



City of Perth

**Ordinary Council Meeting
Minutes**

**25 February 2020
5pm**

**Council Chamber
Level 9
Council House**

APPROVED FOR RELEASE

Mr Murray Jorgensen
Chief Executive Officer



City of Perth

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Minutes**

**25 February 2020
5pm**

**Council Chamber
Level 9
Council House**

Minutes to be confirmed at the next Ordinary Council meeting.

THESE MINUTES ARE HEREBY CERTIFIED AS CONFIRMED

Presiding Member's Signature

DATE: _____

Order of Business

Item

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2. Declaration of opening
3. Apologies
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
7. Announcements by the Chair Commissioner
8. Disclosures of members interests
9. Questions by members of which due notice has been given
10. Correspondence
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Minutes of the Ordinary Council Meeting of the City of Perth held in the Council Chamber, Level 9, Council House, 27 St Georges Terrace, Perth on Tuesday, 25 February 2020.

Members in attendance

Deputy Chair Commissioner Gaye McMath Presiding Member
Commissioner Len Kosova

Officers in attendance

Mr Bill Parker	Acting Chief Executive Officer
Mr Chris Kopec	General Manager Infrastructure and Operations
Ms Anne Banks-McAllister	General Manager Community Development
Mr Jayson Miragliotta	General Manager Planning and Economic Development
Ms Margaret Smith	Alliance Manager Development Approvals
Ms Siobhan Rippington	Governance Coordinator
Ms Ashlee Rutigliano	Governance Officer

Observers

Thirty-eight members of the public
Eight members of staff
Two members of the media

1. Prayer/Acknowledgment of Country

The Acting Chief Executive Officer read the prayer.

The Deputy Chair Commissioner read the Acknowledgement of Country.

2. Declaration of opening

5.01pm The Deputy Chair Commissioner declared the meeting open.

3. Apologies

Chair Commissioner Andrew Hammond
Chief Executive Officer, Murray Jorgensen

4. Question time for the public and notification of deputations

4.1 Question time for the public

Nil

Question taken on notice at the Ordinary Council Meeting held on 17 December 2019.

The following question was taken on notice at the Ordinary Council Meeting held on 17 December 2019, the response provided is outlined below:

Name	Brent Fleeton
Address	35 Riverside Drive, East Perth WA 6004
Topic	On the Point overflow parking matter
CM Reference	325013/19

Questions

1. Does the City believe this is an acceptable situation?
2. What are your proposed next steps to rectify this situation?
3. What are you putting in place to ensure something like this doesn't happen again for other ratepayers?
4. Despite my pleas to not proceed with mediation at the Ordinary Council Meeting held on 18 December 2019, stating it was our intention to work this out by simple negotiation between the City and City Foreshore Investments, who made the decision to engage with Freehills on this matter?
 - 4.1 What reasons did the City feel that their own staff were ill-equipped to handle this?
 - 4.2 How much did the Freehills engagement cost the ratepayer?
 - 4.3 Did Freehills write the response sent by the former Manager Properties on 3 May 2019 with the counter offer establishing a mechanism for access to the overflow car park?
 - 4.4 Did Freehills provide advice on which state government agency would be the right decision-making authority?
 - 4.5 If yes to the above, which department(s) did they state the City should consult with?
 - 4.6 If no to the above, which officer(s) incorrectly pointed to the Department of Transport as the decision maker for the overflow car park access mechanism?

Answers provided by the Chief Executive Officer

1. I was under the impression that the City has been progressing this matter to your satisfaction. I only became aware there was a problem in mid-December 2019 when it was too late to resolve. The situation is unacceptable and as the CEO, I take full responsibility for this unsatisfactory outcome.

2. I will take responsibility for the oversight of this matter until it is resolved one way or the other. The Manager Governance and our Senior Property Assets Officer will provide the day to day assistance to keep this matter moving forward.

The proposed next steps are the work with City Foreshore Investments and prepare an application to the Western Australian Planning Commissioner for utilisation of the overflow parking area.

3. The new organisational structure that the City has implemented will reduce similar situations occurring into the future. The new structure reduces duplication and has been designed to deliver high levels of customer service for our community.
4. The decision to engage Freehills was made by the Manager Properties and Director Construction and Maintenance.
 - 4.1 This is a complex matter. The City will usually seek external advice when dealing with matters of such complexity.
 - 4.2 The total engagement was \$26,136.94 (inc GST). In addition to the parking matter this also included advice relating to the lease and a Freedom of Information request.
 - 4.3 Yes, with input from the City of Perth.
 - 4.4 No.
 - 4.5 Not applicable.

4.2 Notification of deputations

Deputations were received in relation to **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') from:

1. Kasia Betka (CM 47748/20);
2. Carl Curtis and Anton Conti (CM 47732/20);
3. Ben McCarthy and Ben Widdowson – Almacen Pty Ltd (CM 47739/20); and
4. Catherine Lezer and Shirley Vine – East Perth Community Group (CM 47746/20).

A deputation was also received in relation to **Item 13.12** – New Leases – City Foreshore Investments Pty Ltd – 25 (Lot 36) Riverside Drive, Point Fraser from Brent Fleeton from Overarch (CM 47750/20).

5. Members on leave of absence and applications for leave of absence

Nil

6. Confirmation of minutes

Council Resolution
<p>Moved: Commissioner Kosova Seconded: Commissioner McMath</p> <p>That Council:</p> <ol style="list-style-type: none"> <u>CONFIRM</u> the minutes of the: <ul style="list-style-type: none"> Ordinary Council Meeting held on 17 December 2019; Special Council Meeting held on 21 January 2020; Annual General Meeting of Electors held on 4 February 2020; and <u>NOTES</u> the minutes of the Audit and Risk Committee held on 19 February 2020; <p>as a true and correct record.</p> <p>CARRIED 2 / 0</p> <p>For: Commissioner Kosova Commissioner McMath</p> <p>Against: Nil</p>

7. Announcements by the Chair Commissioner

Wellington Square Enhancement

The City of Perth’s Wellington Square Masterplan was recognized with an honourable mention on 8 November 2019 at the International Federation of Landscape Architects Asia Pacific Congress held in Cebu, Philippines. This category recognizes a wide variety of professional activities that lead to, guide, and evaluate landscape architecture design.

Wellington Square was acknowledged for its extensive community consultation, site investigation, and analysis – leading to a series of principles and a set vision to guide the phased implementation of the masterplan.

8. Disclosures of members interests

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	Nature: 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. Extent: Insignificant
Commissioner Len Kosova (CM 37519/20)	Item 13.7 - Strategic Event Sponsorship – Town Team Movement - SHIFT: Cooperative Innovation Series	Nature: 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. Extent: Insignificant

9. Questions by members of which due notice has been given

Nil

10. Correspondence

Nil

11. Petitions

Nil

12. Matters for which the meeting may be closed

In accordance with section 5.23(2) of the *Local Government Act 1995*, to preserve the confidentiality of attachment 13.9A, it was recommended that the meeting be closed to the public prior to consideration of the matter.

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

En bloc motion

Council Resolution

Moved: Commissioner Kosova

Seconded: Commissioner McMath

That Council:

1. ADOPTS the Officer and Committee recommendation for items 13.3, 13.4, 13.5, 13.6, 13.8, 13.10, 13.11, 13.13, 13.14, 13.15, 13.16, 13.17, 13.18 and 13.19; and
2. CONSIDERS items 13.1, 13.2, 13.7, 13.9 and 13.12 separately.

CARRIED 2 / 0

For:

Commissioner Kosova

Commissioner McMath

Against:

Nil

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')

File reference	2019/5302
Report author	Chris Bien, Statutory Planner
Other contributors	N/A
Reporting service unit and alliance	Development Approvals, Planning and Economic Development Alliance
Report author disclosure of interest	Nil
Date of report	3 February 2020
Nature of Council's role	Quasi-Judicial
Voting requirement	Simple Majority
Attachment/s	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
Landowner	Almacen Pty Ltd
Applicant	Almacen Pty Ltd
Zoning	(MRS Zone) Urban (City Planning Scheme Precinct) East Perth (P15) (Local Planning Scheme No. 26 – Normalised Redevelopment Area) EP9 – Brown Street
Approximate cost	\$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:

Aspiration:	Place
Strategic Objective:	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.

Officer Recommendation

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

Amendment and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

That Council:

1. 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'), 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:

- 1.1 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;
 - 1.2 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;
 - 1.3 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;
 - 1.4 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;
 - 1.5 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;
 - 1.6 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;
 - 1.7 a final waste management plan being submitted for approval by the City prior to applying for a building permit;
 - 1.8 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;
 - 1.9 the venue being operated in compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
 - 1.10 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;
2. REFUSE the proposed function centre land use due to:
- 2.1 its incompatibility with the preferred and prevailing land uses in the area; and

2.2 its potential adverse impact on the amenity of those land uses.

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.

CARRIED 2 / 0

For:

Commissioner Kosova
 Commissioner McMath

Against:

Nil

Reason:

The function centre would not be compatible with the prevailing residential land uses in the area and would be contrary to orderly and proper planning and have an adverse impact on the existing and future amenity.

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

File reference	P1033010#05
Report author	Siobhan Linehan, Senior Urban Planner
Other contributors	Samantha Ferguson, Principal Urban Planner Scott Teymant, Coordinator Environmental Health
Reporting Service Unit and Alliance	City Planning, Planning and Economic Development Alliance
Report author disclosure of interest	Nil
Date of report	22 January 2020
Nature of Council’s role	Advocacy
Voting requirement	Simple Majority
Attachment/s	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)

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

Notes ¹ refers to the Noise Regulations

² 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:

Aspiration:	Prosperity
Strategic Objective:	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 exceeded 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.

Officer Recommendation and Council Resolution

Moved: Commissioner McMath
Seconded: Commissioner Kosova

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;
- 4. 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.

CARRIED 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

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

File reference	P1000684-3
Report author	Edward O’Connell, Urban Planner
Other contributors	Samantha Ferguson, Principal Urban Planner
Reporting Service Unit and Alliance	City Planning, Planning and Economic Development Alliance
Report author disclosure of interest	Nil
Date of report	28 January 2020
Nature of Council’s role	Advocacy
Voting requirement	Simple Majority
Attachment/s	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:

Aspiration:	Place
Strategic Objective:	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

Impact of decision	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
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.

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

Item 13.4 – Interim Homelessness Plan – Six Month Progress Update

File reference	P1033601
Report author	Emma Landers, Alliance Manager Community Services
Other contributors	Nil
Reporting Service Unit and Alliance	Community Services, Community Development Alliance
Report author disclosure of interest	Nil
Date of report	30 January 2020
Nature of Council’s role	Information
Voting requirement	Simple Majority
Attachment/s	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:

Aspiration:	People
Strategic Objective:	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.

Officer Recommendation and Council Resolution
<p>Moved: Commissioner Kosova Seconded: Commissioner McMath</p> <p>That Council <u>RECEIVES</u> for information, the six-month progress update on the City of Perth’s Interim Homelessness Plan.</p> <p>CARRIED EN BLOC 2 / 0</p>

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

Item 13.5 – Key Sector Development Sponsorship – Innovate Australia

File reference	P1037825#02#03
Report author	Jordan Nix, Sponsorship Officer
Other contributors	Nil
Reporting Service Unit and Alliance	Activation and Cultural Experience, Community Development Alliance
Report author disclosure of interest	Nil
Date of report	9 January 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	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
TOTAL	\$10,000	

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>	
Alignment with a Key Sector	
To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	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
Prestige and Significance	

To what extent does the applicant demonstrate prestige and significance?	3.17
Project Plan and Other Funding Sources	
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
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	3.67
Sub total 23.00 out of 35	
Additional Project Outcomes	
<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Outcome 1. Investment Attraction	3.00
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
Project Outcomes addressed: 6	
Sub total 19.50 out of 30	
<u>TOTAL ASSESSMENT SCORE 42.5 out of 65 (65.40%)</u>	

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:

Aspiration:	Prosperity
Strategic Objective:	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.

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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

That Council:

1. APPROVES a Key Sector Development Sponsorship of \$10,000 (excluding GST) to Innovate Australia Ltd for the 2019/20 Innovation Events Program; 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.

CARRIED EN BLOC 2 / 0

For:
 Commissioner Kosova
 Commissioner McMath

Against:
 Nil

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

File reference	P1037825#02#02
Report author	Virginia Withers, Senior Sponsorship Officer
Other contributors	Nil
Reporting Service Unit and Alliance	Activation and Cultural Experience, Community Development Alliance
Report author disclosure of interest	Nil
Date of report	9 January 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	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.¹

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 Australia². While international visitor numbers have increased in the year ending September 2018, spend has decreased by -1.7% or \$177 million in total terms;³ 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	\$30,000 (27% of total project cost)
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.

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

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

³ 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:

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

<p>TIER 3: ATA Perth 2020 Advanced</p> <p><i>Established (3+ years of operation)</i></p>	<ul style="list-style-type: none"> - Product/service development and/or diversification - Training and professional development e.g. formal and informal training access e.g. financial management, additional accreditations, licencing, specialist training etc. - Operations capacity development (business/employee growth) - Inbound tourism (export ready) network/partnerships - 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. - WAITOC marketing campaign (domestic/international consumers)
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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
TOTAL	\$75,000	

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.

Essential Project Criteria	Score (5)
<i>All applications are assessed on the following criteria:</i>	
Alignment with a Key Sector	
To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	4.0
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	3.8
Prestige and Significance	
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	
Additional Project Outcomes	
<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Outcome 1. Investment Attraction	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	
<u>TOTAL ASSESSMENT SCORE 46.7 out of 65 (72%)</u>	

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:

Aspiration:	Prosperity
Strategic Objective:	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.

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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova

Seconded: Commissioner McMath

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.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova

Commissioner McMath

Against:

Nil

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

File reference	P1037825#01#01
Report author	Virginia Withers, Senior Sponsorship Officer
Other contributors	Nil
Reporting Service Unit and Alliance	Activation and Cultural Experience, Community Development Alliance
Report author disclosure of interest	Nil
Date of report	13 January 2020
Nature of Council's role	Executive
Voting requirement	Simple Majority
Attachment/s	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
TOTAL	\$25,000	

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
Cultural Outcomes	
To what extent does the event celebrate the diversity of Perth as a capital city?	2.33
Social Outcomes	

To what extent does the event strengthen social cohesion and provide opportunities to connect?	3.17
Civic Outcomes	
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
Economic Outcomes	
Does the event stimulate the local economy and provide opportunities for engagement with local business?	2.83
Organisational Competency	
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
Benefits	
Does the event offer adequate benefits/ recognition for the City?	3.17
Sub total 20.66 out of 35	
Optional Assessment Criteria	
<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
Additional score 5.66 Bonus Points	
TOTAL ASSESSMENT SCORE 26.33 out of 35 (75%)	

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:

Aspiration:	Place
Strategic Objective:	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 a on 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.

Officer Recommendation and Council Resolution

Moved: Commissioner McMath
Seconded: Commissioner Kosova

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.

CARRIED 2 / 0

For:
 Commissioner Kosova
 Commissioner McMath

Against:
 Nil

Item 13.8 – Street Entertainment (Busking) Policy

File reference	P1010709-33
Report author	Rachael O’Toole, Arts Officer
Other contributors	Louise Mayberry, Activations Coordinator John Clark, Senior Strategic Project Officer
Reporting Service Unit and Alliance	Activation and Cultural Experience, Community Development Alliance
Report author disclosure of interest	Nil
Date of report	3 February 2020
Nature of Council’s role	Executive
Voting requirement	Absolute Majority
Attachment/s	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).

Intended Outcome	Actual Outcome	Recommendation
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 acknowledge 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:

Aspiration:	People
Strategic Objective:	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.

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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

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

File reference	P1001392-3
Report author	Paul Warren, Senior Assets and Leasing Officer
Other contributors	Bill Parker, General Manager Corporate Services Kathleen O’Brien, Paralegal
Reporting Service Unit and Alliance	Governance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	24 January 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	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:

Aspiration:	Performance
Strategic Objective:	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;

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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

CARRIED EN BLOC 2 / 0

For:
Commissioner Kosova
Commissioner McMath

Against:
Nil

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

File reference	P1003111-3
Report author	Paul Warren, Senior Assets and Leasing Officer
Other contributors	Bill Parker, General Manager Corporate Services Kathleen O’Brien, Paralegal
Reporting Service Unit and Alliance	Governance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	24 January 2020
Nature of Council’s role	Executive
Voting requirement	Absolute Majority
Attachment/s	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:

Aspiration:	Performance
Strategic Objective:	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

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

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

Account number:	PJ 1045-60200-0000-6521
Description:	Lease Rental
Account type (Operating/Capital/Reserve):	Operating
Current budget:	\$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.

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

CARRIED EN BLOC 2 / 0

For:
 Commissioner Kosova
 Commissioner McMath

Against:
 Nil

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

File reference	P1026773
Report author	Paul Warren, Senior Assets and Leasing Officer
Other contributors	Bill Parker, General Manager Corporate Services Kathleen O’Brien, Paralegal
Reporting Service Unit and Alliance	Governance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	24 January 2020
Nature of Council’s role	Executive
Voting requirement	Absolute Majority
Attachment/s	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:

Aspiration:	Performance
Strategic Objective:	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.

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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

CARRIED 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

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

File reference	P1025052-2
Report author	Paul Warren, Senior Assets and Leasing Officer
Other contributors	Bill Parker, General Manager Corporate Services Kathleen O’Brien, Paralegal
Reporting service unit and alliance	Governance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	24 January 2020
Nature of Council’s role	Executive
Voting requirement	Absolute Majority
Attachment/s	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 metre7 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:

Aspiration:	Performance
Strategic Objective:	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.

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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

That Council:

5. 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;
6. 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
7. 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.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

Item 13.14 – City of Perth Draft Policy Framework

File reference	P1005611-3
Report author	Mark Ridgwell, Manager Governance
Other contributors	Bill Parker, General Manager Corporate Services
Reporting service unit and alliance	Governance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	25 January 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	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:

Aspiration:	Performance
Strategic Objective:	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.

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

CARRIED EN BLOC 2 / 0

For:
 Commissioner Kosova
 Commissioner McMath

Against:
 Nil

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

File reference	P10000305-33
Report author	Kathleen O’Brien, Paralegal
Other contributors	Tracey Vowles, Senior Commercial Property Specialist Bill Parker, General Manager Corporate Services
Reporting service unit and alliance	Governance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	3 February 2020
Nature of Council’s role	Legislative
Voting requirement	Absolute Majority
Attachment/s	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:

Aspiration:	People
Strategic Objective:	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

Risk domain	Consequence	Likelihood	Risk rating
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.

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova

Seconded: Commissioner McMath

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.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova

Commissioner McMath

Against:

Nil

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

File reference	P1014149-25
Report author	Neil Jackson, Acting Senior Management Accountant
Other contributors	Reshma Jahmeerbacus, Acting Manager Finance
Reporting service unit and alliance	Finance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	13 December 2019
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	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:

Aspiration:	Performance
Strategic Objective:	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.

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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova

Seconded: Commissioner McMath

That Council RECEIVES the Financial Activity Statement for the period ended 30 November 2019 detailed in Attachment 13.16A.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova

Commissioner McMath

Against:

Nil

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

File reference	P1014149-25
Report author	Neil Jackson, Acting Senior Management Accountant
Other contributors	Reshma Jahmeerbacus, Acting Manager Finance
Reporting service unit and alliance	Finance, Corporate Services Alliance
Report author disclosure of interest	Nil
Date of report	29 January 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	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:

Aspiration:	Performance
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Strategic Objective:	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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova

Seconded: Commissioner McMath

That Council RECEIVES the Financial the Financial Activity Statement for the period ended 31 December 2019 detailed in Attachment 13.17A.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova

Commissioner McMath

Against:

Nil

Item 13.18 – Payments from Municipal Funds – January 2020

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

Aspiration:	Performance
Strategic Objective:	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

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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

CARRIED EN BLOC 2 / 0

For:
 Commissioner Kosova
 Commissioner McMath

Against:
 Nil

Item 13.19 – 2019 Compliance Audit Return

File reference	P1013788-5
Report author	Niloha Mendoza, Assistant Internal Auditor
Other contributors	Mario Cheldi, Internal Auditor
Reporting service unit and alliance	CEO Unit, CEO Alliance
Report author disclosure of interest	Nil
Date of report	28 January 2020
Nature of Council’s role	Executive
Voting requirement	Absolute Majority
Attachment/s	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.

Question 2 *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?*
s5.56 Admin Reg *2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?*
19DA (4)

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:

Aspiration:	Performance
Strategic Objective:	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
Totals	11	9	6

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 and Council Resolution
<p>Moved: Commissioner Kosova Seconded: Commissioner McMath</p> <p>That the Audit and Risk Committee recommends to Council that Council <u>ADOPTS</u> 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 <i>Local Government (Audit) Regulations 1996</i>, subject to further detail and context being provided in</p>

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.

CARRIED EN BLOC 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

Motion to close the meeting to the public

Council Resolution

Moved: Commissioner Kosova

Seconded: Commissioner McMath

That Council RESOLVES to close the meeting to the public to consider Confidential Attachment 13.9A in accordance with Section 5.23(2) of the *Local Government Act 1995*.

CARRIED 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

5.54pm The meeting was closed to the public.

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

File reference	P1038619#04
Report author	John Clark, Senior Strategic Project Officer
Other contributors	Tabitha McMullan, Alliance Manager Activation and Cultural Experience
Reporting service unit and alliance	Activation and Cultural Experience, Community Development Alliance
Report author disclosure of interest	Nil
Date of report	28 January 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	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. Concept – demonstration how the proposed concept: <ul style="list-style-type: none"> 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. Artistic Excellence - demonstration of artistic excellence in how: <ul style="list-style-type: none"> 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. Quality and Durability <ul style="list-style-type: none"> 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:

Aspiration:	Place
Strategic Objective:	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.

Tenderer	Price excluding GST
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.

MILESTONE	TOTAL BUDGET	ALLOCATED IN PROJECT BUDGET (PJ 14087)	FUNDED FROM 2019/20 TARGETED COST SAVINGS	CONTRIBUTION FROM PUBLIC ART RESERVE FUND	COMMENTS
FY 2019/20					
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
FY 2019/20 TOTAL	\$ 219,000	\$ 83,000	\$ 136,000	-	
FY 2020/21					
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	
FY 2020/21 TOTAL	\$ 136,000	\$ 75,000	-	\$ 61,000	
GRAND TOTAL	\$ 355,000	\$ 158,000	\$ 136,000	\$ 61,000	

Financial year 2019/20

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

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

Implications for Financial year 2020/21

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

Account number:	100100005455
Description:	Public Art Reserve
Account type (Operating/Capital/Reserve):	Reserve
Current budget:	\$558,718
Amount Proposed for East End Public Art	\$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.

Officer Recommendation and Council Resolution

Moved: Commissioner Kosova
Seconded: Commissioner McMath

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.

CARRIED 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

Motion to reopen the meeting to the public

Council Resolution

Moved: Commissioner Kosova

Seconded: Commissioner McMath

That Council OPEN the meeting to the public.

CARRIED 2 / 0

For:

Commissioner Kosova
Commissioner McMath

Against:

Nil

5.55pm The meeting was reopened to the public.

The Deputy Chair Commissioner advised the public gallery of the resolution made on Item 13.9.

14. Motions of which previous notice has been given

14.1 – Council House Accommodation Arrangements

File reference	P1028787-5
Report author	Gary Clark, Acting Alliance Manager Governance
Other contributors	Bill Parker, General Manager Corporate Services
Reporting service unit and alliance	Governance, Corporate Services
Report author disclosure of interest	Nil
Date of report	21 February 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	Nil

Purpose

The purpose of this report is to provide administrative advice and comment on the following motion submitted by Chair Commissioner Hammond for consideration at the Council Meeting to be held on 25th February 2020.

“That the Chief Executive Officer;

1. Initiate a project to review the accommodation arrangements within Council House to:
 - a. Consolidate elected member meeting spaces, civic reception areas, councillor support facilities and Mayoral office;
 - b. Optimise the use of space for administrative purposes;
 - c. Make at least one additional floor available for commercial tenancy; and
2. Make provision for the planning stages of the project in the 2019/20 budget review with subsequent prioritised capital works to commence in 2020/21”.

Background

Chair Commissioner Hammond provided the following points in support of the proposed motion:

1. The current accommodation layout for all activities relating to Council decision making, civic engagement and functions and elected member services is housed over levels 9, 10 and 11 at Council House. This configuration has been in place since 1999.

2. Having had a good opportunity to use all these facilities in the capacity of both Commissioner and Chair Commissioner, I consider it timely to provide some comment and opinion on the current situation and make recommendations for the future.
3. The existing layout has the Council Chambers, two committee rooms and two large offices on level 9.
4. The now defunct dining room / bar area and commercial kitchen, nine regular offices and one large office with reception area is on level 10.
5. Level 11 accommodates a very large Mayoral office, reception area and four workstations/offices for support staff along with a civic reception area with break out space.
6. There is a business case for providing both long term recurrent revenue opportunities, through commercial tenancy and consolidated accommodation for elected members and the administration.

Details

It is timely to review accommodation requirements to ensure that the floor space in Council House is used effectively and efficiently.

Stakeholder engagement

There has been no external stakeholder engagement 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:

Aspiration:	Performance
Strategic Objective:	5.5 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.

A more effective and efficient use of the space within Council House will minimise costs and potentially generate additional revenue.

Legal and statutory implications

The legal implications for the project will be identified during the scoping and planning of the project.

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	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
People	Moderate	Possible	Low
Financial	Moderate	Possible	Low
Legal and Regulatory/Ethical	Moderate	Possible	Low

Quality project planning methodology will mitigate any risks associated with the proposed project.

Approval implications

If the motion is endorsed, financial resources will be identified for the planning stages of the project in the 2019/20 budget review that will be presented to Council at the March Ordinary Council Meeting.

Financial implications

The financial implications for this decision will become known through the project planning process and incorporated into the draft 2020/21 Budget and Corporate Business Plan for future years. It is envisaged that the capital program will span across numerous years, with the elected member accommodation and facilities being a priority given the return of Councillors in October 2020.

Should additional floor space become available for commercial purposes, the City will generate additional revenue.

Policy references

A review of existing policies relating to office accommodation for elected members will influence the design of areas dedicated to supporting elected members.

Comments

Chair Commissioner Hammond’s Notice of Motion is timely as the administration was considering a project to be included in the 2020/21 annual budget with regard to a redesign and rationalisation of office space at Council House.

The recent restructure and a subsequent reduction in the number of staff at Council House provided an opportunity to review the office accommodation to achieve greater efficiency, increase collaboration and address a range of historic building issues.

Combining the intent of Chair Commissioner Hammond’s Notice of Motion with the work being undertaken by the administration provides an opportunity to look at the building holistically and maximise opportunities from both an administrative and elected member perspective.

Chair Commissioner Hammond's Notice of Motion is supported.

Notice of Motion from Chair Commissioner Hammond and Council Resolution

Moved: Commissioner McMath

Seconded: Commissioner Kosova

That the Chief Executive Officer:

1. INITIATE a project to review the accommodation arrangements within Council House to:
 - a. Consolidate current meeting spaces, civic reception areas, councillor support facilities and Mayoral office;
 - b. Optimise the use of space for administrative purposes;
 - c. Make at least one additional floor available for commercial tenancy; and
2. MAKE provision for the planning stages of the project in the 2019/20 budget review with subsequent prioritised capital works to commence in 2020/21.

CARRIED 2 / 0

For:

Commissioner Kosova

Commissioner McMath

Against:

Nil

Item 14.2 – Policy – Motor Vehicle and Transport Services

File reference	P1028787-5
Report author	Gary Clark, Acting Alliance Manager Governance
Other contributors	Bill Parker, General Manager Corporate Services
Reporting service unit and alliance	Governance, Corporate Services
Report author disclosure of interest	Nil
Date of report	21 February 2020
Nature of Council’s role	Executive
Voting requirement	Simple Majority
Attachment/s	Nil

Purpose

The purpose of this report is to provide administrative advice and comment on the following motion submitted by Chair Commissioner Hammond for consideration at the Council Meeting to be held on 25th February 2020.

“That the Chief Executive Officer:

1. Develop a draft Council Policy on the provision of a motor vehicle and transport services for the Lord Mayor; and
2. Present the draft Council Policy to the Ordinary Council Meeting on 31 March 2020.”

Background

Chair Commissioner Hammond provided the following points in support of the proposed motion:

1. In order for the Lord Mayor to undertake their role effectively, efficiently and in line with community expectation, a Council Policy is required to provide guidance and transparency on the provision of transport services.
2. The transport arrangements for State Government Ministers could be used as a benchmark to guide transport arrangements for the Lord Mayor.

Details

The Administration has been drafting a discussion paper on the provision of facilities and transportation for elected members in preparation for the election of the new Council in October 2020.

If the motion is supported, the research completed to date in preparing the discussion paper will be used to inform the draft policy.

Stakeholder engagement

There has been no external stakeholder engagement undertaken in relation to this report. If the motion is supported, it is envisaged that once a draft policy has been endorsed, it will be subject to a public consultation period of 21 days.

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:

Aspiration:	Performance
Strategic Objective:	5.5 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.

A more effective and efficient approach to motor vehicle and transport services will demonstrate a commitment to cost management and financial sustainability.

Legal and statutory implications

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	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
Financial	Insignificant	Unlikely	Low
Legal and Regulatory/Ethical	Insignificant	Unlikely	Low
Reputation and External Stakeholders	Insignificant	Unlikely	Low

The notice of motion represents a low risk.

Approval implications

If the motion is endorsed, the administration will prepare a draft policy for consideration at the March Ordinary Council Meeting.

Financial implications

The policy review is intended to result in the efficient use of resources.

Policy references

Each of the policies listed below will be reviewed and if possible, consolidated into a single policy.

CP 10.10 Parking and Access to Council House – Councillors

CP 12.1 Council Vehicles – Lord Mayor and Employees

Comments

It is timely that Chair Commissioner Hammond has provided a range of observations about the motor vehicle and transport services provided to the Lord Mayor to ensure the position has the appropriate resources to perform the role.

There are several policies that make reference to transportation and parking for the Lord Mayor and elected members that require review. There is an opportunity to consolidate the policies to make it easier for elected members to find and understand the policy limitations that apply.

Chair Commissioner Hammond’s Notice of Motion is supported.

Notice of Motion from Chair Commissioner Hammond and Council Resolution

Moved: Commissioner McMath
Seconded: Commissioner Kosova

That the Chief Executive Officer:

1. DEVELOP a draft Council Policy on the provision of a motor vehicle and transport services for the Lord Mayor; and
2. PRESENT the draft Council Policy to the Ordinary Council Meeting on 31 March 2020.”

CARRIED 2 / 0

For:
 Commissioner Kosova
 Commissioner McMath

Against:
 Nil

15. Urgent business

Nil

16. Closure

The Deputy Chair Commissioner declared the meeting closed at 5.59pm.