through an amendment to the local planning scheme. As outlined in the WAPC draft position statement, the scheme amendment would be required to address:

- an external amplified music noise level to identify street level vibrancy for planning purposes
- precinct-wide construction standards (building transmission loss) for new residential development to achieve internal levels consistent with protection of health and amenity
- acoustic reports for new noise emitting venues
- notifications on title for all approved planning proposals for noise-sensitive developments located in the proposed precinct.

Special entertainment precincts established consistent with the above will be listed in a Schedule to the Noise Regulations.

Venues located in special entertainment precincts listed in the Schedule will be able to apply to the CEO for a venue approval consistent with considerations outlined in this paper.

## 7 Next steps

This consultation provides an opportunity for broad stakeholder input on approaches for the management of amplified music noise in Western Australia's vibrant, mixed use entertainment precincts

The consultation will inform the RIA of amendments to the Noise Regulations. Proposed amendments will provide for venues located within a special entertainment precinct to apply for a venue approval.

While stakeholder input is sought on the broad approach, including its application to other areas of the state, Northbridge is the main focus of the current regulatory impact assessment.

Proposed amendments to the Noise Regulations are just one element of a broader suite of reforms. Planning reforms set out in the WAPC draft position statement and the City of Perth's anticipated amendment to *City Planning Scheme No. 2* are not subject to RIA requirements, as these reforms do not require changes to regulation.

However, each reform element has its own consultation process and stakeholders are encouraged to participate in the consultations relevant to their areas of interest.



### Western Australian Planning Commission's position statement:

- provides overarching definition and approach and the criteria for local governments to create special entertainment precincts.



### Department of Water and Environmental Regulation's Noise Regulation amendments:

- allows entertainment venues in a special entertainment precinct to apply for a venue approval that will allow the emission of amplified music noise consistent with the level set by the local government
- lists special entertainment precincts in a new Schedule.



### City of Perth's special control area:

- sets expected external amplified music sound levels for core and frame areas of Northbridge
- sets requirements for building location, design and construction standards for new noise sensitive development
- requires entertainment noise information on property titles
- requires noise impact assessment from new entertainment venues.

*Figure 3 Reform package consultation elements*

Following the conclusion of the consultation period, submissions will be analysed to develop a detailed understanding of the regulatory impacts of proposed options and underpin sound regulatory and policy development.

The next stage of the process will be development of a decision regulatory impact statement which will analyse impacts of the options presented in this paper and provide further information on implementation of the preferred approach.

## Appendices

### Appendix A – Fortitude Valley special entertainment precinct

The Fortitude Valley special entertainment precinct was established by the City of Brisbane in 2006. Although the legislative framework for the Fortitude Valley precinct is very different from the proposed Northbridge special entertainment precinct, the vibrancy outcomes, residential construction and venue requirements are similar.

Like Northbridge, Fortitude Valley is home to a mix of live music venues, nightclubs, bars, restaurants, cafes and other commercial businesses in addition to residential development. The intent of the reforms was to protect the long-term future of the live music scene and vibrancy of the precinct without exposing residents to unreasonable levels of amplified music noise.

The Fortitude Valley special entertainment precinct consists of the following features:

- 1 Brisbane City Council designated special entertainment areas within the Brisbane City Plan 2014 to provide an exemption from the noise provisions of the Liquor Regulations 2002. Amplified noise in the precinct is now regulated by the Council under a local law. The local law allows entertainment venues to emit a level of noise at their boundary regardless of how close the nearest residence is.
- 2 New residential development in the core and buffer areas of the precinct are required to comply with performance outcomes for noise insulation specified in the Fortitude Valley neighbourhood plan, which is part of the Brisbane City Plan 2014. The construction performance outcome requires a minimum reduction in sound pressure level (i.e. transmission loss) between the exterior of the building and the bedroom or living room of the residence.
- 3 The local law requires entertainment venues in the core of the precinct to have an amplified music venue permit. The noise limits of the local law are illustrated in the table below:

Table 2 Amplified music noise levels Fortitude Valley

Venue location	Day and time	Amplified music noise level 1	Amplified music noise level 2
Special entertainment precinct core area A	10am – 12am on Sunday, Monday, Tuesday, Wednesday and Thursday  10am Friday to 1am Saturday  10am Saturday to 1am Sunday	LC <sub>eqT</sub> 90 dB	LL <sub>eqT</sub> 45 dB in any one-third octave band between and including 31.5 Hz and 125 Hz  LA <sub>eqT</sub> 33 dB
	All other times	LC <sub>eqT</sub> 80 dB and LL <sub>eqT</sub> 73 dB in any one-third octave band between and including 31.5 Hz and 125 Hz	LL <sub>eqT</sub> 43 dB in any one-third octave band between and including 31.5 Hz and 125 Hz  LA <sub>eqT</sub> 30 dB
Special entertainment precinct core area B	10am to midnight Friday and Saturday  10am to 11.30pm on a Sunday, Monday, Tuesday, Wednesday and Thursday	LC <sub>eqT</sub> 88 dB	LL <sub>eqT</sub> 45 dB in any one-third octave band between and including 31.5 Hz and 125 Hz  LA <sub>eqT</sub> 33 dB
	All other times	LC <sub>eqT</sub> 65 dB and LL <sub>eqT</sub> 55dB in any one-third octave band between and including 31.5 Hz and 125 Hz	LL <sub>eqT</sub> 43 dB in any one-third octave band between and including 31.5 Hz and 125 Hz  LA <sub>eqT</sub> 30 dB

Research into the economic value of the Fortitude Valley special entertainment precinct found that Brisbane's night-time economy is growing faster than the rest of Brisbane's economy in terms of sales revenue, employment and number of businesses. Of the night-time economy hotspots investigated, Fortitude Valley experienced the greatest growth, with a seven per cent increase in establishments, five per cent increase in employment and nine per cent increase in sale revenue.

# Glossary

<b>dB</b>	Decibel. Unit of measurement used to measure the intensity of sound. Decibels are measured on a logarithmic scale.
<b>dB(A)</b>	A-weighted decibel. An expression of the relative loudness of sounds as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared with unweighted decibels, in which no correction is made for audio frequency.
<b>dB(C)</b>	C-weighted decibel. C-weighting is an approximation to the frequency sensitivity of human hearing at higher noise levels and better captures the value of low frequency content – particularly the bass elements of amplified music.
<b>LAeq</b>	A-weighted equivalent sound level.
<b>LAeqT</b>	The notional A-weighted, equivalent continuous sound level which, if it occurred over the same time period, would give the same noise level as the actual varying sound level. The T denotes the time period over which the average is taken.
<b>LLeq</b>	The linear equivalent sound level.
<b>LLeqT</b>	The notional linear equivalent continuous sound level which, if it occurred over the same time period, would give the same noise level as the actual varying sound level. The T denotes the time period over which the average is taken.
<b>LCeqT</b>	The notional C-weighted equivalent continuous sound level which, if it occurred over the same time period, would give the same noise level as the actual varying sound level.
<b>Lnight</b>	The A-weighted Leq (equivalent noise level) over the 8-hour night period of 11pm to 7am, also known as the night noise indicator.
<b>Octave band</b>	<p>A range of frequencies whose upper frequency limit is twice that of its lower frequency limit. In acoustical measurements, sound pressure level is often measured in octave bands, and the centre frequencies of these bands are defined by ISO as 31.5 Hz, 63 Hz, 125 Hz, 250 Hz, 500 Hz, 1 kHz, 2 kHz, 4 kHz, 8 kHz and 16 kHz to divide the audio spectrum into 10 equal parts.</p> <p>The sound pressure level of sound that has been passed through an octave band pass filter is termed the octave band sound pressure level.</p>



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## City of Perth Comments – Metropolitan Region Scheme Amendment 1356/57

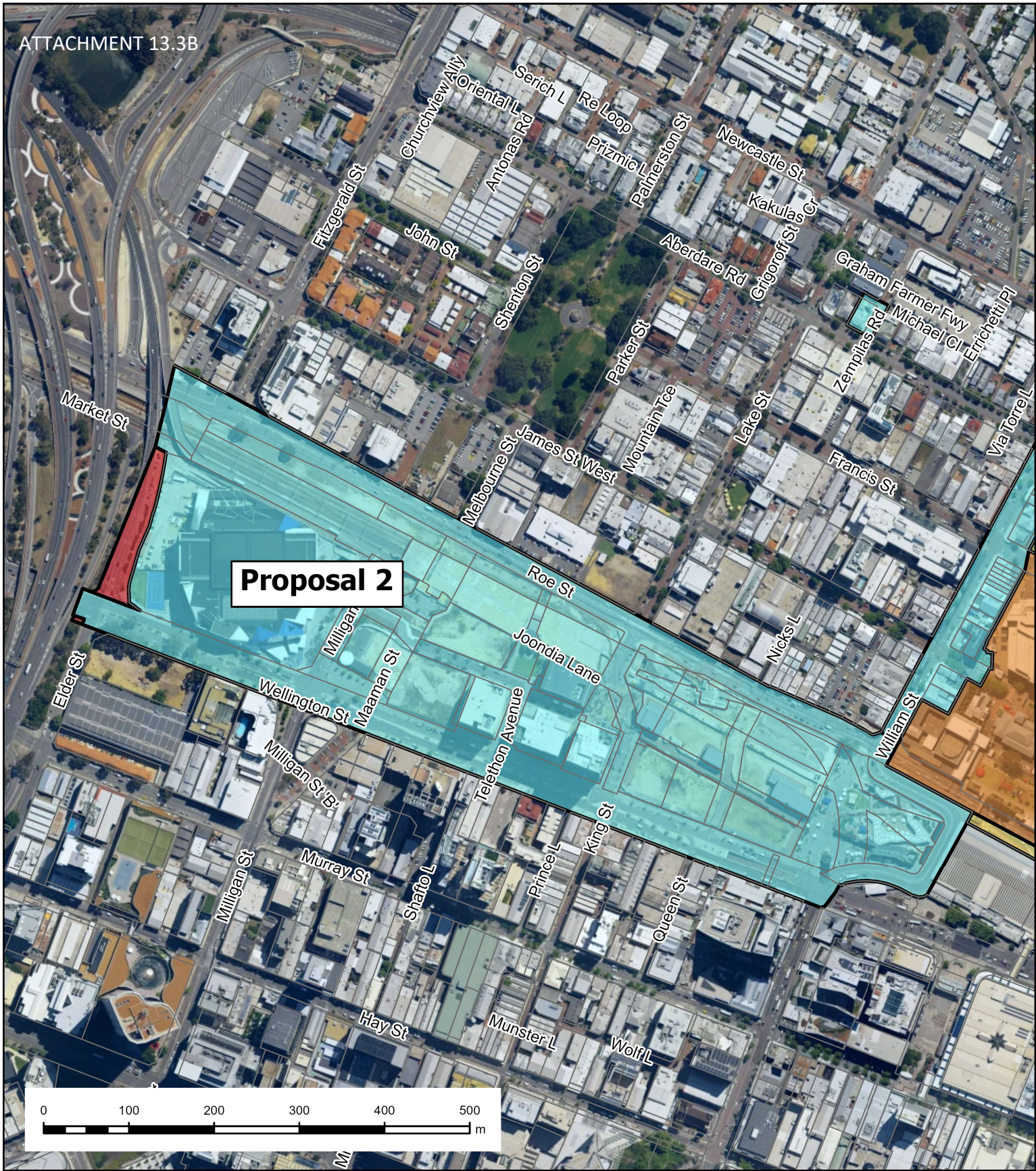
The City has reviewed each of the seven proposals associated with Metropolitan Region Scheme (MRS) Amendment 1356/57. Detailed comments on the proposed reservations and zonings under this MRS Amendment are provided in Table 1 below.

Proposed MRS Reservation/Zone	City of Perth Comments
<b>Proposal 1 – Subiaco Central</b>	
Urban and Primary Regional Roads	<p><i>No comment.</i></p> <ul style="list-style-type: none"> <li>This amendment does not impact the City of Perth.</li> </ul>
<b>Proposal 2 – Perth City Link</b>	
Primary Regional Roads	<p><i>Supported.</i></p> <p>The minor portion of Primary Regional Roads reservation reflects the existing cadastral boundaries of the Mitchell Freeway off-ramp adjacent to Perth Stadium.</p>
Central City Area	<p><i>Generally supported.</i></p> <p>The Central City Area zone reflects the existing and future commercial, civic and residential land uses accommodated within the 'Perth City Link' redevelopment area.</p> <p>It is questioned whether portion of land to the north of the Perth Arena (Lot 9000) should be reserved for Railways. This lot accommodates rail infrastructure which is above ground and is illustrated as a rail reserve within the Perth City Link Design Guidelines.</p>
<b>Proposal 3 – Elizabeth Quay</b>	
Parks and Recreation Other Regional Roads Waterways	<p><i>Generally supported.</i></p> <p>The Parks and Recreation, Other Regional Roads and Waterways reservations reflect the existing cadastral boundaries and maintain consistency with the existing surrounding MRS reservations; however, it is questioned whether it is appropriate to reserve the transport infrastructure and commercial premises (including tavern, restaurants and hotel) to the south and east of Barrack Square (generally contained within Lot 504) as Waterways.</p>
Central City Area	<p><i>Generally Supported.</i></p> <p>The Central City Area zone reflects the existing and future commercial, civic and residential land uses accommodated within the 'Elizabeth Quay' redevelopment area.</p> <p>Recommend that the Department review the boundary between City Centre zone and the Public Purposes reservation over a portion of the Elizabeth Quay train station to ensure a more regular arrangement based on uses and future planning of the area.</p>
<b>Proposal 4 – Part Claisebrook Village</b>	

Railways	<p><i>Supported.</i></p> <ul style="list-style-type: none"> <li>• The Railways reservation aligns with existing cadastral boundaries of Claisebrook Station.</li> <li>• Consideration should be given as to whether there is any land surplus to railway purposes which should be zoned Urban. The existing Public Transport Authority (PTA) Depot currently occupies a large area and would provide a significant redevelopment opportunity should the depot be relocated or reduced in size.</li> </ul>
Public Purposes – Technical School	<p><i>Conditional Support.</i></p> <ul style="list-style-type: none"> <li>• The Public Purposes – Technical School reservation encompasses most of the existing East Perth TAFE operations.</li> <li>• The Public Purposes reservation does not reflect the cadastral boundaries of the TAFE site (Lot 1238) and appears to intersect a portion of an existing building. This requires amendment prior to the finalisation of this amendment.</li> </ul>
Urban	<p><i>Supported.</i></p> <ul style="list-style-type: none"> <li>• This maintains consistency with the surrounding MRS zoned land.</li> </ul>
<b>Proposal 5 – Part Claisebrook Village</b>	
Railways	<p><i>Conditional support.</i></p> <ul style="list-style-type: none"> <li>• Victory Terrace car park should be reserved Parks and Recreation and not Railway Reserve.</li> <li>• The Public Transport Authority recently transferred management of this carpark to the City of Perth as the land does not form part of PTA operations but is a public car park enabling people to access the Swan River foreshore.</li> </ul>
Parks and Recreation	<p><i>Supported.</i></p> <ul style="list-style-type: none"> <li>• Parks and Recreation reservation maintains consistency with the existing river foreshore reserve under the MRS.</li> </ul>
Urban	<p><i>Supported.</i></p> <ul style="list-style-type: none"> <li>• The portion of Urban zone reflects the boundaries of East Parade and maintains consistency with the surrounding MRS zoned land</li> </ul>
<b>Proposal 6 Riverside and Part Claisebrook Village</b>	
Other Regional Roads	<i>Supported.</i>
Waterways	<i>Supported.</i>
Parks and Recreation	<i>Supported.</i>
Central City Area	<p><i>Supported.</i></p> <p>The Central City Area zone reflects the existing and future residential, commercial and civic land uses accommodated within the redevelopment area.</p>

Lot 502 (Waterbank)	No reservations or zones have been proposed over Lot 502 (Waterbank) and no explanation has been provided to clarify this omission. Most of this land should be rezoned to Central City Area to reflect the Waterbank development vision and strategically important public spaces should be reserved in some form to protect continuity of public access along the Swan River.
<b>Proposal 7 – Perth Cultural Centre and Part New Northbridge</b>	
Civic and Cultural	<i>Generally supported.</i> <ul style="list-style-type: none"> <li>The Civic and Cultural reservation encompasses the Cultural Centre, the Public Purposes – Technical School reservations encompasses the Perth Northbridge TAFE operations, and the Public Purposes - Special Uses reservation maintains consistency with the existing MRS reservation over Perth train station.</li> </ul>
Public Purposes – Technical School	
Public Purposes – Special Uses	
Other Regional Roads	<i>Supported.</i>
Urban	<i>Supported.</i>





**MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS  
PROPOSAL 2 WITH AERIAL IMAGERY**

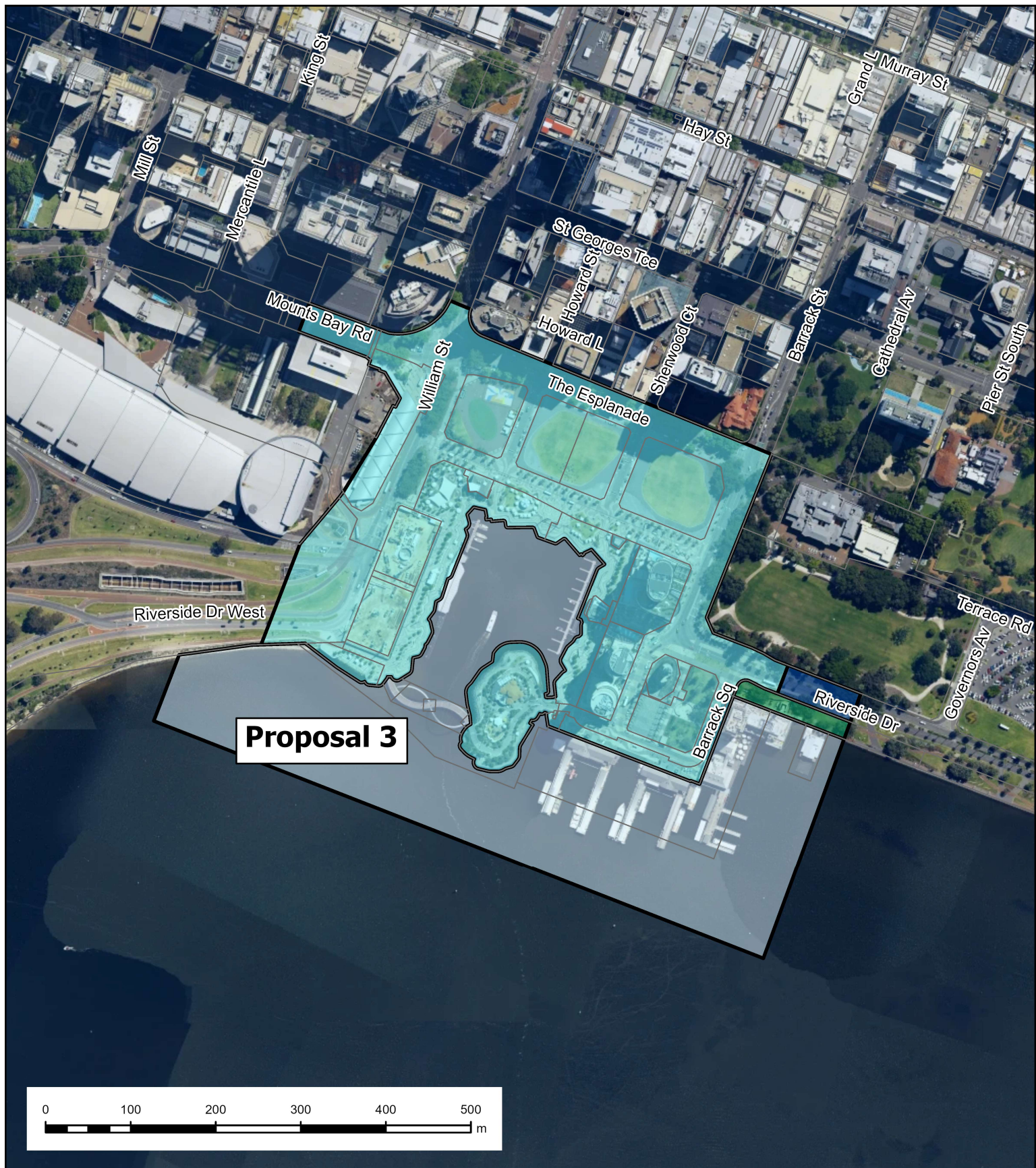
- |                               |                                    |
|-------------------------------|------------------------------------|
| <b>MRS zones and reserves</b> | Primary regional roads             |
| Central city area             | Public purposes - special uses     |
| Civic and cultural            | Public purposes - technical school |
| Other regional roads          | Railways                           |
| Parks and recreation          | Urban                              |
|                               | Waterways                          |











## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 3 WITH AERIAL IMAGERY

### MRS zones and reserves

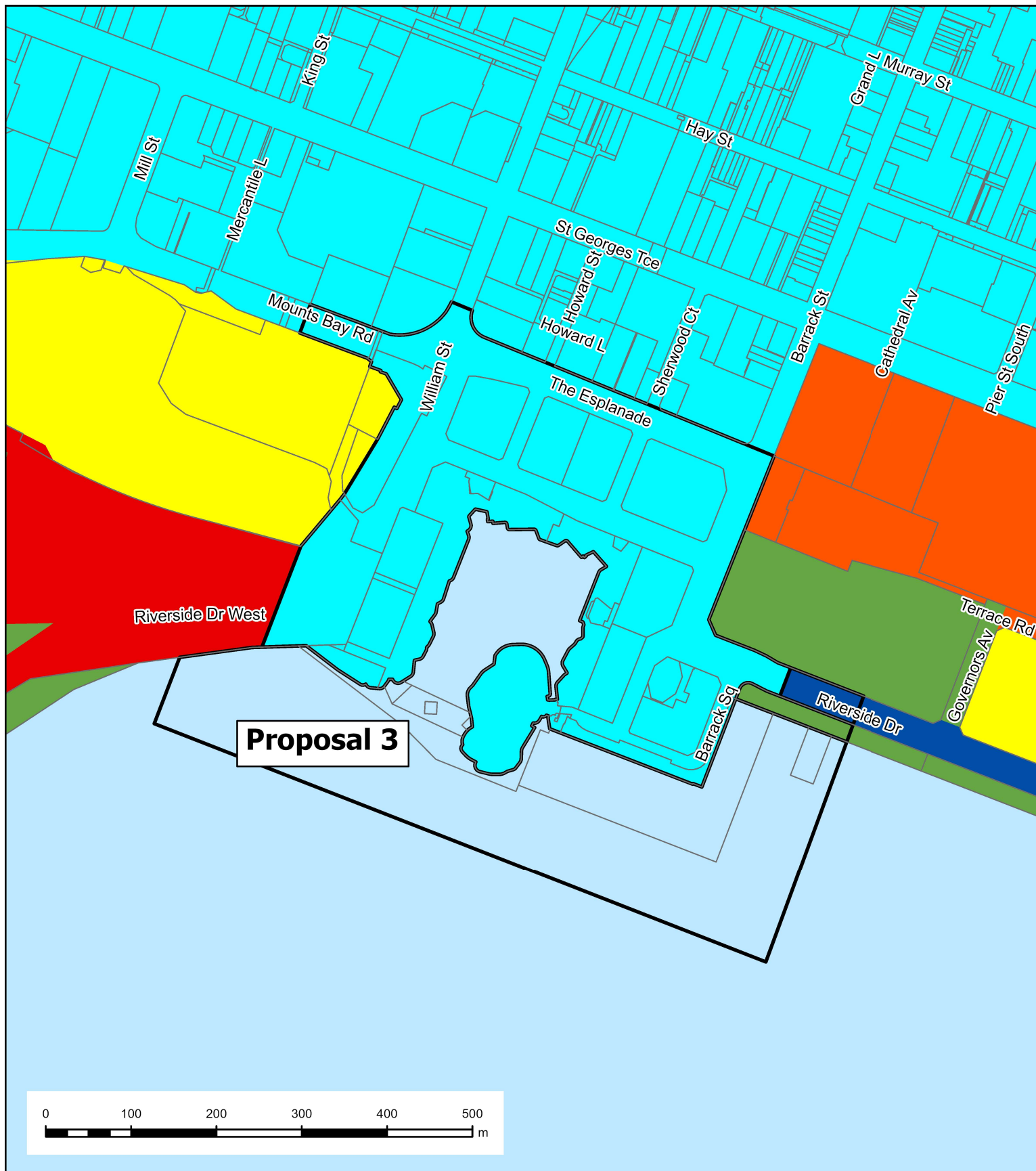
- Central city area
- Civic and cultural
- Other regional roads
- Parks and recreation

- Primary regional roads
- Public purposes - special uses
- Public purposes - technical school
- Railways
- Urban
- Waterways



29/01/2019





## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 3 WITH SURROUNDING CURRENT MRS

### MRS zones and reserves

Central city area

Civic and cultural

Other regional roads

Parks and recreation

Primary regional roads

Public purposes - special uses

Public purposes - technical school

Railways

Urban

Waterways



29/01/2019





## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 4 WITH AERIAL IMAGERY

### MRS zones and reserves

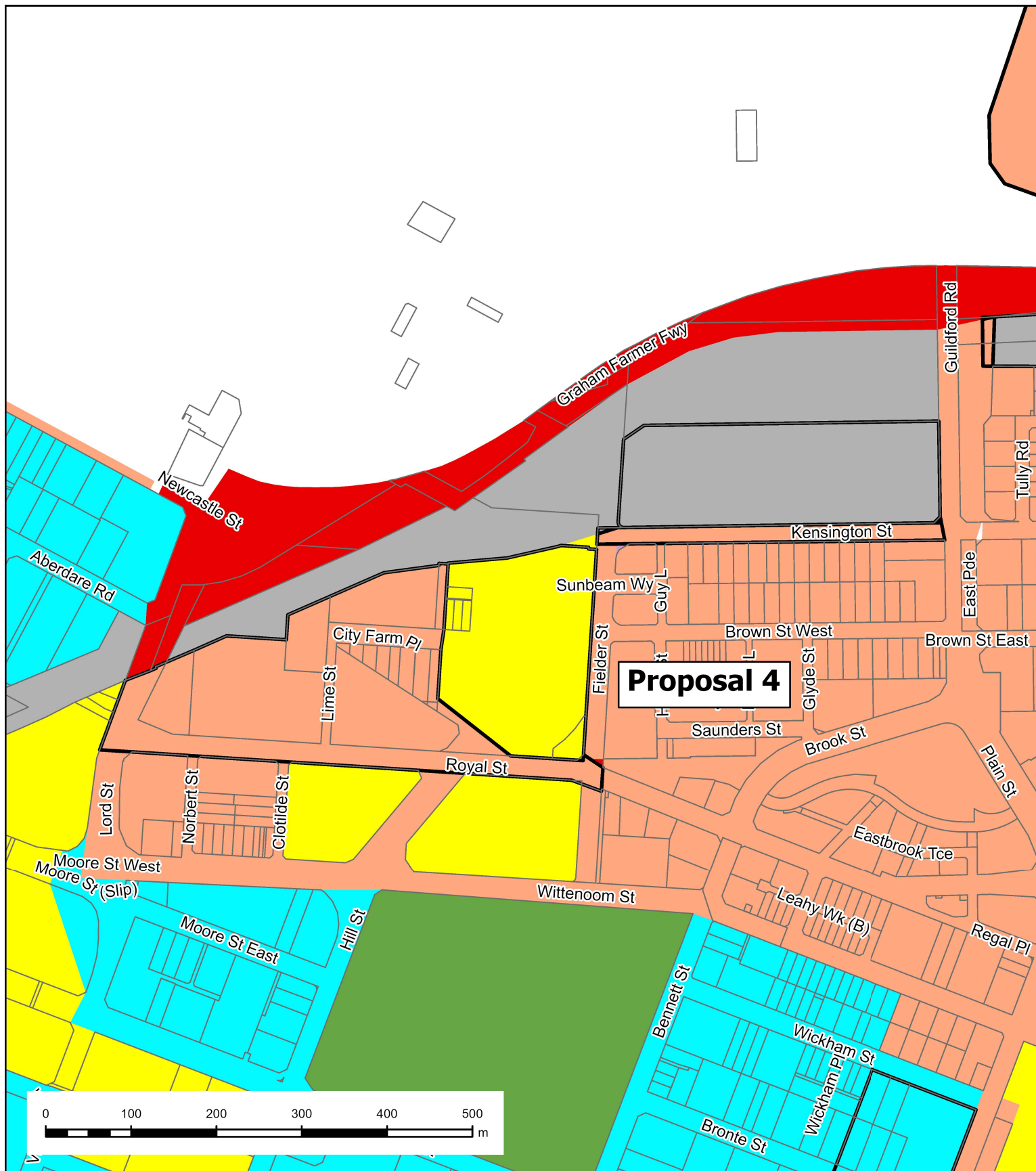
- Central city area
- Civic and cultural
- Other regional roads
- Parks and recreation

- Primary regional roads
- Public purposes - special uses
- Public purposes - technical school
- Railways
- Urban
- Waterways



29/01/2019





## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 4 WITH SURROUNDING CURRENT MRS

### MRS zones and reserves

- Central city area
- Civic and cultural
- Other regional roads
- Parks and recreation

- Primary regional roads
- Public purposes - special uses
- Public purposes - technical school
- Railways
- Urban
- Waterways







## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 5 WITH AERIAL IMAGERY

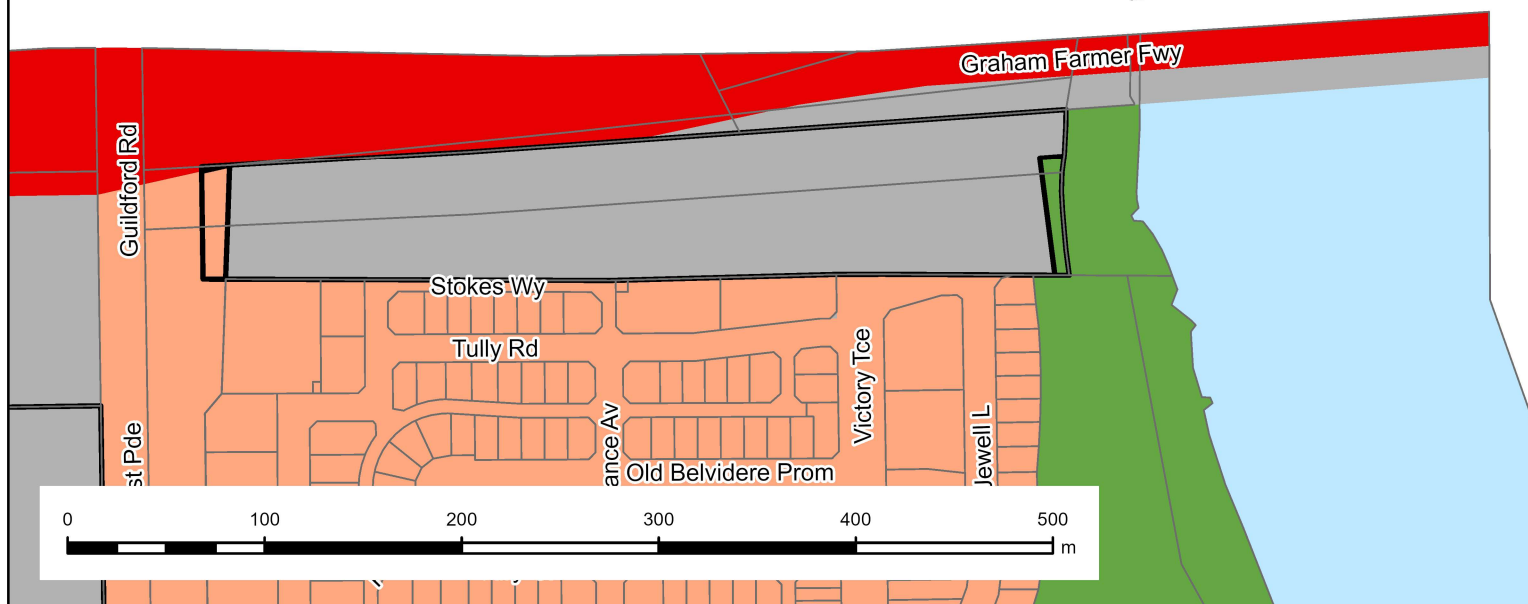
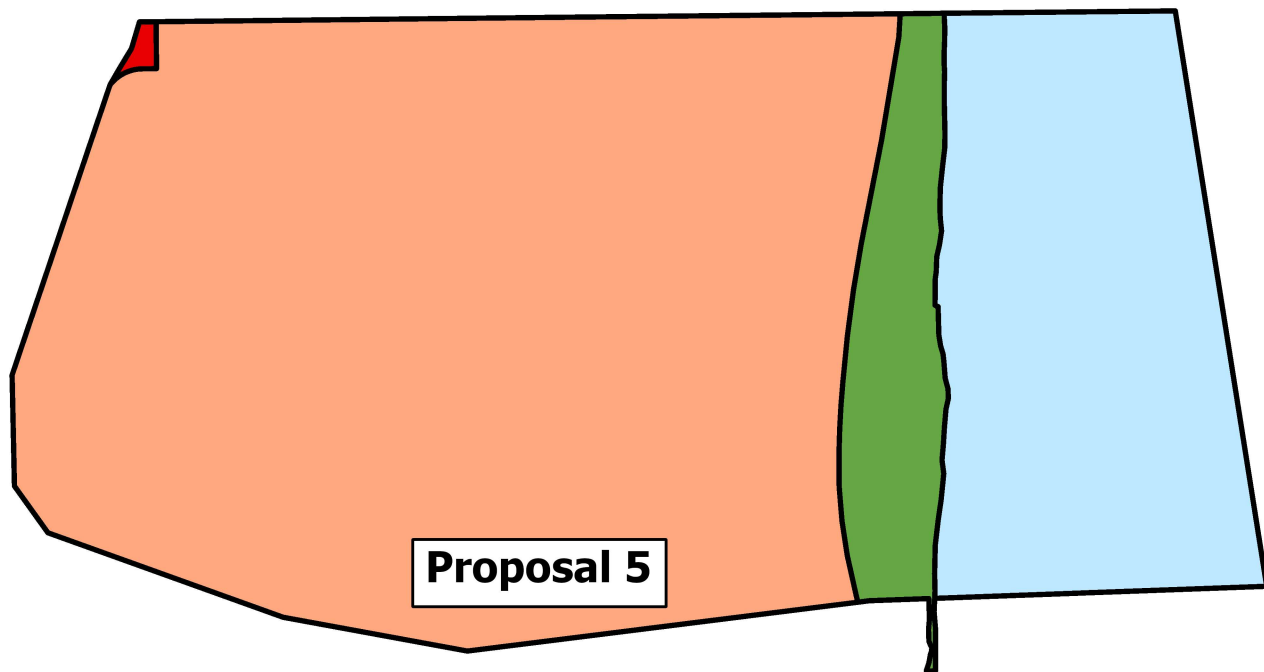
### MRS zones and reserves

- Central city area
- Civic and cultural
- Other regional roads
- Parks and recreation

- Primary regional roads
- Public purposes - special uses
- Public purposes - technical school
- Railways
- Urban
- Waterways



29/01/2019



## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 5 WITH SURROUNDING CURRENT MRS

### MRS zones and reserves

- Central city area
- Civic and cultural
- Other regional roads
- Parks and recreation

- Primary regional roads
- Public purposes - special uses
- Public purposes - technical school
- Railways
- Urban
- Waterways







## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 6 WITH AERIAL IMAGERY

### MRS zones and reserves

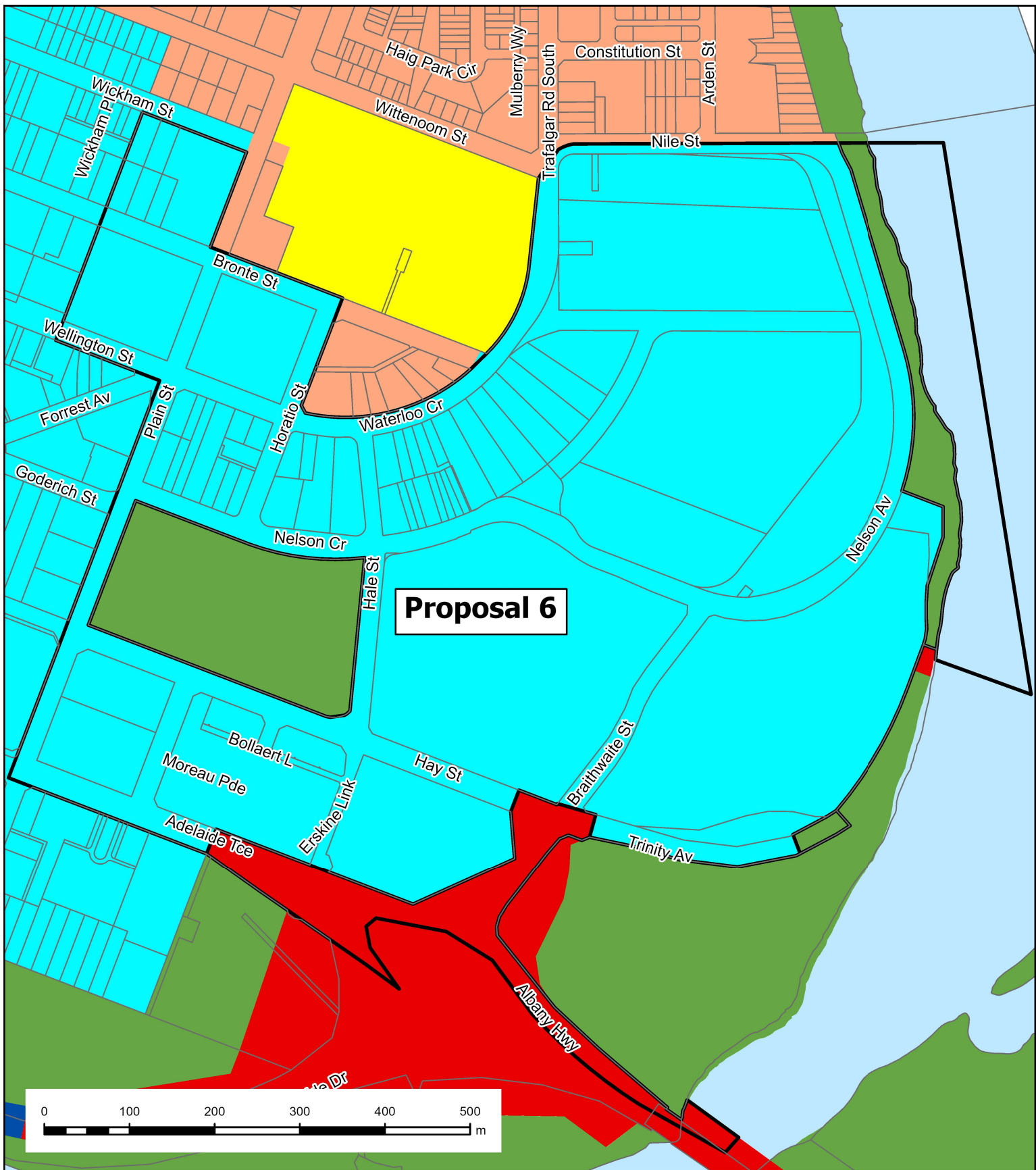
- Central city area
- Civic and cultural
- Other regional roads
- Parks and recreation

- Primary regional roads
- Public purposes - special uses
- Public purposes - technical school
- Railways
- Urban
- Waterways



29/01/2019





## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 6 WITH SURROUNDING CURRENT MRS

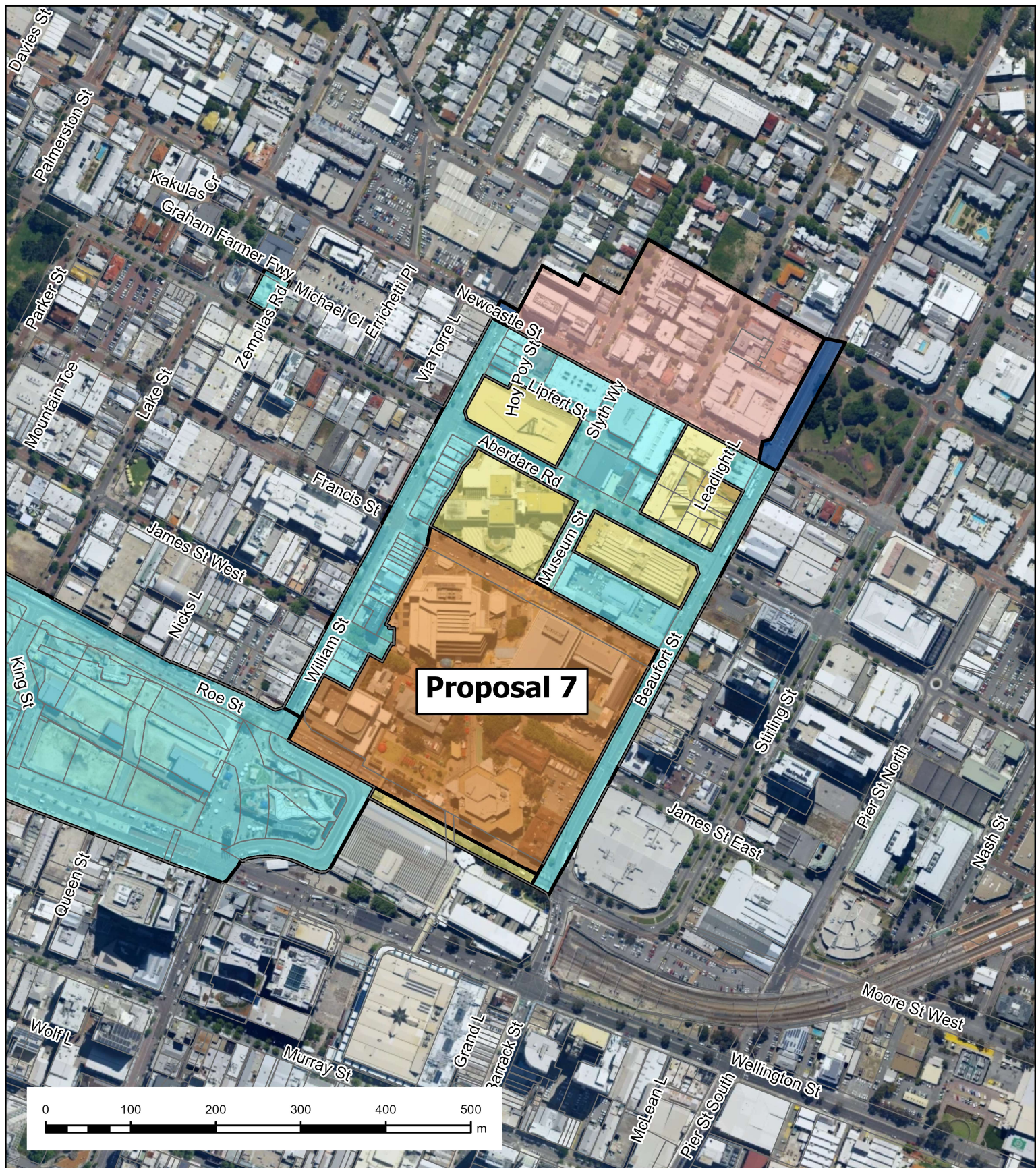
### MRS zones and reserves

- Central city area
- Civic and cultural
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## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 7 WITH AERIAL IMAGERY

### MRS zones and reserves

Central city area

Civic and cultural

Other regional roads

Parks and recreation

Primary regional roads

Public purposes - special uses

Public purposes - technical school

Railways

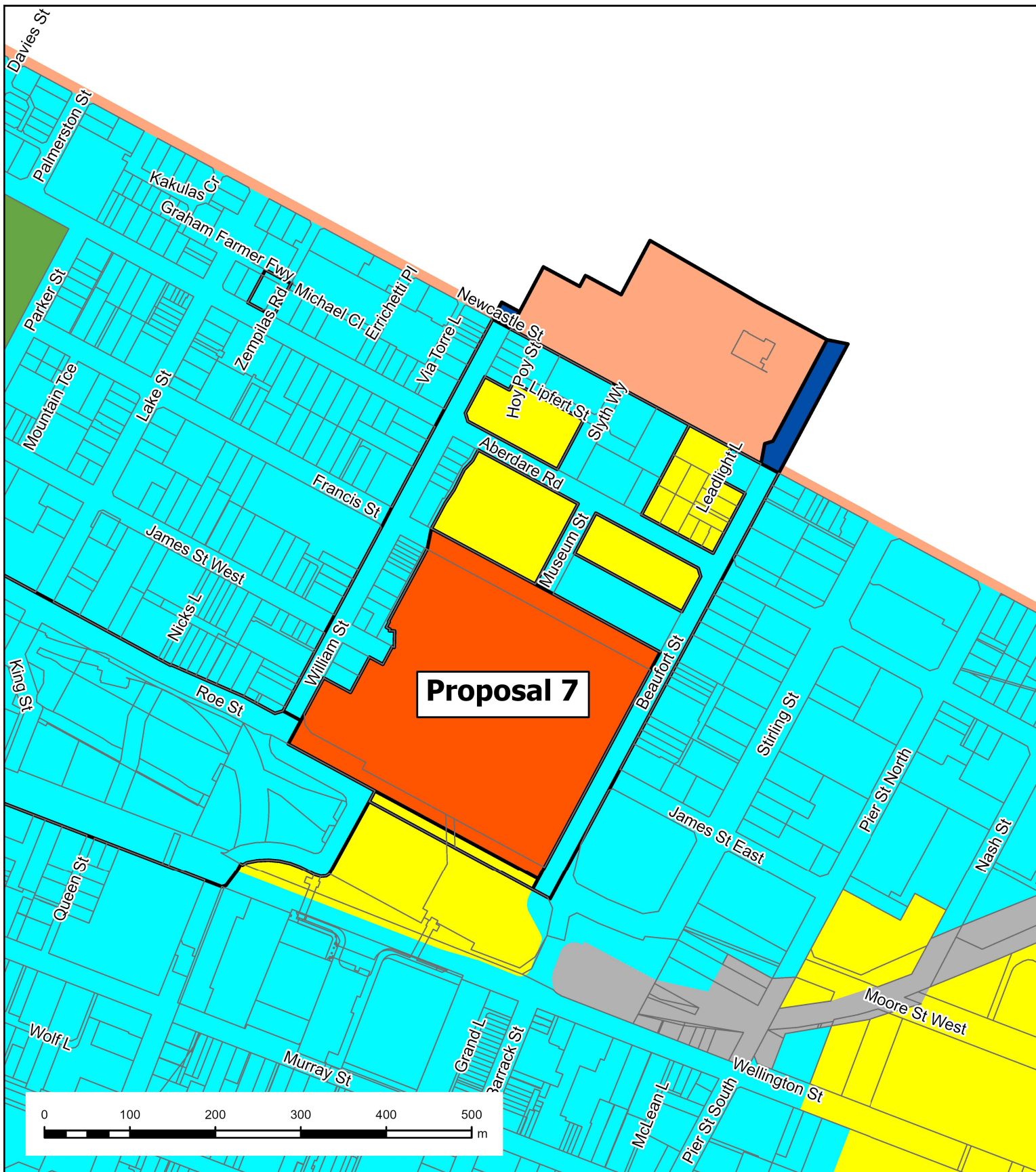
Urban

Waterways



29/01/2019





## MRS AMENDMENT 1356/57 - FUTURE MRA NORMALISATION AREAS PROPOSAL 7 WITH SURROUNDING CURRENT MRS

### MRS zones and reserves

Central city area

Civic and cultural

Other regional roads

Parks and recreation

Primary regional roads

Public purposes - special uses

Public purposes - technical school

Railways

Urban

Waterways



29/01/2019

## City of Perth Interim Homelessness Plan – Six Month Progress Update 1

Action	Timeline	Update
Work with Department of Communities and sector, where required, in the <b>development of a No Wrong Door concept</b>	TBA pending Dept.	Department of Communities is currently developing a co-design process for the No Wrong Door approach as part of the State's 10 Year Homelessness Strategy. The City has provided all raw data, consolidated reports and proposed approach it developed through collaborative workshops held with the homelessness services sector and state government during the development of the City Homelessness Framework Committee Action Plan. The Department will build on this work and the City will continue to provide input via the co-design workshops.
Work with Department of Communities and sector, where required, in <b>sector training for the No Wrong Door concept</b> .	TBA	Not yet commenced. Support role. Pending development of No Wrong Door approach.
<b>Establishment of low barrier/threshold housing options</b> within the City of Perth	Land identified by Dec 2019; Council owned land committed by April 2020.	<b>PRIORITY ACTION</b> <ul style="list-style-type: none"> <li>October-November 2019 the City worked with the sector driven Common Ground Working Group to identify 8 potential sites within the City of Perth for further analysis and shortlisting down to 3 sites with the aim to commence a process to enter negotiations to assign land to a Common Ground project.</li> <li>In December 2019 the State Government announced a commitment of \$35M towards the construction of two Common Grounds within the Perth metropolitan area, with the first to be constructed within the City of Perth.</li> <li>An EOI process will be undertaken by the state government, details of which are still being worked through.</li> <li>The City continues to work closely with the Common Ground Working Group and the Department of Communities and will facilitate the development of a Common Ground within the City of Perth, including preliminary and ongoing engagement with the community surrounding the preferred location when decided.</li> <li>Ongoing operational State funding will be critical to the success of Common Ground.</li> </ul>
Work with the Department of Communities and sector, where required, in the <b>mapping of housing stock</b> in the City of Perth.	TBA	Not yet commenced. Support role. Timing pending State's 10 year homelessness strategy implementation plan due March 2020.

Action	Timeline	Update
Work with the Department of Communities and Shelter WA in further research for a low barrier crisis accommodation models within the Inner City.	TBA	Not yet commenced. Support role. Timing pending State's 10 year homelessness strategy implementation plan due March 2020.
Work with the sector and State Government to establish a safe night space within the City of Perth, with consideration of appropriate support services model and potential locations.	Business case completed by end March 2020, to Council April 2020; women's safe nights space – Dec 2020	<p><b>PRIORITY ACTION</b></p> <ul style="list-style-type: none"> <li>• Preliminary discussions for a safe night space held with key stakeholders including design, service delivery models and opportunities.</li> <li>• Investigations have been undertaken into a new building and repurposing existing spaces, including infrastructure at designated service provision sites.</li> <li>• Concept designs and fly-throughs have been developed for a new build and repurpose of an existing City of Perth owned building.</li> <li>• Interim “pop-up” options are also being investigated (ie. carparks)</li> <li>• A submission has been made to the Federal Government's Safe Places Emergency Accommodation grant funding for a contribution towards capital costs.</li> <li>• A business case is being developed for the repurposing of an existing City owned building which will include options, costings and service delivery model for a women's only safe night space. The business case will be presented to a future Council meeting for consideration. Further work will continue for a safe night space for combined men and women.</li> <li>• Securing ongoing State funding for wrap-around support services for the safe night space/s will be critical to its success.</li> </ul>
Develop and implement a communication plan for the community to shift the mindset from 'managing homelessness' to 'ending homelessness'.		Initial discussions commenced. Workshop to be set up and involve homelessness sector and other local government authorities. Pending appointment of resources within Community Services and Communications and Marketing service units.
Develop and hold Local Government Forums on Homelessness to encourage shared initiatives and unified approach to homelessness.	April 2020-April 2021	Not yet commenced. To demonstrate leadership and commitment to ending homelessness the City will partner with WALGA and provide resource into WALGA to support the development of a joined up sector-wide policy, strategy, knowledge, expertise, and common tools and approaches aligned to state strategy to end homelessness and community need identified for place.



Action	Timeline	Update
Develop <b>guidelines and pathways for partnerships</b> to support collaboration with goodwill groups.	Feb 2020	Not yet commenced. Pending resource. Resource commenced in Feb 2020; expected delivery date will move to August 2020.
Implement an <b>Assertive Outreach</b> model for Perth CBD, linking to service provider referral pathways, in collaboration with inner City Local Governments.	Commence Jul 2020	<b>PRIORITY ACTION</b> <ul style="list-style-type: none"> <li>Workshops held with key service providers, including WA Police, to understand current assertive outreach services in the inner City, gaps and opportunities.</li> <li>Preliminary discussions with other local government authorities to collaborate on an assertive outreach model suitable for multiple local governments to participate.</li> <li>RFT for Assertive Outreach within the City of Perth is being drafted in consultation with surrounding local government and Dept of Communities. Tender acceptance process will run until April 2020. Expected that successful tender will be appointed June 2020 to commence July 2020. Timing may change due to internal procurement services workload.</li> <li>To support assertive outreach the City of Perth will assume responsibility for the Integration meeting previously led by Police. A revised terms of reference is currently being developed with the main objective to coordinate key services in the City to address antisocial behaviour, to support people experiencing homelessness and focus on hotspots throughout the City.</li> </ul>
Facilitate and lead opportunities to <b>align and coordinate corporate and private sector goodwill</b> and support for ending Homelessness in WA.	Ongoing	Government House event hosted by the Governor, The Honourable Kim Beazley AC on 8 October 2019 to launch the City Homelessness Framework Committee Action Plan and to create awareness of the strategy to ending homelessness and key priority projects. The City worked closely with service providers to deliver the event.  Continue to engage with retail, corporate and private sectors through different forums and create awareness of the City's priority projects and gain support for ending homelessness in WA.
Facilitate and lead <b>events and initiatives to engage the corporate and private sector</b> to identify opportunity for goodwill and support for ending Homelessness in WA	April 2020	Government House event hosted by the Governor, The Honourable Kim Beazley AC on 8 October 2019 to launch the City Homelessness Framework Committee Action Plan and to create awareness of the strategy to ending homelessness and key priority projects.

Action	Timeline	Update
		<p>Next Government House Event being developed to showcase key projects and call out for donations. Planning for 200-250 attendees. An application has been made to Government House for a date in June 2020.</p> <p>Fundraising Strategy to be developed to support the event in consultation with relevant stakeholders. Draft RFQ to develop a philanthropic model and fundraising strategy has been completed however no further actions as a resource required to continue this work. Resource will commence in February 2020.</p>
Continue to develop and maintain a <b>Homeless Services in the Inner-City Brochure</b> annually with up to date information to support access to services and supports.	<p>Mar 2020 (Print)</p> <p>Annual – revision and print; 6-monthly revision of web version.</p>	<ul style="list-style-type: none"> <li>New online system has been developed for homeless services to update information within brochure easily and to workflow electronically back to the City for action. No longer manual form process.</li> <li>Currently consolidating information ready for graphic design and print.</li> <li>New version of the brochure will include the Accredited services and program of service delivery from the Moore Street service delivery site.</li> <li>Numerous requests received from organisations since November 2019, including local govt, hospitals, state government departments, homeless service providers, etc. Approx. 3,000 brochures to be distributed to current waitlist.</li> </ul>
Continue to support and co-chair the <b>City Homeless Framework Committee</b> and oversee the progression of the actions identified within the Action Plan.	<p>April 2020</p>	<ul style="list-style-type: none"> <li>City Homelessness Framework Committee Action Plan launched at event hosted by the Governor at Government House on 8 October 2019.</li> <li>City of Perth has incorporated its actions into the City of Perth Interim Homelessness Plan.</li> <li>New governance framework to oversee the implementation of the plan to be developed. Priority for actions will be aligned with the City's priorities and the state's 10-year strategy to end homelessness and subsequent implementation plan. In the interim, the City is participating in or establishing project teams and working groups which have been created to implement priority actions.</li> </ul>
Continue to participate in the <b>Council of Capital City Lord Mayors (CCCLM)</b> and advocate at a Federal level for collective systemic changes.	Ongoing	<ul style="list-style-type: none"> <li>Commissioner Gaye McMath and General Manager Anne Banks-McAllister attended the CCCLM's Lord Mayor's meeting in Melbourne on 10 October 2019.</li> <li>Alliance Manager Community Services attended CCCLM Homelessness and Housing Working Group meeting held in Brisbane 28-29 November to discuss CCCLM federal government budget submission and proposed CCCLM National Summit at Parliament House in Canberra.</li> <li>Next Lord Mayor's meeting is scheduled for late February 2020. The City will be an apology.</li> </ul>

Action		Timeline	Update
			<ul style="list-style-type: none"> <li>The City has contributed into the pre-budget submission which will be submitted to the Federal Government. The submission focusses on clear strategy and increased investment in housing and homelessness.</li> </ul>
Support a <b>housing first approach</b> to end homelessness in Western Australia.		Ongoing	Ongoing and to be incorporated into all communications and proposed homelessness strategy.
Develop <b>strong connections and foundations with service providers</b> to support the sector.		Ongoing	<ul style="list-style-type: none"> <li>Participating in and leading working groups, steering committees for project and strategic deliverables;</li> <li>Successfully achieved a position on the WA Alliance to End Homelessness Collaborative Lead Group.</li> <li>Attending and holding regular meetings with key services and organisations.</li> <li>Regular 6 weekly progress meetings with key personnel from the Department for Communities.</li> <li>Continue to build relationships with key services and goodwill/community groups and individuals.</li> </ul>
Commit to <b>cultural awareness training</b> for all City of Perth staff to better engage with the Aboriginal community and develop more culturally appropriate relationships.		Ongoing	<p>Complete.</p> <ul style="list-style-type: none"> <li>Majority of City of Perth staff have undertaken mandatory cultural awareness training.</li> <li>Next sessions are being organised to capture new employees and will be held 6-monthly as part of City's onboarding program.</li> <li>Cultural immersion training being planned as part of Innovate Reconciliation Action Plan.</li> </ul>
Develop an <b>Aboriginal Engagement Framework</b> to provide a deeper understanding of the Aboriginal community to inform planning, implementation and accountability of City of Perth business.		Ongoing	<ul style="list-style-type: none"> <li>Aboriginal Engagement overseen and coordinated by Community Services unit for the organisation.</li> <li>Informal framework in place with WWP and Elders Advisory Group.</li> <li>Will be formalised pending Settlement of the Whadjuk Indigenous Land Use agreement and establishment of the Regional Corporations.</li> <li>City will partner with WALGA and provide resource into WALGA to support the development of a sector-wide approach to Aboriginal engagement.</li> </ul>
Develop, maintain and evaluate <b>mutually reciprocal partnerships with local governments</b> to end homelessness in Western Australia.		Ongoing	<p><b>Rough Sleeper Count</b></p> <p>City of Perth is developing and coordinating a rough sleeper count, scheduled for morning of Tuesday 17 March 2020 between 1am and 3am. Multiple local governments will be involved and the count will be conducted simultaneously across the Perth metropolitan area. The City is currently developing the mapping app and</p>



Action	Timeline	Update
		<p>will assist with the recruitment of volunteers where required. The count will provide a baseline for the City of Perth and broader metropolitan areas on the number of people sleeping rough. It is planned to hold two counts per year; with the aim to move towards a Connections Week which will provide more data on the complexities of people sleeping rough and assist to identify service needs.</p> <p><b>Partnerships</b></p> <p>The City will partner with WALGA and provide resource into WALGA to support the development of a joined up sector-wide policy, strategy, knowledge, expertise, and common tools and approaches aligned to state strategy to end homelessness and community need identified for place.</p> <p><b>Assertive Outreach</b></p> <p>Preliminary discussions have occurred regarding an assertive outreach model across the inner City Councils.</p> <p><b>Inner City Group – Community Services</b></p> <p>The City of Perth is participating in the Inner City Group for Community Services which has identified homelessness as the number one priority for inner city Councils. The Group is chaired by CEO of City of Vincent.</p>
<b>Review Homeless Connect Perth</b> to ensure it aligns with the ending homelessness in Western Australia strategy and meets objectives of service providers within the sector.	April 2020	Review has commenced in collaboration with Volunteering WA. Consultation is being undertaken with service providers and people who access the event. Findings report and recommendations will inform future events and partnerships.
Take a <b>lead advocacy role for service providers</b> in platforms and forums to progress organisational objectives and create social change to end homelessness in Western Australia.	April 2020	<ul style="list-style-type: none"> <li>• Homelessness Advocacy Plan being developed. Progress is pending review of organisations advocacy approach.</li> <li>• Further work pending additional resource.</li> </ul>
<b>Identify and provide support for activities and initiatives</b> which	Ongoing	<b>Homeless Connect Perth 2019</b> Partnered with Volunteering WA to deliver <b>Homeless Connect Perth 2019</b> . Event held 13 November. Over 2000 guests attended, 250 volunteers assisted on the day,

Action	Timeline	Update
contribute to ending homelessness in Western Australia.		<p>and over 200 assisted prior to the event. Evaluation of the event is due 4 March 2020.</p> <p><b>Community Enhancement Grants</b> Community Enhancement grants are available to organisations with new initiatives. A \$11,596 grant was awarded to Ground+Co, an employment initiative by Underground Collaborative which will train and employ people experiencing, or at-risk of homelessness, to become baristas.</p> <p><b>Container Deposit Scheme</b> The City engaged early with homelessness service providers on the City's container deposit scheme and the City's proposal to support those at risk of or experiencing homelessness through income generated from container refunds and employment opportunities at refund points.</p>
Commit support to <b>ongoing research of factors contributing to homelessness</b> in Western Australia sharing findings with the sector to inform and contribute to strategies and plans.		<p>Not yet commenced.</p> <p>Research plan to be developed. Pending resource to undertake work.</p>
Work with relevant service providers to investigate the <b>expansion of hours for day centres</b> currently operating within the City of Perth	October 2019	<p><b>PRIORITY ACTION</b></p> <p>Complete.</p> <p>State committed to funding Tranby Day Centre expansion of hours to 7 days, 7am to 7pm. Commenced 21 October 2019.</p> <p><i>City will continue to monitor and work with service providers and businesses in the area to help manage impacts. Two meetings held in January 2019 with businesses and service providers within the Aberdeen St precinct to try and work collectively to reduce antisocial behaviour in the area. The City will continue to work closely with the community throughout February and for as long as required. The City continued to provide its support to UnitingCare West who have 240 people on average accessing services each day with highly complex needs. The Centre has been funded to support 80 people experiencing homelessness.</i></p>

Action	Timeline	Update
Develop strategies to manage and coordinate use of public spaces meeting the expectations and needs of the whole community, including those experiencing homelessness.	ongoing	<ul style="list-style-type: none"> <li>Homeless Services in the Inner City brochure outlines protocols for people engaging with people experiencing homelessness.</li> <li>Integrated and place-based approach is being developed with the CBD and Aberdeen Street precinct a priority.</li> </ul>
Develop an Accreditation Process to assist coordination of goodwill groups and alignment to the broader direction of the Homeless Sector.	Applications to open from February 2020; service delivery from end March 2020.	<p><b>PRIORITY ACTION</b></p> <ul style="list-style-type: none"> <li>External and internal working groups were formed to assist the development of the Accreditation application process, guidelines and to inform potential sites within the City for service delivery. 30 sites identified and shortlisted to 6. Audit of shortlisted sites and stakeholder engagement was undertaken with Moore Street, site adjacent Midland Train Line recommended as the preferred site. The site was endorsed by Council at its 26 November 2019 meeting.</li> <li>An implementation plan including risk management plan, stakeholder/feedback plan, communication plan, process, data collection methodology and evaluation; and a system with parameters for data collection and data sharing has been completed. An online application system has been developed to accept applications from services.</li> <li>Infrastructure has been installed on site including traffic management systems, durable picnic tables, a water tap and drinking fountain, CCTV, additional lighting, trees and bins. Security services has been procured.</li> <li>Further investigation into shelters will be undertaken as the trial progresses. It is possible that these may be incorporated into planned works at the Moore Street Rail Level crossing.</li> <li>Applications for the Accreditation of services operating within the public realm were opened ahead of schedule on 12 December 2019 and the panel met for the first time 6 January 2020. Sixteen (16) providers met the requirements and are now approved for delivery of services within the public realm. Their days and times have been programmed by the City which has seen the coordination of services remove duplication, improve resource efficiency and improve accessibility to services for people experiencing homelessness.</li> <li>Of those who have not submitted an application, one service provider decided to move onto suburban areas, however changes to their current provision has provided a streamlined approach to service delivery. The City</li> </ul>

Action		Timeline	Update
			<p>has also seen an increase of partnerships and collaboration within the sector. In addition, roving services have committed to stationary food service at the Moore St site.</p> <ul style="list-style-type: none"> <li>• Commencement of service delivery from the Moore Street site began on Tuesday 18 February 2020. The City is coordinating its operations and working with WA police to support implementation.</li> <li>• The City will continue to work very closely with goodwill groups, service providers and stakeholders over the coming 12 months, including regular engagement with surrounding properties. It will also continue to work with groups that are identified to be operating within the public realm without Accreditation.</li> <li>• An evaluation will take place throughout the trial and a report will be presented to the January 2021 Council meeting with findings and recommendations.</li> </ul>
Develop a City of Perth Homelessness Strategy		June 2020	Discussion paper currently being developed.



# Council Policy Manual

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## CP18.9 STREET ENTERTAINMENT

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### POLICY OBJECTIVE

To:-

- encourage street entertainment performances of a high quality to enhance the vibrancy, vitality and ambience of the City;
- provide a framework to ensure performances are well managed in order to maintain the well being, comfort and safety of the public and performers;
- minimise complaints, criticism and other problems associated with street performers, while supporting the rights of individuals to express themselves using a popular artform; and
- determine the conditions to be applied to permits issued under the City of Perth Public Trading Local Law 2005 in relation to Street Entertainers.

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### POLICY STATEMENT

#### Where performances can take place and who can perform

1. A permit holder shall not be permitted to perform in the following locations:-
  - (a) either side of the Perth Railway station concourse; and
  - (b) Padbury Walk (City of Perth upper-level walkway system).
2. A permit holder may perform in any public place other than a place specified in clause 1, subject to:-
  - (a) the performance not interfering with the passage of pedestrians or vehicles;
  - (b) doorways to shops and buildings being kept clear at all times;
  - (c) the performance not interfering with an event or activity approved by the City; and



# Council Policy Manual

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## CP18.9 Street Entertainment

- (d) the performance being a reasonable distance from another performance permitted by the City so as not to interfere or distract the other performance.
- 3. A permit holder cannot reserve a location or leave equipment or articles in the permitted area.
- 4. A permit holder, other than a pavement or visual artist, can only perform in one location for no longer than 30 minutes, after which time the permit holder:-
  - (a) must move at least 50 metres from the permitted area; and
  - (b) cannot return to, or be within 50 metres of the permitted area for at least two (2) hours.
- 5. A person under the age of 14 years is not to perform in any part of a performance unless accompanied by an adult at all times.
- 6. A maximum limit of six artists applies in any one performance unless a greater number of performers is approved and included as a condition on a permit.

### Pavement and Visual Artists

- 7. A permit holder performing pavement or visual art that is working on paper or card must use chalk or water based paint.

### Content of Performances

- 8. The use of amplification during a performance:-
  - (a) can only be battery operated as main voltage amplification is prohibited. The City reserves the right to impose a decibel limit on amplified sound at its discretion. The maximum level permitted is 72dB(A); and
  - (b) is not permitted from Monday to Saturday, between 10.00pm and 7.00am, and on Sundays between 10.00pm and 9.00am;
  - (c) is not permitted in the Hay Street Mall.



# Council Policy Manual

## CP18.9 Street Entertainment

Document Control Box							
<b>Document Responsibilities:</b>							
Custodian:		Custodian Unit:		Activity Approvals			
Decision Maker:							
<b>Compliance Requirements:</b>							
Legislation:							
Industry:							
Organisational:							
<b>Document Management:</b>							
Risk Rating:		Review Frequency:		Next Due:		TRIM Ref:	P1020490
Version #	Decision Reference:		Synopsis:				
1.	OCM 23/02/99 (75/99)		Previous Policy No. ST9				
2.	OCM 17/02/04 (115/04)						
3.	OCM 30/01/07 (72/07)						
4.	OCM 18/11/08 (990/08)						
5.	OCM 11/10/11 (632/11)						





# Council Policy Manual

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## Street Entertainment (Busking) Policy

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### Policy Objective

The City recognises that street entertainment provides a valuable contribution to cultural life within Perth city and is committed to encourage and facilitate street entertainment, on land under the City's care, control and management, in a well-managed framework so that the urban environment can be enjoyed by all.

### Policy Scope

This policy applies to all street entertainers that perform within the City's local government area. For the purposes of this policy, a busker is an entertainer who is actively providing a performance in a public space in exchange for a voluntary donation.

### Policy Statement

Vibrant street entertainment generates activity through the City's precincts, delivering positive economic and social outcomes for the City, community and businesses. Street entertainment offers new and engaging experiences to passers-by and contributes to a lively and creative city experience.

The City understands street entertainment should enhance the ambience of an area while not adversely impacting nearby business and commercial activities, public safety, pedestrian traffic or the amenity of a public space. To facilitate this, the City is committed to providing a framework to ensure street performances are well managed, to maintain the wellbeing, comfort and safety of the public and performers. This policy is supported by a comprehensive guide to the Busking Permit Application process inclusive of selection criteria.

### Essential Selection Criteria

The following criteria are relevant to all categories and must be demonstrated by the application for a permit to be granted.

- The application provides evidence of a rehearsed act/established visual art practice with a variety of content.
- The performance/artwork is appropriate for public space (no offensive language or behaviour).
- The performance/artwork does not involve political or religious rallying, advertising or canvassing.
- The performer/artist is well presented, their set-up is neat and suitable for public space.
- Equipment and materials used are appropriate for public space.

### Additional Selection Criteria

The below are non-essential criteria. Additional assessment points will be allocated to applications that meet these criteria.

- The application provides evidence of a high level of skill and highly developed repertoire (the performer delivers a wide variety of songs/material).
- The application provides evidence that the performer, performance or artwork possesses a unique quality and can entertain and engage a large audience.

<b>Document Control Box</b>							
<b>Document Responsibilities:</b>							
<b>Custodian:</b>	Alliance Manager Activation and Cultural Experience			<b>Custodian Unit:</b>	Activation and Cultural Experience		
<b>Decision Maker:</b>	Council						
<b>Compliance Requirements:</b>							
<b>Legislation:</b>	Public Trading Law 2005 Thoroughfares and Public Places Local Law 2017						
<b>Industry:</b>							
<b>Organisational:</b>	City of Perth Busking Guidelines 2019 City of Perth Strategic Community Plan 2019 - 2029 City of Perth Cultural Development Plan 2019 - 2029						
<b>Document Management:</b>							
<b>Risk Rating:</b>		<b>Review Frequency:</b>		<b>Next Due:</b>		<b>TRIM Ref:</b>	
<b>Version #</b>	<b>Decision Reference:</b>		<b>Synopsis:</b>				
1.							



City of Perth

# City of Perth

## Busking Guidelines 2019

Updated 12 August 2019



City of **Perth**

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# Contents

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<b>Contents</b>	<b>1</b>
<b>Purpose</b>	<b>3</b>
<b>Objectives</b>	<b>3</b>
<b>Principles</b>	<b>3</b>
<b>What is Busking?</b>	<b>4</b>
<b>How to Apply</b>	<b>4</b>

---

<b>Assessment of Application</b>	<b>6</b>
<b>Permit Collection</b>	<b>7</b>
<b>Permit Renewal/Reapplication</b>	<b>8</b>

---

<b>Busking Locations</b>	<b>8</b>
<b>General Guidelines and Conditions</b>	<b>10</b>
<b>Breach of General Conditions and Guidelines</b>	<b>12</b>
<b>Enquiries</b>	<b>14</b>

---

<b>References</b>	<b>14</b>
<b>Definitions</b>	<b>14</b>

## Purpose

The City of Perth greatly values the diversity of entertainment that buskers and street performers provide in the public realm. The City of Perth is also committed to providing a safe, accessible and culturally sensitive environment for all visitors, workers and residents. These Guidelines have been developed to support and encourage performers from all backgrounds, abilities and through different mediums to showcase their craft in the city.

The City recognises the valuable contribution street entertainment and busking makes to the vitality, vibrancy and ambience of the city. We also recognise the importance of having a structured policy framework in place to support performers, minimise criticism, complaints and any other issues relating to busking activity in the city's public space.

The Busking Guidelines 2019 provides this framework. The aim is to foster an environment that encourages and supports a range of busking activities to thrive in Perth city.

## Objectives

The objectives of the Busking Guidelines 2019 are to:

- Encourage street entertainment performances of a high quality to enhance the vibrancy, vitality and ambience of the City;
- Provide a framework to ensure performances are well managed to maintain the wellbeing, comfort and safety of the public and performers;
- Minimise complaints, criticism and other issues associated with street performers, while supporting the rights of individuals to express themselves using a popular artform; and
- Determine the conditions to be applied to permits issued under the City of Perth Public Trading Local Law 2005 in relation to Street Entertainers.

## Principles

The City of Perth recognises that:

- Busking activity provides a valuable contribution to the cultural life within Perth city.
- Busking should provide a variety of performances and offer new and engaging experiences to passers-by.
- Busking should not adversely affect public safety, pedestrian traffic or the amenity of a public space for city users.
- Busking should enhance the ambience of an area and take care not to adversely impact upon nearby businesses and activities.

# What is Busking?

In the context of the City of Perth's Street Entertainment (Busking) Policy a busker is an entertainer who is actively providing a performance in a public space in exchange for a voluntary donation.

Performances should create a comfortable ambience and contribute positively and respectfully to the amenity of public space. Busking throughout the city should offer a variety of performances that engage passers-by and create a sense of interest and curiosity.

## Permitted forms of busking

Types of busking performances may include:

- Performing with an instrument or multiple instruments
- Live performance, including but not limited to: singing, dancing, mime, clowning, juggling, puppetry, comedy, magic or living statue act
- Performing a Circle Act (in permitted locations only)
- Creating visual art (excluding aerosol art)

## Activities not considered busking

The following activities are not considered to be busking and are ineligible for a busking permit:

- Fundraising, events or promotions, even if they involve an element of performance
- Spruiking, religious or otherwise
- Political rallying
- Tarot card reading, fortune telling
- Massage, chiropractic treatment or other physical manipulation
- Temporary tattoo applications
- Vendors of any kind – including the sale of jewellery, craft items, flowers, glow sticks, pre-fabricated artwork and other merchandise (see notes below on sale of visual art under Permit Type 4. Visual Artist)
- Any activity defined as 'trading' pursuant to City of Perth's Public Trading Local Law 2005
- Begging

# How to Apply

## Submitting an Application

- Submit an online [Busking Permit Application Form](#) via the Busking page on the City of Perth website
- If you do not have access to a computer, hard copy application forms are available from Council House, 27 St George's Terrace, Perth.



- Applicants will be required to provide a link to a video of their performance (YouTube or Vimeo preferred).
- Visual Artist applicants will be required to submit up to six photographs of their work and their set-up.

Submissions can be provided via alternative formats if required, please contact the City of Perth on (08) 9461 3333 or email [info.city@cityofperth.wa.gov.au](mailto:info.city@cityofperth.wa.gov.au)

## Permit Types

There are four permit categories for busking in the City of Perth, these categories have been named in honour of prominent buskers who once enlivened Perth's streets and malls. Please see *Assessment of Application* for further information on how permit categories are awarded.

### 1. Button Permit (in honour of Percy Button)

- Button permits will be awarded to buskers who meet all of the *Essential Selection Criteria*.
- Button permits will be awarded to acts that are considered 'low impact', in that they do not require a large amount of space and engage with passers-by for short periods of time.
- Button permit holders will be permitted to perform at Button pitch locations and any area outside of the busking priority precincts outlined in the "Busking Locations" section of this document.

### 2. Gill Permit (in honour of John Gill)

- Gill permits will be awarded to buskers who meet all of the *Essential Selection Criteria* and at least one of the *Additional Selection Criteria*.
- Gill permits will be awarded to acts that are considered 'low impact', in that they do not require a large amount of space and engage with passers-by for short periods of time.
- Gill permit holders will be permitted to busk at Gill pitch locations, Button pitch locations and any area outside of the busking priority precincts outlined in the "Busking Locations" section of this document.

### 3. Blade Permit (in honour of Captain Matty Blade)

- Blade permits will be awarded to Circle Acts and large group acts that meet all of the *Essential Selection Criteria* and at least one of the *Additional Selection Criteria*.
- Blade permits will be awarded to acts that are considered 'high impact' in that they have the potential to gather large crowds, require a large amount of space and/or emit sound at a higher volume than would be acceptable in 'low impact' spaces.
- Blade permit holders will be permitted to perform only at Blade pitch locations, which have been established to safely accommodate 'high impact' performances.

## 4. Visual Artist Permit

- Visual artists are permitted to set up in designated locations for the purpose of actively creating visual art. Visual artists must setup within a 1 square metre space. Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are visually impaired, setting up against the building line is not permitted.
- Visual artists creating pavement art must use chalk or water based paints.
- Visual artists may receive voluntary donations while creating their artwork.
- Visual artists may sell their artworks while busking if the following conditions are met:
  - The artist is only selling artwork they have created themselves
  - The artist must be actively creating artwork while busking
  - The artist has a valid Sale of Media permit (Sale of Media permits are only issued for the same duration as Visual Artist busking permits – e.g. 3 months or 12 months)

### Permit Fees

Duration	Cost – 2018/19
Three (3) Months	\$25
Twelve (12) Months	\$60
Permit printing fee (one off fee for initial printing of permit)	\$12
Sale of Media – Three (3) Months	\$20
Sale of Media – Twelve (12) Months	\$45
Replacement of lost or damaged permit	\$12

Please note –

- Sale of Media permits are only issued for the same duration as busking permits.
- Fees are subject to change each financial year. Please refer to the City of Perth's [Municipal Fees and Charges Schedule](#) for confirmation of current fees.

### Assessment of Application

Applications will be assessed by the City's Arts, Culture and Heritage team in accordance with the following criteria and permit categories will be allocated accordingly:

## Essential Selection Criteria

The following criteria are relevant to all categories and must be demonstrated by the application for a permit to be granted.

- The application provides evidence of a rehearsed act/established visual art practice with a variety of content.
- The performance/artwork is appropriate for public space (no offensive language or behaviour).
- The performance/artwork does not involve political or religious rallying, advertising or canvassing.
- The performer/artist is well presented, their set-up is neat and suitable for public space.
- Equipment and materials used are appropriate for public space.

## Additional Selection Criteria

The below are non-essential criteria. Additional assessment points will be allocated to applications that meet these criteria.

- The application provides evidence of a high level of skill and highly developed repertoire (the performer delivers a wide variety of songs/material).
- The application provides evidence that the performer, performance or artwork possesses a unique quality and can entertain and engage a large audience.

Applications will be assessed on a weekly basis and applicants will be notified via email of the outcome of their application.

Unsuccessful applicants may reapply two months after the date of their previous submission.

## Permit Collection

Successful applicants will receive an email advising of the permit category they have been allocated and the associated fee. Applicants will need to visit Council House, 27 St George's Terrace, Perth with the following to receive their Busking Permit:

- Photo identification
- Payment for cost of permit fee

At Council House a Customer Service Officer will:

- sight the applicant's photo identification
- process payment of the Busking Permit fee
- take a photo of the applicant (to be printed on the Busking Permit)
- print and issue the Busking Permit

Permits must be displayed clearly during all busking performances. Failure to display a valid Busking Permit may incur a \$100 penalty.

## Permit Renewal

Permit holders will be able to renew their permit for an additional three months or 12 months following their original permit period. A performance video link will need to be submitted upon each renewal.

Once a permit is due for renewal, an automatic email will be sent to the permit holder with a permit renewal link.

## Permit Reapplication

All permit holders will be required to reapply for a Busking Permit after two (2) years from their initial date of application and every two years following. This is to ensure contact details are up to date and quality control is maintained.

Once a permit is due for reapplication, the permit holder will be contacted via email asking them to reapply online for a new Busking permit.

## Busking Locations

In consideration of the valuable contribution busking and street entertainment makes to the vibrancy and ambience of an area, several precincts have been identified as priority areas for busking. To ensure busking activities are positioned in locations that are conducive to live performance and pose minimal risk of disruption to traffic flow and nearby businesses, busking pitches are demarcated on the ground at each location. These busking pitch locations are usable on a first-come basis – a permit holder cannot reserve a location or leave equipment or articles in the permitted area.

Buskers are not to deviate more than 5m from the demarcated pitch (or a reasonable distance for a reasonable amount of time during the performance, depending on the nature of the act). A map of these locations can be found at the [Busking page](#) on the City of Perth website.

The City of Perth recognises and encourages the broad diversity of performances within the busking community. To ensure performances are distributed evenly and appropriately throughout priority areas, busking pitches are divided into four categories; Button, Gill, Blade and Visual Art. Permit holders will be permitted to perform in locations that correspond to their permit category.

Events or activities approved by the City of Perth may from time to time occur in areas where busking is permitted. In these instances, Buskers must respect the space requirements of the event organisers and find alternative locations outside of the event area to perform during the set-up, duration and pack-down of the event/activity.

## Priority Busking Precincts

The following precincts are considered a priority for busking; performances must take place only at demarcated pitches in these areas:

- Hay Street Mall (no amplification)
- Murray Street Mall
- Elizabeth Quay
- Yagan Square
- Kings Square
- Cathedral Square
- Perth Cultural Centre
- Forrest Place main stage

## Open Busking Areas (all permit holders)

Button, Gill and Visual Art permit holders are permitted to busk at sites outside of the priority busking precincts that comply with the following:

- a) the performance does not interfere with the passage of pedestrians or vehicles;
- b) the doorways to shops and buildings are kept clear at all times;
- c) the performance does not interfere with an event or activity approved by the City of Perth; and
- d) the performance is a reasonable distance from another performance permitted by the City of Perth (so as not to interfere or distract from the other performance).

## Visual Artist Areas

Visual artists are permitted at demarcated visual art pitches in the following precincts:

- Hay Street Mall
- Elizabeth Quay
- Perth Cultural Centre

## Busking No-Go Zones

Busking is not permitted:

- On or either side of the Perth Train Station Concourse
- Padbury Walk (the upper concourse above the Murray Street Mall)
- Forrest Place (except the main stage, which is permissible for Blade permit holders only)

The City may by notice in writing to a permit holder vary the areas or precincts in which the permit holder is permitted to perform.

# General Guidelines and Conditions

General guidelines and conditions for busking in the City of Perth include but are not limited to the following:

## Permit required to perform

A valid Busking Permit must be displayed at all times during performances. Failure to display a valid permit or produce a valid permit on request of an authorised person may incur a fine.

## Age restrictions

A person under the age of 14 years must be supervised by a parent or guardian at all times and is not permitted to perform:

- (a) during school hours on school days; or
- (b) between 7:00pm and 6:00am on any day.

People under the age of 14 who wish to perform as part of a group will be required to apply for their own permit and a parent/guardian will be required to accompany the applicant to Council House to complete a Consent Form prior to the permit being issued.

Buskers under the age of 14 must carry their permit with them whenever they perform.

## Obligations of a permit holder

A permit holder shall not in a public place:

- Use fire or any weapon or object with sharp edges;
- Perform any act that endangers the safety of the public;
- Perform any act of cruelty to an animal;
- Act in an offensive or obscene manner;
- Sell or permit the sale of any music, tapes, recordings compact discs, artwork or other media unless authorised by the City through a valid Sale of Media permit;
- Place, install, erect, play or use any musical instrument or any device which emits music or amplified sound, including a loud speaker or an amplifier –
  - other than in the permitted area; and
  - unless the musical instrument or device is specified in the permit
- Solicit money from members of the public by approaching individuals requesting money
- Perform wearing dirty, torn or ragged clothing;

## Safety

Busking activity should always prioritise public safety and the accessibility of public space for all people. The amenity of an area must not be compromised by noise, excessive amplification,

tripping hazards, anti-social behaviour or dangerous activities. Busking should be integrated into the street in a way that does not compromise the flow of pedestrian movement and access to businesses and amenities.

Buskers must ensure that neither themselves, nor their audience, pedestrians or the general public are put at risk at any time during their performance. Buskers must accept responsibility for any impact that their performance may have on any other City services and activities.

## Pedestrian Access/Audience Management

Buskers are responsible for maintaining pedestrian flow and public amenity at all times.

Buskers and street performers must ensure free and safe access for pedestrians along pathways or thoroughfares near the performance site. Performers should ensure that their audience do not block doorways, business entrances, dining areas, fire escapes, bus stops, train station entrances and access to other amenities.

Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are visually impaired, busking against the building line is not permitted.

Buskers must not perform within five (5) metres of a road intersection including any pedestrian crossing or traffic signals.

Where necessary, buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances as indicated above.

## Noise Management

Sound from busking activities has the potential to disrupt business trading, affect workplace performance and detract from public amenity. While busking activity and street performance can enhance the vibrancy of the public realm, it can also cause discomfort to others in the area if it is excessive.

Buskers are responsible for ensuring that the volume of their performance is maintained at a reasonable level. The volume should be appropriate for an audience viewing the performance from up to five (5) metres away and should not be intrusive above background levels to the degree that a passer-by would need to strain their voice to be heard over the sound.

Buskers are entrusted to monitor their own sound levels and adjust the volume of their performance accordingly. **If an authorised person requests that the volume of the performance be reduced, the busker must turn the volume down to an acceptable level immediately.** If the busker is found by an authorised person to have turned the volume up after having received notice to turn it down, their permit may be cancelled or suspended and/or an infringement issued. Repeated excessive noise will result in the cancellation of a busking permit.



**Noise restrictions exist around residential dwellings between 10pm – 7am Monday to Saturday, and until 9am on Sundays and public holidays.** If a busker is found to have breached noise regulations during these restricted times, their permit may be cancelled or suspended and/or an infringement issued.

## Amplification

The use of amplification during a performance:

- Can only be battery operated
- The City reserves the right to impose a decibel limit on amplified sound at its discretion. The maximum level permitted is 72dB(A)
- Is not permitted from Monday to Saturday, between 10.00pm and 7.00am, and on Sundays between 10.00pm and 9.00am
- Is not permitted in the Hay Street Mall
- Only one amplifier per person is permitted

## Performance Duration and Frequency

A busker should not exceed 45 minutes in duration per performance, including setup and pack-down time. Visual artists and “living statue” performers are exempt from this restriction as it can take a long time to set up a workspace and develop an artwork.

A busker is not permitted to perform in the same location twice within a four (4) hour period.

## Sale of Media

The City acknowledges that the sale of CDs, media or artworks helps to support the development of an artist, however a Sale of Media permit must be obtained and the following rules adhered to:

- Sale of Media permits will only be issued for the same time period as busking permits
- No advertising signage is to be erected or displayed
- The performer must not solicit the public to purchase
- Media may only be sold while busking. Selling media independently of busking is not allowed

## Breach of General Conditions and Guidelines

In the interest of creating and maintaining a lively, safe and respectful community environment, the City of Perth encourages self-regulation of busking activities. In the case of busking related complaints being received by the City, all efforts will be made to discuss the nature of the complaint with the busker and explain the reasons behind permit conditions and guidelines to resolve disputes without further action.

If further complaints are received or the busker is found to have continued to breach the conditions of their permit, these breaches will be dealt with in accordance with the Public Trading Local Law 2005.

## City of Perth Public Trading Local Law 2005 Offences and Penalties

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.7	Failure to comply with a condition of a permit	\$100
2	2.12	Failure to produce permit on request of an authorised person	\$100
8	4.2(1)	Performing in a public space without a permit	\$100
9	4.4(2)	Failure of performer to move on to another area when directed	\$100
10	4.6	Failure of performer to comply with obligations	\$100
11	6.1(1)	Failure to obey a direction of an authorised person	\$100
12	6.1(2)	Obstructing or hindering an authorised person in the performance of their duties	\$100
13	6.3	Failure to comply with notice under this local law	\$100
14		Other offences not specified	\$100

## Cancellation or Suspension of a Permit

In accordance with the Public Trading Local Law 2005, a permit may be cancelled or suspended by the City on any one of the following grounds:

- a) The permit holder has not complied with –
  - i. a condition of the permit; or
  - ii. a provision of the local law or any other written law which may relate to the activity regulated by the permit.

On the cancellation or suspension of a permit, no fees paid in relation to the permit will be refunded.

## Enquiries

This document is available in alternative formats upon request including Braille, Audio and Large Font. To request this document in an alternative format or for further information on the City of Perth Busking Guidelines please contact 9461 3333 or email [info.city@cityofperth.wa.gov.au](mailto:info.city@cityofperth.wa.gov.au)

## References

Document Title	Location
City of Perth Policy Street Entertainment (Busking)	<a href="https://www.perth.wa.gov.au/council/finance-and-corporate-documents/city-perth-policy-manual">https://www.perth.wa.gov.au/council/finance-and-corporate-documents/city-perth-policy-manual</a>
City of Perth Public Trading Local Law 2005	<a href="https://www.perth.wa.gov.au/council/finance-and-corporate-documents/local-laws">https://www.perth.wa.gov.au/council/finance-and-corporate-documents/local-laws</a>

## Definitions

Term	Definition
Amenity	Means a desirable or useful feature or facility of a building or place.
Authorised Person	Means the Chief Executive Officer or any other person authorised by the City of Perth under section 9.10 of the Local Government Act 1995 to be an authorised person for the purposes of enforcing the provisions of local law.
Busker	Means the holder of a valid City of Perth busking permit.
Busking	Busking is defined as playing a musical instrument, singing, reciting or performing comedy, juggling, puppetry, miming, dancing or other entertainment or doing any of those things concurrently. For further information on what is and is not considered busking, please see <i>Busking and Street Entertainment</i> section above.
Circle Act	Means a structured show that gathers and maintains a crowd around the performer for the duration of the act.
City	Means the City of Perth
Fee	Means fee or charges outlined in the City of Perth Annual Budget
Permit holder	Means the holder of a permit issued under these guidelines.

Public place	<p>Includes:</p> <p>(a) any thoroughfare, pedestrian mall or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and</p> <p>(b) local government property.</p>
Valid	<p>In relation to a permit issued under these guidelines, means current and for which all associated fees have been paid in full.</p>



City of Perth

# Busking Program Trial Locations

November 2018 – May 2019



Button Pitch

Gill Pitch

Blade Pitch

Visual Art Pitch

CONFIDENTIAL ATTACHMENT 13.9A  
ITEM 13.9 – TENDER 009-19/20 – PUBLIC ART  
COMMISSION – EAST END REVITALISATION

ORDINARY COUNCIL MEETING

25 FEBRUARY 2020

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER



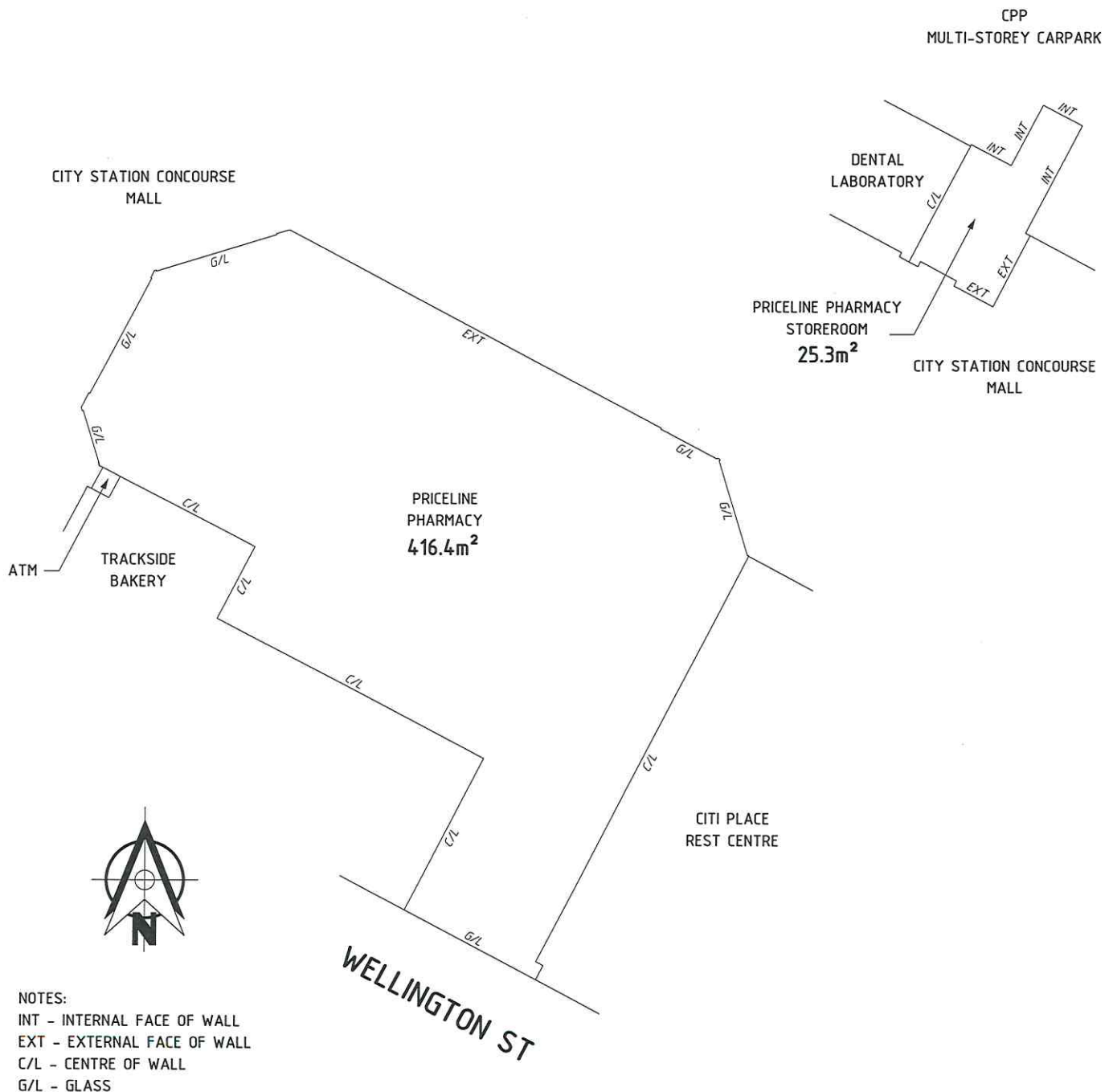
ACN 105 338 501  
ABN 70 105 338 501

**Bill France (Director)**  
L.S., B.App.Sc.Surv.

# LETTABLE AREA SURVEY CITY STATION CONCOURSE 376-420 WELLINGTON STREET PERTH

GROSS LETTABLE AREA RETAIL  
SECTION 1 OF THE P.C.A. 1997

DATE: 18th DECEMBER 2017  
SCALE: 1:250  
BM: 17331



NOTES:  
INT - INTERNAL FACE OF WALL  
EXT - EXTERNAL FACE OF WALL  
C/L - CENTRE OF WALL  
G/L - GLASS

## SCHEDULE

<b>Landlord:</b>	City of Perth 27 St Georges Terrace PERTH WA 6000
<b>Tenant:</b>	Shante Holdings Pty Ltd C/- Trackside Bakery Shop 9/378 Wellington Street <b>PERTH WA 6000</b>
<b>Premises - Land:</b>	Part of Lot 969 on Deposited Plan 217521 as comprised and described in Crown Land Title LR3123 Folio 385.
<b>Leased Premises:</b>	Shop 9, City Station Concourse comprising of 199.20sqm, as delineated on the attached Brook and Marsh Survey Plan dated 18 December 2017.
<b>Initial Term:</b>	STR – 9 – Storage Area comprising of 25.30sqm, as delineated on the attached Brook and Marsh Survey Plan dated 18 December 2017. Five (5) years.
<b>Lease Commencement Date:</b>	TBA
<b>Lease Expiry Date:</b>	TBA
<b>Further Term/s:</b>	Nil
<b>Net Rent:</b>	\$630.00 psmpa (\$125,496.00 per annum)
<b>Storage Rent:</b>	\$200.00 psmpa (\$5,000.00 per annum)
<b>Rent Free Period:</b>	A Net Rent-Free Period is to apply for a period of three (3) months from Lease Commencement Date.
<b>Rent Review</b>	Annual to CPI (Perth) with a Market Review every five (5) years including options.
<b>Permitted Use:</b>	A bread shop and patisserie for the sale of bread, cakes, pastries, sandwiches, rolls, croissants, hot dogs, pies, hot and cold non-alcohol drinks and an enclosed alfresco dining area.
<b>Variable Outgoings:</b>	Currently estimated at \$71.34 psmpa \$14,210.93 per annum.
<b>Prescribed Rate:</b>	A 10% per annum penalty interest rate will apply for any monies owing by the Tenant.
<b>Bank Guarantee:</b>	Equivalent to two (2) months gross rent (including GST) as security for the performance of its obligations.



The Bank Guarantee shall be provided on or before the Lease Commencement Date or execution of the Lease document whichever is the earlier. This sum shall only be reviewed as at the commencement of the Option.

**Special Conditions:**

**For the purposes of clarity –**

**1) Council and Development Approval**

**For the purposes of clarity, the Tenant acknowledges that all commercial terms offered are subject to formal Council Approval and WAPC, MRA and Ministerial consent if required.**

**2) Status of Premises**

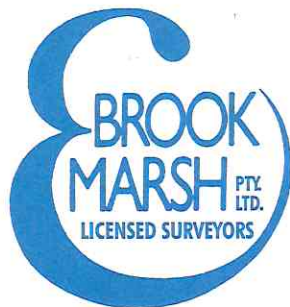
The Tenant acknowledges the current state of repair and condition of the Premises at the Commencement Date, and agrees to yield up and deliver the Premises at the Lease Expiry Date in a state of repair and condition consistent with its leasehold obligations, fair and wear and tear excepted.

**3) Lease Documentation**

The Landlord's standard commercial lease agreement will apply based upon the previous Lease Agreement, prepared by the Landlord's solicitor's and provided to the Tenant for review and comment.

Each party to bear their own legal costs in that regard.

*Independent legal advice should be sought by each party in order to understand their legal obligations prior to execution of the lease documentation.*



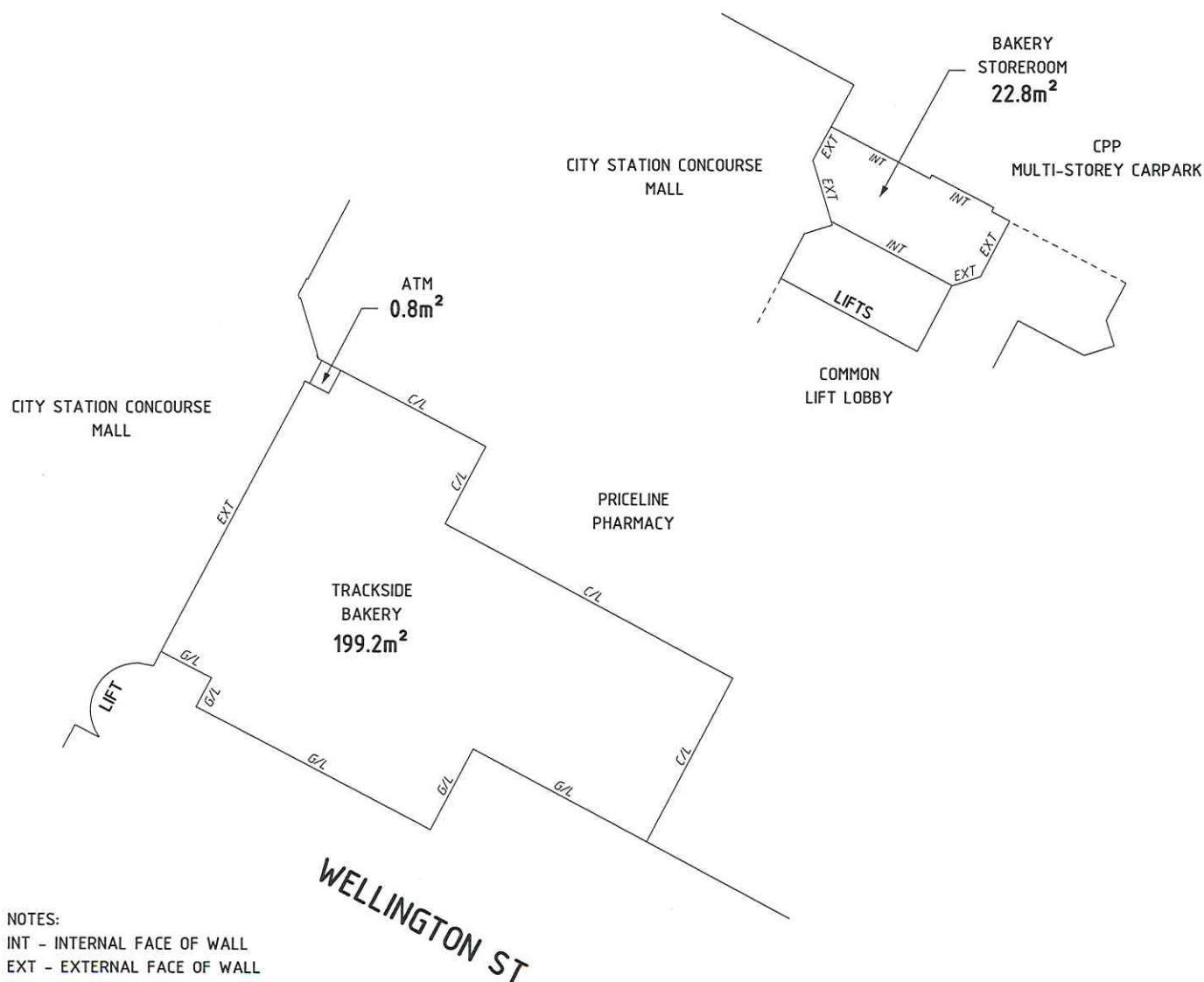
ACN 105 338 501  
ABN 70 105 338 501

**Bill France (Director)**  
L.S., B.App.Sc.Surv.

# LETTABLE AREA SURVEY CITY STATION CONCOURSE 376-420 WELLINGTON STREET PERTH

GROSS LETTABLE AREA RETAIL  
SECTION 1 OF THE P.C.A. 1997

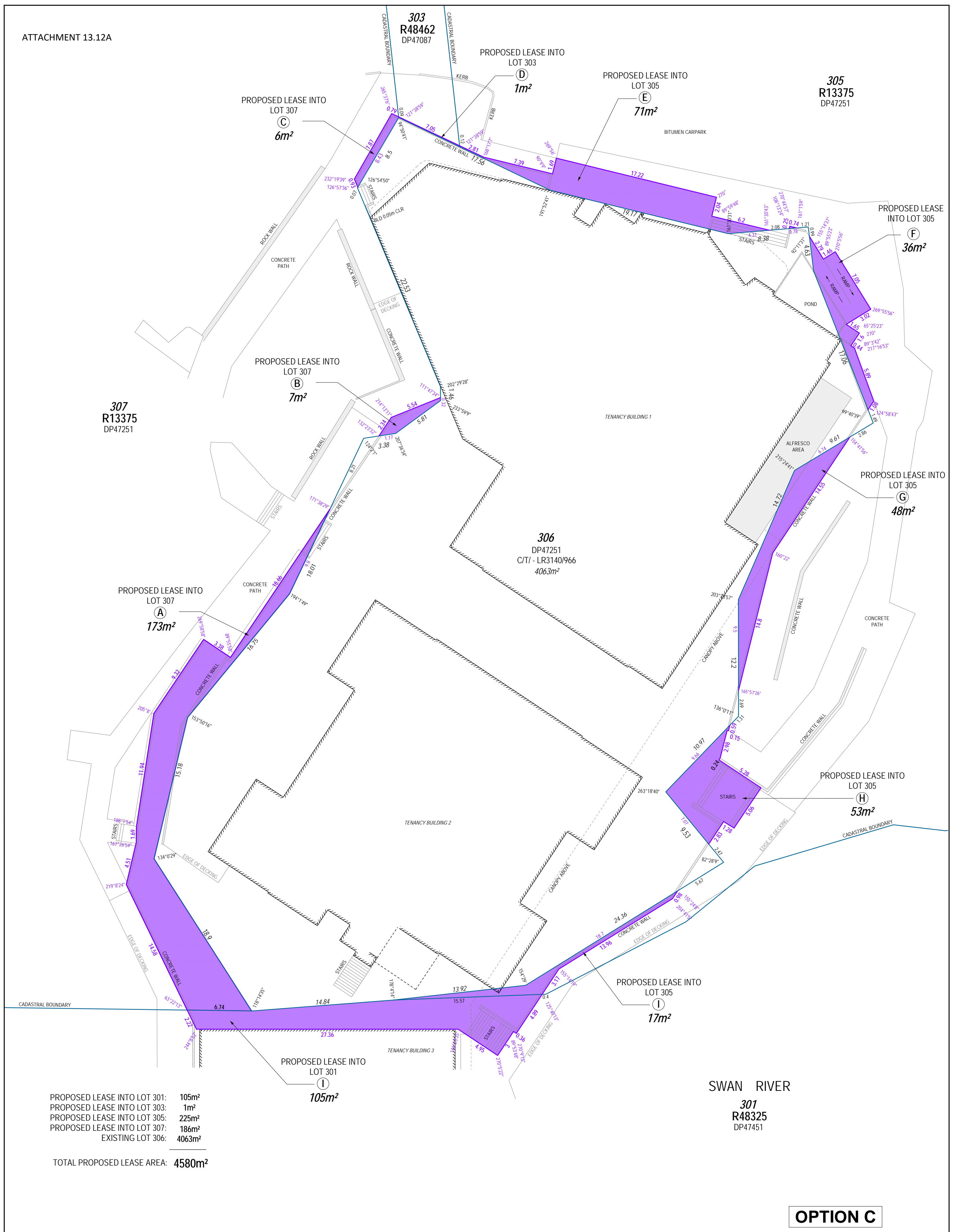
DATE: 18th DECEMBER 2017  
SCALE: 1:250  
BM: 17331



NOTES:  
INT - INTERNAL FACE OF WALL  
EXT - EXTERNAL FACE OF WALL  
C/L - CENTRE OF WALL  
G/L - GLASS

**1.2.28 Disposal - Shop 9, City Station Concourse, 378-420 Wellington Street, Perth**

<b>Delegator:</b> Power/Duty assigned in legislation to:	The Local Government	
<b>Express power to delegate:</b> Power that enables a delegation to be made.	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.42 Delegation of some powers or duties to the CEO</li><li>• Section 5.43 Limitations on delegations to the CEO</li></ul>	
<b>Express power or duty delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 3.58 (3) Disposing of property</li></ul>	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> This is a precis only. Delegated must act with full understanding of the legislation and conditions relevant to this delegation.	In respect of Shop 9, City Station Concourse, 378-420 Wellington Street, Perth, authority to enter into any new lease with the current tenant.	
<b>Council conditions on this delegation:</b>	In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.	
<b>Express power to sub-delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.44 CEO may delegate some powers and duties to other employees</li></ul>	
<b>Compliance links:</b>	<i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"><li>• Regulation 30 - Dispositions of property excluded from Act s.3.58</li></ul>	
<b>Version Control</b>		
<b>Version</b>	<b>Decision Reference</b>	<b>Date Delegated</b>
0	New Delegation	



### OPTION C

**PROPOSED LEASE AREA**  
**LOT 306 ON DEPOSITED PLAN 47251**  
*"ON THE POINT"*  
 25 RIVERSIDE DRIVE, EAST PERTH  
 SHEET 1 of 1

REV	DATE	REVISION DETAILS	DWN	CHK



**BROOK  
MARSH** PTY LTD  
LICENSED SURVEYORS  
ph 9398 2441  
fax 9490 1313

P.O. BOX 91 GOSNELLS 6990  
admin@brookandmarsh.com.au

DRAWN	JOB NUMBER
GH	18191
SURVEYED	DATE
GH	07/08/2019
CONTOUR INTERVAL	SCALE
--	1:250
DATUM	CO-ORD SYS.
--	PCG94



DRAWING FILE. 18191-LEASE AREA-WALL - PROP. LEASE

CLIENT  
CITY OF PERTH

REV.  
00

**POTENTIAL SURRENDER AND REGRANT & GROUND LEASE EXTENSION  
25 RIVERSIDE DRIVE, POINT FRASER, EAST PERTH - CITY OF PERTH (SUB-LANDLORD) TO CITY  
FORESHORE INVESTMENTS PTY LTD AS TRUSTEE FOR THE CITY FORESHORE DEVELOPMENT  
TRUST (SUB-TENANT)**

**Commercial Lease Terms and Conditions**

<b>Sub-Lessor</b>	City of Perth
<b>Sub-Lessee</b>	City Foreshore Investments Pty Ltd as trustee for the Foreshore Investment Trust
<b>Premises</b>	25 Riverside Drive, East Perth (Ground Lease)
<b>Permitted Use</b>	Construction and operation of an "Approved Use" namely Café, kiosks, commercial offices, restaurants, function centre, cocktail lounges, boutique brewery, taverns, bars, retail outlets, jetty for mooring boat purposes and museum and other such uses as approved by the Sub-Lessor
<b>Original Lease Commencement Date</b>	30 June 2012
<b>Lease Commencement Date</b>	TBA
<b>Sub-Lease Term</b>	Per Existing Agreement
<b>Option</b>	Per Existing Agreement
<b>Net Rent</b>	\$110,000 per annum plus GST calculated from the new Total Area 4,580 sqm at \$24 psmpa.
<b>Leased Area</b>	Total Area 4,580 sqm and comprised of - Lot 306 and Part Lots 301, 303, 305 & 307, Riverside Drive, East Perth as delineated in <b>Brook &amp; Marsh Survey Plan – Option C</b> , copy attached, on Plan 47251 and being the whole of the land in Certificate of Crown Land Title Volume LR3140 Folio 966
<b>Variable Outgoings</b>	Rates and Taxes apply (Semi Gross Lease)
<b>Rent Payment Date</b>	Per Existing Agreement
<b>Rent Reviews</b>	CPI (Perth – All Groups) annually unless Market Review applies Market – Five Yearly upon anniversary
<b>Insurance</b>	Public Liability not less than \$20,000,000

<b>Special Conditions</b>	<ol style="list-style-type: none"> <li>1. Surrender and Re-grant – A surrender of the old lease dated will occur and a new lease entered into by the Sub-Lessee based upon the new commercial terms.</li> <li>2. The Sub-Lessee acknowledges that the <u>general provisions</u> of the previous ('surrendered') lease agreement will continue to apply under the new lease.</li> <li>3. The Sub-Lessee acknowledges that <u>all commercial terms offered are subject to formal Council Approval AND Ministerial consent.</u></li> <li>4. The Sub-Lessee agrees to the payment of the COP Properties Administration Fee of \$800 exclusive of GST.</li> </ol>
<b>Legal Costs</b>	<p>The Legal documentation for this surrender and re-grant transaction will be prepared by the Sub-Lessor's solicitor's and provided to the Sub-Lessee for review.</p> <p>Each party to bear their own legal costs in that regard.</p>

1.2.29 Disposal - 25 (Lot 306) Riverside Drive, Point Fraser, East Perth		
<b>Delegator:</b> Power/Duty assigned in legislation to:	The Local Government	
<b>Express power to delegate:</b> Power that enables a delegation to be made.	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.42 Delegation of some powers or duties to the CEO</li><li>• Section 5.43 Limitations on delegations to the CEO</li></ul>	
<b>Express power or duty delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 3.58 (3) Disposing of property</li></ul>	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> This is a precis only. Delegated must act with full understanding of the legislation and conditions relevant to this delegation.	In respect of 25 (Lot 306) Riverside Drive, Point Fraser, East Perth and those parts of 171 (Lot 301) and 21 (Lots 303, Lot 305 and 307) Riverside Drive, Point Fraser, East Perth on which the ‘on the point’ building encroaches, authority to enter into a new sublease and any variation or extensions with the current tenant.	
<b>Council conditions on this delegation:</b>	In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.	
<b>Express power to sub-delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.44 CEO may delegate some powers and duties to other employees</li></ul>	
<b>Compliance links:</b>	<i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"><li>• Regulation 30 - Dispositions of property excluded from Act s.3.58</li></ul>	
Version Control		
Version	Decision Reference	Date Delegated
0	New Delegation	

### 1.2.31 Property Dealings - 25 (Lot 306) Riverside Drive, Point Fraser, East Perth

<b>Delegator:</b> Power/Duty assigned in legislation to:	The Local Government	
<b>Express power to delegate:</b> Power that enables a delegation to be made.	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.42 Delegation of some powers or duties to the CEO</li><li>• Section 5.43 Limitations on delegations to the CEO</li></ul>	
<b>Express power or duty delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 2.5(3), 3.1(1) and 3.18(1) to the extent set out in the function below.</li></ul>	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> This is a precis only. Delegated must act with full understanding of the legislation and conditions relevant to this delegation.	In respect of 25 (Lot 306) Riverside Drive, Point Fraser, East Perth and those parts of 171 (Lot 301) and 21 (Lots 303, Lot 305 and 307) Riverside Drive, Point Fraser, East Perth on which the ‘on the point’ building encroaches, authority to surrender the head lease and enter, inclusive of determining commercial terms, into a new head lease with the State of Western Australia and any variation or extensions.	
<b>Council conditions on this delegation:</b>		
<b>Express power to sub-delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.44 CEO may delegate some powers and duties to other employees</li></ul>	
<b>Compliance links:</b>		
<b>Version Control</b>		
<b>Version</b>	<b>Decision Reference</b>	<b>Date Delegated</b>
0	New Delegation	



## SCHEDULE

<b>Landlord:</b>	City of Perth 27 St Georges Terrace PERTH WA 6000
<b>Tenant:</b>	Smith and Sinclair C/- Pawnbroker & Jeweler Shop 3/ 88-96 Murray Street <b>PERTH WA 6000</b>
<b>Premises - Land:</b>	Lots 124 and 125 on Diagram 2533 and Lot 123 on Diagram 1800, being the whole of the land contained in Certificate of Title Volume 1580 Folio 686.
<b>Leased Premises:</b>	Shop 3, Pier Street Car Park comprising of 49.40sqm, as delineated on the attached Brook and Marsh Survey Plan dated 8 January 2018.
<b>Initial Term:</b>	Five (5) years.
<b>Lease Commencement Date:</b>	TBA
<b>Lease Expiry Date:</b>	TBA
<b>Further Term/s:</b>	One (1) further term of Five (5) years from the completion of the Lease Term.
<b>Net Rent:</b>	\$390.00 psmpa (\$19,266.00 per annum)
<b>Rent Free Period:</b>	A Net Rent-Free Period is to apply for a period of three (3) months from Lease Commencement Date.
<b>Rent Review</b>	Annual to CPI (Perth) with a Market Review every five (5) years including options.
<b>Permitted Use:</b>	Pawnbroker and Jewellery Shop
<b>Variable Outgoings:</b>	Currently estimated at \$108.64 psmpa \$5,366.82 per annum.
<b>Prescribed Rate:</b>	A 10% per annum penalty interest rate will apply for any monies owing by the Tenant.
<b>Bank Guarantee:</b>	Equivalent to two (2) months gross rent (including GST) as security for the performance of its obligations.  The Bank Guarantee shall be provided on or before the Lease Commencement Date or execution of the Lease document whichever is the earlier. This sum shall only be reviewed as at the commencement of the Option.

**Special Conditions:**

**For the purposes of clarity –**

**1) Council and Development Approval**

**For the purposes of clarity, the Tenant acknowledges that all commercial terms offered are subject to formal Council Approval and WAPC, MRA and Ministerial consent if required.**

**2) Status of Premises**

The Tenant acknowledges the current state of repair and condition of the Premises at the Commencement Date, and agrees to yield up and deliver the Premises at the Lease Expiry Date in a state of repair and condition consistent with its leasehold obligations, fair and wear and tear excepted.

**3) Lease Documentation**

The Landlord's standard commercial lease agreement will apply based upon the previous Lease Agreement, prepared by the Landlord's solicitor's and provided to the Tenant for review and comment.

Each party to bear their own legal costs in that regard.

*Independent legal advice should be sought by each party in order to understand their legal obligations prior to execution of the lease documentation.*



ACN 105 338 501  
ABN 70 105 338 501

**Bill France (Director)**  
L.S., B.App.Sc.Surv.

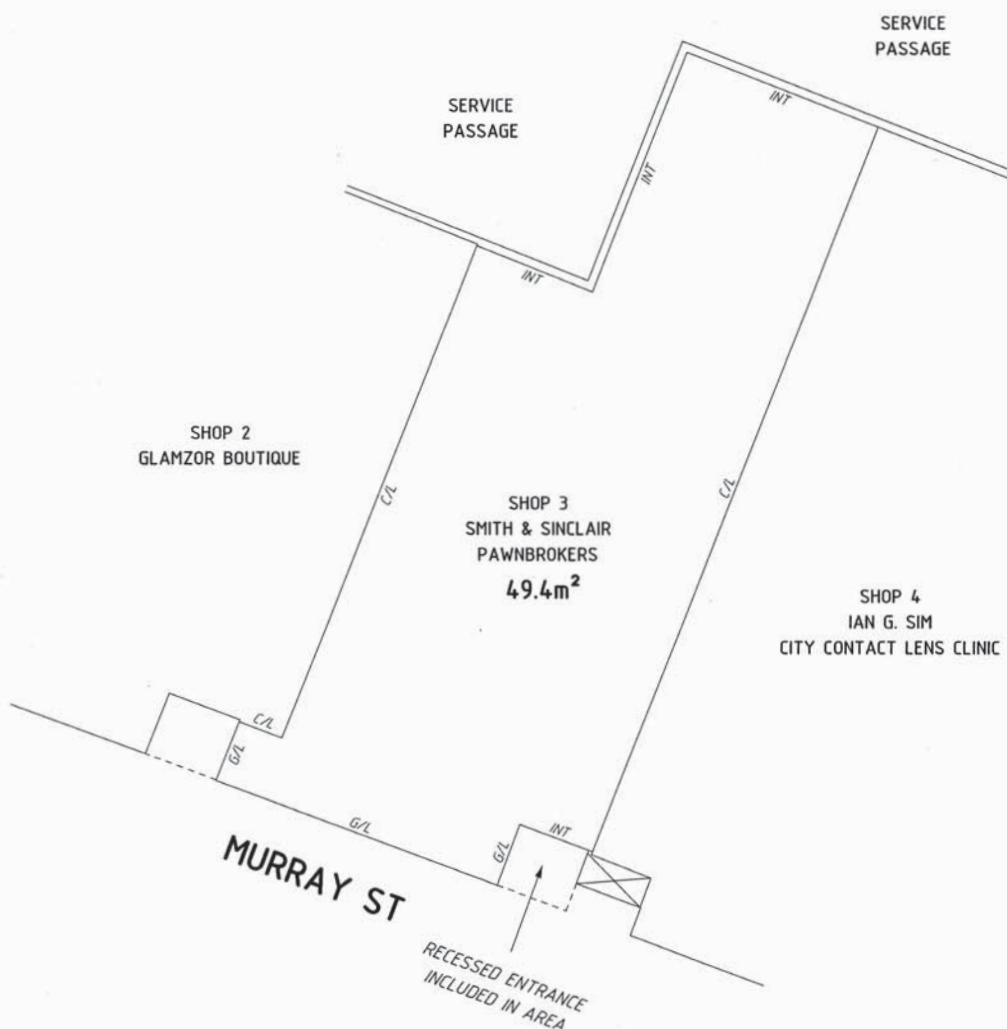
# LETTABLE AREA SURVEY PIER STREET 87-89 PIER STREET, PERTH

GROSS LETTABLE AREA RETAIL  
SECTION 1 OF THE P.C.A. 1997

DATE: 8th JANUARY 2018

SCALE: 1:100

BM: 17354



**NOTES:**

INT - INTERNAL FACE OF WALL  
EXT - EXTERNAL FACE OF WALL  
C/L - CENTRE OF WALL  
G/L - GLASS

1.2.27 – Disposal of Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth		
<b>Delegator:</b> Power/Duty assigned in legislation to:	The Local Government	
<b>Express power to delegate:</b> Power that enables a delegation to be made.	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.42 Delegation of some powers or duties to the CEO</li><li>• Section 5.43 Limitations on delegations to the CEO</li></ul>	
<b>Express power or duty delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 3.58 (3) Disposing of property</li></ul>	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> This is a precis only. Delegated must act with full understanding of the legislation and conditions relevant to this delegation.	In respect of Shop 3, Pier Street Carpark, 88-96 Murray Street, Perth, authority to enter into any new lease with the current tenant.	
<b>Council conditions on this delegation:</b>	In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.	
<b>Express power to sub-delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.44 CEO may delegate some powers and duties to other employees</li></ul>	
<b>Compliance links:</b>	<i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"><li>• Regulation 30 - Dispositions of property excluded from Act s.3.58</li></ul>	
Version Control		
Version	Decision Reference	Date Delegated
0	New Delegation	



# Council Policy Manual

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## Policy Framework

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### Policy Objective

To ensure that Elected Members are effectively engaged with all aspects of policy development and review and appropriate levels of transparency and engagement with the community are undertaken.

### Policy Scope

This policy applies to all employees, stakeholders and Elected Members involved in the development, review or revocation of policy.

### Policy Statement

The City has two types of policy being Council Policy and Executive Policy. Council policies are either a General Council Policy or Legislative Policy. Executive policies consist of standards and guidelines related to operational matters.

#### Council Policy

A Council policy is adopted by Council to provide the Chief Executive Officer with direction in respect to a particular matter requiring action. A Council policy guides the City's actions and decision making.

- a) General Council Policy: A policy adopted by Council that is not statutory or legislative in nature. This includes Council 'directives' on general matters not specifically originating from a legislative head of power.
- b) Legislative Policy: A policy that is either required by law or created to supplement the City's Local Planning Scheme or a City Local Law.

#### Executive Policy

An Executive policy governs the day-to-day operations of the City and does not require Council approval. Executive policies are not made available for public comment or publication as they are internally focussed in nature.

#### Policy Format

With the exception of a policy developed under the Local Planning Scheme or a format prescribed by legislation, a Council or Executive Policy will adhere to the following format;

- Policy Name
- Policy Objective
- Policy Scope
- Policy Statement
- Document Control Box (Containing definitions, relevant legislation, links to supporting documents, risk rating and the review schedule).

## **Policy Development and Review Timelines**

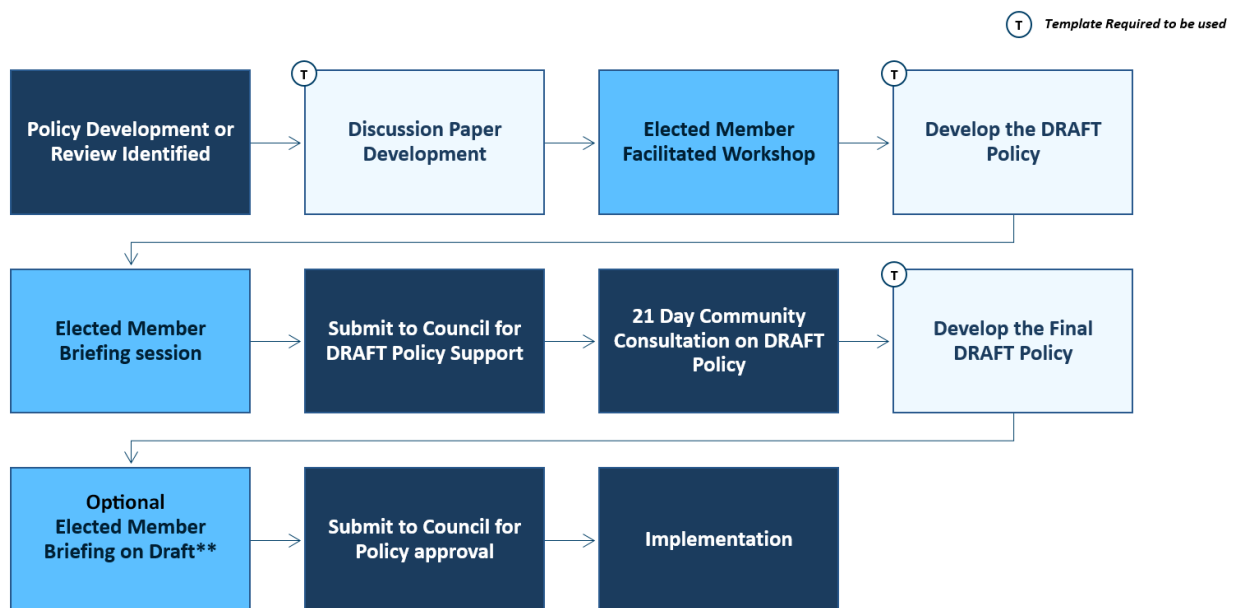
### **Council Policies**

A Policy review process is to be followed for all new or substantially amended Council Policies as outlined in Figure 1.

The initiation of any policy development or review will require the development of a discussion paper covering the current situation, available approaches, risks and issues. Upon completion of the discussion paper, Elected Members will have no less than 7 days to consider the paper prior to a facilitated workshop being held that will help inform policy development prior to drafting of a Council Policy.

After consideration of any draft policy by Council, the new or amended policy will undergo a minimum of 21 days community consultation via the website, social media and through identified stakeholder engagement.

Legislative Policies may be prescribed with their own format and public consultation process. If the prescribed consultation period does not meet the City's minimum consultation period of 21 days, then the City's requirement shall be applied.



*Figure 1: Policy Development and Review Process (Council policies)*

**\*\* -** This optional briefing is only required if in the opinion of the CEO the public consultation process highlights issues that may result in a revised policy approach or material changes to the draft policy.

### **Approvals, Reviews and Monitoring**

The Chief Executive Officer is to ensure the effectiveness of policies and systems.

Council and Executive policies shall be reviewed in accordance with their risk ratings. Policies identified as extreme or high risk will be reviewed annually, medium risks every two years and low risk every four years.

Policies may be reviewed or revoked at an earlier date due to:

- Legislative changes (Act/Regulations/Local Laws) which have a bearing on a policy; or
- Decisions of Council which affect the continued validity or applicability of policies.

### **Related Supporting Documents to Policy:**

#### **Policy Guidelines**

When applicable, Council policies will be supported by policy guidelines which provide general rules and information on how a policy is to be implemented. Guidelines should be written for the assistance of external stakeholders and customers and outline how the policy objectives will be met. They will include useful links to enabling documents such as application forms and external authority websites.

#### **Procedures**

Policies can be supported by procedures. Procedures are the steps undertaken to implement the policy. Procedures should be prescriptive but able to be amended when needed, for example when a legislative change comes into effect or via process improvement methods.

<b>Document Control Box</b>							
<b>Document Responsibilities:</b>							
<b>Custodian:</b>	Governance			<b>Custodian Unit:</b>	Governance		
<b>Decision Maker:</b>	Council						
<b>Compliance Requirements:</b>							
<b>Legislation:</b>	Local Government Act 1995 – Section 2.7 Role of Council – (2)(b) determine the local government policies						
<b>Industry:</b>							
<b>Organisational:</b>							
<b>Document Management:</b>							
<b>Risk Rating:</b>		<b>Review Frequency:</b>		<b>Next Due:</b>		<b>CM Ref:</b>	
<b>Version #</b>	<b>Decision Reference:</b>		<b>Synopsis:</b>				
1.							







1.2.29 – Obstruction of Footpaths and Thoroughfares		
<b>Delegator:</b> Power/Duty assigned in legislation to:	The Local Government	
<b>Express power to delegate:</b> Power that enables a delegation to be made.	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.42 Delegation of some powers or duties to the CEO</li><li>• Section 5.43 Limitations on delegations to the CEO</li></ul>	
<b>Express power or duty delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</li></ul>	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> This is a precis only. Delegated must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"><li>1. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li><li>2. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li></ol>	
<b>Council conditions on this delegation:</b>	<ol style="list-style-type: none"><li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li><li>b. Permission may only be granted where, the proponent has:<ol style="list-style-type: none"><li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li><li>ii. Where appropriate, provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li><li>iii. Provided evidence of sufficient Public Liability Insurance.</li><li>iv. Where appropriate, provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li></ol></li></ol>	
<b>Express power to sub-delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"><li>• Section 5.44 CEO may delegate some powers and duties to other employees</li></ul>	
<b>Compliance links:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i>	
Version Control		
Version	Decision Reference	Date Delegated
0	New Delegation	

**FINANCIAL ACTIVITY STATEMENT FOR THE FIVE MONTHS TO  
30 NOVEMBER 2019**

**REPORT OF VARIANCES TO BUDGET**

**This report compares the actual performance for the five months to 30 November 2019 to the 2019/20 Budget adopted by Council on 23 July 2019, and subsequent Council approved amendments.**

**Operating Revenue**

- Parking revenue for the year to date was \$31.3 million, which was \$414,000 under the budget. The variance relates to Open Air car parks (\$207,000), and Kerbside parking (\$210,000).
- Fines and costs were \$4.2 million, being \$335,000 above budget for the year to date. The variance relates to higher than anticipated revenue from Parking fines and modified penalties.
- Rubbish collection revenue was \$9.5 million for the year to date which was under budget by 0.78% or \$75,000.
- Investment Income and Interest was over the budget due mainly to reserves interest overperforming as a result of an increase in the ASX in the month.

**Operating Expenditure**

- Employee costs for the year to date were \$33.7 million with no significant variance to budget for the year to date arising from the effect of the Targeted Cost savings initiative.
- Materials and Contracts were \$2.4 million under the budget as a result of underspend in Properties maintenance (\$427,000), Infrastructure and IT maintenance (\$883,000) along with timing variances in contractors and consultants for a number of projects (\$1.2 million).
- Depreciation and Amortisation was over the budget by 2% or \$339,000.
- Other expenditure was \$75,000 over the budget for the year to date due to timing differences in donations and sponsorship payments (\$802,000) offset by non-capitalised work-in-progress \$678,000 and timing difference in Emergency Services Levy payment \$312,000.

**Investing Activities**

- Capital expenditure was \$10.9 million under budget for the year to date as detailed below.

**FINANCIAL ACTIVITY STATEMENT FOR THE FIVE MONTHS TO  
30 NOVEMBER 2019**

**REPORT OF VARIANCES TO BUDGET**

Capital expenditure Variance for the period to November 2019				
Details	Budget 2019/20	Year to Date		
		Actual	Budget	Variance
Wellington Square Enhancement	5,916,345	210,325	162,235	48,090
East End Revitalisation	4,191,775	200,088	1,970,435	(1,770,347)
Pedestrian Walkways	4,055,000	4,000,000	2,055,000	1,945,000
Perth Convention & Exhibition Centre - Subsidence Rectification	4,000,000	400	420,970	(420,570)
CONCERT HALL - Structural Remediation Works	2,156,585	267,838	862,634	(594,796)
Fleet and Plant Replacement - Community Amenities - Sanitation	1,609,500	36,226	643,800	(607,574)
Lighting - Council House Upgrades	1,596,700	466,936	643,215	(176,279)
Financial Systems Project	1,450,000	1,408,612	1,050,000	358,612
Bollard Replacement in Hay & Murray St Malls	1,438,311	11,222	1,215,452	(1,204,230)
Lighting - Christmas Decorations	988,047	-	48,750	(48,750)
Digital Workplace Enhancements	855,126	77,679	328,710	(251,031)
Reconfiguration - Forrest Place loading dock	804,958	80,654	95,000	(14,346)
Projects with no spending YTD	209,175	-	-	-
All other projects	24,782,600	4,890,547	13,131,239	(8,240,691)
<b>TOTAL</b>	<b>54,054,122</b>	<b>11,650,527</b>	<b>22,627,440</b>	<b>(10,976,913)</b>

**Financing Activities**

- Transfers to Reserves were over budget by \$215,000 due to higher interest income on Reserve funds.
- Transfers from Reserves were over budget by \$108,000 due to timing variances of projects funded from Reserve funds

**FINANCIAL ACTIVITY STATEMENT FOR THE FIVE MONTHS TO  
30 NOVEMBER 2019**

**REPORT OF VARIANCES TO BUDGET**

**Amounts sourced from Rates**

- Rates revenue raised was \$377,000 or 0.4% under budget due to timing differences for interim rates, back rates and Heritage Incentive scheme payments.

# CITY OF PERTH

## FINANCIAL ACTIVITY STATEMENT for the period ended 30 November 2019

	Revised Budget 2019/20	Actual YTD 30-Nov-19	Revised Budget YTD 30-Nov-19	Variance YTD 30-Nov-19
	\$	\$	\$	\$
<b>Proceeds from Operating Activities</b>				
<b>Operating Revenue</b>				
Parking Fees	73,565,819	31,348,899	31,762,756	(413,857)
Fines and Costs	9,057,395	4,240,972	3,905,776	335,197
Investment Income and Interest	5,012,305	2,286,048	2,191,292	94,756
Community Service Fees	1,666,270	705,164	694,279	10,885
Rubbish Collection	10,099,700	9,495,814	9,570,533	(74,719)
Rentals and Hire Charges	5,206,739	1,970,488	2,172,611	(202,123)
Recurrent Grants	1,427,431	631,702	536,577	95,125
Contributions, Donations and Reimbursements	862,567	366,356	335,486	30,869
Other Income	4,361,329	2,827,966	2,203,537	624,429
Distribution from TPRC	350,000	0	147,477	(147,477)
	<b>111,609,555</b>	<b>53,873,409</b>	<b>53,520,325</b>	<b>353,084</b>
<b>Less: Operating Expenditure</b>				
Employee Costs	80,875,477	33,711,223	33,706,161	(5,063)
Materials and Contracts	59,110,560	19,164,755	21,576,835	2,412,080
Utilities	3,244,992	1,200,454	1,358,573	158,118
Insurance Expenditure	1,010,519	463,948	427,078	(36,870)
Depreciation and Amortisation	35,541,567	15,147,760	14,808,986	(338,775)
Interest Expenses	573,408	275,620	274,306	(1,315)
Loss on Disposal of Assets	1,769,729	834,224	737,387	(96,837)
Expense Provisions	655,791	320,951	273,246	(47,705)
Other Expenditure	25,080,277	11,085,424	11,028,112	(57,312)
	<b>207,862,320</b>	<b>82,204,361</b>	<b>84,190,683</b>	<b>1,986,321</b>
Add back Depreciation	(35,541,567)	(15,147,760)	(14,808,986)	338,775
Less: Movement in Liabilities associated with Restricted Cash	5,808,466			
(Loss) / Profit on Disposals	(1,769,729)	(834,224)	(737,387)	96,837
	<b>176,359,491</b>	<b>66,222,376</b>	<b>68,644,310</b>	<b>2,421,934</b>
<b>Net Surplus/(Deficit) from Operations</b>	<b>(64,749,935)</b>	<b>(12,348,967)</b>	<b>(15,123,985)</b>	<b>2,775,018</b>
<b>Investing Activities</b>				
Capital Grants	1,191,862	492,199	242,253	249,946
Capital Expenditure	(54,054,122)	(11,650,527)	(22,627,440)	10,976,913
Proceeds from Disposal of Assets/Investments	1,325,391	741,006	555,575	185,431
<b>Sub-total Investing Activities</b>	<b>(51,536,868)</b>	<b>(10,417,322)</b>	<b>(21,829,612)</b>	<b>11,412,290</b>
<b>Financing Activities</b>				
Repayment of Borrowings	(6,904,163)	(3,306,901)	(3,306,901)	0
Transfers to Reserves	(53,502,823)	(15,209,618)	(14,994,699)	(214,919)
Transfer from Reserves	51,466,924	21,448,555	21,340,481	108,074
<b>Sub-total Financing Activities</b>	<b>(8,940,062)</b>	<b>2,932,036</b>	<b>3,038,881</b>	<b>(106,845)</b>
Add: Opening Funds	34,052,456	39,766,888	39,766,888	0
<b>Net Surplus/(Deficit) before Rates</b>	<b>(91,174,410)</b>	<b>19,932,635</b>	<b>5,852,172</b>	<b>14,080,463</b>
Amount Sourced from Rates	96,419,628	96,202,405	96,579,491	(377,086)
<b>Closing Funds</b>	<b>5,245,218</b>	<b>116,135,040</b>	<b>102,431,663</b>	<b>13,703,377</b>

# CITY OF PERTH

**CURRENT POSITION AS AT THE END OF THE PERIOD 30 November 2019**

Description	Revised Budget 2019/20	Actual YTD 30-Nov-19	Revised Budget YTD 30-Nov-19	Variance YTD 30-Nov-19
<b>Current Assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Cash and Cash Equivalents	6,964,785	21,396,364	28,197,788	(6,801,424)
Deposits and Prepayments	4,787,964	13,863,502	22,787,964	(8,924,462)
Money Market Investments - Municipal Funds	5,498,142	90,187,579	59,948,142	30,239,437
Money Market Investments - Restricted Funds	111,016,948	95,707,691	85,616,948	10,090,743
Trade and Other Receivables	13,551,253	32,229,978	38,325,316	(6,095,338)
Inventories	920,355	881,278	920,355	(39,077)
<b>Total Current Assets</b>	<b>142,739,447</b>	<b>254,266,392</b>	<b>235,796,513</b>	<b>18,469,879</b>
<b>Current Liabilities</b>				
Trade and Other Payables	18,532,986	40,673,699	40,703,607	(29,908)
Employee Entitlements	3,448,217	11,630,496	10,448,217	1,182,279
Provisions	7,944,295	(14,042)	44,295	(58,337)
Borrowings	8,778,971	5,704,500	5,778,971	(74,471)
<b>Total Current Liabilities</b>	<b>38,704,469</b>	<b>57,994,653</b>	<b>56,975,090</b>	<b>1,019,563</b>
<b>Working Capital Position Brought Forward</b>	<b>104,034,978</b>	<b>196,271,739</b>	<b>178,821,423</b>	<b>17,450,316</b>
Deduct Restricted Cash Holdings	(111,016,948)	(95,707,691)	(85,616,948)	(10,090,743)
Add Current Liabilities not expected to clear	3,448,217	9,866,492	3,448,217	6,418,275
Add Current Borrowings	8,778,971	5,704,500	5,778,971	(74,471)
<b>Current Funds Position Brought Forward</b>	<b>5,245,218</b>	<b>116,135,040</b>	<b>102,431,663</b>	<b>13,703,377</b>

<b>Net Cash on Hand</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Cash On Hand	6,964,785	21,396,364	28,197,788	(6,801,424)
Money Market Investments	116,515,090	185,895,270	145,565,090	40,330,180
<b>Funds on Hand</b>	<b>123,479,875</b>	<b>207,291,634</b>	<b>173,762,878</b>	<b>33,528,756</b>
<b>Analysis of Funds on Hand</b>				
Reserves	111,016,948	95,707,691	85,616,948	10,090,743
Provisions	11,392,512	11,616,454	10,492,512	1,123,942
General Funds	1,070,415	99,967,489	77,653,418	22,314,071
<b>Funds on Hand</b>	<b>123,479,875</b>	<b>207,291,634</b>	<b>173,762,878</b>	<b>33,528,756</b>

# 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

# **CITY of PERTH**

## **Financial Report**

**For the 5 months ended 30 November 2019**



**CITY OF PERTH  
MUNICIPAL**

**Statement of Comprehensive Income for the 5 months ended 30 November 2019**

**(By Program)**

	<i>Note</i>	<b>*Budget 2019/2020</b>	<b>** Revised Budget YTD</b>	<b>Actual YTD 30/11/2019</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
General Purpose Funding Rates		97,492,728	97,345,074	97,279,206	(65,868)	-0.1%
General Purpose Funding Other		4,994,353	1,976,640	1,948,907	(27,733)	-1.4%
Law, Order, Public Safety		85,674	32,581	31,655	(926)	-2.8%
Health		981,000	687,371	749,572	62,201	9.0%
Education and Welfare		1,951,603	813,168	869,551	56,383	6.9%
Housing		885,259	368,858	415,187	46,329	12.6%
Community Amenities		13,033,342	10,622,858	10,472,760	(150,098)	-1.4%
Recreation and Culture		1,767,438	843,704	809,908	(33,796)	-4.0%
Transport		84,507,422	36,593,809	36,388,367	(205,442)	-0.6%
Economic Services		1,116,620	497,764	658,111	160,347	32.2%
Other Property and Services		529,083	170,511	452,588	282,077	165.4%
<b>Total Operating Income</b>		<b>207,344,522</b>	<b>149,952,338</b>	<b>150,075,812</b>	<b>123,474</b>	<b>0.1%</b>
<b>OPERATING EXPENDITURE</b>						
Governance		(7,851,722)	(3,215,126)	(3,053,020)	(162,106)	5.0%
General Purpose Funding		(1,669,591)	(699,716)	(673,518)	(26,198)	3.7%
Law, Order, Public Safety		(6,635,762)	(2,717,531)	(2,623,758)	(93,773)	3.5%
Health		(2,467,498)	(994,756)	(713,968)	(280,788)	28.2%
Education and Welfare		(4,580,602)	(1,898,502)	(1,658,887)	(239,615)	12.6%
Housing		(668,931)	(278,721)	(241,675)	(37,046)	13.3%
Community Amenities		(28,410,176)	(11,637,324)	(9,055,653)	(2,581,671)	22.2%
Recreation and Culture		(37,803,006)	(15,250,951)	(14,815,453)	(435,498)	2.9%
Transport		(81,477,431)	(33,352,396)	(32,580,889)	(771,507)	2.3%
Economic Services		(18,993,788)	(8,691,275)	(8,070,523)	(620,752)	7.1%
Other Property and Services		(12,929,208)	(4,716,996)	(7,882,792)	3,165,796	-67.1%
<b>Total Operating Expenditure</b>		<b>(203,487,715)</b>	<b>(83,453,295)</b>	<b>(81,370,136)</b>	<b>(2,083,159)</b>	<b>2.5%</b>
<b>NET FROM OPERATIONS</b>		<b>3,856,807</b>	<b>66,499,043</b>	<b>68,705,676</b>	<b>2,206,633</b>	<b>3.3%</b>
<b>GRANTS/CONTRIBUTIONS</b>						
For the Development of Assets						
- General Purpose Funding		103,000	103,000	110,141	7,141	6.9%
- Recreation and Culture		-	-	(5,611)	-	0.0%
- Transport		1,088,862	139,253	387,669	248,416	178.4%
<b>Total Grants/Contributions</b>		<b>1,191,862</b>	<b>242,253</b>	<b>492,199</b>	<b>249,946</b>	<b>103.2%</b>
<b>DISPOSAL/WRITE OFF OF ASSETS</b>						
Gain/(Loss) on Disposal of Assets	2	(1,769,729)	(589,910)	(834,224)	(244,314)	41.4%
<b>Change in net assets resulting from operations before significant items</b>		<b>3,278,940</b>	<b>66,151,386</b>	<b>68,363,651</b>	<b>2,212,265</b>	<b>3.3%</b>
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		350,000	-	-	-	0.0%
Initial Recognition of Assets		-	-	-	-	0.0%
<b>Change in net assets resulting from operations after significant items</b>		<b>3,628,940</b>	<b>66,151,386</b>	<b>68,363,651</b>	<b>2,212,265</b>	<b>3.3%</b>

\* 2019/2020 Budget adopted by Council on 23 July 2019

\*\* Includes approved amendments by Council upto 30

November 2019

**CITY OF PERTH  
MUNICIPAL**  
*Statement of Comprehensive Income for the 5 months ended 30 November 2019*  
*(By Nature or Type)*

	<i>Note</i>	<b>*Budget 2019/2020</b>	<b>Revised Budget YTD</b>	<b>Actual YTD 30/11/2019</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
Rates		96,419,628	96,579,491	96,202,405	(377,086)	-0.4%
Grants and Contributions for Non Capital Purposes		2,289,998	872,063	998,057	125,994	14.4%
Fees and Charges		102,166,481	49,679,758	49,915,735	235,977	0.5%
Interest and Investment Income		5,012,305	2,191,292	2,286,048	94,756	4.3%
Other Revenue		1,456,110	629,733	673,567	43,834	7.0%
Total Revenue from Operating Activities		207,344,522	149,952,338	150,075,812	123,474	0.1%
<b>OPERATING EXPENDITURE</b>						
Employee Costs		(83,404,020)	(33,706,161)	(33,711,223)	5,062	0.0%
Materials and Contracts		(53,499,590)	(21,576,835)	(19,164,755)	(2,412,080)	11.2%
Utilities		(3,244,992)	(1,358,573)	(1,200,454)	(158,119)	11.6%
Depreciation and Amortisation		(35,541,567)	(14,808,986)	(15,147,761)	338,776	-2.3%
Interest		(573,408)	(274,306)	(275,620)	1,314	-0.5%
Insurance		(1,040,519)	(427,078)	(463,948)	36,870	-8.6%
Expenses Provision		(655,791)	(273,246)	(320,951)	47,705	-17.5%
Other Expenses from Ordinary Activities		(25,527,828)	(11,028,112)	(11,085,424)	57,312	-0.5%
Total Expenses from Ordinary Activities		(203,487,715)	(83,453,295)	(81,370,136)	(2,083,159)	2.5%
Change in Net Assets from Ordinary Activities before Capital Amounts		3,856,807	66,499,042	68,705,676	2,206,634	3.3%
<b>GRANTS/CONTRIBUTIONS</b>						
Grants and Contributions- Capital		1,191,862	242,253	492,199	249,946	103.2%
<b>NET OPERATING SURPLUS</b>		5,048,669	66,741,295	69,197,875	2,456,580	3.7%
<b>DISPOSAL/WRITE OFF OF ASSETS</b>	<b>2</b>	(1,769,729)	(589,910)	(834,224)	(244,314)	41.4%
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		350,000	-	-	-	0.0%
Initial Recognition of Assets		-	-	-	-	0.0%
<b>Change in net assets resulting from operations after capital amounts and significant items</b>		3,628,940	66,151,385	68,363,651	2,212,265	3.3%

\* 2019/2020 Budget adopted by Council on 23 July 2019

\*\* Includes approved amendments by Council upto 30 November 2019

**CITY OF PERTH  
MUNICIPAL**

*Statement of Financial Position as at 30 November 2019*

	Note	30/11/2019	30/06/2019
<b>CURRENT ASSETS</b>		\$	\$
Cash and Cash Equivalents	11	21,396,364	46,473,723
Deposits/Prepayments	4	13,863,502	1,384,093
Other financial assets at amortised cost	3, 11	185,895,270	108,181,271
Trade and Other Receivables	5	9,075,746	8,316,600
Rates Receivable	1	23,154,232	914,187
Inventories		881,278	829,609
<b>TOTAL CURRENT ASSETS</b>		<b>254,266,392</b>	<b>166,099,483</b>
<b>NON CURRENT ASSETS</b>			
Other financial assets at amortised cost	3	2,420,688	2,448,395
Financial assets at fair value through profit and loss	3	175,171	175,171
Trade and Other Receivables	5	67,136	59,293
Investments accounted for using the equity method	3	10,043,858	9,900,521
Property, Plant and Equipment	8	717,434,452	722,111,405
Infrastructure	8	369,634,182	371,427,927
Capital Work in Progress	8	47,492,776	46,773,693
<b>TOTAL NON CURRENT ASSETS</b>		<b>1,147,268,263</b>	<b>1,152,896,405</b>
<b>TOTAL ASSETS</b>		<b>1,401,534,655</b>	<b>1,318,995,888</b>
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	6	40,673,699	23,876,135
Employee Benefits	7	11,630,496	10,921,042
Provisions	7	(14,042)	10,960
Loan Liability	9	5,704,500	6,904,163
<b>TOTAL CURRENT LIABILITIES</b>		<b>57,994,653</b>	<b>41,712,300</b>
<b>NON CURRENT LIABILITIES</b>			
Employee Benefits	7	1,719,113	1,719,113
Loan Liability	9	6,671,733	8,778,971
<b>TOTAL NON CURRENT LIABILITIES</b>		<b>8,390,846</b>	<b>10,498,084</b>
<b>TOTAL LIABILITIES</b>		<b>66,385,499</b>	<b>52,210,384</b>
<b>NET ASSETS</b>		<b>\$1,335,149,156</b>	<b>\$1,266,785,504</b>
<b>EQUITY</b>			
Accumulated Surplus		767,127,713	692,525,125
Asset Revaluation Reserve	10	469,893,063	469,921,563
Reserves	10	98,128,380	104,338,816
<b>TOTAL EQUITY</b>		<b>\$1,335,149,156</b>	<b>\$1,266,785,504</b>

**CITY OF PERTH  
MUNICIPAL**

*Statement of Changes in Equity for the 5 months ended 30 November 2019*

	Accumulated Surplus	Asset Revaluation Reserve	Cash/investment Backed	Reserves	Total Equity
	\$	\$	\$	\$	\$
<b>Balance at 1 July 2018</b>	681,287,295	477,204,390	100,418,439		1,258,910,124
Net result	7,875,380	-	-		7,875,380
Asset Revaluation Reserve Transfers	7,282,827	(7,282,827)	-		-
Reserve Transfers	(3,920,377)		3,920,377		-
<b>Balance at 30 June 2019</b>	<b>\$692,525,125</b>	<b>\$469,921,563</b>	<b>\$104,338,816</b>		<b>\$1,266,785,504</b>
	\$	\$	\$	\$	\$
<b>Balance at 1 July 2019</b>	692,525,125	469,921,563	104,338,816		1,266,785,504
Net result	68,363,651	-	-		68,363,651
Asset Revaluation Reserve Transfers	28,500	(28,500)	-		-
Reserve Transfers	6,210,437	-	(6,210,437)		-
<b>Balance at the end of the reporting period</b>	<b>\$767,127,713</b>	<b>\$469,893,063</b>	<b>\$98,128,379</b>		<b>\$1,335,149,154</b>

**CITY OF PERTH  
MUNICIPAL**

***Statement of Cash Flows for the 5 months ended 30 November 2019***

		<b>*Budget</b>	<b>YTD Actual</b>		
	<b>Note</b>	<b>2019/2020</b>	<b>30/11/2019</b>	<b>YTD Variation</b>	
<b><i>Cash Flows from Operating Activities</i></b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
<b>Receipts</b>					
Rates		96,419,628	84,489,718	(11,929,910)	-12.4%
Fees and Charges		102,166,481	48,847,832	(53,318,649)	-52.2%
Interest		5,012,305	2,124,020	(2,888,285)	-57.6%
Other		1,806,110	1,055,577	(750,533)	-41.6%
		205,404,524	136,517,147	(68,887,377)	-33.5%
<b>Payments</b>					
Employee Costs		(83,404,020)	(35,284,362)	48,119,658	57.7%
Materials and Contracts		(53,499,590)	(12,189,001)	41,310,589	77.2%
Interest		(573,408)	(315,538)	257,870	45.0%
Other		(30,469,130)	(24,741,964)	5,727,166	18.8%
		(167,946,148)	(72,530,865)	95,415,283	56.8%
Net Cash Flows from Operating Activities	<b>12</b>	37,458,376	63,986,282	26,527,907	-70.8%
<b><i>Cash Flows from Investing Activities</i></b>					
Proceeds from Disposal of Assets		1,325,391	741,006	(584,385)	-44.1%
Proceeds from Disposal of Investments		-	58,275,685	58,275,685	0.0%
Purchase Land and Buildings		(16,522,757)	(1)	16,522,756	-100.0%
Purchase Infrastructure Assets		(22,281,475)	(45,745)	22,235,730	-99.8%
Purchase Plant and Mobile Equipment		(16,885,165)	(356,198)	16,528,967	97.9%
Purchase Office Furniture and Equipment		(1,128,128)	42,696	1,170,824	-103.8%
Work in Progress		-	(9,446,705)	(9,446,705)	0.0%
Purchase of Investments		-	(136,075,724)	(136,075,724)	0.0%
Net Cash Flows from Investing Activities		(55,492,134)	(86,864,986)	(31,372,852)	56.5%
<b><i>Cash Flows from Financing Activities</i></b>					
Repayment of Borrowings		(6,904,163)	(3,306,901)	3,597,262	52.1%
		(6,904,163)	(3,306,901)	3,597,262	52.1%
<b><i>Cash Flows from Government and Other Parties</i></b>					
<b>Receipts from Appropriations/Grants</b>					
Recurrent		2,289,998	616,047	(1,673,951)	-73.1%
Capital		1,191,862	492,199	(699,663)	-58.7%
		3,481,860	1,108,246	(2,373,614)	-68.2%
Net Increase (Decrease) in Cash Held		(21,456,061)	(25,077,359)	(3,621,297)	16.9%
<b><i>Cash at 1 July 2019</i></b>		149,719,007	46,473,723	(103,245,284)	-69.0%
<b><i>Cash at 30 November 2019</i></b>	<b>11</b>	128,262,946	21,396,364	(106,866,582)	-83.3%

\* 2019/2020 Budget adopted by Council on 23 July 2019



# MUNICIPAL

## Notes to the Balance Sheet for the 5 months ended 30 November 2019

### 1 Rates Receivable

	Actual YTD 30/11/2019	2018/19 30/06/2019
	\$	\$
Outstanding Amount at 30 June 2019	914,187	721,402
Rates Levied for the Year	96,010,110	92,244,168
Late Payment Penalties	151,055	211,402
Ex Gratia Rates	7,648	7,436
Rates Administration Fee	377,592	377,828
Rates Instalment Interest	393,090	355,339
Back Rates	184,647	264,262
Bins Levy	394,520	80,236
Emergency Services Levy	4,839,781	178,540
	103,272,630	94,440,613
Amount Received during the Period	80,118,398	93,526,426
Outstanding Amount at 30 November 2019	\$23,154,232	\$914,187

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

	Annual Budget	Actual YTD 30/11/2019
	\$	\$
<b>Land and Buildings</b>		
Proceeds on Disposal	-	-
<b>Less:</b> Carrying amount of assets sold/written off	101,811	13,809
(Loss) on Disposal/Write Off	(101,811)	(13,809)
<b>Infrastructure</b>		
Proceeds on Disposal	-	-
<b>Less:</b> Carrying amount of assets written off	1,677,221	793,609
(Loss) on Write Off	(1,677,221)	(793,609)
<b>Plant and Mobile Equipment</b>		
Proceeds on Disposal	1,318,951	741,006
<b>Less:</b> Carrying amount of assets sold/written off	1,259,082	766,172
Loss on Disposal /Write Off	59,869	(25,166)
<b>Furniture and Equipment</b>		
Proceeds on Disposal	6,440	-
<b>Less:</b> Carrying amount of assets sold /written off	57,006	1,640
(Loss) on Disposal/Write Off	(50,566)	(1,640)
<b>Gain/(Loss) on Disposal/Write off of Assets</b>	<b>(\$1,769,729)</b>	<b>(834,224)</b>

### 3 Other Financial Assets

Current	30/11/2019	30/06/2019
<b>Short Term Cash Investments *</b>	\$	\$
Bank/Term Deposits	179,650,000	102,250,000
Managed Funds	6,245,270	5,931,271
<b>Total Current Investments</b>	<b>\$185,895,270</b>	<b>\$108,181,271</b>

\* Short Term Cash Investments as stated in Note 11.

Non Current	30/11/2019	30/06/2019
Other financial assets at amortised cost	\$	\$
Mortgage Backed Securities (MBS)	2,420,688	2,448,395
	<b>2,420,688</b>	<b>2,448,395</b>
Equity in Local Government House	175,171	175,171
Equity in Mindarie Regional Council	6,091,422	6,091,422
Equity in Tamala Park Regional Council	3,952,436	3,809,099
	<b>10,043,858</b>	<b>9,900,521</b>

# MUNICIPAL

## Notes to the Balance Sheet for the 5 months ended 30 November 2019

### 4 Deposits/Prepayments

	30/11/2019	30/06/2019
	\$	\$
Prepaid Insurance	1,630,406	-
Prepaid Parking Bay Licence Fees	10,215,745	4,551
Other	2,017,351	1,379,542
	<b>\$13,863,502</b>	<b>\$1,384,093</b>

### 5 Trade And Other Receivables

	30/11/2019	30/06/2019
<b>Current</b>	<b>\$</b>	<b>\$</b>
Accrued Interest and Investment Income	1,030,860	868,832
Accrued Income	1,657,820	892,905
Modified Penalties/Fines and Costs	8,328,211	8,084,413
Debtors - General		
Australian Taxation Office - GST Refundable	159,572	642,097
Other Debtors	2,507,509	2,280,076
	13,683,972	12,768,323
<b>Less: Provision for Doubtful Debts</b>	<b>(4,608,226)</b>	<b>(4,451,723)</b>
	<b>\$9,075,746</b>	<b>\$8,316,600</b>
<b>Non Current</b>		
Pensioners' Rates Deferred	67,136	59,293
	<b>\$67,136</b>	<b>\$59,293</b>

### 6 Trade And Other Payables

	30/11/2019	30/06/2019
<b>Current</b>	<b>\$</b>	<b>\$</b>
Trade Creditors	14,083,054	13,305,765
Emergency Services Levy	10,430,284	209,366
Interest Payable on Loans	112,793	152,711
Accrued Expenses - Operating	5,538,918	3,336,122
Accrued Expenses - Capital	1,208,795	30,185
Advances Received for Recoverable Works	53,784	11,780
Income Received / Raised in Advance	3,156,622	1,950,846
Other Creditors	6,089,449	4,879,360
	<b>\$40,673,699</b>	<b>\$23,876,135</b>

**MUNICIPAL**

**Notes to the Balance Sheet for the 5 months ended 30 November 2019**

**7 Employee Benefits**

	30/11/2019	30/06/2019
<b>Current</b>	<b>\$</b>	<b>\$</b>
<b>Leave Entitlements</b>		
Annual Leave	5,239,353	4,904,535
Self Funded Leave	301,621	262,088
Long Service Leave	5,978,244	5,639,741
Recognition of Employees- Presentations	111,278	114,678
	<b>\$11,630,496</b>	<b>\$10,921,042</b>
<b>Non Current</b>		
Annual Leave	419,791	419,791
Long Service Leave	1,299,322	1,299,322
	<b>\$1,719,113</b>	<b>\$1,719,113</b>

**Provisions**

	30/11/2019	30/06/2019
<b>Current</b>	<b>\$</b>	<b>\$</b>
Workers Compensation	(14,042)	10,960
	<b>(14,042)</b>	<b>\$10,960</b>

**8 Property, Plant and Equipment and Work in Progress**

	30/11/2019	30/06/2019
	<b>\$</b>	<b>\$</b>
Land - fair value	417,713,132	417,713,132
<b>Less: Accumulated Depreciation</b>	<b>(9,165,126)</b>	<b>(8,887,867)</b>
	<b>408,548,006</b>	<b>408,825,265</b>
Buildings - at fair value	474,035,921	473,009,318
<b>Less: Accumulated Depreciation</b>	<b>(208,569,668)</b>	<b>(203,951,818)</b>
	<b>265,466,253</b>	<b>269,057,500</b>
Leasehold Improvements - at fair value	850,501	669,758
<b>Less: Accumulated Depreciation</b>	<b>(177,042)</b>	<b>(120,707)</b>
	<b>673,459</b>	<b>549,051</b>
Infrastructure Assets - at cost/fair value	612,904,547	608,764,500
<b>Less: Accumulated Depreciation</b>	<b>(243,270,365)</b>	<b>(237,336,572)</b>
	<b>369,634,182</b>	<b>371,427,928</b>
Plant and Mobile Equipment - at cost/fair value	40,429,264	41,847,769
<b>Less: Accumulated Depreciation</b>	<b>(28,536,386)</b>	<b>(28,543,030)</b>
	<b>11,892,878</b>	<b>13,304,739</b>
Office Furniture and Equipment - at cost/fair value	48,038,768	46,921,367
<b>Less: Accumulated Depreciation</b>	<b>(17,184,912)</b>	<b>(16,546,518)</b>
	<b>30,853,856</b>	<b>30,374,849</b>
Property, Plant and Equipment	<b>1,087,068,634</b>	<b>1,093,539,332</b>
Work in Progress - at cost	47,492,776	46,773,693
	<b>47,492,776</b>	<b>46,773,693</b>
Total Property, Plant and Equipment and Work in Progress	<b>\$1,134,561,410</b>	<b>\$1,140,313,025</b>



# MUNICIPAL

## Notes to the Balance Sheet for the 5 months ended 30 November 2019

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

	Balance 30/06/2019	Acquisitions Actual YTD 30/11/2019	Transfers Actual YTD 30/11/2019	Discovered/Initial Recognition of Asset Actual YTD 30/11/2019	Disposals/ Write off/ Actual YTD 30/11/2019	Reclassification Actual YTD 30/11/2019	Balance 30/11/2019
	\$	\$	\$	\$	\$		\$
Land	417,713,132	-	-	-	-	-	417,713,132
Buildings	473,009,318	1	1,219,464	-	(79,970)	(112,892)	474,035,921
Leasehold Improvements	669,758	-	67,851	-	-	112,892	850,501
Infrastructure Assets	608,764,500	45,745	6,320,269	356	(2,226,323)	-	612,904,547
Plant and Mobile Equipment	41,847,769	356,198	351,475	-	(2,126,178)	-	40,429,264
Office Furniture and Equipment	46,921,367	(42,696)	1,947,173	-	(787,076)	-	48,038,768
Work in Progress	46,773,693	11,296,059	(10,576,976)	-	-	-	47,492,776
	\$1,635,699,537	\$11,655,307	(670,744)	356	(5,219,547)	-	\$1,641,464,909

### 9 Loan Liability

	30/11/2019	30/06/2019
<b>Current</b>	\$	\$
Loans - Western Australian Treasury Corporation	5,704,500	6,904,163
<b>Non Current</b>		
Loans - Western Australian Treasury Corporation	6,671,733	8,778,971

### 10 Reserve Funds

Purpose of Reserve Fund	Balance 30/06/2019	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Transfer Between Reserves 30/11/2019	Balance 30/11/2019
	\$	\$	\$	\$	\$
Refuse Disposal and Treatment	3,814,076	33,592	(21,808)	-	3,825,860
Concert Hall - Refurbishment and Maint.	6,694,102	59,199	-	-	6,753,301
Asset Enhancement	32,496,838	283,984	(1,669,859)	137,353	31,248,316
Street Furniture Replacement	136,725	628	-	(137,353)	-
Parking Levy	21,972,143	38,191	(17,653,798)	-	4,356,536
Art Acquisition	419,074	3,614	(30,189)	-	392,499
Heritage Incentive	697,406	6,168	-	-	703,574
Parking Facilities Development	23,318,097	226,034	(182,543)	5,201,618	28,563,206
Employee Entitlements	1,989,973	17,562	-	-	2,007,535
David Jones Bridge	392,103	3,461	-	-	395,564
Bonus Plot Ratio	675,473	5,962	-	-	681,435
PCEC Fixed Plant Replacement	5,177,940	23,678	-	(5,201,618)	-
Enterprise and Initiative	6,003,159	52,812	(123,044)	-	5,932,927
Public Art	551,708	4,870	-	-	556,578
Technology Upgrade	-	4,015,010	(1,408,612)	-	2,606,398
Major Infrastructure	-	1,001,365	-	-	1,001,365
Provisional Capital	-	5,086,353	-	-	5,086,353
Organisational Reform	-	4,016,933	-	-	4,016,933
	104,338,817	14,879,416	(21,089,853)	-	98,128,380
* Asset Revaluation	469,921,563	330,202	(358,702)	-	469,893,063
	\$574,260,380	\$15,209,618	(\$21,448,555)	\$0	\$568,021,443

\* 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

**MUNICIPAL**

**Notes to the Balance Sheet for the 5 months ended 30 November 2019**

**11 Cash Reconciliation**

	30/11/2019	30/06/2019
	\$	\$
Cash and Cash Equivalents	21,396,364	46,473,723
Short Term Cash Investments	185,895,270	108,181,271
	<b>\$207,291,634</b>	<b>\$154,654,994</b>

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

	30/11/2019	30/06/2019
	\$	\$
Change in Net Assets Resulting from Operations	68,363,651	6,660,984
Adjustment for items not involving the movement of Funds:		
Depreciation	15,161,125	35,181,475
Doubtful Debts	156,503	468,272
(Gain)/Loss on Disposal/Write off/Contribution of Assets	834,224	7,169,271
	84,515,503	49,480,002
Revenues Provided By :		
Government Grants	(1,108,246)	(4,106,572)
	(1,108,246)	(4,106,572)
Change in Operating Assets and Liabilities		
<b>Add Back</b>		
Decrease in Inventories	-	242,833
Decrease in Deposits and Prepayments	-	353,082
Decrease in Accrued Interest and Dividend Income	-	223,370
Decrease in Deferred Debtors	-	3,356
Decrease in Accrued Income	-	874,858
Increase in Income Received /Raised in Advance	1,247,779	782,173
Increase in Accrued Expenses	2,202,794	864,644
Increase in Provisions	654,690	52,587
Increase in Trade and Other Payables	12,208,294	1,475,588
<b>Deduct</b>		
Decrease in Accrued Interest Payable	(39,918)	(79,156)
Increases in Deferred Debtors	(7,843)	-
Increase in Trade and Other Receivables	(22,228,751)	(71,693)
Increase in Prepayments	(12,479,409)	-
	(19,420,976)	4,721,642
Net Cash Provided by Operating Activities	<b>\$63,986,282</b>	<b>\$50,095,072</b>

# MUNICIPAL

## Notes to the Balance Sheet for the 5 months ended 30 November 2019

### 13 Ratios

	30/11/2019	30/06/2019
<b>1 Current Ratio</b>		
<u>Current Assets minus Restricted Assets</u>		
Current Liabilities minus Liabilities associated with Restricted Assets	2.73	1.54
<b>2 Debt Ratio</b>		
<u>Total Liabilities</u>		
Total Assets	4.74%	3.96%
<b>3 Debt Service Ratio</b>		
<u>Debt Service Cost</u>		
Available Operating Revenue	23.25%	5.06%
<b>4 Rate Coverage Ratio</b>		
<u>Net Rate Revenue</u>		
Operating Revenue	64.82%	45.30%
<b>5 Outstanding Rates Ratio</b>		
<u>Rates Outstanding</u>		
Rates Collectable	22.42%	0.97%
<b>6 Untied Cash to Unpaid Creditors Ratio</b>		
<u>Untied Cash</u>		
Unpaid Trade Creditors	7.92	3.73
<b>7 Gross Debt to Revenue Ratio</b>		
<u>Gross Debt</u>		
Total Revenue	8.25%	7.59%
<b>8 Gross Debt to Economically Realisable Assets Ratio</b>		
<u>Gross Debt</u>		
Economically Realisable Assets	1.20%	1.65%

Restricted Assets includes reserve funds and tied contributions not utilised at 30.11.2019

**FINANCIAL ACTIVITY STATEMENT FOR THE SIX MONTHS TO  
31 DECEMBER 2019**

**REPORT OF VARIANCES TO BUDGET**

**This report compares the actual performance for the six months to 31 December 2019 to the 2019/20 Budget adopted by Council on 23 July 2019, and subsequent Council approved amendments.**

**Operating Revenue**

- Parking revenue for the year to date was \$37 million, which was \$496,000 under the budget. The variance relates to Open Air car parks (\$264,000), Kerbside parking (\$312,000) and Undercover car parks \$59,000.
- Fines and costs were \$4.9 million, being \$362,000 above budget for the year to date. The variance relates to higher than anticipated revenue from Parking fines and modified penalties.
- Rubbish collection revenue was \$9.5 million for the year to date which was under budget by 1.4% or \$137,000.
- Investment Income and Interest was under the budget due mainly to reserves interest underperforming as a result of a decrease in the ASX 200 in the month.

**Operating Expenditure**

- Employee costs for the year to date were \$39.4 million, a variance of \$1 million to budget for the year to date as a result of vacant positions, underspending on casual staff and training and seminars.
- Materials and Contracts were \$5.2 million under the budget as a result of underspend in Properties maintenance (\$527,000), Infrastructure and IT maintenance (\$1,253,000) along with timing variances in contractors, consultants and other professional fees for a number of projects (\$2.2 million).
- Depreciation and Amortisation was over the budget by 3.2% or \$563,000.
- Other expenditure was \$100,000 over the budget for the year to date due to timing differences in donations and sponsorship payments (\$981,000) offset by non-capitalised work-in-progress \$763,000 and timing difference in Emergency Services Levy payment \$271,000.

**Investing Activities**

- Capital expenditure was \$14.1 million under budget for the year to date as detailed below.

**FINANCIAL ACTIVITY STATEMENT FOR THE SIX MONTHS TO  
31 DECEMBER 2019**

**REPORT OF VARIANCES TO BUDGET**

<b>Capital expenditure Variance for the period to December 2019</b>				
<b>Details</b>	<b>Budget 2019/20</b>	<b>Year to Date</b>		
		<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
Wellington Square Enhancement	5,916,345	218,508	674,535	(456,027)
East End Revitalisation	4,191,775	282,744	2,334,487	(2,051,742)
Pedestrian Walkways	4,055,000	4,000,000	2,055,000	1,945,000
Perth Convention & Exhibition Centre - Subsidence Rectification	4,000,000	1,129	943,264	(942,135)
CONCERT HALL - Structural Remediation Works	2,156,585	273,646	1,078,293	(804,647)
Fleet and Plant Replacement - Community Amenities - Sanitation	1,609,500	437,599	804,750	(367,151)
Lighting - Council House Upgrades	1,596,700	742,717	1,008,938	(266,221)
Financial Systems Project	1,450,000	1,408,612	1,050,000	358,612
Bollard Replacement in Hay & Murray St Malls	1,438,311	24,506	1,438,311	(1,413,805)
Lighting - Christmas Decorations	988,047	-	162,500	(162,500)
Digital Workplace Enhancements	855,126	193,089	372,452	(179,363)
Reconfiguration - Forrest Place loading dock	804,958	80,654	150,000	(69,346)
Projects with no spending YTD	62,050	-	-	0
All other projects	25,025,879	5,920,435	15,660,161	(9,739,726)
<b>TOTAL</b>	<b>54,150,276</b>	<b>13,583,639</b>	<b>27,732,690</b>	<b>(14,149,051)</b>

**Financing Activities**

- Transfers to Reserves were under budget by \$139,000 due to lower interest income on Reserve funds.
- Transfers from Reserves were under budget by \$778,000 due to timing variances of projects funded from Reserve funds

**FINANCIAL ACTIVITY STATEMENT FOR THE SIX MONTHS TO  
31 DECEMBER 2019**

**REPORT OF VARIANCES TO BUDGET**

**Amounts sourced from Rates**

- Rates revenue raised was \$894,000 or 0.9% over budget due to higher interim rates revenue collected.

# CITY OF PERTH

## FINANCIAL ACTIVITY STATEMENT for the period ended 31 December 2019

	Revised Budget 2019/20	Actual YTD 31-Dec-19	Revised Budget YTD 31-Dec-19	Variance YTD 31-Dec-19
	\$	\$	\$	\$
<b>Proceeds from Operating Activities</b>				
<b>Operating Revenue</b>				
Parking Fees	73,565,819	37,031,742	37,527,250	(495,508)
Fines and Costs	9,057,395	4,914,102	4,552,071	362,032
Investment Income and Interest	5,012,305	2,484,228	2,605,645	(121,418)
Community Service Fees	1,666,270	822,389	833,135	(10,746)
Rubbish Collection	10,099,700	9,537,598	9,674,700	(137,102)
Rentals and Hire Charges	5,206,739	2,660,487	2,603,168	57,320
Recurrent Grants	1,427,431	704,080	717,474	(13,394)
Contributions, Donations and Reimbursements	862,567	985,628	410,784	574,844
Other Income	4,361,329	3,096,998	2,515,302	581,696
Distribution from TPRC	350,000	0	182,778	(182,778)
	<b>111,609,555</b>	<b>62,237,252</b>	<b>61,622,306</b>	<b>614,945</b>
<b>Less: Operating Expenditure</b>				
Employee Costs	80,875,477	39,437,115	40,455,319	1,018,204
Materials and Contracts	59,110,559	21,460,092	26,668,056	5,207,964
Utilities	3,244,992	1,477,070	1,627,632	150,562
Insurance Expenditure	1,010,519	560,115	510,427	(49,688)
Depreciation and Amortisation	35,541,567	18,333,689	17,770,783	(562,907)
Interest Expenses	573,408	325,697	324,336	(1,361)
Loss on Disposal of Assets	1,769,729	838,566	884,865	46,299
Expense Provisions	655,791	371,589	327,896	(43,694)
Other Expenditure	25,080,277	12,949,260	13,049,979	100,719
	<b>207,862,320</b>	<b>95,753,193</b>	<b>101,619,292</b>	<b>5,866,099</b>
Add back Depreciation	(35,541,567)	(18,333,689)	(17,770,783)	562,907
Less: Movement in Liabilities associated with Restricted Cash	5,808,466			
(Loss) / Profit on Disposals	(1,769,729)	(838,566)	(884,865)	(46,299)
	<b>176,359,490</b>	<b>76,580,938</b>	<b>82,963,645</b>	<b>6,382,707</b>
<b>Net Surplus/(Deficit) from Operations</b>	<b>(64,749,935)</b>	<b>(14,343,686)</b>	<b>(21,341,339)</b>	<b>6,997,653</b>
<b>Investing Activities</b>				
Capital Grants	1,191,862	492,965	242,253	250,712
Capital Expenditure	(54,150,276)	(13,583,639)	(27,732,690)	14,149,051
Proceeds from Disposal of Assets/Investments	1,325,391	894,651	668,142	226,509
<b>Sub-total Investing Activities</b>	<b>(51,633,022)</b>	<b>(12,196,023)</b>	<b>(26,822,295)</b>	<b>14,626,272</b>
<b>Financing Activities</b>				
Repayment of Borrowings	(6,904,163)	(4,063,868)	(4,063,868)	0
Transfers to Reserves	(53,502,823)	(15,440,794)	(15,580,000)	139,206
Transfer from Reserves	51,563,077	22,065,260	22,843,164	(777,904)
<b>Sub-total Financing Activities</b>	<b>(8,843,909)</b>	<b>2,560,598</b>	<b>3,199,296</b>	<b>(638,698)</b>
Add: Opening Funds	34,052,456	39,839,348	39,839,348	0
<b>Net Surplus/(Deficit) before Rates</b>	<b>(91,174,410)</b>	<b>15,860,236</b>	<b>(5,124,990)</b>	<b>20,985,226</b>
Amount Sourced from Rates	96,419,628	97,450,338	96,556,653	893,684
<b>Closing Funds</b>	<b>5,245,218</b>	<b>113,310,574</b>	<b>91,431,663</b>	<b>21,878,911</b>

# CITY OF PERTH

**CURRENT POSITION AS AT THE END OF THE PERIOD 31 December 2019**

Description	Revised Budget 2019/20	Actual YTD 31-Dec-19	Revised Budget YTD 31-Dec-19	Variance YTD 31-Dec-19
<b>Current Assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Cash and Cash Equivalents	6,964,785	20,669,062	26,197,788	(5,528,726)
Deposits and Prepayments	4,787,964	11,969,313	17,787,964	(5,818,651)
Money Market Investments - Municipal Funds	5,498,142	84,438,523	56,948,142	27,490,381
Money Market Investments - Restricted Funds	111,016,948	95,322,162	85,616,948	9,705,214
Trade and Other Receivables	13,551,253	26,479,116	32,325,316	(5,846,200)
Inventories	920,355	832,734	920,355	(87,621)
<b>Total Current Assets</b>	<b>142,739,447</b>	<b>239,710,910</b>	<b>219,796,513</b>	<b>19,914,397</b>
<b>Current Liabilities</b>				
Trade and Other Payables	18,532,986	29,353,059	35,703,607	(6,350,548)
Employee Entitlements	3,448,217	11,674,788	10,448,217	1,226,571
Provisions	7,944,295	(38,889)	44,295	(83,184)
Borrowings	8,778,971	4,947,533	5,778,971	(831,438)
<b>Total Current Liabilities</b>	<b>38,704,469</b>	<b>45,936,491</b>	<b>51,975,090</b>	<b>(6,038,599)</b>
<b>Working Capital Position Brought Forward</b>	<b>104,034,978</b>	<b>193,774,419</b>	<b>167,821,423</b>	<b>25,952,996</b>
Deduct Restricted Cash Holdings	(111,016,948)	(95,322,162)	(85,616,948)	(9,705,214)
Add Current Liabilities not expected to clear	3,448,217	9,910,784	3,448,217	6,462,567
Add Current Borrowings	8,778,971	4,947,533	5,778,971	(831,438)
<b>Current Funds Position Brought Forward</b>	<b>5,245,218</b>	<b>113,310,574</b>	<b>91,431,663</b>	<b>21,878,911</b>

<b>Net Cash on Hand</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Cash On Hand	6,964,785	20,669,062	26,197,788	(5,528,726)
Money Market Investments	116,515,090	179,760,685	142,565,090	37,195,595
<b>Funds on Hand</b>	<b>123,479,875</b>	<b>200,429,747</b>	<b>168,762,878</b>	<b>31,666,869</b>
<b>Analysis of Funds on Hand</b>				
Reserves	111,016,948	95,322,162	85,616,948	9,705,214
Provisions	11,392,512	11,635,899	10,492,512	1,143,387
General Funds	1,070,415	93,471,686	72,653,418	20,818,268
<b>Funds on Hand</b>	<b>123,479,875</b>	<b>200,429,747</b>	<b>168,762,878</b>	<b>31,666,869</b>



# 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

# **CITY OF PERTH**

## **Financial Report**

**For the 6 months ended 31 December 2019**

**CITY OF PERTH  
MUNICIPAL**

***Statement of Comprehensive Income for the 6 months ended 31 December 2019***

***(By Program)***

	<i>Note</i>	<b>*Budget 2019/2020</b>	<b>** Revised Budget YTD</b>	<b>Actual YTD 31/12/2019</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
General Purpose Funding Rates		97,492,728	97,377,518	98,564,457	1,186,939	1.2%
General Purpose Funding Other		4,994,353	2,461,375	2,117,395	(343,980)	-14.0%
Law, Order, Public Safety		85,674	40,166	40,398	232	0.6%
Health		981,000	729,318	766,580	37,262	5.1%
Education and Welfare		1,951,603	975,801	1,113,049	137,248	14.1%
Housing		885,259	442,630	527,161	84,531	19.1%
Community Amenities		13,033,342	10,948,563	10,698,066	(250,497)	-2.3%
Recreation and Culture		1,767,438	1,042,788	1,737,428	694,640	66.6%
Transport		84,507,422	43,191,065	42,895,730	(295,335)	-0.7%
Economic Services		1,116,620	582,343	721,648	139,305	23.9%
Other Property and Services		529,083	204,614	505,678	301,064	147.1%
<b>Total Operating Income</b>		<b>207,344,522</b>	<b>157,996,181</b>	<b>159,687,590</b>	<b>1,691,409</b>	<b>1.1%</b>
<b>OPERATING EXPENDITURE</b>						
Governance		(7,851,722)	(3,881,084)	(3,922,144)	41,060	-1.1%
General Purpose Funding		(1,669,591)	(842,322)	(870,161)	27,839	-3.3%
Law, Order, Public Safety		(6,635,762)	(3,275,202)	(3,335,207)	60,005	-1.8%
Health		(2,467,498)	(1,204,885)	(875,832)	(329,053)	27.3%
Education and Welfare		(4,580,602)	(2,277,368)	(2,007,448)	(269,920)	11.9%
Housing		(668,931)	(334,465)	(279,728)	(54,737)	16.4%
Community Amenities		(28,410,176)	(13,978,603)	(11,695,179)	(2,283,424)	16.3%
Recreation and Culture		(37,803,006)	(18,626,851)	(17,109,433)	(1,517,418)	8.1%
Transport		(81,477,431)	(40,101,489)	(39,289,355)	(812,134)	2.0%
Economic Services		(18,993,788)	(10,544,997)	(9,932,429)	(612,568)	5.8%
Other Property and Services		(12,929,208)	(5,667,161)	(5,597,711)	(69,450)	1.2%
<b>Total Operating Expenditure</b>		<b>(203,487,715)</b>	<b>(100,734,428)</b>	<b>(94,914,627)</b>	<b>(5,819,801)</b>	<b>5.8%</b>
<b>NET FROM OPERATIONS</b>		<b>3,856,807</b>	<b>57,261,753</b>	<b>64,772,963</b>	<b>7,511,210</b>	<b>13.1%</b>
<b>GRANTS/CONTRIBUTIONS</b>						
For the Development of Assets						
- General Purpose Funding		103,000	103,000	110,141	7,141	6.9%
- Recreation and Culture		-	-	(5,611)	-	0.0%
- Transport		1,088,862	139,253	388,435	249,182	178.9%
<b>Total Grants/Contributions</b>		<b>1,191,862</b>	<b>242,253</b>	<b>492,965</b>	<b>250,712</b>	<b>103.5%</b>
<b>DISPOSAL/WRITE OFF OF ASSETS</b>						
Gain/(Loss) on Disposal of Assets	<b>2</b>	(1,769,729)	(884,864)	(838,566)	46,298	-5.2%
<b>Change in net assets resulting from operations before significant items</b>		<b>3,278,940</b>	<b>56,619,142</b>	<b>64,427,362</b>	<b>7,808,220</b>	<b>13.8%</b>
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		350,000	182,778	-	(182,778)	-100.0%
Initial Recognition of Assets		-	-	45,790	45,790	0.0%
<b>Change in net assets resulting from operations after significant items</b>		<b>3,628,940</b>	<b>56,801,920</b>	<b>64,473,152</b>	<b>7,671,232</b>	<b>13.5%</b>

\* 2019/2020 Budget adopted by Council on 23 July 2019

\*\* Revised by Council on 3 October 2019

**CITY OF PERTH  
MUNICIPAL**

***Statement of Comprehensive Income for the 6 months ended 31 December 2019  
(By Nature or Type)***

	<i>Note</i>	<b>*Budget 2019/2020</b>	<b>Revised Budget YTD</b>	<b>Actual YTD 31/12/2019</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
Rates		96,419,628	96,556,653	97,450,338	893,685	0.9%
Grants and Contributions for Non Capital Purposes		2,289,998	1,128,258	1,689,708	561,450	49.8%
Fees and Charges		102,166,481	56,954,506	57,198,535	244,029	0.4%
Interest and Investment Income		5,012,305	2,605,645	2,484,228	(121,417)	-4.7%
Other Revenue		1,456,110	751,118	864,781	113,663	15.1%
Total Revenue from Operating Activities		207,344,522	157,996,181	159,687,590	1,691,409	1.1%
<b>OPERATING EXPENDITURE</b>						
Employee Costs		(83,404,020)	(40,455,319)	(39,437,115)	(1,018,204)	2.5%
Materials and Contracts		(53,499,590)	(26,668,056)	(21,460,092)	(5,207,964)	19.5%
Utilities		(3,244,992)	(1,627,632)	(1,477,070)	(150,562)	9.3%
Depreciation and Amortisation		(35,541,567)	(17,770,783)	(18,333,687)	562,904	-3.2%
Interest		(573,408)	(324,336)	(325,697)	1,361	-0.4%
Insurance		(1,040,519)	(510,427)	(560,115)	49,688	-9.7%
Expenses Provision		(655,791)	(327,896)	(371,589)	43,694	-13.3%
Other Expenses from Ordinary Activities		(25,527,828)	(13,049,979)	(12,949,262)	(100,717)	0.8%
Total Expenses from Ordinary Activities		(203,487,715)	(100,734,428)	(94,914,627)	(5,819,801)	5.8%
Change in Net Assets from Ordinary Activities before Capital Amounts		3,856,807	57,261,753	64,772,963	7,511,210	13.1%
<b>GRANTS/CONTRIBUTIONS</b>						
Grants and Contributions- Capital		1,191,862	242,253	492,965	250,712	103.5%
<b>NET OPERATING SURPLUS</b>		5,048,669	57,504,006	65,265,928	7,761,922	13.5%
<b>DISPOSAL/WRITE OFF OF ASSETS</b>	<b>2</b>	(1,769,729)	(884,864)	(838,566)	46,298	-5.2%
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		350,000	182,778	-	(182,778)	-100.0%
Initial Recognition of Assets		-	-	45,790	45,790	0.0%
<b><i>Change in net assets resulting from operations after capital amounts and significant items</i></b>		3,628,940	56,984,698	64,473,152	7,488,453	13.1%

\* 2019/2020 Budget adopted by Council on 23 July 2019

\*\* Revised by Council on 3 October 2019

**CITY OF PERTH  
MUNICIPAL**

***Statement of Financial Position as at 31 December 2019***

	<b>Note</b>	<b>31/12/2019</b>	<b>30/06/2019</b>
<b>CURRENT ASSETS</b>		\$	\$
Cash and Cash Equivalents	<b>11</b>	20,669,062	46,473,723
Deposits/Prepayments	<b>4</b>	11,969,313	1,384,093
Other financial assets at amortised cost	<b>3, 11</b>	179,760,685	108,181,271
Trade and Other Receivables	<b>5</b>	8,420,143	8,316,600
Rates Receivable	<b>1</b>	18,058,973	914,187
Inventories		832,734	829,609
<b>TOTAL CURRENT ASSETS</b>		<b>239,710,910</b>	<b>166,099,483</b>
<b>NON CURRENT ASSETS</b>			
Other financial assets at amortised cost	<b>3</b>	2,420,688	2,448,395
Financial assets at fair value through profit and loss	<b>3</b>	175,171	175,171
Trade and Other Receivables	<b>5</b>	67,136	59,293
Investments accounted for using the equity method	<b>3</b>	10,144,884	9,900,521
Property, Plant and Equipment	<b>8</b>	717,324,955	722,111,405
Infrastructure	<b>8</b>	369,260,254	371,427,927
Capital Work in Progress	<b>8</b>	46,481,996	46,773,693
<b>TOTAL NON CURRENT ASSETS</b>		<b>1,145,875,084</b>	<b>1,152,896,405</b>
<b>TOTAL ASSETS</b>		<b>1,385,585,994</b>	<b>1,318,995,888</b>
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	<b>6</b>	29,353,059	23,876,135
Employee Benefits	<b>7</b>	11,674,788	10,921,042
Provisions	<b>7</b>	(38,889)	10,960
Loan Liability	<b>9</b>	4,947,533	6,904,163
<b>TOTAL CURRENT LIABILITIES</b>		<b>45,936,491</b>	<b>41,712,300</b>
<b>NON CURRENT LIABILITIES</b>			
Employee Benefits	<b>7</b>	1,719,113	1,719,113
Loan Liability	<b>9</b>	6,671,733	8,778,971
<b>TOTAL NON CURRENT LIABILITIES</b>		<b>8,390,846</b>	<b>10,498,084</b>
<b>TOTAL LIABILITIES</b>		<b>54,327,337</b>	<b>52,210,384</b>
<b>NET ASSETS</b>		<b>\$1,331,258,657</b>	<b>\$1,266,785,504</b>
<b>EQUITY</b>			
Accumulated Surplus		763,622,743	692,525,125
Asset Revaluation Reserve	<b>10</b>	469,893,063	469,921,563
Reserves	<b>10</b>	97,742,851	104,338,816
<b>TOTAL EQUITY</b>		<b>\$1,331,258,657</b>	<b>\$1,266,785,504</b>

**CITY OF PERTH  
MUNICIPAL**

*Statement of Changes in Equity for the 6 months ended 31 December 2019*

	Accumulated Surplus	Asset Revaluation Reserve	Reserves Cash/investment Backed	Total Equity
<b>Balance at 1 July 2018</b>	\$	\$	\$	\$
Net result	681,287,295	477,204,390	100,418,439	1,258,910,124
Asset Revaluation Reserve Transfers	7,875,380	-	-	7,875,380
Reserve Transfers	7,282,827	(7,282,827)	-	-
	(3,920,377)		3,920,377	-
Balance at 30 June 2019	\$692,525,125	\$469,921,563	\$104,338,816	\$1,266,785,504
<b>Balance at 1 July 2019</b>	\$	\$	\$	\$
Net result	692,525,125	469,921,563	104,338,816	1,266,785,504
Asset Revaluation Reserve Transfers	64,473,152	-	-	64,473,152
Reserve Transfers	28,500	(28,500)	-	-
	6,595,966	-	(6,595,966)	-
<b>Balance at the end of the reporting period</b>	<b>\$763,622,743</b>	<b>\$469,893,063</b>	<b>\$97,742,850</b>	<b>\$1,331,258,655</b>

**CITY OF PERTH  
MUNICIPAL**

***Statement of Cash Flows for the 6 months ended 31 December 2019***

	Note	*Budget 2019/2020	YTD Actual 31/12/2019	YTD Variation	
		\$	\$	\$	%
<b><i>Cash Flows from Operating Activities</i></b>					
<b>Receipts</b>					
Rates		96,419,628	90,904,406	(5,515,222)	-5.7%
Fees and Charges		102,166,481	56,999,060	(45,167,421)	-44.2%
Interest		5,012,305	2,351,542	(2,660,763)	-53.1%
Other		1,806,110	1,836,386	30,276	1.7%
		205,404,524	152,091,394	(53,313,130)	-26.0%
<b>Payments</b>					
Employee Costs		(83,404,020)	(39,819,327)	43,584,693	52.3%
Materials and Contracts		(53,499,590)	(28,242,559)	25,257,031	47.2%
Interest		(573,408)	(377,057)	196,351	34.2%
Other		(30,469,130)	(24,106,385)	6,362,745	20.9%
		(167,946,148)	(92,545,328)	75,400,820	44.9%
Net Cash Flows from Operating Activities	<b>12</b>	37,458,376	59,546,066	22,087,690	-59.0%
<b><i>Cash Flows from Investing Activities</i></b>					
Proceeds from Disposal of Assets		1,325,391	894,651	(430,740)	-32.5%
Proceeds from Disposal of Investments		-	94,215,133	94,215,133	0.0%
Purchase Land and Buildings		(16,522,757)	-	16,522,757	-100.0%
Purchase Infrastructure Assets		(22,281,475)	(10,324)	22,271,151	-100.0%
Purchase Plant and Mobile Equipment		(16,885,165)	(343,650)	16,541,515	98.0%
Purchase Office Furniture and Equipment		(1,128,128)	(50,035)	1,078,093	-95.6%
Work in Progress		-	(11,192,505)	(11,192,505)	0.0%
Purchase of Investments		-	(166,011,203)	(166,011,203)	0.0%
Net Cash Flows from Investing Activities		(55,492,134)	(82,497,933)	(27,005,799)	48.7%
<b><i>Cash Flows from Financing Activities</i></b>					
Repayment of Borrowings		(6,904,163)	(4,063,868)	2,840,295	41.1%
		(6,904,163)	(4,063,868)	2,840,295	41.1%
<b><i>Cash Flows from Government and Other Parties</i></b>					
<b>Receipts from Appropriations/Grants</b>					
Recurrent		2,289,998	718,103	(1,571,895)	-68.6%
Capital		1,191,862	492,965	(698,897)	-58.6%
		3,481,860	1,211,068	(2,270,792)	-65.2%
Net Increase (Decrease) in Cash Held		(21,456,061)	(25,804,667)	(4,348,606)	20.3%
<b><i>Cash at 1 July 2019</i></b>		149,719,007	46,473,723	(103,245,284)	-69.0%
<b><i>Cash at 31 December 2019</i></b>	<b>11</b>	128,262,946	20,669,062	(107,593,884)	-83.9%

\* 2019/2020 Budget adopted by Council on 23 July 2019

**MUNICIPAL**

**Notes to the Balance Sheet for the 6 months ended 31 December 2019**

**1 Rates Receivable**

	<b>Actual YTD 31/12/2019</b>	<b>2018/19 30/06/2019</b>
	<b>\$</b>	<b>\$</b>
Outstanding Amount at 30 June 2019	914,187	721,402
Rates Levied for the Year	97,098,420	92,244,168
Late Payment Penalties	175,468	211,402
Ex Gratia Rates	7,648	7,436
Rates Administration Fee	384,881	377,828
Rates Instalment Interest	393,100	355,339
Back Rates	344,270	264,262
Bins Levy	315,099	80,236
Emergency Services Levy	3,678,362	178,540
	103,311,435	94,440,613
Amount Received during the Period	85,252,462	93,526,426
Outstanding Amount at 31 December 2019	<b>\$18,058,973</b>	<b>\$914,187</b>

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

	<b>Annual Budget</b>	<b>Actual YTD 31/12/2019</b>
	<b>\$</b>	<b>\$</b>
<b>Land and Buildings</b>		
Proceeds on Disposal	-	-
<b>Less:</b> Carrying amount of assets sold/written off	101,811	13,809
(Loss) on Disposal/Write Off	(101,811)	(13,809)
<b>Infrastructure</b>		
Proceeds on Disposal	-	-
<b>Less:</b> Carrying amount of assets written off	1,677,221	793,609
(Loss) on Write Off	(1,677,221)	(793,609)
<b>Plant and Mobile Equipment</b>		
Proceeds on Disposal	1,318,951	894,651
<b>Less:</b> Carrying amount of assets sold/written off	1,259,082	924,159
Loss on Disposal /Write Off	59,869	(29,508)
<b>Furniture and Equipment</b>		
Proceeds on Disposal	6,440	-
<b>Less:</b> Carrying amount of assets sold /written off	57,006	1,640
(Loss) on Disposal/Write Off	(50,566)	(1,640)
<b>Gain/(Loss) on Disposal/Write off of Assets</b>	<b>(1,769,729)</b>	<b>(838,566)</b>

**3 Other Financial Assets**

<b>Current</b>	<b>31/12/2019</b>	<b>30/06/2019</b>
	<b>\$</b>	<b>\$</b>
<b>Short Term Cash Investments *</b>		
Bank/Term Deposits	173,650,000	102,250,000
Managed Funds	6,110,685	5,931,271
Total Current Investments	<b>\$179,760,685</b>	<b>\$108,181,271</b>

\* Short Term Cash Investments as stated in Note 11.

<b>Non Current</b>	<b>31/12/2019</b>	<b>30/06/2019</b>
	<b>\$</b>	<b>\$</b>
Other financial assets at amortised cost		
Mortgage Backed Securities (MBS)	2,420,688	2,448,395
	<b>2,420,688</b>	<b>2,448,395</b>
Equity in Local Government House	175,171	175,171
Equity in Mindarie Regional Council	6,091,422	6,091,422
Equity in Tamala Park Regional Council	4,053,462	3,809,099
	<b>10,144,884</b>	<b>9,900,521</b>



# MUNICIPAL

## Notes to the Balance Sheet for the 6 months ended 31 December 2019

### 4 Deposits/Prepayments

	31/12/2019	30/06/2019
	\$	\$
Prepaid Insurance	1,398,472	-
Prepaid Parking Bay Licence Fees	8,752,899	4,551
Other	1,817,942	1,379,542
	<b>\$11,969,313</b>	<b>\$1,384,093</b>

### 5 Trade And Other Receivables

	31/12/2019	30/06/2019
<b>Current</b>	\$	\$
Accrued Interest and Investment Income	1,001,518	868,832
Accrued Income	702,215	892,905
Modified Penalties/Fines and Costs	8,166,480	8,084,413
Debtors - General		
Australian Taxation Office - GST Refundable	45,235	642,097
Other Debtors	2,950,175	2,280,076
	12,865,623	12,768,323
<b>Less: Provision for Doubtful Debts</b>	<b>(4,445,480)</b>	<b>(4,451,723)</b>
	<b>\$8,420,143</b>	<b>\$8,316,600</b>
<b>Non Current</b>		
Pensioners' Rates Deferred	67,136	59,293
	<b>\$67,136</b>	<b>\$59,293</b>

### 6 Trade And Other Payables

	31/12/2019	30/06/2019
<b>Current</b>	\$	\$
Trade Creditors	3,963,174	13,305,765
Emergency Services Levy	10,581,201	209,366
Interest Payable on Loans	101,351	152,711
Accrued Expenses - Operating	5,218,105	3,336,122
Accrued Expenses - Capital	1,208,967	30,185
Advances Received for Recoverable Works	35,517	11,780
Income Received / Raised in Advance	3,088,999	1,950,846
Other Creditors	5,155,745	4,879,360
	<b>\$29,353,059</b>	<b>\$23,876,135</b>

**MUNICIPAL**

**Notes to the Balance Sheet for the 6 months ended 31 December 2019**

**7 Employee Benefits**

	31/12/2019	30/06/2019
<b>Current</b>	<b>\$</b>	<b>\$</b>
<b>Leave Entitlements</b>		
Annual Leave	5,272,985	4,904,535
Self Funded Leave	306,921	262,088
Long Service Leave	5,984,354	5,639,741
Recognition of Employees- Presentations	110,528	114,678
	<b>\$11,674,788</b>	<b>\$10,921,042</b>
<b>Non Current</b>		
Annual Leave	419,791	419,791
Long Service Leave	1,299,322	1,299,322
	<b>\$1,719,113</b>	<b>\$1,719,113</b>

**Provisions**

	31/12/2019	30/06/2019
<b>Current</b>	<b>\$</b>	<b>\$</b>
Workers Compensation	(38,889)	10,960
	<b>(38,889)</b>	<b>\$10,960</b>

**8 Property, Plant and Equipment and Work in Progress**

	31/12/2019	30/06/2019
	<b>\$</b>	<b>\$</b>
Land - fair value	417,713,132	417,713,132
<b>Less:</b> Accumulated Depreciation	(9,221,303)	(8,887,867)
	408,491,829	408,825,265
Buildings - at fair value	474,598,899	473,009,318
<b>Less:</b> Accumulated Depreciation	(209,533,350)	(203,951,818)
	265,065,549	269,057,500
Leasehold Improvements - at fair value	850,501	669,758
<b>Less:</b> Accumulated Depreciation	(179,870)	(120,707)
	670,631	549,051
Infrastructure Assets - at cost/fair value	614,061,326	608,764,500
<b>Less:</b> Accumulated Depreciation	(244,801,072)	(237,336,572)
	369,260,254	371,427,928
Plant and Mobile Equipment - at cost/fair value	40,457,291	41,847,769
<b>Less:</b> Accumulated Depreciation	(28,755,845)	(28,543,030)
	11,701,446	13,304,739
Office Furniture and Equipment - at cost/fair value	48,949,400	46,921,367
<b>Less:</b> Accumulated Depreciation	(17,553,900)	(16,546,518)
	31,395,500	30,374,849
Property, Plant and Equipment	1,086,585,209	1,093,539,332
Work in Progress - at cost	46,481,996	46,773,693
	46,481,996	46,773,693
Total Property, Plant and Equipment and Work in Progress	<b>\$1,133,067,205</b>	<b>\$1,140,313,025</b>

**MUNICIPAL**

**Notes to the Balance Sheet for the 6 months ended 31 December 2019**

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

	Balance 30/06/2019	Acquisitions Actual YTD 31/12/2019	Transfers Actual YTD 31/12/2019	Discovered/Initial Recognition of Asset Actual YTD 31/12/2019	Disposals/ Write off/ Actual YTD 31/12/2019	Reclassification Actual YTD 31/12/2019	Balance 31/12/2019
	\$	\$	\$	\$	\$		\$
Land	417,713,132	-	-	-	-	-	417,713,132
Buildings	473,009,318	-	1,782,443	-	(79,970)	(112,892)	474,598,899
Leasehold Improvements	669,758	-	67,851	-	-	112,892	850,501
Infrastructure Assets	608,764,500	10,324	7,441,484	65,273	(2,220,255)	-	614,061,326
Plant and Mobile Equipment	41,847,769	343,650	600,064	-	(2,334,192)	-	40,457,291
Office Furniture and Equipment	46,921,367	50,035	2,771,142	-	(793,144)	-	48,949,400
Work in Progress	46,773,693	13,133,843	(13,425,540)	-	-	-	46,481,996
	<b>\$1,635,699,537</b>	<b>\$13,537,852</b>	<b>(762,556)</b>	<b>65,273</b>	<b>(5,427,561)</b>	<b>-</b>	<b>\$1,643,112,545</b>

**9 Loan Liability**

	31/12/2019	30/06/2019
<b>Current</b>	\$	\$
Loans - Western Australian Treasury Corporation	<b>4,947,533</b>	<b>6,904,163</b>
<b>Non Current</b>		
Loans - Western Australian Treasury Corporation	<b>6,671,733</b>	<b>8,778,971</b>

**10 Reserve Funds**

Purpose of Reserve Fund	Balance 30/06/2019	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Transfer Between Reserves 31/12/2019	Balance 31/12/2019
	\$	\$	\$	\$	\$
Refuse Disposal and Treatment	3,814,076	48,299	(29,558)	-	3,832,817
Concert Hall - Refurbishment and Maint.	6,694,102	85,162	-	-	6,779,264
Asset Enhancement	32,496,838	403,998	(2,152,102)	137,353	30,886,087
Street Furniture Replacement	136,725	628	-	(137,353)	-
Parking Levy	21,972,143	54,939	(17,653,798)	-	4,373,284
Art Acquisition	419,074	5,121	(37,033)	-	387,162
Heritage Incentive	697,406	8,872	-	-	706,278
Parking Facilities Development	23,318,097	335,842	(190,184)	5,201,618	28,665,373
Employee Entitlements	1,989,973	25,280	-	-	2,015,253
David Jones Bridge	392,103	4,981	-	-	397,084
Bonus Plot Ratio	675,473	8,582	-	-	684,055
PCEC Fixed Plant Replacement	5,177,940	23,678	-	(5,201,618)	-
Enterprise and Initiative	6,003,159	75,621	(123,044)	-	5,955,736
Public Art	551,708	7,010	-	-	558,718
Technology Upgrade	-	4,025,030	(1,408,612)	-	2,616,418
Major Infrastructure	-	1,005,215	-	-	1,005,215
Provisional Capital	-	4,959,958	(112,227)	-	4,847,731
Organisational Reform	-	4,032,376	-	-	4,032,376
	104,338,817	15,110,592	(21,706,558)	-	97,742,851
* Asset Revaluation	469,921,563	330,202	(358,702)	-	469,893,063
	<b>\$574,260,380</b>	<b>\$15,440,794</b>	<b>(22,065,260)</b>	<b>-</b>	<b>\$567,635,914</b>

\* 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 6 months ended 31 December 2019**

**11 Cash Reconciliation**

	<b>31/12/2019</b>	<b>30/06/2019</b>
	<b>\$</b>	<b>\$</b>
Cash and Cash Equivalents	20,669,062	46,473,723
Short Term Cash Investments	179,760,685	108,181,271
	<b>\$200,429,747</b>	<b>\$154,654,994</b>

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

	<b>31/12/2019</b>	<b>30/06/2019</b>
	<b>\$</b>	<b>\$</b>
Change in Net Assets Resulting from Operations	64,427,362	6,660,984
Adjustment for items not involving the movement of Funds:		
Depreciation	18,333,687	35,181,475
Doubtful Debts	(6,243)	468,272
(Gain)/Loss on Disposal/Write off/Contribution of Assets	838,566	7,169,271
	83,593,372	49,480,002
Revenues Provided By :		
Government Grants	(1,211,068)	(4,106,572)
	(1,211,068)	(4,106,572)
Change in Operating Assets and Liabilities		
<b>Add Back</b>		
Decrease in Inventories	-	242,833
Decrease in Deposits and Prepayments	-	353,082
Decrease in Accrued Interest and Dividend Income	-	223,370
Decrease in Deferred Debtors	-	3,356
Decrease in Accrued Income	190,690	874,858
Increase in Income Received /Raised in Advance	1,161,889	782,173
Increase in Accrued Expenses	1,881,981	864,644
Increase in Provisions	703,897	52,587
Increase in Trade and Other Payables	1,305,627	1,475,588
<b>Deduct</b>		
Decrease in Accrued Interest Payable	(51,360)	(79,156)
Increases in Deferred Debtors	(7,843)	-
Increase in Inventories	(3,125)	-
Increase in Trade and Other Receivables	(17,300,090)	(71,693)
Increase in Prepayments	(10,585,220)	-
Increase in Accrued Interest and Investment Income	(132,686)	-
	(22,836,240)	4,721,642
Net Cash Provided by Operating Activities	<b>\$59,546,065</b>	<b>\$50,095,072</b>

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## Notes to the Balance Sheet for the 6 months ended 31 December 2019

### 13 Ratios

	31/12/2019	30/06/2019
<b>1 Current Ratio</b>		
<u>Current Assets minus Restricted Assets</u>		
Current Liabilities minus Liabilities associated with Restricted Assets	3.14	1.54
<b>2 Debt Ratio</b>		
<u>Total Liabilities</u>		
Total Assets	3.92%	3.96%
<b>3 Debt Service Ratio</b>		
<u>Debt Service Cost</u>		
Available Operating Revenue	18.83%	5.06%
<b>4 Rate Coverage Ratio</b>		
<u>Net Rate Revenue</u>		
Operating Revenue	61.72%	45.30%
<b>5 Outstanding Rates Ratio</b>		
<u>Rates Outstanding</u>		
Rates Collectable	17.48%	0.97%
<b>6 Untied Cash to Unpaid Creditors Ratio</b>		
<u>Untied Cash</u>		
Unpaid Trade Creditors	26.52	3.73
<b>7 Gross Debt to Revenue Ratio</b>		
<u>Gross Debt</u>		
Total Revenue	7.28%	7.59%
<b>8 Gross Debt to Economically Realisable Assets Ratio</b>		
<u>Gross Debt</u>		
Economically Realisable Assets	1.14%	1.65%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.12.2019



Department of  
**Local Government, Sport  
and Cultural Industries**

## Perth - Compliance Audit Return 2019

### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2019?	No	The City had prepared and given Statewide public notice for a business plan for City of Perth Parking (CPP) in 2018. However, this plan was not endorsed by Council at its Ordinary Council Meeting (OCM) 31/07/2018 item 13.4. As per OCM 30/07/2019 Item 13.18 the reappointed CEO is to "Deliver a business plan for the City of Perth Off Street Parking business (by 31 December 2020)".	Niloha Mendoza
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2019?	N/A	No major land transaction that was not exempt in 2019.	Niloha Mendoza
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2019?	N/A	No preparatory land transaction to entry into a major land transaction in 2019.	Niloha Mendoza
4	s3.59(4)	Has the local government complied with public notice and publishing requirements of each proposal to commence a major trading undertaking or enter into a major land transaction for 2019?	N/A	Refer question 1 above. No business plan for CPP in place in 2019.	Niloha Mendoza
5	s3.59(5)	Did the Council, during 2019, resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	Refer questions 1 and 4 above. No business plan for CPP in place or advertised in 2019.	Niloha Mendoza



<b>Delegation of Power / Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority?	Yes	Referenced in annual review: Ordinary Council Meeting (OCM) 25/06/2019 Item 13.15.	Niloha Mendoza
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing?	Yes	Referenced in 2019/20 Delegated Authority Register.	Niloha Mendoza
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17?	Yes	Referenced in 2019/20 Delegated Authority Register.	Niloha Mendoza
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations?	Yes	2019/20 Delegated Authority Register.	Niloha Mendoza
5	s5.18	Has Council reviewed delegations to its committees in the 2018/2019 financial year?	Yes	Referenced in annual review: OCM 25/06/2019 Item 13.15.	Niloha Mendoza
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act?	Yes	Referenced in 2019/20 Delegated Authority Register and Policy 10.9 City of Perth Common Seal and Document Signing Authority.	Niloha Mendoza
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority?	Yes	OCM 25/06/2019 Item 13.15.	Niloha Mendoza
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing?	Yes	As per 2019/20 Delegated Authority Register.	Niloha Mendoza
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	As per 2019/20 Delegated Authority Register.	Niloha Mendoza
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes	As per annual review: OCM 25/06/2019 Item 13.15.	Niloha Mendoza
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees?	Yes	Referenced in 2019/20 Delegated Authority Register.	Niloha Mendoza
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2018/2019 financial year?	Yes	Referenced in CEO Annual Delegated Authority Review, Executive Leadership Group minutes (17/07/2019) as well as Delegation of Authority Register 2019/20.	Niloha Mendoza
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required?	Yes	Based on audit sample. However, unable to confirm that a written record was kept on all occasions.	Niloha Mendoza



Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68)?	Yes	Referenced in the 2019 Financial and Non-financial Interest Disclosures Register as well as various Council and Committee meetings minutes (only when the interest was disclosed by a member).	Niloha Mendoza
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings?	N/A	No decisions made under section 5.68(1).	Niloha Mendoza
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made?	Yes	Referenced in the 2019 Financial and Non-financial Interest Disclosures Register and various Council and Committee meetings minutes.	Niloha Mendoza
4	s5.73	Where the CEO had an interest relating to a gift under section 5.71A(1), was written notice given to the Council?	N/A	The CEO did not have any interest to disclose in accordance with s.5.71A (1) of the Act relating to a gift in a matter in respect of which the CEO provided advice or a report, directly or indirectly, to the council or a committee.	Niloha Mendoza
5	s5.73	Where the CEO had an interest relating to a gift in a matter in respect of a report another employee is providing advice on under section 5.71A (3), was the nature of interest disclosed when the advice or report was provided?	N/A	Section 5.71A (3) of the Act became effective from 19 October 2019. From this date, no CEO interest was disclosed relating to a gift in a matter in respect of a report another employee provided advice on under section 5.71A (3).	Niloha Mendoza
6	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day?	Yes	A primary return lodged within three months by a new Commissioner appointed in 2019.	Niloha Mendoza
7	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day?	No	1 instance of non-compliance as per Primary and Annual Return Register.	Niloha Mendoza
8	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2019?	Yes	As per Primary and Annual Return Register (Commissioners).	Niloha Mendoza
9	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2019?	Yes	As per Primary and Annual Return Register.	Niloha Mendoza





Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
10	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return?	Yes	As per Primary and Annual Return Register as well as acknowledgments contained within the City's Records Keeping System.	Niloha Mendoza
11	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76?	Yes	As per Primary and Annual Return Register as well as returns contained within the City's Records Keeping System.	Niloha Mendoza
12	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28?	Yes	As per 2019 Financial and Non-financial Interest Disclosures Register.	Niloha Mendoza
13	s5.89A Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?	No	The current City's Register of Gifts was found not to be in the form prescribed in Administration Regulation 28A (this regulation came into effect on 18 October 2019).	Niloha Mendoza
14	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76?	Yes	As per Primary and Annual Return Register.	Niloha Mendoza
15	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee?	Yes	As per Primary and Annual Return Register.	Niloha Mendoza
16	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes?	N/A	Impartiality interests disclosed and minuted. No interests adversely affecting impartiality were observed (only when the interest was disclosed at a Council or committee meeting).	Niloha Mendoza
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report?	Yes	Based on audit sample. Referenced in the 2019 Financial and Non-financial Interest Disclosures Register and various Council and Committee meetings minutes (only when the interest was disclosed by an employee providing advice or report to the Council or a Committee).	Niloha Mendoza



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee?	Yes	As per 2019 Financial and Non-financial Interest Disclosures Register.	Niloha Mendoza
19	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees?	Yes	Based on audit sample. Referenced in the City's Gift Register (only once the gift has been notified).	Niloha Mendoza

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5))?	Yes	5 instances whereby public notice was given prior to leasing City's property.	Niloha Mendoza
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes	Details as prescribed in section 3.58(4) provided in public notices for the 5 instances above.	Niloha Mendoza

### Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1) (2)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates?	Yes	No local government elections for the City of Perth were carried out in October 2019.	Niloha Mendoza
2	Elect Reg 30G(3) & (4)	Did the CEO remove any 'disclosure of gifts' forms relating to an unsuccessful candidate or a successful candidate that completed the term of office from the electoral gift register, and retain those forms separately for a period of at least 2 years?	Yes	Referenced in the City's (electoral) Gift Register (only when the gift has been notified).	Niloha Mendoza

### Finance

No	Reference	Question	Response	Comments	Respondent
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Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes	The Audit Committee was established at the Special Council Meeting (SpCM) on 11/05/2010. The Council renamed it as the Audit and Risk Committee on 4/06/2013. Last established at the SpCM 15/03/2018 where the Council appointed new members (Commissioners) to the Audit & Risk Committee. Council appointed a new Commissioner and re-appointed an Independent Member at OCM 27/08/2019 items 13.13 and 13.14 respectively.	Niloha Mendoza
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A	No change to the Audit and Risk Committee delegation 1.1.1 in 2019. OCM 25/06/2019 Item 13.15.	Niloha Mendoza
3	s7.3(1)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor, a registered company auditor?	N/A	Auditor General is the City's Auditor.	Niloha Mendoza
4	s7.3(1), 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council?	N/A	Auditor General is the City's Auditor.	Niloha Mendoza
5	Audit Reg 10	Was the Auditor's report(s) for the financial year(s) ended 30 June received by the local government within 30 days of completion of the audit?	Yes	The City of Perth received the Auditor's report through its Audit & Risk Committee on 19/11/19 and by the Council on 17/12/19. The 2018/19 financial year audit was completed mid November 2019.	Niloha Mendoza
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?	Yes	The Auditor's report was received by the Audit & Risk Committee on 19/11/19 item 8.3 and by the Council on 17/12/19 item 13.14.	Niloha Mendoza
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government, ensure that appropriate action was undertaken in respect of those matters?	Yes	As per management comments to findings within the Auditor General Management Letter.	Niloha Mendoza



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
8	S7.12A (4)	Where the auditor identified matters as significant in the auditor's report (prepared under s7.9(1) of the Act), did the local government prepare a report stating what action had been taken or it intended to take with respect to each of the matters and give a copy to the Minister within 3 months after receipt of the audit report?	N/A	No report was required to be sent to the Minister. Issues raised in the auditor's report were not significant.	Niloha Mendoza
9	S7.12A (5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes	The City's Annual Report 2018/19 was sent to the Minister on 18/12/2019. A copy of the report was published on the City's official website within 14 days after 18/12/2019.	Niloha Mendoza
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit?	Yes	The objectives of the audit were included within the Arrangements (agreement) Letter issued by the Office of the Auditor General in April 2018. These arrangements were acknowledged/signed by the City's Chair Commissioner and CEO.	Niloha Mendoza
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit?	Yes	As per the abovementioned Arrangements (agreement) Letter.	Niloha Mendoza
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit?	No	The abovementioned Arrangements (agreement) Letter from the OAG did not include a reference to the plan for the audit.	Niloha Mendoza
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor?	Yes	Details of the remuneration and expenses to be paid to the auditor was included within the Indicative Audit Fee 2018 letter provided by the Auditor General as referenced within the Arrangements (agreement) Letter from the OAG.	Niloha Mendoza
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor?	Yes	As per the abovementioned Arrangements (agreement) Letter for the 2018 Audit.	Niloha Mendoza



Department of  
**Local Government, Sport  
and Cultural Industries**

<b>Integrated Planning and Reporting</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	Corporate Business Plan 2017-2021 adopted at OCM 19/12/2017 Item 13.29.	Niloha Mendoza
2	s5.56 Admin Reg 19DA (4)	Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?	No		Niloha Mendoza
3	s5.56 Admin Reg 19C	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	Strategic Community Plan 2019-2029 adopted at OCM 26/11/2019 Item 13.11.	Niloha Mendoza
4	s5.56 Admin Reg 19C (4)	Has the local government reviewed the current Strategic Community Plan. If Yes, please provide date of most recent review by Council in Comments.  Note: If the current Strategic Community Plan was adopted after 1/1/2016, please respond N/A and provide adoption date in Comments?	N/A	Refer question 3 above.	Niloha Mendoza
5	S5.56 Admin Reg 19DA (3)	Has the local government developed an Asset Management Plan(s) that covers all asset classes. If Yes, please provide the date of the most recent Plan adopted by Council in Comments?	Yes	Asset Management Plan 2017-2027 adopted at OCM 6/6/2017 Item 13.20.	Niloha Mendoza
6	S5.56 Admin Reg 19DA (3)	Has the local government developed a Long Term Financial Plan. If Yes, please provide the adoption date of the most recent Plan in Comments?	Yes	Long Term Financial Plan 2017-2027 adopted at OCM 6/6/2017 Item 13.20.	Niloha Mendoza
7	S5.56 Admin Reg 19DA (3)	Has the local government developed a Workforce Plan. If Yes, please provide adoption date of the most recent Plan in comments?	Yes	Workforce Plan 2016-2020 adopted at OCM 28/6/2016 Item 13.	Niloha Mendoza



Department of  
**Local Government, Sport  
and Cultural Industries**

### Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A	CEO reappointed in OCM 30/07/2019 item 13.18 for a term of 12 months commencing on 2 August 2019. A CEO recruitment process was approved in OCM 17/12/2019 item 13.13 for a new CEO to commence in August 2020.	Niloha Mendoza
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A?	N/A	CEO was reappointed in OCM 30/07/2019 item 13.18 for a term not exceeding one year, therefore, no need for advertising as per Admin Reg 18A(1)(b). No other designated senior employee positions were advertised (refer question 5 below).	Niloha Mendoza
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4)?	N/A	CEO was reappointed in OCM 30/07/2019 item 13.18 for a term of 12 months.	Niloha Mendoza
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only)?	N/A	CEO was reappointed in OCM 30/07/2019 item 13.18 for a term of 12 months.	Niloha Mendoza
5	s5.37(2)	Did the CEO inform Council of each proposal to employ or dismiss a designated senior employee?	N/A	Council approved a motion to remove the designation of senior employee to all positions so designated in OCM 26/02/2019 item 15. Consequently, Council Policy 12.6 "CP12 Staff - Local Government Employees - Senior Employees" was amended and retitled to reflect the above motion. As a result, no designated senior employees were employed or dismissed in 2019.	Niloha Mendoza



Department of  
**Local Government, Sport  
and Cultural Industries**

<b>Official Conduct</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer?	N/A	The CEO is the Complaints Officer.	Niloha Mendoza
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c)?	Yes	As per the City of Perth Register of Complaints of Minor Breaches. There were no complaints that resulted in action under s5.110(6)(b) or (c) in 2019.	Niloha Mendoza
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made?	Yes	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint?	Yes	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred?	Yes	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c)?	Yes	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza



### Optional Questions

No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5 (2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	Audit and Risk Committee meeting 19/11/2019 Item 8.6 OCM 26/11/2019 Item 13.18	Niloha Mendoza
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	Audit and Risk Committee meeting 5/11/2018 item 8.2 OCM 27/11/2018 Item 13.20	Niloha Mendoza
3	Financial Management Reg 5A.	Did the local government provide AASB 124 related party information in its annual report(s) tabled at an electors meeting(s) during calendar year 2019?	Yes	AASB 124 related party information was included in the City's 2017/18 annual report tabled at the Annual General Meeting of Electors (AGM) on 15/01/2019. The 2018/19 annual report is to be presented to the electors at the next AGM on 04/02/2020.	Niloha Mendoza
4	S6.4(3)	Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?	Yes	Referenced in OCM 17/12/2019 Item 13.14	Niloha Mendoza

### Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2))?	No	Audit identified 3 occasions where the procurement values exceeded the tender threshold of \$150,000 during 2019 as identified within supplier expenditure reports provided for analysis by the Procurement Team.	Niloha Mendoza
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract?	Yes	Based on advice from Strategic Procurement Lead.	Niloha Mendoza





Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice?	Yes	As per Tender Register, the City has advertised tenders in The West Australian newspaper. Tenders have also been displayed on the Council House and City of Perth Library public notice boards.	Niloha Mendoza
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16?	Yes	As per Tender Register.	Niloha Mendoza
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation?	Yes	Based on sample audit testing (addendum issued to tenderers).	Niloha Mendoza
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16?	Yes	As per Tender Register.	Niloha Mendoza
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender?	N/A	No late tenders received as per Tender Register.	Niloha Mendoza
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria?	Yes	Evidence sighted in sample tender files.	Niloha Mendoza
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection?	Yes	As per Tender Register and Tenders/Expressions of Interest page on City of Perth website.	Niloha Mendoza
10	F&G Reg 19	Did the CEO give each tenderer written notice advising particulars of the successful tender or advising that no tender was accepted?	Yes	Evidence sighted in sample tender files.	Niloha Mendoza
11	F&G Reg 21 & 22	Did the local governments advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22?	Yes	As per Expressions of Interest advertisements within Tender Register.	Niloha Mendoza
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice?	N/A	All Expressions of Interest submitted at the place and within the time specified in the notice as per Tender Register.	Niloha Mendoza
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services?	Yes	Evidence sighted in Record of Delegated Authority Decision for Expressions of Interests within Tender Register.	Niloha Mendoza



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest, a notice in writing in accordance with Functions & General Regulation 24?	Yes	Letter to successful and unsuccessful applicants were sighted for Expressions of Interest.	Niloha Mendoza
15	F&G Reg 24AC (1) & (2)	Has the local government established a policy on procurement of goods and services from pre-qualified suppliers in accordance with the regulations?	Yes	Included within corporate policy 9.7 Purchasing.	Niloha Mendoza
16	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice?	Yes	As per Tender Register.	Niloha Mendoza
17	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE?	Yes	As per Tender Register.	Niloha Mendoza
18	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application?	Yes	As per Tender Register.	Niloha Mendoza
19	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, given notice of the variation?	Yes	As per addendum issued to applicants for tender panels.	Niloha Mendoza
20	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications?	N/A	All submissions received at the place and time specified in the invitation as per Tender Register.	Niloha Mendoza
21	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application (s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria?	Yes	As per relevant Council Reports or Records of Delegated Authority Decision Reports.	Niloha Mendoza
22	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG?	Yes	As per Tender Register.	Niloha Mendoza
23	F&G Reg 24AI	Did the CEO send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted?	Yes	As per letters to applicants within Content Manager (records keeping system).	Niloha Mendoza
24	F&G Reg 24E	Where the local government gave a regional price preference, did the local government comply with the requirements of F&G Reg 24E including the preparation of a regional price preference policy?	N/A		Niloha Mendoza



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
25	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy?	N/A		Niloha Mendoza
26	F&G Reg 11A	Does the local government have a current purchasing policy that comply with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less?	Yes	Corporate Policy No. 9.7 (Purchasing Policy).	Niloha Mendoza
27	F&G Reg 11A	Did the local government comply with it's current purchasing policy in relation to the supply of goods or services where the consideration under the contract is, or is expected to be \$150,000 or less or worth \$150,000 or less?	Yes	As evidenced via obtaining quotations in accordance with Purchasing Policy 9.7.	Niloha Mendoza

I certify this Compliance Audit return has been adopted by Council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor / President, Perth

\_\_\_\_\_  
Signed CEO, Perth