



City of **Perth**

Minutes

Ordinary Council Meeting
13 December 2022

Kylie Johnson
Acting Chief Executive Officer
21 December 2022

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature _____

Date _____

Information

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

Question Time for the Public

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

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

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

Disclaimer

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

Any plans or documents contained in these minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and the express permission of the copyright owner(s) should be sought prior to their reproduction.

Table of Contents

1.	Declaration of Opening.....	5
2.	Acknowledgement of Country/Prayer.....	5
3.	Attendance.....	5
3.1	Apologies.....	6
3.2	Leave of Absence	6
3.3	Applications for Leave of Absence	6
4.	Announcements by the Lord Mayor	6
4.1	Leader of the Year Award	6
4.2	Weekend Events in the City Attendance Figures	6
4.3	2022 Yearly Wrap Up.....	7
4.4	City of Perth Christmas Party.....	7
4.5	Council House Lights Up Blue and White	7
5.	Disclosures of Interests.....	8
6.	Public Participation	9
6.1	Public Questions	9
6.2	Deputations.....	9
7.	Confirmation of Minutes	9
8.	Questions by Members which due Notice has been Given	10
9.	Correspondence.....	10
10.	Petitions	10
11.	Planning and Economic Development Alliance Reports.....	12
11.1	Specification of Dog Exercise Areas - Dog Act 1976	12
11.2	Via Torre Lane - One-Way Conversion	16
11.3	Local Planning Strategy - Final Adoption	22
11.4	City Planning Scheme No.2 - Final Adoption of Amendment No.41	29
11.5	Initiation of Amendment No. 49 to City Planning Scheme No. 2 and Amendment No. 6 to Local Planning Scheme No. 26.....	55
12.	Community Development Alliance Reports	80
12.1	Draft Library Strategy 2023 - 2027	80
12.2	2022/23 Economic Development Sponsorship Program.....	91
13.	Commercial Services Alliance Infrastructure and Operations Alliance Reports	98

Nil.

14.	Corporate Services Reports	99
14.1	Monthly Financial Statements - October 2022	99
14.2	Schedule of Accounts Paid - October 2022	160
15.	Chief Executive Officer Reports.....	225
15.1	2021/22 Annual Financial Statements	225
15.2	Adopting the Annual Report and Setting the Date for the 2021/22 Electors General Meeting.....	233
16.	Audit and Risk Committee Reports	296
16.1	Audit exit interview and presentation of the audited Financial Statements for the year ended - 30 June 2022	296
16.2	City of Perth Strategic Risk Profile	363
16.3	Final Scope for Performance of ARC Review.....	367
17.	Motions of which Previous Notice has been Given	376
17.1	Notice of Motion – Councillor Sandy Anghie - Pride Piazza.....	376
18.	Matters for which the meeting may be closed.....	383
18.1	Waste to Energy Tender	383
18.2	Tamala Park Regional Council Shareholding Divestment Opportunity	385
19.	Urgent Business	386
19.1	RSLWA Request for Support for ANZAC Day 2023.....	386
20.	Closure	392

1. Declaration of Opening

The Presiding Member declared the Ordinary Council Meeting for the City of Perth open at 5.00pm.

2. Acknowledgement of Country/Prayer

The Presiding Member gave an Acknowledgement of Country:

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

The Chief Executive Officer recited a prayer:

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

3. Attendance

Members in Attendance

Lord Mayor	Basil Zempilas
Deputy Lord Mayor	Liam Gobbert
Councillors	Di Bain
	Sandy Anghie
	Clyde Bevan
	Brent Fleeton
	Rebecca Gordon (arrived at 5.58pm)
	Viktor Ko

Officers in Attendance

Chief Executive Officer	Michelle Reynolds
Executive Director Governance and Strategy	Peta Mabbs
General Manager Commercial Services	Steve Holden
General Manager Community Development	Kylie Johnson
General Manager Corporate Services	Melissa Murphy
General Manager Infrastructure and Operations	Allan Mason
General Manager Planning and Economic Development	Dale Page
Chief Financial Officer	Michael Kent
Alliance Manager Council Governance and Policy	Charlie Clarke
Audit and Risk Manager	Natasha Balderston (left at 5.23pm)
Governance Coordinator	Mieke Wevers
Governance Officer	Kait Hedley

Public Gallery

There were approximately 10 members of the public and three Officer's in the gallery

3.1 Apologies

Councillor Catherine Lezer

3.2 Leave of Absence

Nil.

3.3 Applications for Leave of Absence

- Councillor Di Bain for the period 24 January 2023 to 14 February 2023 inclusive.

Council Resolution (OCM-22/12-234)

Mover: Councillor Brent Fleeton

Seconded: Councillor Clyde Bevan

That Council APPROVES Councillor Bain's leave of absence for 24 January 2023 to 14 February 2023 inclusive.

CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Viktor Ko

Against: Nil

4. Announcements by the Lord Mayor

4.1 Leader of the Year Award

The Lord Mayor extended his congratulations to the City's Chief Executive Officer Michelle Reynolds on her recognition as the Leader of the Year in Local Government at the Institute of Public Administration Australia WA 2022 Achievement awards.

4.2 Weekend Events in the City Attendance Figures

The Lord Mayor was thrilled that the City's figures from Saturday night capture the spectacular success of a number of events in the City. On Saturday night the Elizabeth Quay fun fair and carols in the city had a day time show attendance of 8,000 people and the evening show of 10,000 people and the continued Rio Tinto Christmas lights trail, there was over 20,000 people in our City of Light on Saturday night alone. On Friday night the Hawkers market and the GPO lights installation continued to bring significant crowds. This weekend the Rio Tinto Christmas lights trail and the Elizabeth Quay fun fair fireworks continue and the Nativity production is on at Forrest Place.

4.3 2022 Yearly Wrap Up

The Lord Mayor acknowledged some of the work that has been done by the City with a snapshot of 2022:

- \$5.5m from our City to support business within the City of Perth
- 566 new building permits
- Over 550,000 people attended city-lead events
- 1.68m rubbish bins were emptied
- 8.4m containers collected for change
- 17,000 plants and trees were planted
- 224 reports considered by Council
- 83% of inquiry recommendations have been actioned
- As a workplace we recorded the best results in five years in the City's recent culture survey
- Over 600 CCTV cameras in and around the city
- Over 7,000 hours of cleaning and 12,500 hours of Ranger patrols.
- Two Bronze awards at the Perth Airport Tourism Awards
- Winner of a WA Pinnacle Award

4.4 City of Perth Christmas Party

The Lord Mayor stated that he was pleased to attend the staff christmas function, held at a local venue, Henry Summer. It was a good was to celebrate the tremendous year and thanked staff and recognised their dedication and camaraderie.

4.5 Council House Lights Up Blue and White

The Lord Mayor announced that Tuesday night Council House will light up blue and white in support of the two Queensland Police Officer's who tragically lost their line of duty.

5. Disclosures of Interests

Name	Deputy Lord Mayor Liam Gobbert
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"I met with Bree Maddox, Mike Andrew and Mario Madaffari prior to the Agenda papers being issued to discuss this issue."</i>

Name	Councillor Sandy Anghie
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"I met with Bree Maddox, Mike Andrew and Mario Madaffari prior to the Agenda papers being issued to discuss this issue and spoke with Bree Maddox by phone separately."</i>

Name	Councillor Clyde Bevan
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"I had a telephone conversation with Bree Maddox and Mario Madaffari regarding the matter."</i>

Name	Councillor Viktor Ko
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"I was contacted by Mr Sam Loh, Manager of Swan Barracks."</i>

Name	Councillor Di Bain
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"Bree Maddox from the Court Hotel and Sam Loh from Swan Barracks called me to discuss the item. Paul Kotsoglo texted me to discuss the item and David de Garis from AHA, I was at an event on the weekend where he too was in attendance."</i>

Name	Councillor Sandy Anghie
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"I spoke to Sam Loh this week."</i>

Name	Councillor Brent Fleeton
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"Bree Maddox, Paul Kotsoglo, David de Garis contacted me and Sam Loh emailed me."</i>

Name	Deputy Lord Mayor Liam Gobbert
Item number and title	11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41
Nature of interest	Impartiality
Interest description	<i>"I received a call from Sam Loh prior to the Council meeting but after the briefing to discuss."</i>

Name	Lord Mayor
Item number and title	12.2 2022/23 Economic Development Sponsorship Program
Nature of interest	Direct Financial
Interest description	<i>"West Australian Newspapers Ltd is owned by Seven West Media and Seven West Media is my employer"</i>

6. Public Participation

6.1 Public Questions

Nil.

6.2 Deputations

6.2.1 Mr Choon Tan representing Pride WA who spoke for the Notice of Motion in Item 17.1.

7. Confirmation of Minutes

Council Resolution (OCM-22/12-235)

Mover: Councillor Brent Fleeton

Seconded: Councillor Viktor Ko

That Council CONFIRMS the minutes of the Ordinary Council Meeting held on 22 November 2022 as a true and correct record.

CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton and Viktor Ko

Against: Nil.

8. Questions by Members which due Notice has been Given

Nil.

9. Correspondence

Nil.

10. Petitions

Nil.

En Bloc Items

Council Resolution (OCM-22/12-236)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That the officer/committee recommendations for Items 11.2, 11.3, 11.5, 12.1, 14.1, 14.2, 15.1, 16.1, 16.2, 16.3 and 18.2 be adopted en bloc and the remaining items be dealt with separately.

CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Viktor Ko

Against: Nil

Extracted for Debate

Item	Reason
11.1 Specification of Dog Exercise Areas – Dog Act 1976	Absolute Majority
11.4 City Planning Scheme No.2 – Final Adoption of Amendment No.41	Various interests / Subject to Deputations
12.2 Event Sponsorship (Round 2) 2022/23	Absolute Majority
15.2 Adopting the Annual Report and Setting the Date for the 2021/22 Electors General Meeting	Absolute Majority
18.1 Waste to Energy	Debate

5.23pm The Audit and Risk Manager departed the meeting and did not return.

11. Planning and Economic Development Alliance Reports

11.1 Specification of Dog Exercise Areas - Dog Act 1976

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Absolute Majority
Attachments	Nil.

Purpose

For Council to specify the following sites in the City as dog exercise areas in accordance with the *Dog Act 1976* (the Act):

- 1 Fenced off-lead dog park at Ozone Reserve, East Perth; and
- 2 Fenced off-lead dog park at Railway Reserve, Claisebrook.

Recommendation

That Council SPECIFIES the following sites as dog exercise areas:

- 1 Fenced off-lead dog park at Ozone Reserve in East Perth; and
 - 2 Fenced off-lead dog park at Railway Reserve, northern end of Victory Terrace, in Claisebrook.
-

Background

1. At its Ordinary Meeting held 21 December 2021, Council resolved as follows:

That Council:

1. *NOTES the findings of the investigation into suitable sites for a fenced off-lead dog park as set out in the attached report.*
2. *APPROVES the expansion of the existing facility at Ozone Reserve and the installation of a new fenced off-lead dog park at Railway Reserve in Claisebrook.*
3. *SUPPORTS the inclusion of a provisional sum of \$140,000 (including a 10% contingency) for total project costs for consideration in the 2022/23 annual budget.*
4. *NOTES that, following adoption of the 2022/23 annual budget, the City will commence the process to specify the sites mentioned in 2 above as dog exercise areas under the Dog Act 1976, including giving local public notice of its intention to do so under section 31(3C) of the Act.*

Discussion

2. Following adoption of the 2022/23 budget, the City commenced works on the expansion of the existing fenced off-lead dog park at Ozone Reserve, East Perth and the development of a new facility at Railway Reserve in Claisebrook.
3. Under Section 31(3A) of the Act a local government may specify a public space under its care, control or management to be a dog exercise area. Section 31(3C) requires the local government to give local public notice of this intention at least 28 days before specifying a place to be a dog exercise area.
4. In accordance with Council's resolution of 21 December 2021 the City undertook the process to specify the fenced off-lead dog parks at both Ozone Reserve and Railway Reserve as dog exercise areas in accordance with the provisions of the Act.
5. Public notice was given in accordance with Regulation 3A of the *Local Government (Administration) Regulations 1996*, in the Perth Voice local newspaper, and on the City of Perth website and social media account, from 15 October 2022 which is more than 28 days prior to Council's consideration.
6. No issues were raised with the City in response to the public notice.
7. In accordance with Section 31(3A) of the Act, an absolute majority decision of Council is required to formally specify both sites as dog exercise areas.

Consultation

8. As per points 5 and 6 above.

Decision Implications

9. This is a legislative requirement - without Council approval, the fenced off-lead dog parks will not be formally specified as dog exercise areas.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 31(3A) and (3C) of the <i>Dog Act 1976</i> .
Authority of Council/CEO:	Section 31(3A) of the <i>Dog Act 1976</i> requires Council to specify dog exercise areas by absolute majority.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/12-237)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Brent Fleeton

That Council SPECIFIES the following sites as dog exercise areas:

1. Fenced off-lead dog park at Ozone Reserve in East Perth; and
2. Fenced off-lead dog park at Railway Reserve, northern end of Victory Terrace, in Claisebrook.

CARRIED UNOPPOSED (7/0) BY ABSOLUTE MAJORITY

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton and Viktor Ko

Against: Nil.

11.2 Via Torre Lane - One-Way Conversion

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.2A – Via Torre Lane - One Way Conversion - Location Plan

Purpose

To seek Council's agreement to seek approval from Main Roads WA and the Minister for Transport; Planning; Ports to convert Via Torre Lane (Northbridge) from two-way to one-way traffic flow.

Recommendation

That Council AGREES to seek approval from Main Roads WA and the Minister for Transport; Planning; Ports for the conversion of Via Torre Lane (Northbridge) from two-way to one-way traffic flow.

Background

1. There has been ongoing feedback from residents adjoining Via Torre Lane, Northbridge, of property damage in the southern section of the laneway due to service vehicles entering off Aberdeen Street.
2. Bollards were installed as an initial measure to protect the property at 62 Aberdeen Street, but the gutters to the building are still vulnerable to damage as they protrude into the laneway.
3. Other measures have been investigated to mitigate on-going damage with the most suitable and cost-efficient measure being the one-way conversion of Via Torre Lane.
4. The Via Torre Lane conversion is one of the projects earmarked for implementation under the Annual Road Safety and Network Improvement Program - a program in the City's Corporate Business Plan for the 2022/2023 financial year (Focus Area A11).

Discussion

5. Investigations consisting of site visits, video surveys, traffic volume and parking assessments, were conducted to understand the conditions in Via Torre Lane and to inform suitable solutions.
6. The results showed that the southbound flow is the predominant movement with service vehicles using Newcastle Street as an entry point to the laneway and exiting onto Aberdeen Street.
7. The southern end of Via Torre Lane is only 3.1 metres wide, which makes it difficult for oversized vehicles to safely enter off Aberdeen Street.
8. Entry onto the laneway off Newcastle Street is an easy manoeuvre but exit onto Newcastle Street is difficult because of the traffic volumes and proximity to the intersection.
9. Exit onto Aberdeen Street is an easy manoeuvre as the traffic volumes along Aberdeen Street are lower than Newcastle Street.
10. The proposed one-way conversion would have the following benefits:
 - a. Vehicles would enter off Newcastle Street where the entrance to the laneway is wider and there is more room to manoeuvre.
 - b. The risk of property damage would be further reduced if vehicles only exit at Aberdeen Street.
 - c. Road safety would be improved including reduced parking congestion and conflicts between multiple vehicles using the laneway.
 - d. Improved movement and behaviour of traffic through and within the laneway.
11. The one-way conversion works proposed for Via Torre Lane include:
 - a. Installation of pavement markings (arrows) indicating direction of travel.
 - b. Installation of regulatory signage (No Entry) at the southern leg of the laneway.
 - c. Installation of pavement marking message iterating No Entry.
12. Main Roads WA (MRWA) will fund the signs and line marking installation.

Consultation

13. The following stakeholder engagement was undertaken for the Via Torre one-way conversion project:

- a. Stakeholder letters were sent to all affected property owners and managing agents on 31 October 2022.
 - b. The Engage Perth platform went live on 31 October 2022.
 - c. At the close of the feedback period on the 1 November 2022 there were 43 total visits and eight downloads of the documents.
 - d. One property owner wrote to the City outlining their general support for the proposal.
14. Clear ongoing communication with residents and business owners before and during the works will be undertaken. The Engage Perth website will be used for this purpose with updates posted on a regular basis.

Decision Implications

15. If Council resolves upon the recommendation, the City will send a formal application to Main Roads WA for approval to convert the laneway to one-way traffic and for the installation of the required signs and line marking.
16. MRWA will then seek approval from the Minister for Transport and Planning to convert Via Torre to one-way traffic.
17. All works are intended to be completed by the end of June 2023, subject to timing of Ministerial approval.
18. If Council does not support the recommendation, the project will not be progressed any further and the stakeholders will be advised accordingly.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	S1 A well-planned, designed, and managed city. The works will improve the overall presentation and amenity to meet today's needs while ensuring sustainability for the future.

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 291 of the <i>Road Traffic Code 2000</i> – Temporary closure of or restriction on the use of roads.
Authority of Council/CEO:	Council approval is sought for the Via Torre Lane one-way conversion to seek Ministerial approval
Policy:	Nil.

Financial Implications

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

Account Number	1087-100-83-10609-7230	Capital
Account Description	Road Safety and Network Improvement Program	
Total Budget	\$5000	
Budget – this report	\$3630 (data collection)	
Remaining Budget	\$1370	
Budget Impact	Minimal to nil	

Further Information

20. Questions and responses forming part of the Agenda Briefing Session held 6 December 2022 were as follows:

	Question	Response
1.	Has consideration been given to a no wide vehicle sign on the lane way?	It is the turning circle and swept path of vehicles entering from the south that is the main issue, more than the width of vehicles.
2.	The report says there was damage to the property gutters and states that gutters protrude into the laneways. Are the gutters on private property or actually in the public realm?	 <p>The above picture shows the areas of damage and that there is some minor encroachment into the airspace. This encroachment would always have existed and is typical of laneways where older properties are built out to the property line.</p>

Council Resolution (Officer's Recommendation) (OCM-22/12-238)

Mover: Lord Mayor Basil Zempilas

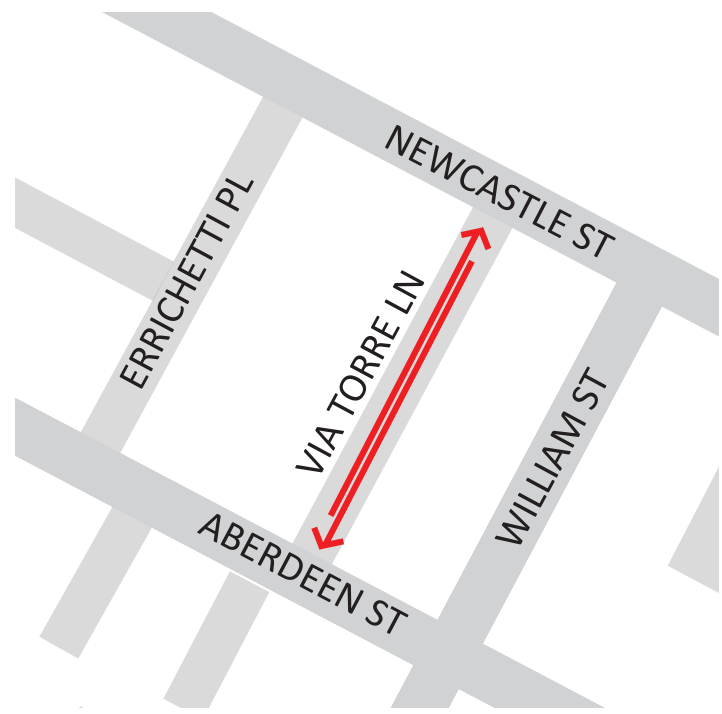
Seconded: Councillor Brent Fleeton

That Council AGREES to seek approval from Main Roads WA and the Minister for Transport; Planning; Ports for the conversion of Via Torre Lane (Northbridge) from two-way to one-way traffic flow.

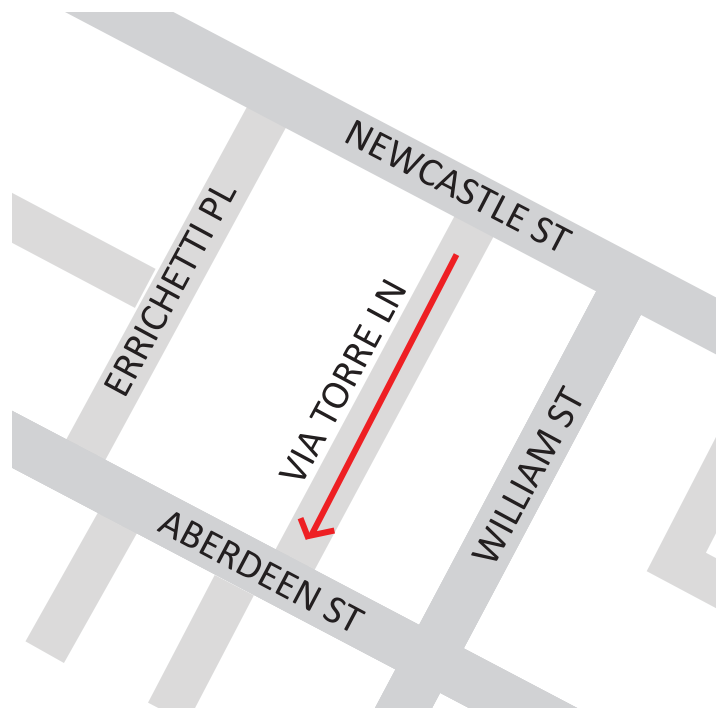
CARRIED EN BLOC (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton and Viktor Ko

Against: Nil.



Existing two-way traffic flow



Proposed one-way traffic flow



Photos: property damage at Aberdeen Street

Via Torre Lane- One-Way Conversion- Location Plan



11.3 Local Planning Strategy - Final Adoption

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	<p>Attachment 11.3A – Consultation Outcomes Summary (under separate cover)</p> <p>Attachment 11.3B – Schedule of Response to Submissions (under separate cover)</p> <p>Attachment 11.3C – Local Planning Strategy - December 2022 - Part One (under separate cover)</p> <p>Attachment 11.3D – Local Planning Strategy - December 2022 - Part Two (under separate cover)</p> <p>Attachment 11.3E – Local Planning Strategy - December 2022 - Appendix A (under separate cover)</p> <p>Attachment 11.3F – Local Planning Strategy - December 2022 - Appendix B (under separate cover)</p> <p>Attachment 11.3G – Local Planning Strategy - December 2022 - Part One (marked up) (under separate cover)</p> <p>Attachment 11.3H – Schedule of Modifications (under separate cover)</p>

Purpose

To present Council with the outcomes of formal advertising of the Local Planning Strategy (the Strategy) and seek Council's adoption of the Strategy (as modified) for submission to the Western Australian Planning Commission (Commission) for final endorsement.

Recommendation

That Council:

1. NOTES the submissions received during formal advertising of the draft Local Planning Strategy and the City's responses to submissions received (Attachment 11.3B).
2. ADOPTS the Local Planning Strategy, as modified and included in:
 - a. Attachment 11.3C - *Local Planning Strategy Part One: The Strategy*
 - b. Attachment 11.3D - *Local Planning Strategy Part Two: Background Analysis Report*
 - c. Attachment 11.3E - *Appendix A: City Wide Local Profile Analysis*
 - d. Attachment 11.3F - *Appendix B: Neighbourhood Profile Analysis*.
 - e. Attachment 11.3G: Local Planning Strategy (December 2022) Markup
 - f. Attachment 11.3H: Schedule of Modifications
3. APPROVES the submission of the Local Planning Strategy to the Western Australian Planning Commission for final endorsement, pursuant to Regulation 14 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

1. The Strategy provides the long-term directions and rationale for land use planning and decision-making for Perth city. The adoption of the Strategy will ensure the Local Planning Scheme and planning policies can be prepared and adopted in a manner that is consistent with the City's long-term vision.
2. The Strategy consists of two parts in accordance with the requirements of the Commission. Part One contains the strategy vision, planning directions, and actions for implementation. Part Two contains the background research, evidence and rationale that supports Part One.
3. The Strategy is a pre-requisite to preparing the City of Perth's new Local Planning Scheme No.3 (LPS3). The outcomes and recommendations of the Strategy will inform the preparation of the LPS3 and supporting planning policies, which will set out the controls and guidelines for development in the city.
4. Building upon the City's three pillars (Liveable, Sustainable and Prosperous), the Strategy seeks to:
 - a. Create a liveable city of neighbourhoods where people love to live, work and play.
 - b. Build a sustainable city that can meet growing economic, social and environmental challenges.
 - c. Strengthen Perth city as a prosperous, globally competitive economic, social, cultural and civic centre.
5. The Strategy recognises the dual role of the City as the capital city of Western Australia and the local government authority for residents and business owners. To cater to both functions, the Strategy includes city-wide priorities and actions as well as neighbourhood level priorities and actions.
6. The city-wide priorities and actions include items of capital city importance or items that apply broadly across the whole local government area. The neighbourhood priorities and actions are tailored to the specific needs of that neighbourhood.
7. The State Government has set a population target of 53,320 people by 2050 for the City's local government area. This equates to a population of approximately 42,500 people by 2036 (the timeframe of the Strategy). The Strategy is seeking to achieve a more ambitious population of 55,000 residents by 2036 and distributes the population growth across the City's six neighbourhoods. The specific boundaries and extent of density increases will be determined through the new Local Planning Scheme No. 3.
8. The preparation of the Strategy commenced in 2017 and has involved extensive research, analysis and several stakeholder engagement processes.
9. The draft Strategy was endorsed by Council in July 2021 for the purposes of forwarding to the Commission for approval to undertake formal community consultation in line with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
10. In January 2022 the Strategy was approved by the Commission for public consultation. Consultation commenced on 27 January 2022 and concluded on 25 March 2022. The consultation period was extended (due to a request from submitters) from the initial closing date of 10 March 2022, with approval from the Commission.
11. The content of submissions has been considered, analysed and where necessary modifications are recommended to the Strategy in response to submissions received.
12. In accordance with the Regulations, the Council is required to adopt the Strategy (with or without modifications) and submit to the Commission for final endorsement.

Discussion

13. Following careful consideration of the submissions, modifications (generally of a minor nature) have been proposed to the final document and do not materially affect the overall intent, messaging and outcomes of the Strategy. Principally, the modifications have been made in response to submissions received.
14. There was generally a high level of support for the intent, direction and vision of the Strategy. Several submissions identified gaps in the Strategy content, as well as areas where messaging and actions could be strengthened.
15. Attachment 11.3A – Local Planning Strategy Consultation Outcomes Report provides a summary of the comments received, which have been considered across the three strategic pillars identified within the City’s Strategic Community Plan. A further detailed breakdown of the submissions (including the City’s comments and modifications to the Strategy) is provided in Attachment 11.3B – Schedule of Response to Submissions.
16. A full schedule of modifications to the Strategy is included in Attachment 11.3G – Schedule of Modifications. The key modifications have also been translated onto a marked-up version of the amended Strategy Part One document and can be viewed in Attachment 11.3G – Proposed Modifications Local Planning Strategy (Part One). No marked-up version is provided for the other supporting documents as the modifications proposed are very minor in nature.
17. Several submissions raised areas of interest or concerns for matters that are outside the role of the Strategy, the scope of which is determined by the Commission.
18. The draft Strategy was also prepared in advance of the City’s Strategic Community Plan, Economic Development and Sustainability Strategies, which were adopted by the Council in April 2022. As a result, modifications are proposed to ensure the Strategy is aligned with these strategic documents.
19. A summary of the key modifications is provided below:

Focus Area	Summary of Modification
Vision, content and format	<ul style="list-style-type: none"> - The vision has been amended to strengthen the aspirations for growth and development. - Actions were reviewed across the Strategy to ensure they align with the overall vision and intent. - Additional text has been added to clarify the role and limitations of the Strategy in accordance with the Department of Planning, Lands and Heritage guidelines.
Governance and collaboration	<ul style="list-style-type: none"> - Amendments were made to acknowledge the complex governance arrangement for planning in the city and the City’s desire for improved collaboration.
Population growth	<ul style="list-style-type: none"> - The Intensification Investigation Area was extended around the West Perth activity centre.
City Investment and Economic Recovery	<ul style="list-style-type: none"> - The Capital City Activity Centre Spine has been removed and the intent for the City to focus on improving north-south connectivity has been clarified.

	<ul style="list-style-type: none"> - Content and actions within the Strategy have been updated to reflect key land use and planning actions from the City’s Economic Development Strategy.
Community Infrastructure Planning	<ul style="list-style-type: none"> - The identification of preferred locations for public school sites has been removed and actions have been amended to reflect the City’s advocacy role in the provision of a public primary school in the city. - The Strategy has been updated to reflect the preparation of the Social Needs Analysis to inform the preparation of a future Community Infrastructure Plan.
Sustainable Development	<ul style="list-style-type: none"> - The content and actions within the Strategy have been updated to ensure alignment with the City’s Sustainability Strategy. - Specific reference and new action included within the Strategy to clarify the City’s intent to achieve net zero emissions. - Additional text has been added to actions to clarify and reaffirm the City’s intentions to consider incentives for adaptive reuses of existing and underutilised building stock.
Built Form	<ul style="list-style-type: none"> - New text and actions have been added to promote inclusive and universal design to ensure buildings are accessible and cater for the whole community, including the consideration of bonus plot ratio to deliver it.
Connectivity and Transport	<ul style="list-style-type: none"> - The mass transit route has been amended to show an indicative alignment along Winthrop Avenue adjacent to QEII Medical Centre. - Amendments have made to clarify the City’s intentions to review the bike path routes through a bicycle path plan, having due regard to the Department of Transport’s Long-Term Cycle Network. - Several new ‘Strategic Connections’ for movement and transport have been identified and added.
City Vibrancy and Improvement	<ul style="list-style-type: none"> - New actions have been included to address the public realm improvements that will be delivered through the City’s projects. This is proposed to be addressed through ongoing updates to the City’s Neighbourhood Place Plans to address the need to better integrate land use, connectivity, and public realm interventions. - The link between vibrancy and the Strategy actions has been made clearer.
Activity Centre Planning	<ul style="list-style-type: none"> - Additional clarification is provided for preferred uses within activity centres to: <ul style="list-style-type: none"> o Encourage land uses that meet the daily and weekly needs of residents o Support the development of new community facilities and services o Encourage public realm improvements that reflect the important status of Neighbourhood Centres as local focal points. - The ‘Neighbourhood Frame’ and ‘Neighbourhood Core’ have been removed from activity centres.

Environment	<ul style="list-style-type: none"> - Additional clarification has been provided that the intensification of development is not supported in bushfire prone areas, with the exception of Kings Park Road where the risk can be mitigated and managed via setbacks. - Amendments have been made to mapping and figures to align Primary and Secondary Biodiversity Links with the City’s Green Infrastructure and Biodiversity Study. - Amendments have been made to the action relating to the City’s Foreshore Masterplan to clarify the City’s intent and directions to be addressed within a medium-term timeframe.
--------------------	--

Consultation

20. The draft Strategy was certified by the Commission on 22 January 2022 for formal advertising in accordance with the Regulations. Following the Commission’s decision, the Strategy was publicly advertised from 27 January 2022, concluding on 25 March 2022.
21. The consultation period was extended from the initial closing date of 10 March 2022 to the 25 March 2022, with approval from the Commission.
22. Three community information sessions were held across February and March 2022, and submissions were welcomed via Engage Perth, post, or email.
23. A total of 50 submissions was received (including late submissions and comments made via the Engage Perth survey) and 25 survey responses were completed. Contributing stakeholders included residents, business owners, landowners, community groups, government agencies, the planning industry, and peak bodies.
24. A full schedule of submissions is included in Attachment 11.3B – *Schedule of Response to Submissions*. This schedule includes verbatim submissions and the City’s response thereto. The schedule also notes where a modification has been made to the Strategy in response to a comment.

Decision Implications

25. If Council supports the recommendation, the Strategy will be forwarded to the Commission for final endorsement. Pursuant to the Regulations, the Commission may, within 60-days of receiving the Strategy, decide to:
 - a. endorse the Strategy; or
 - b. require modifications to the Strategy before it can be endorsed; or
 - c. refuse to endorse the Strategy.

The Strategy will take effect on the day it is endorsed by the Commission.

26. Once endorsed the Strategy will guide decision-making for a 10 to 15-year timeframe. Should changes be required to respond to changing circumstances or new opportunities, the Council can seek to amend the Strategy through a process provided for by Regulation 17 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

27. If the Council does not support the recommendation, the Strategy will be modified in accordance with any Council resolution made. This will delay the submission of the Strategy to the Commission for its final endorsement.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable, Sustainable, Prosperous
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan Sustainability Strategy Economic Development Strategy

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Regulation 11, 14 and 15 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>Section 2.7(2)(b) of the <i>Local Government Act 1995</i></p> <p>The Strategy has been prepared in accordance with Regulation 11. Approving the Strategy as per the report recommendation will enable Regulation 14 and Regulation 15 to be satisfied.</p>
Authority of Council/CEO:	<p>Pursuant to Regulation 14(3) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, after the completion of the review of the local planning strategy, the local government must submit to the Commission:</p> <ul style="list-style-type: none"> (a) a copy of the advertised local planning strategy; and (b) a schedule of the submissions received; and (c) particulars of any modifications to the advertised local planning strategy proposed by the local government.
Policy:	Nil

Financial Implications

Nil. Following final approval by the Commission the planning regulations require the City to publish the final version on the City's website.

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/12-239)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. NOTES the submissions received during formal advertising of the draft Local Planning Strategy and the City's responses to submissions received (Attachment 11.3B).
2. ADOPTS the Local Planning Strategy, as modified and included in:
 - a. Attachment 11.3C - *Local Planning Strategy Part One: The Strategy*
 - b. Attachment 11.3D - *Local Planning Strategy Part Two: Background Analysis Report*
 - c. Attachment 11.3E - *Appendix A: City Wide Local Profile Analysis*
 - d. Attachment 11.3F - *Appendix B: Neighbourhood Profile Analysis*.
 - e. Attachment 11.3G: Local Planning Strategy (December 2022) Markup
 - f. Attachment 11.3H: Schedule of Modifications
3. APPROVES the submission of the Local Planning Strategy to the Western Australian Planning Commission for final endorsement, pursuant to Regulation 14 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED EN BLOC (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton and Viktor Ko

Against: Nil.

The Deputy Lord Mayor, Councillors Anghie, Bevan, Ko, Bain and Fleeton each disclosed an Impartiality Interest in Item 11.4 (as detailed in Item 5).

11.4 City Planning Scheme No.2 - Final Adoption of Amendment No.41

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.4A – Revised Scheme Amendment Report (under separate cover) Attachment 11.4B – Changes to SCA boundaries (under separate cover) Attachment 11.4C – Noise Modelling of Amendment No. 41 and Option B (under separate cover) Attachment 11.4D – Summary of online survey results final (under separate cover) Attachment 11.4E – Consultation Outcomes and Response Report (under separate cover) Attachment 11.4F – Schedule of Individual Submissions (under separate cover) Attachment 11.4G – Proposed Modifications to Amendment 41 (under separate cover)

Purpose

For Council to consider the submissions received on Amendment 41 to City Planning Scheme No.2 (CPS2) and resolve whether to support Amendment 41, with or without modifications.

Recommendation

That Council:

1. NOTES the submissions (including late submissions) received during the formal consultation period for Amendment 41 to City Planning Scheme No. 2.
2. SUPPORTS Amendment 41 with modifications as per Attachment 11.4A in accordance with Regulation 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. ADOPTS the amended Precinct Plan as detailed in Attachment 11.4A – Scheme Amendment Report, pursuant to clause 3A of Schedule A (Supplemental Provisions) of City Planning Scheme No. 2, and subject to the gazettal of Amendment 41.
4. NOTES that Amendment 41 will be forwarded to the Western Australian Planning Commission for a final decision by the Minister for Planning.

Background

1. Northbridge is the premier entertainment area of Perth, contributing to the night-time economy and vibrancy of the city. The City of Perth is working with State Government agencies to create the Northbridge Special Entertainment Precinct (SEP). This will be the first statutorily approved Special Entertainment Precinct in Western Australia.
2. To create the Northbridge SEP, the following is required:
 - a. Western Australian Planning Commission (WAPC) Planning Position Statement: *Special Entertainment Precincts* to provide guidance on the establishment of Special Entertainment Precincts within the State Planning framework. This is currently in draft, consultation completed.
 - b. Department of Water and Environmental Regulation (DWER) amending the *Environmental Protection (Noise) Regulations 1997*. This is currently in draft, consultation yet to begin. Changes involve:
 - i. setting maximum external noise levels for entertainment venues.
 - ii. changing the measurement point for noise from the noise sensitive premise to outside the entertainment venue.
 - iii. establishing a Music Entertainment Venue Approval framework. It will be voluntary (opt-in) and will give entertainment venues a licence to emit higher noise levels. This approval will be issued by the local government.
 - c. The City of Perth amending its City Planning Scheme No. 2 (CPS2) to create a Special Control Area (SCA) and establish a Northbridge SEP.
 - d. Separate to the proposed SCA, the City is preparing a local planning policy on sound attenuation. This will apply to the whole of the city and will include additional guidance for the SCA.
3. Amendment 41 seeks to implement higher attenuation standards, based on maximum external noise levels that entertainment venues can operate at. Further background information is provided in the Scheme Amendment 41 report (revised) at Attachment 11.4A.
4. On 4 December 2019, Amendment 41 to CPS2 was initiated by the City of Perth. Key elements included:
 - a. defining the SCA boundary, including a Core and Frame area. The Frame area is intended to be a transition between the Core and the rest of the city.
 - b. establishing maximum external noise levels for entertainment venues for attenuation purposes:
 - i. Core area - 95dB at 63 Hz and 86dB in the 125Hz; and
 - ii. Frame area - 79dB at 63Hz and 70dB in the 125Hz.
 - c. enabling existing entertainment venues in the Frame to operate at 90dB at 63Hz and 81dB in the 125Hz.
 - d. establishing sound attenuation standards for new entertainment venues and noise sensitive accommodation.
 - e. reclassifying Special Residential uses (i.e., short stay accommodation) from 'Preferred Use' to 'Contemplated Use' within the Core, and the part of the Frame area located between Beaufort and Stirling Streets.

5. On 3 February 2020 the Western Australian Planning Commission (WAPC) approved formal consultation. On 6 April 2020 the Environmental Protection Authority advised the City that the Amendment did not require formal assessment.
6. On 6 April 2020 the Department of Planning, Lands and Heritage (DPLH) requested that the City hold formal consultation in abeyance, pending the provision of additional information from the State Government.
7. On 13 August 2020 the DPLH submitted Option B to the City, requesting consideration to including this in the consultation process. Option B had been informed by feedback on the draft WAPC Position Statement and further acoustic modelling commissioned by the State Government.
8. On 29 September 2020, Council agreed to include Option B in the consultation of Amendment 41.
9. The State Government's Option B proposed:
 - a. Modifications of the Core and Frame area boundaries including:
 - i. expanding the Core area; and
 - ii. retracting the Frame area in the northwest corner of the proposed Northbridge SEP, to acknowledge the predominately residential character of this area.
 - b. Reducing the maximum permissible noise level in the Core area from 95dB at 63Hz to 90dB at 63Hz.
 - c. Introducing a new Transition Area between the Core and Frame areas. Sound attenuation standards for new noise sensitive premises were proposed to be commensurate with the Core area.
 - d. Deleting a provision which enabled existing entertainment venues in the Frame area to operate at 90dB at 63Hz and 81dB in the 125 Hz.

The key differences between Amendment 41 and Option B are outlined in Attachment 11.4B.

Acoustic Studies and Modelling

10. The State Government has commissioned significant acoustic modelling to understand the impact of noise levels from entertainment venues on the city and the ability to attenuate noise.
11. Given the purpose of Amendment 41 (as initiated) and Option B is to allow entertainment venues to emit levels of 95dB or 90 at 63Hz, long term planning of the precinct required the modelling to assume that all entertainment venues could choose to operate at these levels in the future. Note, the modelling has used existing entertainment venues and has not factored in growth in the number of venues.
12. State Government advice and modelling has identified:
 - a. International best practice indicates an internal noise level of 47dB at 63Hz should be achieved in a noise sensitive premise, to protect occupants from long term health impacts.
 - b. External noise levels lower than 67dB at 63Hz can be attenuated through the requirements applied in the Building Code of Australia to achieve 47dB at 63Hz inside.
 - c. External noise levels between 67dB and 80dB at 63Hz require higher sound attenuation levels to achieve the internal 47dB at 63Hz. This is technically achievable, with costs estimated to be 8% higher overall (pre-Covid).
 - d. Specifying an implied transmission loss requirement of L_{Leq} 48 dB at 63Hz and L_{Leq} 45dB in the 125 Hz as outlined in Amendment 41 (as advertised), will be prohibitive to new residential development.

- e. Existing noise sensitive premises may be impacted as they were constructed to a lower sound attenuation standard.
- f. An external noise level of 95dB dB at 63Hz in the Core area results in larger areas of the city being within the 67dB to 80dB at 63 Hz range, from Hay Street to the south to Brisbane Street (City of Vincent) in the north.
- g. The noise impacts of Option B on the SCA and surrounding area is less. The proposed lower 90dB at 63Hz reduces the potential affected area to mid-block south of Wellington Street and Forbes Road to the north in the City of Vincent. Refer to Attachment 11.4C.

Discussion

13. The City is seeking to ensure that the final revised scheme amendment provisions maintain the primacy of Northbridge as an entertainment precinct. The revised provisions will enable a level of redevelopment to occur in the Core area to increase the day-time vibrancy and economic diversity, as well as providing an acceptable level of noise amenity for existing (and future) residents.
14. This involves balancing the competing expectations and priorities of entertainment venues; residential/co-living (student) accommodation developers; short stay accommodation providers and existing/future residents.
15. In response to the issues raised in submissions (which are discussed in detail in Attachment 11.4F), and having regard to independent acoustic advice, the following key changes to Amendment 41 are proposed:
 - a. Reducing the maximum external amplified noise levels from 95dB to 90dB in the Core area and deleting a provision which enabled existing entertainment venues in the Frame to operate at 90dB.
 - b. Adopting the proposed boundaries for the Core and Frame areas as outlined in the State Government's Option B and shown on Attachment 11.4B and deleting the proposed Transition Area. A minor adjustment is also proposed to Core area to reflect a recent change of use for a site on the northern side of Aberdeen Street from an existing entertainment venue to assisted living accommodation.
 - c. Change of sound measurement parameters to a single C-weighted level of 90 dB(C) for the Core area and 79dB(C) for the Frame area.
 - d. Accommodation land uses being grouped to reflect the level of permanency being Residential, Co-Living and Short-Stay accommodation. Additionally, for the purposes of this SCA, the definition of 'Residential' is proposed to include service apartments as they are very easily capable of being converted to permanent accommodation.
 - e. The new definition for co-living which will also accommodate student housing, as outlined below:

Co-living accommodation

means premises designed for residential accommodation in a communal living arrangement:

 - i. *that has at least 6 private rooms, some or all of which may have a kitchenette to allow preparation of convenience food, and bathroom facilities, and*
 - ii. *that has an emphasis on shared facilities, such as a communal dining, kitchen, laundry, recreation, and work or study spaces; and*

- iii. *where each of the private rooms are not self-contained and are not classified as a dwelling as that term is defined in the Residential Design Codes; and*
- iv. *where utility costs such as power and water are included as part of the rent; and*
- v. *the premises are maintained by a managing agent, who provides management services 24 hours a day; but*
- vi. *does not include any form of –*
 - (a) residential accommodation where occupants are provided with on-site physical, medical, mental health or pastoral support services; or*
 - (b) accommodation provided as short-term accommodation.*

- f. Greater sound attenuation requirements in bedrooms compared to living areas. This is in recognition that the sleeping areas should meet higher attenuation standards than other areas within a premise, to protect the health and amenity of future occupants.
- g. Deleting the implied 48dB noise transmission loss requirement and introducing a design performance-based approach for new residential, co-living and short stay accommodation by setting internal sound levels.
- h. Introducing a new methodology for assessing the internal noise level for residential, co-living and short-stay accommodation being:

External level - attenuation measures = internal noise levels

The external noise level can be adjusted in certain circumstances, for example if the subject site is adjacent to a well-established strata property.

- i. Introducing a minimum setback for *new* entertainment venues proposed adjacent to existing residential sites. The setback only applies to the part of a new entertainment venue that emits music (thereby excluding toilets, kitchen, and storage area, etc).
- j. Introducing a new objective to ensure accommodation land uses are designed and constructed to provide an acceptable level of amenity to occupants from existing and future external noise levels.
- k. Other changes include:
 - a. The definition of an 'entertainment venue' is more nuanced as it excludes venues that only periodically hold events. This provides better clarity on what the SCA is designed to address.
 - b. Replacing 'external amplified music noise level' with 'venue music noise level' as advised by an acoustic professional, so the provisions apply to all music including live music and pre-recorded music, whether vocal or instrumental and whether amplified or unamplified, and any combination of these things.
 - c. Simplifying the terminology and format of the document, in addition to refining the objectives for greater clarity.

16. A comparison of the original scheme planning provisions as initiated on 4 December 2019, and the proposed revised scheme provisions are provided in Attachment 11.4G.

17. Re-advertising – Regulation 42 of the *Planning and Development (Local Planning Scheme) Regulations 2015* allows the local government to decide to advertise any modifications to the amendment, if the local government is of the opinion the proposed modification is significant. As the City has responded

to the key issues raised in the submissions and commissioned acoustic investigations, it is considered that this action is not necessary.

18. Financial Assistance – some submissions received from entertainment venue operators and residents requested financial assistance for additional sound attenuation measures to be undertaken to their buildings.
19. The City of Vincent has also requested that if any financial assistance is being considered to enable property owners to retro-fit sound attenuation measures to existing noise-sensitive premises to assist in protecting the health and amenity of the residents, that this also be afforded to properties within Vincent, who may be impacted by the amendment.
20. However, this request is outside of the scope of this amendment. Should some form of grant or subsidy be made available, it is acknowledged that it is easier and more effective to mitigate noise at the source than it is to retrofit attenuation measures for existing noise sensitive premises.
21. It is challenging to get the balance right between supporting entertainment venues whilst providing an acceptable level of noise amenity for existing residents, and also achieving the City's residential growth aspirations. The proposed changes to the scheme provisions are considered to be the most pragmatic way forward.

Consultation

22. The formal consultation resulted in 98 submissions (including late submissions), comprising of 56 online submissions and 42 individual submissions. The online submissions responded to a series of questions relating to Amendment 41 and the State Government's Option B. A summary is provided in Attachment 11.4D. Regulation 41(2)(b) of the *Planning Regulations 2015 and Development (Local Planning Schemes) Regulations 2015* enables the Council to consider late submissions.
23. The majority of submissions (74%) expressed support to maintain Northbridge as the State's premier entertainment area. However, a broad range of opinions were expressed across the key stakeholder groups including the City of Vincent, DevelopmentWA, various State Government agencies, Environmental Health Australia (WA), residents, entertainment venue operators/owners and their industry representatives, in addition to developers/landowners and acoustic professionals.
24. Attachment 11.4E sets out in detail how consultation was undertaken, the consultation outcomes, key messages, and responses to the major themes.
25. Individual submissions and the City's responses are provided in Attachment 11.4F.
26. The issues raised in the submissions are complex and have resulted in the need for the State Government and the City to closely examine and test elements of the approach taken in Amendment 41. The City has also sought State Government technical advice on some of the more complex acoustic matters raised in the submissions.
27. Specialist external legal and independent acoustic advisors have also been assisting the City with examining options and preparing revised scheme provisions for Council's consideration.
28. Given the significance and complexity of the issue, the State Government (Parliamentary Secretary to the Minister for Planning) has hosted two meetings with the DPLH, DWER, the City of Perth, key stakeholders, legal advisors, and acoustic professionals. The purpose of these meetings was to work through technical aspects relating to sound attenuation and noise levels and to gain a better understanding of all parties' perspectives, as well as the needs of industry stakeholders. These meetings occurred on 3 March 2022 and 27 April 2022.

29. Through these meetings it was identified that further work was required to ensure all opportunities relating to Amendment 41 were explored.
30. This work has included further built form modelling and acoustic testing (of various options) by an acoustic consultant working for the City. The purpose of the acoustic modelling was to ensure that the revised scheme provisions could be practically applied. The acoustic modelling also informed whether new residential development could be achieved within the Core area of the Northbridge SEP under certain circumstances and if so, remain a 'contemplated' use.
31. The findings of the acoustic investigation identified that the revised scheme provisions (stipulating a lower external noise level of 90dB(C)) will enable residential land uses in certain circumstances within the Core area. Noting that the sites that can accommodate residential land uses are required to be built to a high degree of acoustic integrity, with the size, location, and design of the building critical to achieving acceptable acoustic outcomes.
32. The revised scheme provisions allow for the differentiation in three accommodation types - residential premises, co-living land uses (such as student accommodation), and short stay accommodation. The application of different acoustic requirements for each of these accommodation land uses is proposed. This increases the viability of some sites to incorporate some form of accommodation (such as short stay or co-living) without the need to meet the most stringent acoustic requirements required for residential land uses.
33. The revised scheme provisions focus on achieving a maximum internal noise level for residential buildings constructed within the precinct. Shifting the focus from the 'transmission loss' to a maximum internal noise level provides the opportunity for developers to incorporate other acoustic controls into the building design rather than focusing on the acoustic integrity of the building element.
34. Potential building design treatments for residential buildings within the precinct will be included in the City's Sound Attenuation planning policy currently being prepared.
35. On 13 September 2022, the City met with the Parliamentary Secretary to the Minister for Planning to discuss the key issues and proposed solutions the City has identified. There was in-principle support for the City's revised approach.

Decision Implications

36. Council is required to pass a resolution to either:
 - a. Support the proposed Scheme Amendment with or without modification; or
 - b. Not support the proposed Scheme Amendment; or
 - c. Readvertise any significant proposed modifications (42 days) as per Regulation 42 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. As the City has responded to the key issues raised in the submissions and undertaken further acoustic investigation, this action is not considered to be necessary.
37. In accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 41 is required to be provided to the Western Australian Planning Commission for its consideration and recommendation to the Minister for Planning for a final decision.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Draft Local Planning Strategy: Amendment No. 41 will introduce a SCA to establish a Northbridge Special Entertainment Precinct as identified in the Draft Local Planning Strategy and provide for an active night-time economy.

Legislation, Delegation of Authority and Policy	
Legislation:	<p><i>Planning and Development Act 2005</i></p> <p>Sections 75, 81, 84 and 87 - outline the process for amending a local planning scheme, including referrals to the EPA, advertising and adopting</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> ▪ Regulations 41 and 44 outline the next steps for a complex amendment to a local planning scheme. <p><i>City Planning Scheme No. 2</i></p> <ul style="list-style-type: none"> ▪ Clauses 3A of Schedule A (Supplemental Provisions) refers to amending Precinct Plans. ▪ Clause 39 refers to Special Control Areas. <p><i>City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas)</i></p> <ul style="list-style-type: none"> ▪ Sets out the planning provisions for all normalised redevelopment areas within the City's local government boundary (except Crawley-Nedlands). <p><i>Metropolitan Redevelopment Scheme Central Perth Redevelopment Scheme 2012</i></p> <ul style="list-style-type: none"> ▪ Sets out the planning provisions for all normalised redevelopment areas within the City's local government boundary (except Crawley-Nedlands). <p><i>Environmental Protection Act 1986</i></p> <ul style="list-style-type: none"> ▪ WA's primary environmental legislation ▪ Part IV environmental impact assessment process <p><i>Environmental Protection (Noise) Regulations 1997</i></p> <ul style="list-style-type: none"> ▪ Assigned noise levels (the highest noise levels that can be received), have been set differently for noise sensitive, commercial, and industrial receivers.
Authority of Council/CEO:	A scheme amendment follows a legislative process under the Planning and Development Act 2005. It requires the Council to make a resolution to either adopt Amendment 41 with or without modifications, or not proceed or readvertise any significant modifications. The WAPC has

	granted an extension for the consideration period (normally 60 days) of Amendment 41 to the 23 December 2022.
Policy:	<p>City Planning Scheme No. 2</p> <p>Northbridge Precinct Plan (P1) - provides a statement of intent/vision for development of the area.</p> <p>Stirling Precinct plan (P3) - provides a statement of intent/vision for development of the area.</p> <p>City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas)</p> <p>Northbridge Area 36 – Lake Street Design Guidelines.</p> <p>Northbridge Area 35 – Russell Square Design Guidelines.</p>

Financial Implications

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

Account Number	1079-104-10-10289	Operating
Account Description	PSP Northbridge OPEX Project	
Total Budget	\$5,000 (for cost of Public Notice and gazettal)	
Budget – This report	\$0	
Remaining Budget	\$5,000	
Budget Impact	\$0	

Further Information

39. Questions and responses forming part of the Agenda Briefing Session held 6 December 2022 were as follows:

	Question	Response
1.	Why does is the noise measurement proposed to be taken setback 5 metres from the residential accommodation?	<p>The noise measurement is not taken 5 metres from the residential accommodation but rather 1 metre from the boundary of the entertainment venue.</p> <p>A 5-metre building setback from existing residential sites is proposed - only for the part of any new venue that generates music noise. This setback does not apply to any portions of the new venue that accommodate amenities (toilets), storage areas or kitchens, etc.</p> <p>This is to afford existing residential sites a level of amenity, by influencing the internal design of potential new venues.</p>
2.	Is this an acoustic engineering measurement standard? It would seem to be more logical to measure from the closest point building structure if not	See above

	Question	Response
	practical to access inside the dwelling's bedroom.	
3.	How will a potential property buyer know they are buying in the SCA? Will this be noted on property Titles? How will a renter or leasee know they are renting in the SCA?	<p>Clause 28.4.4 (b)(i) specifies that a condition of development approval may require:</p> <p><i>“for the lodgement of a notification pursuant to section 70A of the Transfer of Land Act 1893 to notify the likelihood of elevated music noise levels from entertainment venues.”</i></p> <p>This will benefit purchasers of a property, because the purchasing process involves obtaining a copy of the Certificate of Title and thus being informed.</p> <p>No planning mechanism is available to renters or leases. However, once the Minister for Planning makes a final decision on Amendment 41, the City can write to REIWA advising them of the Special Entertainment Precinct and requesting that they advise their members. While this will not have statutory weight it will assist the real estate industry by raising their awareness to the changes so they can better inform prospective tenants.</p>
4.	What was the original purpose of Amendment 41?	<p>There are entertainment venues in Northbridge that currently exceed the maximum noise levels assigned under the Environmental Protection (Noise) Regulations 1997.</p> <p>The need to respond to noise complaints and to enforce the Noise Regulations could result in compliance action taken against these venues. In extreme circumstances the venues could be forced to close.</p> <p>Simply put, the key purpose of Amendment 41 is to create a Special Entertainment Precinct that would allow entertainment venues to operate at higher noise levels than they are currently allowed to.</p>
5.	Has this original purpose been addressed in Amendment 41?	<p>Yes.</p> <p>The amendment establishes the Northbridge Special Entertainment Precinct, which will allow entertainment venues to operate at higher noise levels and will provide entertainment venues with greater operational certainty.</p> <p>Currently the State Government’s Noise Regulations do not distinguish Northbridge from anywhere else in Western Australia, thus requiring noise levels to reduce in a stepped down manner from 6pm to 6am; which is exactly the time when entertainment venues increase their noise levels.</p> <p>It also requires noise measurements to be taken at the receiver of the noise. So, as noise sensitive land uses get</p>

	Question	Response
		<p>closer to entertainment venues, the venues may be required to emit lower noise levels.</p> <p>Amendment 41 and associated changes to the State Government's Noise Regulations will set different precinct wide maximum noise levels.</p> <p>Higher sound attenuation measures will also be required for the design and construction of new residential, co-living/student housing and short stay accommodation within the Special Entertainment Precinct. This will assist in reducing potential noise complaints.</p>
6.	<p>Are the relevant technical studies complete? If so, when were they completed?</p>	<p>The studies needed to inform the City's consideration of the submissions and proposed revised provisions are complete.</p> <p>The State Government undertook the following studies:</p> <ul style="list-style-type: none"> ▪ Acoustic report - Northbridge Entertainment Precinct: Evaluation of residential building attenuation (Gabriels Hearne Farrell, July 2019). ▪ Low Frequency Music Noise Prediction – Northbridge Entertainment Precinct (Lloyd George Acoustics, June and September 2020). ▪ Northbridge noise monitoring report (Lloyd George Acoustics, September 2019). <p>The City also obtained separate external acoustic advice to inform the drafting of the revised planning provisions.</p> <p>The State Government is currently undertaking a <i>Noise Attenuation with Distance Study</i> to inform its own decision-making processes.</p> <p>This study is not complete and is not required for the Council to make a decision on Amendment 41.</p>
7.	<p>What is being done to protect and support the continued operation of existing entertainment venues?</p>	<p>See points 4 and 5 above.</p> <p>The proposed changes will permit a Venue Approval to be issued by the City of Perth. This will allow existing (and future) venues that are within the precinct and are eligible to operate at higher music noise levels than would be permitted under the current Noise Regulations; to 'opt in' and apply for a Venue Approval.</p> <p>It is worth noting that under the current Noise Regulations, a worst-case scenario would likely require a maximum noise level of approximately 55-60 dB(C) to apply one metre from the venue boundary after 10pm. This is 30-35 decibels lower than what is now being proposed for entertainment venues in the Core area.</p>

	Question	Response
8.	What percentage of existing entertainment venues will not meet the new standards?	<p>It is not possible to provide a percentage of venues. It will depend on many factors including the level of music emitted over a period, the design and materials of the building, the orientation of speakers, acoustic treatments, management practices, etc.</p> <p>When Amendment 41 was initiated in December 2019 the City considered a snapshot of the music levels being emitted from entertainment venues.</p> <p>This snapshot was part of a study undertaken by Lloyd George Acoustics in 2019 (commissioned by the State Government). The study was intended to provide an indication of the upper range of music levels currently being emitted by venues on Northbridge’s busiest nights of the week. 27 out of the 40 venues in the Core were measured.</p> <p>This snapshot identified that 62% or 17 out of the 27 venues surveyed were emitting 95dB or below <i>at the point in time the sound measurement was taken</i>. By comparison, 40% or 11 out of the 27 venues measured were operating at 90dB or below. This information informed the initial noise level of 95dB for the Core set out in the version of Amendment 41 that was advertised.</p> <p>However, the report acknowledged that the music levels vary during the week and time of day depending on various factors (e.g., type of music/ live band). Not every venue was included in the survey (e.g. not operating at the time).</p> <p>The State Government has since advised that <i>‘noise emission levels measured above a limit for a short period of time provide little indication of a venue’s capacity to meet that limit’</i>. Accordingly, it is considered that the study is not a reliable indicator of the capacity of venues to comply with a particular noise limit level.</p>
9.	For those existing entertainment venues that will not meet the new standards, what are their options?	<p>It will be a choice for existing venue owners to opt in and apply for Venue Approval to operate at higher noise levels than are currently permitted under the Noise Regulations.</p> <p>A venue operator may need to undertake changes to the day-to-day operations (such as closing doors and windows or limiting the output of the public address system, installing distributed and directional sound systems) or undertake more substantial attenuation work to comply with the noise levels outlined in Amendment 41.</p> <p>These measures are only required if the venue owner wishes to apply for Venue Approval or undertake substantial</p>

	Question	Response
		<p>renovations to the premises, or when a new venue is proposed.</p> <p>Note - case-by-case approvals processes already exist under the Noise Regulations should these entertainment venues wish to provide festivals, micro-festivals or one-off public events.</p>
10.	Please explain why existing entertainment venues cannot be treated differently, given there is precedent for this at the City of Perth - for example, grants and rebates for Heritage Listed Buildings.	<p>Existing venues are being treated differently.</p> <p>Existing, long-standing and significant venues (which play music as part of day-to-day operations) that were originally proposed to be situated within the Frame area will now be shown as part of an expanded Core area.</p>
11.	How does Amendment 41 impact outdoor live music venues?	<p>Venue operators will need to give more thought and consideration to how they operate their venues/events.</p> <p>A venue operator will need to be mindful where the noise is measured from (as outlined in Question 12 below) and may require more directional outdoor speakers, etc.</p> <p>However, if venues are not receiving any justifiable noise complaints, then the current operations can continue. It is important to reiterate that a Venue Approval is not mandatory but will afford the venue the ability to emit higher noise levels than currently apply under the Noise Regulations.</p> <p>Additionally, the change of sound measurement parameters to a single C-weighted level provides venues with greater operational flexibility in relation to their control of low frequency music (refer Attachment G – Proposed Modifications to Amendment 41).</p> <p>As per Question 9, a case-by-case approvals process already exists under the Noise Regulations should these venues wish to provide festivals, micro-festivals or one-off public events.</p>
12.	In relation to outdoor live music venues - how is the noise impact measured?	<p>If outdoor or rooftop venues have no roof the noise will be measured at a point 1 metre from the venue boundary and 4 metres above the ground and/or floor level of the venue where the outdoor space is located.</p>
13.	What percentage of existing outdoor live music venues will not meet the new standards?	<p>This is a duplication of Question 8. Please see the response for Question 8.</p>
14.	For those existing outdoor live music venues that will not meet the new standards, what are their options?	<p>Please see response for Question 11.</p>
15.	What, if anything, has changed since the Council was last briefed on	<p>The Elected Members were mostly recently briefed on Amendment 41 at an Elected Member Engagement Session</p>

	Question	Response
	Amendment 41 and the Core and Frame areas earlier this year?	<p>on 11 October 2022. This briefing set out the major changes proposed to the amendment that are now finalised and presented to the Council for consideration.</p> <p>Pages 2 and 24 of the agenda outline the key changes made to Amendment 41.</p> <p>Attachment G - Proposed Modifications to Amendment 41 provides a detailed comparison between the original amendment and the revised amendment, and the rationale for the change.</p>
16.	How many noise complaints does the City of Perth get each year?	Based on a 10-year average the City receives around 15 noise specific complaints per year for Northbridge
17.	Can you please provide a breakdown of all complaints?	<p>Based on a 10-year average for Northbridge:</p> <ul style="list-style-type: none"> • 8 relate to amplified music, • 3 relate to concert/event noise • 4 complaints relate to other categories such as mechanical equipment noise, construction, etc
18.	How many of these relate to existing entertainment venues and outdoor live music venues?	<p>Approximately 33%.</p> <p>More detailed breakdown is as follows:</p> <p><u>Permanent venues</u></p> <ul style="list-style-type: none"> • 17 for the Court • 11 for outdoor events at Metro’s nightclub • 3 for Jack Rabbit Slims • 3 for Game Sportsbar • 8 for Flyrite Nightclub • 2 for Butterfly 73 • 2 for Brass Monkey • 2 for The Deen • 2 for Henry Summers (open air venue) <p><u>Pop up events/open air</u></p> <ul style="list-style-type: none"> • 16 relate to use of Russell Square for Fringe Festival events • 4 for Ice-cream Factory (open air venue)
19.	How do the mandates in Amendment 41 compare to similar controls nationally and internationally?	Amendment 41 (revised) is comparable to the City of Brisbane’s Special Entertainment Precinct (SEP) established in Fortitude Valley which has a maximum noise level of 90dB (C) in the Core.

	Question	Response
		<p>The City has been advised that the Fortitude Valley's SEP experienced an increase of entertainment venues by 40% since the precinct was established in 2006.</p> <p>The proposed noise level of 90dB (C) in the Core, reflected in the revised provisions for Amendment 41, aligns with the maximum noise level stipulated for entertainment venues situated in Fortitude Valley.</p> <p>The State Government and the City are unaware of any international city that allows venues to operate at 95dB(C) at one metre from the venue boundary as part of its daily operation.</p>
20.	<p>We have talked about increasing the population of our city, what is the impact on achieving this objective in Northbridge if Amendment 41 is not supported?</p>	<p>If Amendment 41 is not supported, it will mean the City will not be able to require higher noise attenuation standards for residential type land uses.</p> <p>This could impact the amenity of residents and could become a disincentive for people purchasing into the neighbourhood.</p> <p>It will also continue an environment of uncertainty for business, residents and developers alike.</p> <p>It will also impact entertainment venues as they will need to comply with the current (more restrictive) Noise Regulations as mentioned above.</p>
21.	<p>Why is this initiative being led by the City and not State Government?</p>	<p>The reform is being jointly led by the City of Perth and the State Government.</p> <p>To implement these reforms requires:</p> <ol style="list-style-type: none"> 1. Establishment of a Planning Position Statement for the establishment of a Special Entertainment Precinct. This is being led by the Western Australian Planning Commission. 2. Amendment to the Environmental Protection (Noise) Regulations 1997. This is being led by the Department of Water and Environmental Regulation. 3. Amendment to City Planning Scheme No. 2 by introducing a Special Control Area to establish the Northbridge Special Entertainment Precinct. This is being led by the City of Perth.
22.	<p>Which State government agencies provided input into the consultation process?</p>	<p>Development WA</p> <p>Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor</p> <p>Department of Local Government, Sport and Cultural Industries – Culture and Arts</p>

	Question	Response
		<p>Tourism WA</p> <p>Art Gallery WA</p> <p>Department of Water and Environmental Regulation (DWER)</p> <p>Main Roads WA</p> <p>National Trust WA</p> <p>Water Corporation</p> <p>Landgate</p> <p>Department of Communities</p> <p>Department of Fire and Emergency</p>
23.	<p>Of the state government agencies who were part of the consultation process, were they supportive of the Amendment</p>	<p>All State Government agencies were supportive of the establishment of the Special Entertainment Precinct and the creation of a Core and Frame area.</p> <p>More detail is available in the Consultation Outcomes and Response report.</p> <p>Summary of response:</p> <ul style="list-style-type: none"> • Development WA supports Option B and 90dB • DLGSC supports whole of the Cultural Centre in the core at 95dB. Support expansion of Option B to include whole Perth Cultural Centre, former Swan Barracks and properties on eastern side of Beaufort Street. • Tourism WA: supports Option B plus whole of Perth Cultural Centre as well as RAC Arena, Yagan Square and Market grounds • Art Gallery: recommends the Art Gallery be included in the Core. • DLGSC: Racing, Gaming and Liquor - supports proposed amendment. • DLGSC: Culture and Arts prioritise creative and cultural industries, reduce residential targets for Northbridge. • DWER: no comment on Amendment 41 • Main Roads, National Trust, Water Corporation, Landgate, Department of Communities, Department of Fire and Emergency had no comment to make on Amendment 41 • City of Vincent supports Option B and 90dB

	Question	Response
24.	It appears 95dB is considered by entertainment industry representatives (as per letter provided to EM's by AHA) as a "reasonable and workable" compromise. Why was 90dB chosen as the maximum external noise levels at the core area?	<p>The reduction to 90dB arose as a result of acoustic modelling and technical studies commissioned by the State Government and independent acoustic advice.</p> <p>The reduction included consideration of noise impacts on existing and future residential land uses in the precinct and surrounding areas - including parts of the City of Vincent and the residential growth areas identified in our draft Local Planning Strategy</p> <p>The modelling showed that keeping the level at 95dB would likely preclude the possibility of new residential, student housing and short stay accommodation in the precinct and surrounds.</p> <p>90dB means that these land uses are now possible in some circumstances.</p>
25.	I note one of the category of respondents listed in those who provided submissions is "developers/landowners", what feedback did they give around 95dB v 90dB?	<p>Three submitters preferred a reduction to 90dB – though two of these have since met entertainment venue operators and now say they support 95 for existing venues and 90 for new venues. However, State Government has the view there should be a level playing field for existing and new venues.</p> <p>Three others lodged objections because they felt the original amendment was heavily weighted to the entertainment industry, and they felt the attenuation requirements would be too restrictive - resulting in lost opportunities for student housing and residential development.</p> <p>Another objected to expansion of the Core area.</p>
26.	Was there consideration given to allowing <u>existing businesses</u> in the frame area to operate at the same level as businesses in the core area?	Yes – the existing, long-standing and significant venues (which play music as part of day-to-day operations) that were originally proposed to be situated within the Frame area are now shown as part of an expanded Core area.
27.	Can we follow up when that would be done?	DWER has advised they are not able to provide a timeframe for completion at this time. They are continuing to engage with the entertainment venues and are undertaking sound readings and this will continue into 2023.
28.	Is there a reason we didn't put a Grandfather clause in there?	<p>The Western Australian Planning Commission's draft <i>Position Statement on Establishing Special Entertainment Precincts</i> sets out guidance for the establishment of Special Entertainment Precincts in local planning schemes.</p> <p>This includes a requirement for planning schemes to include an external amplified music noise level to identify the expected street level vibrancy within the precinct. This is not intended to be a compliance level (as this is set by the Noise Regulations), but rather a level set by the local government</p>

	Question	Response
		<p>from which building attenuation standards can be determined.</p> <p>The direction has therefore been to take a precinct wide approach to setting noise levels and thus to create an equal playing field for existing and future entertainment venues.</p> <p>A grandfather clause approach, whereby each existing entertainment venue is set a different maximum external noise level based on their current day to day operations would not be consistent with State Government direction.</p> <p>That said, Amendment 41 does differentiate between new and existing venues.</p> <p>When Amendment 41 was originally initiated in December 2019 it included a clause relating to a register of existing entertainment venues in the Frame area.</p> <p>This was in recognition of existing and long-standing venues that emit higher noise levels than what are expected in the Frame Area. These venues would be permitted to emit up to 90dB. It was anticipated that this register would be created at the time of gazettal of the amendment. The scheme clauses were intended to have a similar effect as a non-conforming use right.</p> <p>This approach was generally incorporated by the State Government into its Option B proposal, whereby these long standing and significant venues are shown on the plan as part of the expanded Core area (rather than being on a register) - this is the scenario that is now before the Council for consideration.</p>
29.	<p>Regarding Q16 I asked how many noise complaints does the City get each year, the answer I got was just in Northbridge, which was just 15 noise complaints for the year. Can we be provided with the number of noise complaints for the whole City of Perth, neighbourhood by neighbourhood breakdown as a comparison because 15 doesn't seem like a lot?</p>	<p>Average number of complaints per year is 400.</p> <p>The 5-year average per suburb is as follows:</p> <p>Nedlands = 3</p> <p>Crawley = 11</p> <p>East Perth = 91</p> <p>Northbridge = 38</p> <p>Perth = 152</p> <p>West Perth = 35</p> <p>Area not captured = 66</p> <p>Important to note that these complaints are not all related to entertainment venues – they're all noise complaints.</p>
30.	<p>We've heard tonight about property owners and particularly venue owners</p>	<p>This approach was investigated and consulted on by the State Government between 2018 - 2020 as part of preparing its</p>

	Question	Response
	<p>wanting certainty about their future and the potential intention of the amendment is to prevent conflict. I was wondering does legal defence called Coming to the Nuisance which is when harmful activity was operating before the plaintiffs acquired the property to be impacted by the nuisance. Why doesn't this concept protect our venue operators already and why aren't we aligning with that concept?</p>	<p>draft Planning Position Statement and a discussion paper 'Managing Amplified Music Noise in Entertainment Precincts'.</p> <p>The approach was known as the Agent of Change, whereby new development needs to account for the impacts of noise.</p> <p>This option was adapted from the Victorian Government's agent of change approach for live music in 2014.</p> <p>It is understood, however, that feedback received during consultation on the above 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. This was primarily due to the inability of venues to accurately determine sound levels received internally within nearby noise sensitive premises.</p> <p>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.</p> <p>The Noise Regulations in Western Australia do not recognise the concept of 'coming to the nuisance'. Indeed, the exact opposite is true. If a noise sensitive land use 'comes to the nuisance', under the <i>Noise Regulations</i>, it is the emitter who must yield.</p> <p>The proposed amendments to the Noise Regulations will change this - provided a venue is operating in accordance with a Venue License, then the venue is not responsible for the noise experienced within noise sensitive premises (like a dwelling).</p>
<p>31.</p>	<p>There was the discussion in the deputation about the commonsense type of approach site by site. If the status quo stayed and the existing venues stayed at their existing levels it doesn't preclude my understanding residential development. There are still sections and parts of Northbridge that which will be under 90dB. Can you explain why we couldn't have the 95dB and then still this commonsense approach where certain sites will be viable and others won't be?</p>	<p>It is important to note that under Amendment 41, existing venues can continue operating at their current levels unless justified noise complaints are received and are unable to be resolved by working with all parties involved in a complaint to find solutions.</p> <p>If unresolved, the venues would need to adhere to the current levels in the Noise Regulations that can restrict their operations after 10pm or they would need to apply for a Venue Approval whereby they could operate at the 90dB limit suggested by Amendment 41 (and proposed to be enshrined in the Noise Regulations).</p> <p>Investigations have identified that it is likely not to be feasible to attenuate a residential/ co-living, or short stay building if a nearby entertainment venue is emitting higher than 90dB. If Council was to support a 95dB noise level, it would be</p>

	Question	Response
		<p>important to understand there would be likely be a negative impact on the future use of development sites in and around the precinct.</p> <p>This is because under the State Government’s precinct approach (to future proof the continued growth of venues in the area), a developer is required to design and construct any new accommodation land use assuming that a new/or existing venue can be accommodated on the property next door and will be operating at the maximum noise level.</p>
32.	<p>So current standards that people build to the transmission loss that’s received versus the new standard, what’s the new standards going to cut out noise wise?</p>	<p>The Building Code of Australia (WA) does not currently address the issue of attenuation from external noise sources. It only includes requirements that relate to internal noise (like noise between apartments, and noise from lift shafts, etc.).</p> <p>This is because the responsibility to address noise in Western Australia, under the current Noise Regulations, is the responsibility of the emitter, not the receiver.</p> <p>Amendment 41 changes this as explained in an earlier response.</p> <p>The advertised version of Amendment 41 worked by:</p> <ul style="list-style-type: none"> ▪ Assuming a level of noise surrounding a proposed development site; and ▪ Requiring the developer to attenuate this hypothetical noise level through construction methodology alone (transmission loss). <p>The feedback received during the consultation period was that it would not be possible to construct dwellings that would provide other aspects of amenity (ventilation, sunlight penetration, outdoor living spaces) if those provisions applied.</p> <p>What is proposed in the modified version of Amendment 41 addresses these concerns by:</p> <ul style="list-style-type: none"> ▪ Assuming a level of noise at the existing or potential entertainment venue; ▪ Allowing a discounting process where it is clear that certain lots will not be used as an entertainment venue (for example, if the lot has been recently redeveloped as an apartment building); ▪ Allowing the developer to use methods other than construction materials to achieve an appropriate indoor noise level to provide residential amenity (for example, by

	Question	Response
		designing buildings so that bedrooms are located away from major noise sources).
33.	Can we be provided with more information on this during the week?	As above. Attachment 0.0E – Consultation Outcomes and Response Report provides a summary of the issues raised by the stakeholders and the City’s response.

At the commencement of Item 11.4 the Lord Mayor moved an alternate as follows;

Alternate

Mover: Lord Mayor Basil Zempilas

Seconded: Deputy Lord Mayor Liam Gobbert

That Council:

- 1) NOTES the submissions (including late submissions) received during the formal consultation period for Amendment 41 to City Planning Scheme No. 2 as set out in Attachments 11.4D, 11.4E and 11.4F.
 - 2) SUPPORTS Amendment 41 with modifications as per Attachment 11.4A and the further modifications set out in 2i) – 2v) below, in accordance with Regulation 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - i) Amend the maximum noise levels for existing entertainment venues in the Core area to 95dB and create a new register that captures these existing venues at the time of approval by the Minister for Planning;
 - ii) Alter the boundary of the Core area to include the eastern portion of the Court Hotel (Lot 502 James Street Northbridge) into the Core area so that one entertainment venue is not split between the Core and the Frame areas.
 - iii) Include the property known as Perth Mess Hall – Swan Barracks, located at 2 Francis Street, between Museum Street and Beaufort Street, Northbridge into the Core area;
 - iv) Include Build-to-Rent within the definition of the Special Residential land use and include a corresponding maximum internal music noise level of 50dB for the bedrooms;
 - v) Amend Attachment 11.4A to reflect the above modifications.
 - 3) ADOPTS the amended Precinct Plan as detailed in Attachment 11.4A – Scheme Amendment Report, pursuant to clause 3A of Schedule A (Supplemental Provisions) of City Planning Scheme No. 2, and subject to the gazettal of Amendment 41.
 4. NOTES that the Council’s resolution, Attachments 11.4A, 11.4B, 11.4C, 11.4D, 11.4E, 11.4F and 11.4G will be forwarded to the Western Australian Planning Commission for a final decision by the Minister for Planning.
-

During debate Councillor Anghie moved two amendments as follows;

Amendment 1

Mover: Councillor Sandy Anghie

Seconded: Councillor Viktor Ko

That Point 2 be amended to add the following additional point:

- v) REINSTATE the purpose of Amendment 41 as articulated in clause 28.2 of the original version provided, being:
-

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

LOST (3/4)

For: Councillors Sandy Anghie, Clyde Bevan and Viktor Ko

Against: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain and Brent Fleeton

Reasons for Change

“The reason for this first amendment is I think it’s important that the original purpose is enshrined in Amendment 41 and because this was the basis on which it went out to consultation, so simply that the purpose of this Amendment 41 was to support the existing entertainment venues and I think that should be articulated in the amendment. The current version removed that original purpose and the wording of the objectives which the administration said the reason the purpose was deleted was that it was covered in the objectives, the objectives don’t actually say the same thing. That’s the very simple reason for that amendment is basically to enshrine what the original purpose was for this.”

Amendment 2

Mover: Councillor Sandy Anghie

Secunder: Councillor Viktor Ko

That Point 2 be amended to add the following additional point:

- vi) AMEND the definition of “Entertainment venue boundary” in clause 28.6 by replacing the words “its vertical extent shall be 4 metres above the ground and / or floor level of the venue” in paragraph (iii) with the words “only the horizontal extents shall be considered” and create a new register that captures these existing outdoor venues at the time of approval by the Minister for Planning;

LOST (3/4)

For: Councillors Sandy Anghie, Clyde Bevan and Viktor Ko

Against: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain and Brent Fleeton

Reasons for Change

“I agree with you Lord Mayor that it is important to protect the existing outdoor venues with that higher reading and to enable them to continue their operations same with outdoor venues, a common sense should apply. It seems to me it’s obvious that you know without a roof the readings on an outdoor venue are going to be different to an enclosed venue and so this was highlighted in the reports provided to us. At page of the materials provided so at pages 783 and 795 of the papers that the sector did not support outdoor venues the sound being measured in this way that it would be detrimental and this was also highlighted in the deputations. It was interesting to read all of the feedback and in particular that in the summary to say that the residents of Northbridge are pragmatic and tolerant of their neighbourhood and interesting to note as well in the questions that I raised and that have been answered by the administration when we look at the

level of complaints in other neighbourhoods of the City of Perth, many are actually significantly higher than Northbridge. The highest number of noise complaints each year on average over five years is actually sent from the Perth CBD with 152 complaints, West Perth 35 complaints per year on average, East Perth 91 and is this data 38 from Northbridge. People in Northbridge know what they're up for, what they're buying in because it's a lively Entertainment Precinct and actually in my notice of motion later on in the agenda this evening I looked at the census data on the population of Northbridge and interestingly it is a very young population in Northbridge median age of 31% and interestingly 63% have never been married so I don't know that may or may not suggest it's people that like getting out and about and enjoying the nightlife of Northbridge. We have great weather in Perth, we probably don't have enough great outdoor venues already. I remember in the 90's when I went out during Uni, going to the Steve's Beer Garden or the Cottesloe Hotel and the many other beer gardens across the city that people enjoy. I think the beer garden and the Sunday session and the like, it's a cultural institution here in Perth and that our existing outdoor venues should be protected and I don't think the current version of this amendment and based on feedback the current version of this amendment does not protect them adequately. It would be sad to see outdoor venues needing to be covered over with a roof when we have such great weather in Perth to enjoy the outdoors."

Both amendments were declared lost and debate on the alternate resumed

Council Resolution (Alternate) (OCM-22/12-240)

Mover: Lord Mayor Basil Zempilas

Seconded: Deputy Lord Mayor Liam Gobbert

That Council:

- 1) NOTES the submissions (including late submissions) received during the formal consultation period for Amendment 41 to City Planning Scheme No. 2 as set out in Attachments 11.4D, 11.4E and 11.4F.
- 2) SUPPORTS Amendment 41 with modifications as per Attachment 11.4A and the further modifications set out in 2i) – 2v) below, in accordance with Regulation 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - i) Amend the maximum noise levels for existing entertainment venues in the Core area to 95dB and create a new register that captures these existing venues at the time of approval by the Minister for Planning;
 - ii) Alter the boundary of the Core area to include the eastern portion of the Court Hotel (Lot 502 James Street Northbridge) into the Core area so that one entertainment venue is not split between the Core and the Frame areas.
 - iii) Include the property known as Perth Mess Hall – Swan Barracks, located at 2 Francis Street, between Museum Street and Beaufort Street, Northbridge into the Core area;
 - iv) Include Build-to-Rent within the definition of the Special Residential land use and include a corresponding maximum internal music noise level of 50dB for the bedrooms;
 - v) Amend Attachment 11.4A to reflect the above modifications.
- 3) ADOPTS the amended Precinct Plan as detailed in Attachment 11.4A – Scheme Amendment Report, pursuant to clause 3A of Schedule A (Supplemental Provisions) of City Planning Scheme No. 2, and subject to the gazettal of Amendment 41.

4. NOTES that the Council's resolution, Attachments 11.4A, 11.4B, 11.4C, 11.4D, 11.4E, 11.4F and 11.4G will be forwarded to the Western Australian Planning Commission for a final decision by the Minister for Planning.

CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton and Viktor Ko

Against: Nil.

Reasons for Change

"It is clear this is a very complex matter – multi-faceted as one of those who gave a deputation stated last week.

I'm very pleased we were able to receive so many deputations in this chamber last week and I'm equally pleased we have all had the opportunity to ask questions directly of our GM Planning and ED and/or submit questions to be answered by administration.

But the complexity should not scare us off, nor should the prospect of arriving at a decision which will not please everyone.

That is the very nature of many of the decisions we have to make in this chamber – but that is also the job we were elected to do.

Listen, consider, decide.

I'm satisfied we have all had the opportunity to inform ourselves and allow stakeholders to make their case, I have also reached the view that delaying a decision does not in any way guarantee we will be more or better informed in a few months or another year.

I'm also certain we will not please everyone with the decision we will make tonight. But I'm also resolute our stakeholders are looking to us for a decision to be made.

To that end, and with the very real prospect if we don't make a decision, State Government may well step in and make one for us – and that decision could be even less acceptable to many of our stakeholders and result in regulations which allow less noise to be emitted at entertainment venues than we are proposing, strong leadership is required by Council to get this done, and get it done tonight.

To that end I have moved this alternate motion which differs from the original motion in the following ways:

- 1) *Amends the maximum noise levels for existing entertainment venues in the Core area to 95dB.*

We heard consistently last week 90db is too low for the venues. We heard a willingness to compromise at 95db. We also know that initially 95db was on the table. And importantly Bradley Woods CEO of the Australian Hotels Association who represents many of these venues said in a letter addressed to the Lord Mayor and circulated to Councillors dated November 25, 2022, I quote "the agreed position of industry is that 95dB is a reasonable workable compromise". End quote. 2.1 of my alternate motion directly addresses this. And satisfies it. 95dB is a workable compromise.

- 2) *Alter the boundary of the Core area to include the eastern portion of the Court Hotel (Lot 502 James Street Northbridge) into the Core area so that one entertainment venue is not split between the Core and the Frame areas.*

The Court Hotel is a heritage venue in our entertainment district. It makes no sense there should be one requirement for one part of the venue and another requirement for another part. It is logical to include this

existing venue entirely in the Core area and therefore allow them to operate at 95dB consistently through the venue.

I am not supportive of a grandfathering approach for existing venues because this will allow some venues to operate at levels significantly higher than 95dB and this will have a detrimental impact on future residential development in and around this area and the complimentary vibrancy and activation it would bring.

If we include a grandfathering arrangement, we run the very real prospect of State Government overriding our position – we already know State government have been very clear in their positioning statement that we deal with this on a precinct basis, not a venue by venue basis.

Again, compromise is important here. Push too far one way, the danger is it becomes a decision taken out of our hands or is overridden.

3) Include the property known as Perth Mess Hall – Swan Barracks, located at 2 Francis Street, between Museum Street and Beaufort Street, Northbridge into the Core area.

This is an existing venue within our entertainment precinct. The definition as it applies is interpreted differently, but I am of the view the common sense conclusion is this is an entertainment venue within our entertainment precinct.

On that basis I believe it should not be excluded from the Core and should be able to operate at 95dB in line with other existing venues within the Core.

4) Include Build-to-Rent within the definition of the Special Residential land use.

This would serve to encourage this type of development – and ultimately what we all want, more people living in the area because it will lower noise attenuation requirements for this style of development. Making it more feasible and therefore encouraging more of it in the Northbridge precinct.

In conclusion, this alternate motion seeks to support and protect existing venues which are a significant part of the fabric of our City and in particular our entertainment precinct in Northbridge.

It addresses many of the concerns we heard from stakeholders last week and is presented in a spirit of compromise to be able to create an environment where existing and new entertainment venues can operate alongside new and existing residential developments to advance one of our stated aims – more people in our City more of the time.

I want to thank all of the stakeholders, both sides, many of whom are present tonight, for the spirit of fair mindedness they have brought to this process.

It is impossible to be all things to all people – but the willingness of our stakeholders to engage, discuss and be flexible in the interests of finding a shared way forward has been most gratifying. I thank our community for that attitude and commend my fellow Councillors to support this alternate motion. Let it not be said that this City of Perth Council is afraid of making the tough decisions.”

11.5 Initiation of Amendment No. 49 to City Planning Scheme No. 2 and Amendment No. 6 to Local Planning Scheme No. 26

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.5A – City Planning Scheme No. 2 Amendment 49 Attachment 11.5B – Local Planning Scheme No. 26 Amendment 6

Purpose

For Council to initiate Amendment 49 to City Planning Scheme No. 2 (CPS2) and Amendment 6 to Local Planning Scheme No. 26 (LPS26).

Initiation will enable the Amendments to be referred to the Environmental Protection Authority (EPA) and, following an EPA decision, community consultation on the amendments can commence.

Recommendation

That Council:

1. RESOLVES to initiate Amendment 49 to the City Planning Scheme No. 2 and Amendment 6 to Local Planning Scheme No. 26;
 2. RESOLVES that Amendment 49 and Amendment 6 are Standard Amendments for the following reasons:
 - a. the Amendments have minimal impact on land in the scheme area that is not the subject of the amendments; and
 - b. the Amendments do not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
-

Background

1. At its Ordinary Meeting held on 28 June 2022, Council resolved to prepare a scheme amendment to change the land use permissibilities for a Community Centre or Community Facility from “P” preferred use to “C” contemplated across all planning schemes.
2. Both CPS2 and LPS26 group land uses together that have similar functional characteristics.
3. Under CPS2, a Community Centre or a Community Facility falls under the ‘Community and Cultural’ use group. Under LPS26, a Community Centre or Community Facility is included in the ‘Community’ land use category.
4. Under both CPS2 and LPS26, a development application for a “P” preferred use cannot be refused based solely on the appropriateness of the use. Additionally, a “P” preferred use does not require community consultation.
5. A development application for a “C” contemplated use can be refused based on the appropriateness of the use, and a “C” contemplated use may also be advertised to the community for consultation.
6. The Community and Cultural use group is a “P” preferred use in several CPS2 precincts. Details of where Amendment 49 applies is provided in Attachment 11.5A.
7. The Community land use category is a “P” preferred use in several LPS26 precincts. Details of where Amendment 6 applies is provided in Attachment 11.5B.

Discussion

8. A “P” preferred land use permissibility is no longer considered appropriate for the Community and Cultural use group and Community land use category, as these use groups/categories include a broad range of community uses within them, with differing levels of impact.
9. In addition, the Community and Cultural use group and Community land use category include land uses that are of particular interest to the community and can be advertised to ensure the community’s views are considered in the assessment.
10. Amendment 49 and Amendment 6 will address this through changing the land use permissibility of the subject land from “P” preferred to “C” contemplated. This would allow the City to undertake an assessment of the proposal, considering the matters set out under clause 67 of the Deemed Provisions, and the assessment may include consultation with the community.
11. The Amendments do not prohibit the Community and Cultural use group and Community land use category from being approved, they enable a higher level of scrutiny of the appropriateness of each individual proposal.
12. *The Planning and Development (Local Planning Schemes) Regulations 2015* includes three categories for amending local planning schemes - basic, standard, and complex. Both Amendments are considered to be classified as Standard Amendments, as they will not result in any significant environmental, social, economic, or governance impacts.

Consultation

Nil.

Decision Implications

13. If Council supports the recommendation, Amendment No. 49 and Amendment No. 6 will be forwarded to the EPA for assessment, prior to community consultation being undertaken.
14. If Council does not support the recommendation, CPS2 and LPS26 will remain unchanged and the Community and Cultural use group and Community land use category will stay “P” permitted uses in some precincts.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<p>Draft Local Planning Strategy</p> <p>The Draft Local Planning Strategy sets out the City’s Strategic objectives for future land use and development within the city.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p><i>Planning and Development Act 2005</i></p> <ul style="list-style-type: none"> • Section 75 provides legislative power to the Council to initiate changes to its local planning scheme. • Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising. • Section 84 sets out advertising requirements. <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> • Regulations 34 and 35(2) require amendment to be classified as basic, standard or complex. • Regulation 47 specifies requirements for advertising a Standard Amendment. • Regulation 76A specifies requirements for making documents available to public.
Authority of Council/CEO:	<p>The <i>Planning and Development Act 2005</i> gives local governments powers in relation to Local Planning Schemes and Local Planning Policies.</p> <p>The above provisions of the <i>Planning and Development Act 2005</i> requires a decision to amend by Council resolution. For example, section 81 of the <i>Planning and Development Act 2005</i> requires the referral to the Environmental Protection Agency to include the local government’s resolution.</p>
Policy:	Nil.

Financial Implications

15. The financial implications of the recommendation(s) will require additional expenditure, as an unbudgeted item.

Account Number	1079-104-10-1568	Operating
Account Description		
Current Budget	\$23,000	
Amendment to Budget	\$1,000 advertising costs	

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/12-241)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. RESOLVES to initiate Amendment 49 to the City Planning Scheme No. 2 and Amendment 6 to Local Planning Scheme No. 26;
2. RESOLVES that Amendment 49 and Amendment 6 are Standard Amendments for the following reasons:
 - a. the Amendments have minimal impact on land in the scheme area that is not the subject of the amendments; and
 - b. the Amendments do not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

CARRIED EN BLOC (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton and Viktor Ko

Against: Nil.



Amendment No. 49



City of Perth
City Planning Scheme No. 2

Amendment No. 49

Reclassifying 'Community and Cultural' land use group from 'P' (preferred use) to 'C' (contemplated use) across all precincts

FORM 2A

Planning and Development Act 2005
RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME

City of Perth City Planning Scheme No. 2
Amendment Number 49

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend City Planning Scheme No. 2 by:

1. Amend Schedule 3 – Use Group Tables Precinct 1 – Northbridge (East of Russell Square) changing Community and Cultural from P use symbol to C use symbol
2. Amend Schedule 3 – Use Group Tables Precinct 4 – Victoria Community and Cultural from P use symbol to C use symbol
3. Amend Schedule 3 – Use Group Tables Precinct 7 – Civic Community and Cultural from P use symbol to C use symbol
4. Amend Schedule 3 – Use Group Tables Precinct 10 – West Perth (Commercial and Residential Commercial) Community and Cultural from P use symbol to C use symbol
5. Amend Schedule 3 – Use Group Tables Precinct 11 – Hamilton Community and Cultural from P use symbol to C use symbol
6. Amend Schedule 3 – Use Group Tables Precinct 14 – Goderich (Residential/Commercial) Community and Cultural from P use symbol to C use symbol

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The amendment only applies to select precincts and will have no impact on the broader scheme area; and
- The amendment does not result in any significant environmental, social, economic or governance impacts.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

1.0 INTRODUCTION

The purpose of this amendment to City Planning Scheme No. 2 (CPS2) is to change the land use permissibility of the 'Community and Cultural' land use group from 'P' (preferred use) to 'C' (contemplated use) in the relevant CPS2 precincts.

Perth city is made up of six neighbourhoods, and within these neighbourhoods are distinct precincts formed around a combination of character, heritage and land use. A review of the City's local planning schemes has identified that the permissibility of the 'Community' land use varies across the City's neighbourhoods and precincts. These proposed changes seek to respond to these distinctive differences by enabling decisions to be made on the locational suitability of any future proposal that falls within the definition of a Community Centre, taking into account the existing context, amenity and views of the local community.

2.0 LOCATION AND OWNERSHIP

This amendment applies to the land located within the following precincts (the subject land):

- Precinct 1 Northbridge
- Precinct 4 Victoria
- Precinct 7 Civic
- Precinct 10 West Perth (Commercial and Residential/Commercial land only)
- Precinct 11 Hamilton
- Precinct 14 Goderich (Residential/Commercial land only)

The individual lots included in the subject land are illustrated in Figure 1 – .

Figure 1 – Aerial Overview



3.0 STATE PLANNING CONTEXT

3.1 Metropolitan Region Scheme

The subject land is zoned 'Central City Area' and 'Urban' under the Metropolitan Region Scheme (MRS). The subject land also includes several MRS reserves including 'Parks and Recreation', 'Public Purposes' and 'Civic Reserves'. This amendment has no implications on the existing MRS zoning of the subject land.

4.0 LOCAL PLANNING CONTEXT

4.1 Draft Local Planning Strategy

The City of Perth draft Local Planning Strategy (Strategy) was certified for advertising by the Western Australian Planning Commission (WAPC) on 22 January 2022. Advertising was undertaken from 27 January 2022 to 25 March 2022. The Strategy is a 'seriously entertained' planning document and is intended to be submitted to WAPC for endorsement in late 2022.

The proposed Scheme Amendment does not prohibit or discourage the Community and Cultural land use group from being approved. Rather it simply requires a more comprehensive assessment that is more suited to the nature of the uses. In this regard, the proposed Amendment is consistent with the intent of the draft Local Planning Strategy.

4.2 City Planning Scheme No. 2 – Scheme Use Area

The subject land includes the City Centre, Commercial and Residential/Commercial scheme use areas under CPS2, as shown in **Figure 2**. This Amendment has no implications on the existing scheme use areas of the subject land.

Figure 2: CPS2 Scheme Use Area Extract



4.3 City Planning Scheme No. 2 – Land Use Group

Under CPS2, land uses that have similar functional characteristics are grouped together as a single ‘use group.’ Each use group is assigned a singular land use permissibility. The Community and Cultural use group is described as the following:

Community and Cultural

Premises used to provide social, cultural or recreational facilities and services, generally on a non-profit basis, for the benefit of the community including community centre, exhibition centre, public library, place of worship.

The Community and Cultural use group includes a range of land uses that can have significantly different impacts based on the nature, scale and intensity of the use.

4.4 City Planning Scheme No. 2 – Land Use Permissibility

Under CPS2, a ‘P’ use is a ‘preferred use’ and a ‘C’ use is a ‘contemplated use’. Clause 32 and 33 of CPS2 outlines the following provisions for the assessment of ‘preferred’ and ‘contemplated’ land uses:

Preferred Use

Where, in a precinct, a use group category is classified as a preferred use then, in considering an application involving a use from that category in that precinct, the local government –

- a) shall refuse the application if it involves a change of use prohibited by clause 35;
and
- b) cannot otherwise refuse the application by reference to the proposal to begin or continue the preferred use.

Contemplated Use

The provisions of clause 67 of the Deemed Provisions apply to an application for a contemplated use. The local government may also require an application for a contemplated use to be advertised in accordance with clause 64 of the Deemed Provisions.

‘Preferred’ uses do not require advertising and cannot be refused based on the merit of the land use.

5.0 PROPOSAL

This Scheme Amendment seeks to change the land use permissibility of the subject land from “P” preferred use to “C” contemplated use in the following precincts:

- Precinct 1 Northbridge
- Precinct 4 Victoria
- Precinct 7 Civic
- Precinct 10 West Perth (Commercial and Residential/Commercial land only)
- Precinct 11 Hamilton
- Precinct 14 Goderich (Residential/Commercial land only)

This will result in 'Community and Cultural' land use group being a contemplated use in all CPS2 precincts.

6.0 PLANNING JUSTIFICATION

Clause 32 of CPS2 outlines that a 'preferred' use cannot be refused based on consideration of the land use. Additionally, a preferred use does not require advertising. This land use permissibility is not appropriate for the Community and Cultural use group, which includes a broad range of community land uses with different levels of land use impact.

For example, under the Community and Cultural use group, a library and hospital would be subject to the same low level of assessment in the development approval process. This is despite the significant differences in potential land use impact in terms of noise, social and traffic impacts.

The proposed Amendment seeks to address this through changing the land use permissibility of the subject land from 'preferred' to 'contemplated.' This would allow the City to undertake a more thorough and wholistic assessment of proposal, including consulting with the community.

The Amendment does not trigger the need for an additional development application or development requirements. The Amendment does not prohibit Community and Cultural land use groups from being approved. Rather, the Amendment provides for more thorough assessment and community consultation.

7.0 SCHEME AMENDMENT CLASSIFICATION

The *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* include three categories for amending Local Planning Schemes - basic, standard, and complex. The proposed Amendment does not have a significant impact on the development of Community Uses for the following reasons:

- The Amendment only applies to select CPS2 precinct and will have no impact on the broader CPS2 area; and
- The Amendment does not result in any significant environmental, social, economic or governance impacts.

Given this, the Amendment is considered a standard amendment.

8.0 CONCLUSION

The proposed Amendment seeks to provide for the consideration of potential impacts of certain types of uses in the 'Community and Cultural' land use group, through the planning process. The Amendment is consistent with the intent for the local planning framework.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

City of Perth City Planning Scheme No. 2 Amendment Number 49

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Amend Schedule 3 – Use Group Tables Precinct 1 – Northbridge (East of Russell Square) changing Community and Cultural from P use symbol to C use symbol
2. Amend Schedule 3 – Use Group Tables Precinct 4 – Victoria Community and Cultural from P use symbol to C use symbol
3. Amend Schedule 3 – Use Group Tables Precinct 7 – Civic Community and Cultural from P use symbol to C use symbol
4. Amend Schedule 3 – Use Group Tables Precinct 10 – West Perth (Commercial and Residential Commercial) Community and Cultural from P use symbol to C use symbol
5. Amend Schedule 3 – Use Group Tables Precinct 11 – Hamilton Community and Cultural from P use symbol to C use symbol
6. Amend Schedule 3 – Use Group Tables Precinct 14 – Goderich (Residential/Commercial) Community and Cultural from P use symbol to C use symbol

FORM 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Perth at the ordinary Meeting of the Council held on the day of 20

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Perth at the ordinary Meeting of the Council held on the day of , 20 , proceed to advertise this Amendment.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the City of Perth at the ordinary Meeting of the Council held on the [____ number ____] day of [__ month __], 20[__ year __] and the Common Seal of the City of Perth was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

FORM 6A - CONTINUED

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....



Amendment No. 6



City of Perth
Local Planning Scheme No. 26

Amendment No. 6

*Reclassifying 'Community' land use category from 'P' (preferred use) to 'C' (contemplated use)
across all precincts*

FORM 2A

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

***Local of Perth City Planning Scheme No. 26
Amendment Number 6***

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend City Planning Scheme No. 2 by:

1. Amend Clause 4.2.2 (Land Use Category Table - Precinct EP1 – Claisebrook Inlet) changing Community from P use symbol to C use symbol
2. Amend Clause 4.5.2 (Land Use Category Table - Precinct EP4 – Silver City) changing Community from P use symbol to C use symbol
3. Amend Clause 5.5.2 (Land Use Category Table - Precinct NB2 – Lake Street) changing Community from P use symbol to C use symbol
4. Amend Clause 5.6.2 (Land Use Category Table - Precinct P22 – Museum Street) changing Community from P use symbol to C use symbol
5. Amend Clause 7.2.2 (Land Use Category Table - Precinct P36 – James Street) changing Community from P use symbol to C use symbol

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The amendment only applies to select precincts and will have no impact on the broader scheme area; and
- The amendment does not result in any significant environmental, social, economic or governance impacts.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

12. Community Development Alliance Reports

12.1 Draft Library Strategy 2023 - 2027

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.1A – Draft Library Strategy 2023 - 2027

Purpose

To seek approval of the Draft Library Strategy 2023 – 2027.

Recommendation

That Council APPROVES the Draft Library Strategy 2023 – 2027, noting that:

- a. a draft version of the Library Strategy is attached to this report which will be formatted and graphically designed following approval before it is made publicly available; and
 - b. minor typographical and structural amendments, that do not affect the intent of the document, may also be made to improve the presentation and/or make corrections.
-

Background

1. At the 1 March 2022 Elected Member Engagement Session (EMES) an overview of City of Perth Library budget and operations was presented. A Library Service Review was initiated to identify opportunities for operational efficiency whilst maintaining the library service.
2. The Review was included in the Corporate Business Plan 2022/23 and was designed to help inform the development of a 4-5 year Strategic Library Plan.
3. The Review was undertaken in July by external consultants, and included assessment of collections, services and programs, technology, building and facilities, staff and operations, and financial performance.
4. A Library Service Review Report was received in August 2022 and discussed with Elected Members at EMES on 13 September. While a number of strategic and operational recommendations were provided in the Report, discussion with Elected Members focused on strategic directions for Space Utilisation, Partnerships, Re-Imagining Spaces and the History Centre.
5. A Current Issues Briefing Note was circulated following the EMES summarising key points from the discussion with Elected Members and included a copy of the Library Service Review Report.

Discussion

6. Following the completion of the Library Service Review, work progressed to draft a four-year Library Strategy, based on the strategic directions arising from the Review.
7. The draft Strategy is provided as an Attachment 12.1A. The Strategy aims to set a clear direction and vision for success for the Library over the next four years, with a focus on ensuring the Library grows as a vibrant and active place for the community, diversifying and increasing use of all facilities and services, and maximising the potential of the iconic building it occupies. Priorities are focused on the following pillars:
 - a. Community hub and haven
 - b. Strong community connection
 - c. Cultivate learning and discovery
 - d. Operational excellence.
8. The Strategy sets out overarching priorities to set direction and will be supported by an internal implementation plan, which will identify specific actions, timelines, responsibilities and resourcing to achieve these priorities.

Consultation

9. The Strategy has been developed following the Library Service Review which considered customer views.

Decision Implications

10. If Council supports the recommendation then the draft Library Strategy will progress to design and publication and work will commence to develop an internal implementation plan.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<p>Strategic Community Plan – Goal L1: A safe, active, vibrant and connected community</p> <p>Corporate Business Plan – A14: Improve the customer experience across key service areas.</p> <p>Equity, Diversity and Inclusion Framework – Theme 1: Actively embrace and celebrate diversity, and Theme 4: Foster fair and equitable participation</p> <p>Multiple actions encompassed within the Access and Inclusion Plan, Reconciliation Action Plan, LGBTQIA+ Plan.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
Authority of Council/CEO:	In accordance with Section 2.7 of the <i>Local Government Act 1995</i> Council is responsible for overseeing the allocation of the City's finances and resources; and determination of Council policies.
Policy:	Nil.

Financial Implications

- Financial targets and budget impacts associated with the Strategy outside of existing operating budgets will be considered in line with implementation planning and annual budget cycles.

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/12-242)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council APPROVES the Draft Library Strategy 2023 – 2027, noting that:

- a. a draft version of the Library Strategy is attached to this report which will be formatted and graphically designed following approval before it is made publicly available; and
- b. minor typographical and structural amendments, that do not affect the intent of the document, may also be made to improve the presentation and/or make corrections.

CARRIED EN BLOC (7/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton and Viktor Ko

Against: Nil.

5.58pm Councillor Gordon entered the meeting prior to Item 12.2.

5.58pm The General Manager Planning and Economic Development departed the Chamber.

5.59pm The Lord Mayor disclosed a Direct Financial Interest in Item 12.2 (as detailed in Item 5) and accordingly departed the Chamber. The Deputy Lord Mayor assumed the Chair.

12.2 2022/23 Economic Development Sponsorship Program

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

Purpose

To provide sponsorship recommendations to Council, under the Economic Development Sponsorship 2022/23 program.

Recommendation

That Council APPROVES the following Economic Development Sponsorship totalling \$60,000 excluding GST:

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
A	West Australian Newspapers Limited Resources Technology Showcase 2023	\$60,000 Cash Contribution comprising of: - \$50,000 for the Exhibition, Conference and Networking Event; and - \$10,000 for the Mining Equipment Public Activation.

**Approval subject to a suitable sponsorship agreement being entered into by the City and West Australian Newspapers Limited on terms acceptable to the City within three months.*

Background

1. The City is committed to supporting the growth and ongoing development of established or emerging key sectors that represent strategic importance to the City of Perth's economy.
2. There are three tiers of funding available under the Economic Development sponsorship:
 - a. Tier 1 - \$0 - \$15,000 (decision to be made by the Chief Executive Officer);
 - b. Tier 2 - \$15,001 - \$50,000 (decision to be made by Council); and
 - c. Tier 3 - \$50,001+ (decision to be made by Council).
3. Applications opened for Economic Development Sponsorship on 1 June 2022 and close on 30 June 2023.

Discussion

4. The West Australian Newspapers Limited application was assessed by a three-person panel, consisting of management and officers from the City's Economic Development and Community Development Alliances.
5. The General Manager Planning and Economic Development had oversight of the assessment and evaluation process but was not a voting member.
6. The assessment criteria have clear descriptions and a rating scale which guide the assessors when considering an appropriate score. The scores from panel members for each assessment criteria are averaged and ranked from highest to lowest.
7. A summary of the application, the assessment panel's recommendation rationale, and the total value of request versus the total value recommended is below:

Applicant Details			
Applicant Name	West Australian Newspapers Limited		
Applicant Background	West Australian Newspapers Limited is a well-established company that produces a local daily newspaper (The West) owned by Seven West Media – an Australian integrated media company with market-leading presence in broadcast television, publishing, digital and events.		
Previous Support (5-year period)	Year	Amount (ex GST)	Project
	2020-21	\$40,000 (\$30,000 Cash Contribution + \$10,000 In-Kind for the City's fees and charges)	Resources Technology Showcase 2020
	2019-20	\$30,000	Resources Technology Showcase 2019
	TOTAL	\$70,000	
Project Details			
Project Title	Resources Technology Showcase 2023		
Project Date / Venue	2 – 4 April 2023	Perth Convention and Exhibition Centre (Exhibition, Conference and Networking Event)	

	<p>2 – 8 April 2023 (Dates to be confirmed)</p>	<p>Langley Gardens or Supreme Court Gardens – location and dates still to be confirmed. (Mining Equipment Public Activation)</p>
<p>Project Description</p>	<p>The Resources Technology Showcase (RTS) is a public-facing event designed to promote the innovative breakthroughs of the resource, space and defence industries in Western Australia, and reinforce its position as global leaders in these sectors.</p> <p>The technology showcased at the event include real-life demonstrations of robotics, augmented reality, remote operations and autonomous transport for the resources industry. It also features innovation and technology from the defence and space industries, and how they play a critical role in driving the advancement of technology in this key sector.</p> <p>Previously held in 2021, the event was over three-days and incorporated an exhibition at Perth Convention and Exhibition Centre (PCEC) and a large-scale mining equipment activation at Elizabeth Quay. It attracted up to 11,000 attendees, with approximately 70 per cent students from regional and metropolitan areas and the remainder local and intrastate visitors and industry professionals (2021 RTS Partnership Post Report).</p> <p>Resources Technology Showcase 2023 will feature a three-day exhibition; one-day business-to-business conference; industry networking event at the Perth Convention and Exhibition Centre; and a one-week large-scale mining equipment activation at either Langley Gardens or Supreme Court Gardens, with an estimated attendance of 11,700.</p> <p><u>Exhibition (Sunday 2 April – Tuesday 4 April 2023)</u></p> <p>This is a free-ticketed exhibition designed to showcase the importance of resources, defence and space industries to future generations and workforce, and will consist of engaging and interactive exhibitions from industry leaders including BHP, Rio Tinto and the Australian Remote Operations for Space and Earth (AROSE). Themed ‘Powering the Future’, attendees will have the opportunity to interact with virtual reality, drones, robots and innovation that is being developed and used across Western Australia.</p> <p>There will also be a ‘Centre Court Program’ that include approximately 8 x 30-minute TED-Talk style seminars from industry thought leaders on various topics such as implementing new technologies to projects and sharing best practice. This will be attended by STEAM teachers and lecturers and undergraduate students at Universities and TAFE. The seminars will also be live streamed on the event website.</p> <p><u>Industry Conference (Tuesday 4 April 2023)</u></p> <p>This is the only ticketed component of RTS 2023 and will be in partnership with The Chamber of Minerals and Energy of Western Australia. It is an all-day, business-to-business event that will comprise of an opening breakfast with a high-profile keynote speaker; presentations by thought leaders who will share insights and visions for the future; and panel discussions.</p>	

	<p><u>Industry Networking Event (Tuesday 4 April 2023)</u></p> <p>There will be a two-hour industry networking event at the conclusion of the conference to further develop relationships and business opportunities. This is proposed to be in partnership with the City of Perth.</p> <p><u>Mining Equipment Public Activation (Sunday 4 April – Saturday 8 April 2023)</u></p> <p>This free component will be held at a City-venue (either Langley Gardens or Supreme Court Gardens with final details yet to be confirmed) and will be activated with large-scale mining equipment that is usually seen at active mining operations. It will include demonstrations and displays and is delivered in partnership with WesTrac.</p> <p>Seven Media West will use its combined assets of television, print and digital to actively promote Resources Technology Showcase 2023, and is proposed to reach 94 per cent of the Western Australian population. It will also deliver targeted integrated marketing communication campaigns to business leaders, primary and secondary schools, tertiary students, interstate guests and City-based industry professionals. For RTS 2021, over \$315,000 of media activity was spent featuring the City of Perth, excluding editorial on 7NEWS and PerthNow and in The West Australian newspaper (2021 RTS Partnership Post Report).</p> <p>Department of Jobs, Tourism, Science and Innovation (JTSI) is the Principal Partner of Resources Technology Showcase 2023. Presenting Partners include BHP, Fortescue Metals Group, INPEX, Mineral Resources, WesTrac, Woodside Energy, Rio Tinto and Roy Hill.</p> <p>The City’s support will be recognised through designation as a ‘Supporting Partner’.</p>
Estimated Attendance	11,700
Total Project Cost	\$949,575
Total Amount Requested	\$60,000
Total Assessment Score	78%
Recommendation	Approve
Recommended Amount	<p>\$60,000 (excluding GST) cash contribution comprising of:</p> <ul style="list-style-type: none"> - \$50,000 for the Exhibition, Conference and Networking Event; and - \$10,000 for the delivery of the Mining Equipment Public Activation.
Recommendation Rationale	
<p>The application was recommended for support due to:</p> <ol style="list-style-type: none"> a) The project aligns with the City’s Economic Development Strategy and meets all the outcome areas for the Economic Development Sponsorship Program. b) The project encourages investment in the City, engages with City-based key stakeholders, and promotes the City for other business events held in Western Australia. 	

- c) The project will provide significant opportunities to introduce, highlight and connect to Western Australian students – it’s future workforce - to local resources, space and defence industries.
- d) The project will generate direct short-term benefits to the City by attracting local and intrastate visitation from the resources, space and defence industries, school children, university and TAFE students, teachers and educators and the public.
- e) The project has a good combination of event components and engagement options with its technology exhibition; industry conference; industry networking event; and local activation.
- f) The networking event is considered to be a strong component of the application, with the opportunity for the City to increase its profile through this stand-alone event, and further build business relationships with key stakeholders and industries.
- g) The project will generate significant media publicity and brand awareness for the City, due to an extensive marketing communication campaign and editorial opportunities.
- h) The recommended funding is on par with other events in similar industries, location, attendance figures and sponsorship benefits that the City has previously supported.
- i) \$10,000 was recommended to be conditional for the one-week Mining Equipment Public Activation as several details, including the location has yet to be confirmed.

Consultation

Nil.

Decision Implications

8. It is generally not possible to support every application or the total request for each applicant due to budget constraints, lack of alignment with the City’s strategic priorities and/or inadequate applications. This may result in unavoidable dissatisfaction from some applicants.
9. A City representative will negotiate sponsorship benefits with the applicant in line with sponsorship funding amounts, once approved by Council. Applicants will be required to provide significant benefits in recognition of the City’s support.
10. Successful applicants will be required to submit an acquittal report within one month of project completion. Acquittal reports must demonstrate how the City’s sponsorship funding supported projects or initiatives within the City of Perth local government area and demonstrate direct impact on the City of Perth meeting its aspirations of Liveable, Sustainable and Prosperous.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	<u>Economic Development Sponsorship FY2022/23 Guidelines</u>

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> – payments from municipal fund or trust fund, restrictions on.
Authority of Council/CEO:	Council Policy 4.3 directs that any sponsorship application for more than \$15,000 or from a funding round be considered by Council.
Policy:	4.3 Sponsorship and Grants - the policy directs that there be a consistent and transparent assessment process and criteria to guide recommendations to Council. An eligibility check has been conducted on all applications to ensure they are compliant with the Policy and the necessary assessment process has been followed.

Financial Implications

11. The financial implications of the recommendation are accommodated within the existing budget.

Account Number	1066-100-50-10095-7901	Operating
Account Description	Economic Development Sponsorship	
Total Budget	\$650,000	
Total Allocated to Approved Applicants	\$500,689	
Budget – This Report	\$60,000	
Remaining Budget	\$89,311	
Budget Impact	Accommodated in approved budget 2022/23	

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/12-243)

Mover: Councillor Di Bain

Seconded: Councillor Brent Fleeton

That Council APPROVES the following Economic Development Sponsorship totalling \$60,000 excluding GST:

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
A	West Australian Newspapers Limited Resources Technology Showcase 2023	\$60,000 Cash Contribution comprising of: - \$50,000 for the Exhibition, Conference and Networking Event; and - \$10,000 for the Mining Equipment Public Activation.

**Approval subject to a suitable sponsorship agreement being entered into by the City and West Australian Newspapers Limited on terms acceptable to the City within three months.*

CARRIED UNOPPOSED (7/0)

For: Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

5.59pm *The Lord Mayor returned to the Chamber and reassumed the Chair.*

13. Commercial Services Alliance Infrastructure and Operations Alliance Reports

Nil.

14. Corporate Services Reports

14.1 Monthly Financial Statements - October 2022

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 14.1A – Financial Activity Statement and Notes to the FAS P4 Attachment 14.1B – Net_Current_Position_P4. Attachment 14.1C – Operating Variances by Alliance and Service Unit. Attachment 14.1D – Capital Projects Variances Attachment 14.1E – Investment Report Attachment 14.1F – Statement of Rates Debtors

Purpose

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

Recommendation

That Council RECEIVES the following financial reports for the period ended 31 October 2022:

1. Financial Activity Statement (FAS) and Notes to the FAS - Attachment 14.1A.
 2. Net Current Position - Attachment 14.1B.
 3. Operating Variances by Alliance & Service Unit - Attachment 14.1C.
 4. Capital Projects Variances - Attachment 14.1D.
 5. Investment Report - Attachment 14.1E.
 6. Statement of Rates Debtors - Attachment 14.1F.
-

Background

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

Understanding the Financials

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

10. A realised unfavourable year to date variance on an expenditure item, (over-expenditure) results in a decrease to the projected budget surplus.
11. The Schedule of Variances (Attachment 14.1A) provides commentary on whether the nature of the variance is savings related, timing related or otherwise.
12. If a realised favourable or unfavourable variance is material in value (of significant size), it will be amended through a formal budget review process.

Discussion

13. The FAS by Nature & Type - Attachment 14.1A presents a whole of organisation perspective on the attainment of revenue and expenditure targets overall - classified by nature and type.
14. The headline data from the FAS is shown in Table 1 below.

Table 1:

Item Details	YTD Budget	YTD Actual	Variance	F/ U
Operating Revenue - Excluding Rates	\$ 40.584 M	\$ 41.884 M	\$ 1.300 M	F
Rates Revenue	\$ 99.278 M	\$ 100.431 M	\$ 1.153M	F
Operating Expenditure	\$ 63.582 M	\$ 61.494 M	\$ 2.088M	F
Non-Operating Revenue	\$ 0.367 M	\$ 0.596 M	\$ 0.229 M	F
Capital - Infrastructure	\$ 8.031 M	\$ 8.379 M	\$ 0.347 M	U
Property, Plant & Equipment	\$ 2.015 M	\$ 3.158 M	\$ 1.143 M	U

15. Material operating revenue and expenditure variances from Attachment 14.1A are detailed (with explanatory comments) in the Notes to the FAS (also contained within Attachment 14.1A).
16. Comments on the material variances between budget and actual capital expenditures are presented in Attachment 14.1D - Capital Projects Schedule which lists all approved, budgeted capital projects for 2022/23.
17. Each line item listed in the FAS by Nature & Type Attachment 14.1A can be cross referenced (using the Note reference) back to the relevant note.
18. Attachment 14.1C provides an alternative view showing how the organisation is tracking against budget by Alliance - and then disaggregating those figures by Service. This reporting view includes all internal charges and internal recoveries so the full service-cost can be understood.
19. Examining the FAS (Attachment 14.1A) in more detail; the aggregation of operating revenues and operating expenses reflects a year-to-date Net Cash Deficit from Operations of (\$6.46M) compared to a year-to-date budgeted Deficit of (\$9.53M). This is a favourable variance of \$3.07M at the end of the month.
20. Investing activities reflect a result of (\$10.50M) compared to a year-to-date budget of (\$9.68M). This is an unfavourable variance of \$0.82M. This is due to a slightly accelerated start to capital program delivery, albeit in the part of the year with a lower volume spend profile.

21. Construction of infrastructure to month end is at 104% of year-to-date budget expectations at \$8.38M, against \$8.03M budget as noted at paragraph 14. Attachment 14.1D provides comments on specific variances for capital projects.
22. Acquisition of non-infrastructure to month end is \$3.16M and is 156% of the year-to-date budget. Readers are directed to Attachment 14.1D for comments on specific variances.
23. Adjusting for opening funds (Net Current Position), generates the Budget Deficiency before Rates. This then indicates the Amount Required to be Raised from Rates. The difference between the Rates amount, and the Deficiency before Rates, is the Closing Position.
24. The FAS for the period to 31 October shows that a rate yield of \$100.4M has been levied compared to the \$99.3M budget at rates strike date. Interim rates for a newly rated Office property added \$552K. The rates levied figure will be reduced to reflect the impact of the resent WACA rate exemption (\$199K) and anticipated Heritage Concessions (\$232K) as they are processed.
25. The disclosed year to date Closing Position of \$105.4M compares favourably to the year-to-date budgeted closing position of \$101.9M - a 3.4% variance reflecting the combined impact of the favourable variances noted in this report for revenues, expenses and financing activity.
26. The Net Current Position Report (Attachment 14.1B) indicates a year-to-date adjusted Net Current Position value of \$99.3M versus the budget of \$106.3M. This is primarily attributable to the higher than expected Reserve balance as there has been no drawdown yet for capital contributions for the Perth Concert Hall or WACA Aquatic Facility.
27. Headline data from this month's Net Current Position report is shown in Table 2 below. Comparative figures are provided for 2021 as well as the 30 June 2023 budgeted year-end figures.

Table 2:

Item Details	June 2023 Annual Budget	Oct 2021 YTD Actual	Oct 2022 YTD Actual
Current Assets	\$ 153.527 M	\$ 264.058 M	\$ 281.803 M
Current Liabilities	(\$ 36.390 M)	(\$ 52.561 M)	(\$ 47.235 M)
Unadjusted Net Assets	\$ 117.137 M	\$ 211.497 M	\$ 234.568 M
Less Restricted Items	(\$ 113.832 M)	(\$ 99.452 M)	(\$ 135.302M)
Adjusted Net Current Position	\$ 3.305 M	\$ 112.045 M	\$ 99.266 M

28. The comparative numbers from the Net Current Position report for October 2021 and October 2022 reflect the impact of a higher value of reserve funds and a lower value of creditors in 2022.
29. As noted above, there is currently a higher value of reserve funds (restricted assets) in 2022 than in 2021, but this will reduce when drawn down to make the capital contributions for the WACA Aquatic Facility and Perth Concert Hall when required.
30. Attachment 14.1E - Investment Report for October 2022 presents detail of the City's cash investment portfolio in terms of performance, percentage exposure of total portfolio by credit risk, counterparty exposure and maturity profile.
31. The report indicates the City has adequate cash flow to meet its financial obligations as and when they will fall due; and it has achieved compliance with the various Investment Policy limits.

32. It also shows the impact of the recent uplift in investment rates bringing to crystallise - hence the upward revision to the interest revenue budget at the October OCM.
33. Attachment 14.1F - Rates Debtors provides a monthly update and analysis of rates collections by differential property rating category and overall. The 2022/23 rates notices were issued on 28 July with a due date for the first instalment of 7 September 2022. At month end, collections represented 71% of the collectible amount.

Consultation

Nil.

Decision Implications

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

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Nil.

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

Financial Implications

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

Further Information

36. Questions and responses forming part of the Agenda Briefing Session held 6 December 2022 were as follows:

	Question	Response
1.	Page 95 People & Culture Item 14.1 “Revised Budget” - When was the budget for “People and Culture Transformation” revised? What was it originally?	The generic report heading 'Revised Budget' is used in place of Adopted Budget as soon as Council makes any amendment to the overall budget. In relation to the People & Culture Transformation project line item there has been no change to the budget, it remains at \$2000,000 as adopted.
2.	The notes to the finances mention “Agency Staff” - who are they? Temps?	'Agency staff' does refer to the use of temporary workers (ie: from an agency rather than permanent City of Perth staff)

Council Resolution (Officer's Recommendation (OCM-22/12-244))

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council RECEIVES the following financial reports for the period ended 31 October 2022:

1. Financial Activity Statement (FAS) and Notes to the FAS - Attachment 14.1A.
2. Net Current Position - Attachment 14.1B.
3. Operating Variances by Alliance & Service Unit - Attachment 14.1C.
4. Capital Projects Variances - Attachment 14.1D.
5. Investment Report - Attachment 14.1E.
6. Statement of Rates Debtors - Attachment 14.1F.

CARRIED EN BLOC (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

14.2 Schedule of Accounts Paid - October 2022

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 14.2A – Schedule of Accounts Paid - October 2022

Purpose

For Council to note details of payments made under delegated authority for the month of October 2022.

Recommendation

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 31 October 2022 as attached.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$16,065,592.46
Trust Fund	\$0
Total - All Funds	\$16,065,592.46

Background

1. In accordance with Regulation 13(2) and 13(3) of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The Chief Executive Officer is delegated this authority under Delegation 2.14.
2. This authority has then been subdelegated by the Chief Executive Officer.
3. The listing of payments with full disclosure of all required information, is presented as Attachment 14.2A.
4. The listing of payments was made available to the Elected Members via the Council Hub, ahead of the agenda distribution, to provide additional time for review.
5. This summary report then facilitates the acknowledgement of the listing having been received.

Discussion

6. The Schedule of Accounts Paid (Attachment 14.2A) contains the following payments made under Delegated Authority 2.14 - Payments from the Municipal & Trust Fund:

Schedule of Accounts Paid - October 2022		
Municipal Fund		
EFT & Cheque Payments	Direct Creditor Payments	11,617,205.32
Sub Total - EFT & Cheques		11,617,205.32
Direct Debits	Bank Charges and Merchant Fees	76,443.56
Sub Total - Direct Debits		76,443.56
Payroll	07/10/2022	2,691,431.66
	21/10/2022	1,661,860.61
		4,353,292.27
Sub Total - Payroll		
Corporate Cards		18,651.31
Sub Total - Cards		18,651.31
Total per Attachment 14.2A		
Total Payments from Municipal Fund		16,065,592.46
Investments in Term Deposits		0
Trust Fund		
Trust EFT & Cheques		
Total - Trust Funds		

Consultation

Nil.

Decision Implications

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

Strategic, Legislative and Policy Implications

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

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

Financial Implications

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

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/12-245)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 31 October 2022 as attached.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$16,065,592.46
Trust Fund	\$0
Total - All Funds	\$16,065,592.46

CARRIED EN BLOC (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

15. Chief Executive Officer Reports

15.1 2021/22 Annual Financial Statements

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

Purpose

To provide a financial overview of the City of Perth 2021/22 Annual Financial Statements.

Recommendation

That Council NOTES the financial overview of the audited Annual Financial Statements for the year ended 30 June 2022 as context for consideration and deliberation of the audited Financial Statements for the year ended 30 June 2022 which will be included in the Agenda for the December Ordinary Council Meeting following consideration by the Audit and Risk Committee.

Background

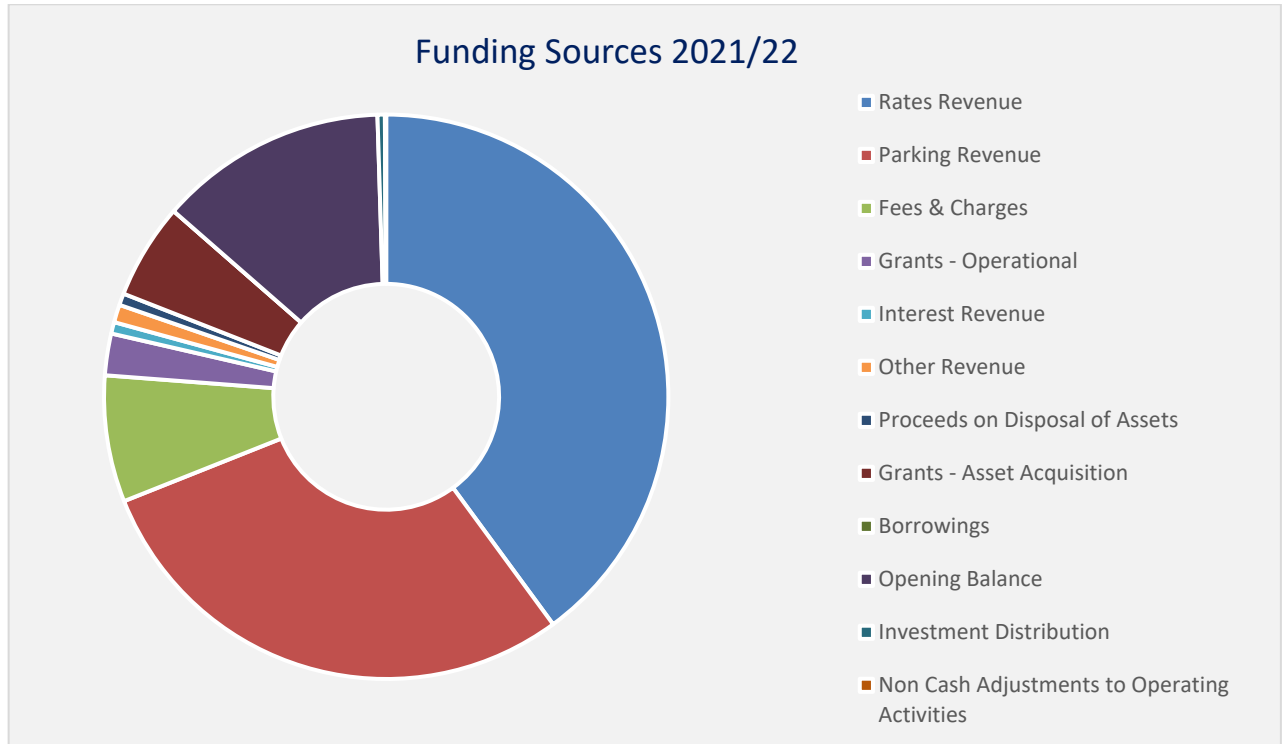
1. The audited Financial Statements for the year ended 30 June 2022 will be signed by the City's CEO and the Auditor General following consideration by the Audit and Risk Committee at its meeting on 5 December 2022.
2. This report provides context for the information presented in the 2021/22 annual financial statements and the variances disclosed therein to assist Council in preparation of their deliberations on the audited Financial Statements for the year ended 30 June 2022 which will be included in December's Ordinary Council Meeting Agenda following consideration by the Audit and Risk Committee.

Discussion

3. The City presented its draft 2021/22 annual financial statements to the auditors ahead of the 30 September deadline for submission. Ernst & Young, on behalf of the Office of the Auditor General (Auditors) commenced their audit field work on the 26 September 2022 in accordance with their audit program.
4. The City's financial statements addressed all statutory financial requirements imposed on the City and complied with the Australian Accounting Standards. The audit found no instances of non-compliance.
5. A delay in finalising Mindarie Regional Council's annual financial statement audit impacted the timely completion of the City's annual financial statement audit, but this outcome was still achieved within statutory timelines.
6. A brief overview of the City's financial performance for the 2021/22 year is provided below.
7. Annual revenue for the year reached \$196.8M against the adopted budget of \$194.7M.
8. The 1% overall favourable variance is largely attributable to better than anticipated performance from the Containers for Change initiative, higher returns from dividends received, and a prepayment of the 2021/22 general purpose grant by the WA Local Government Grants Commission. Interest revenues and fees and charges revenue both fell slightly short of budget expectations.
9. Capital revenue of \$13.4M was 4% above budget expectations largely due to the timing of cash inflows related to large multi-year capital projects.
10. Operating expenditure was \$184.6M against a budget target of \$203.7M.
11. Around 40% of the disclosed 9% variance was not underspend, but rather was a changed accounting treatment required by the OAG for the Mindarie Regional Council resource recovery contract exit.
12. This item was budgeted as an abnormal operating expense, but the City was advised in November 2022 that it would not be recognised as an expense through the income statement but would be taken directly the balance sheet as investment in associates.
13. Employee costs were 8% under revised budget in total due to the difficult labour market resulting in a number of vacant positions at times during the year, resultant savings on workers compensation premiums and related costs and a provision for the anticipated EBA increase that was not finalised until after June 30.
14. Materials and contracts were disclosed as 18% under budget at year end, but this is largely the consequence of the accounting treatment required in relation to the resource facility contract payout. Utilities expenses were under budget by 3% whilst insurance costs were 2% higher. Other expenses were some \$2.9M under budget largely due to awarded, but not yet acquitted sponsorships. Monies

relating to these sponsorships have been quarantined in the Sponsorship Reserve until they can be released.

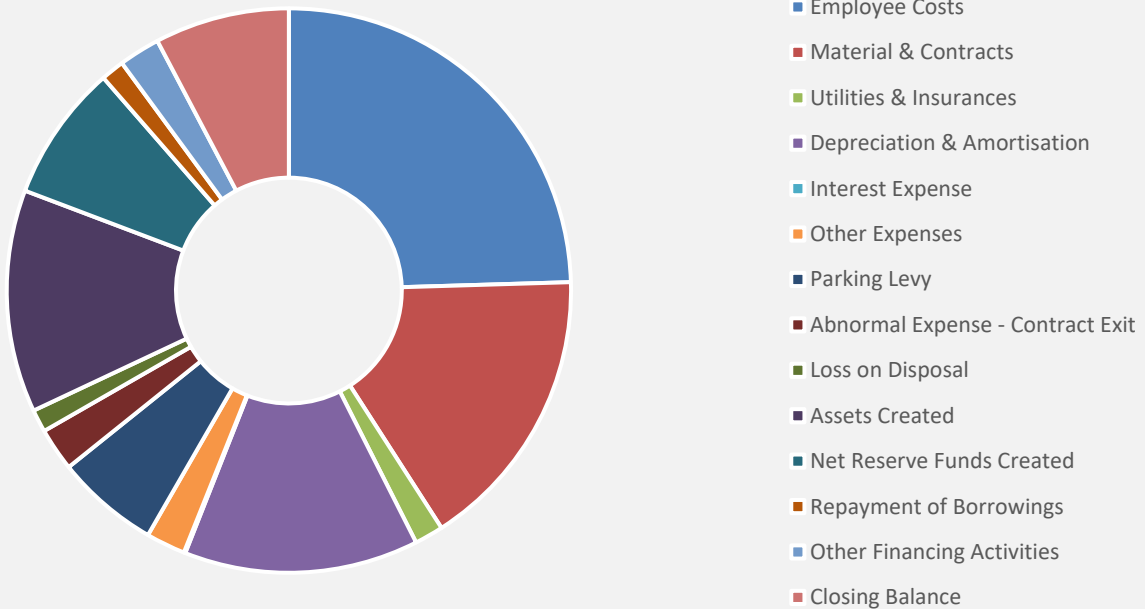
- 15. The net operating result for the year was \$13.9M after allowing for asset revaluations, contributions of assets from external parties and disposals of other assets.
- 16. The 2021/22 budget had anticipated a small operating surplus. This larger result is a consequence of the items disclosed at paragraph 13 and 14 of this report.
- 17. Funding sources and fund uses for the year are shown graphically below:



Funding Sources

Rates Revenue	97,860,061	40%
Parking Revenue	71,194,240	29%
Fees & Charges	17,762,170	7%
Grants - Operational	5,846,254	2%
Interest Revenue	1,621,039	1%
Other Revenue	2,496,374	1%
Proceeds on Disposal of Assets	1,645,289	1%
Grants - Asset Acquisition	13,420,147	5%
Borrowings	0	0%
Opening Balance	32,054,701	13%
Investment Distribution	1,033,240	0%
Non Cash Adjustments to Operating Activities	179,510	0%
	245,113,025	100%

Fund Uses 2021/22



Fund Uses

Employee Costs	70,489,990	25%
Material & Contracts	47,071,573	16%
Utilities & Insurances	4,748,959	2%
Depreciation & Amortisation	38,600,231	13%
Interest Expense	244,839	0%
Other Expenses	6,479,441	2%
Parking Levy	17,020,571	6%
Abnormal Expense - Contract Exit	7,083,333	2%
Loss on Disposal	3,726,387	1%
Assets Created	36,649,313	13%
Net Reserve Funds Created	22,495,097	8%
Repayment of Borrowings	3,840,502	1%
Other Financing Activities	6,789,849	2%
Closing Balance	22,176,454	8%
	<u>287,416,539</u>	100%
Add back Non Cash Items	(42,326,618)	
Net Cash Expenses	245,089,921	
Net Change in Retained Surplus	23,104	

18. Rates Information for 2021/22 is as shown in the table below:

Rates Information for 2021/22

Property Type	No of Properties	Gross Rental Value \$M	Rates \$M	Revenue Contribution	Relative Rating Effort
Residential	15,709	320	20.77	21.1%	6.49%
Commercial	722	107	6.95	7.1%	6.49%
Hotel	1,362	119	7.77	7.9%	6.54%
Retail	522	128	8.29	8.4%	6.47%
Office	2,382	980	53.47	54.4%	5.45%
Vacant Land	77	13	0.94	1.0%	7.46%
Interim & Back Rates	-	-	0.08	0.0%	
	20,774	1,667	98.26	100%	
Adjust for Rates Concession			(0.40)		
Net Rates Revenue			97.86		

* Relative Rating Effort refers to a comparable indicator of the rates revenue return generated from the available Gross Rental Value (GRV) of a particular property category.

19. The City's capital expenditure program reflects the acquisition and creation of new assets as well as renewal of existing ones. Despite the supply chain and cost escalation challenges, \$36.6M worth of projects was delivered.
20. At year end, the City has total assets of \$1.3 Billion consistent with the previous year.
21. Net assets represent the value of the City's investment in the community (what the City's community assets are worth minus what is owed). Net assets at 30 June 2022 were \$1.26 Billion compared to \$1.25 Billion in 2020/21.
22. The City's key financial ratios either met or exceeded industry benchmarks except for the asset sustainability ratio, which despite having significantly improved on the previous year, was still below the target range.
23. Council and the Administration have a strategy within the Long Term Financial Plan to progressively address this matter and return the ratio to within industry accepted benchmarks and the last two years ratios are reflecting that incremental improvement.
24. The City is in sound financial health as indicated by its Financial Health indicator (FHI) score of 87 (a score of 70 represents the baseline for sound financial health).

Consultation

Nil.

Decision Implications

25. Council's support of the recommendation will ensure compliance with the provisions of Sections 5.53 and 5.54 of the *Government Act 1995*.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 5.53(1) of the <i>Local Government Act 1995</i> (the Act) requires a Local Government to prepare an Annual Report for each financial year. Section 5.53(2)(f) of the Act specifies that the Annual Report is to contain the financial report of the financial year and Section 5.53(2)(h) specifies that it must contain the Independent Auditor's report for the financial year.</p> <p>In accordance with Section 5.54(1) of the Act, an Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year. Section 5.54(2) notes that if the Independent Auditor's report is not available in time for the Annual Report for a financial year to be accepted by 31 December after that financial year, the Annual Report is to be accepted by the local government no later than two months after the Independent Auditor's report becomes available.</p> <p>The City received the signed Independent Auditor's report on 6 December 2022.</p>
Authority of Council/CEO:	In accordance with Section 5.54 of the <i>Local Government Act 1995</i> Council is required to accept the annual financial statements (contained within the annual report) by absolute majority.
Policy:	Nil.

Financial Implications

Nil.

Further Information

26. At the Audit and Risk Committee meeting held 5 December 2022, the Committee resolved to accept the audited Financial Statements for the year ended 30 June 2022 noting that the statements had been updated by the Office of the Auditor General after inclusion in the Audit and Risk Committee Agenda. The updated version of the Financial Statements is contained in this Agenda at Attachment 16.1C.

Council Resolution (Officer's Recommendation) (OCM-22/12-246)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council NOTES the financial overview of the audited Annual Financial Statements for the year ended 30 June 2022 as context for consideration and deliberation of the audited Financial Statements for the year ended 30 June 2022 which will be included in the Agenda for the December Ordinary Council Meeting following consideration by the Audit and Risk Committee.

CARRIED EN BLOC (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

15.2 Adopting the Annual Report and Setting the Date for the 2021/22 Electors General Meeting

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 15.2A – Draft Annual Report 2021/22

Purpose

For Council to consider the City of Perth 2021/22 Annual Report and setting the date for the Electors General Meeting.

Recommendation

That Council:

- ACCEPTS the City of Perth 2021-2022 Annual Report, as provided in Attachment 15.2A, in accordance with Section 5.53 and 5.54(1) of the *Local Government Act 1995* (the Act); noting that:
 - a draft version of Annual Report (text only) is attached to this report which will be formatted (including structurally) and graphically designed following acceptance before it is made available; and
 - minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.
 - APPROVES the advertisement of the availability of the Annual Report in accordance with Section 5.55 of the *Local Government Act 1995*.
 - APPROVES the 2021-2022 Electors General Meeting to be held at 5.00 pm on Tuesday 31 January 2023, at Council House, Level 9, Council Chamber, in accordance with Section 5.27 of the Act.
-

Background

1. In accordance with Section 5.53 of the Act, the City of Perth 2021-22 Annual Report has been prepared, summarising the previous year's achievements and challenges and the outlook for the year ahead, as well as addressing stipulated statutory requirements. The Annual Report also demonstrates performance against the City's Strategic Community Plan
2. The Annual Report includes the City's Financial Statements for the 2021-22 financial year, which have been audited by the Office of the Auditor General. The City's Financial Statements for the 2021/22 financial year are the subject of Item 15.1A.
3. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Electors General Meeting, to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted.

Discussion

4. This report recommends that Council accepts the City of Perth 2021/22 Annual Report (Attachment 15.2A), advertises the availability of the Annual Report and sets the date for the 2021/22 Electors General Meeting.
5. Council is required to accept the City's Annual Report. Once accepted, the Annual Report must be:
 - a. published on the City's official website within 14 days; and
 - b. presented at the Electors General Meeting to be held within 56 days of Council accepting the report.
6. An Electors General Meeting is to consider matters arising with respect to the previous financial year. In order to set a date for the Electors General Meeting, Council is required to have received the audit report for the prior period and accepted the Annual Report.
7. A copy of the draft Annual Report for the year ended 30 June 2022 is attached for consideration by Council.
8. The proposed date of the Electors General Meeting, following Council's acceptance of the Annual Report is Tuesday 31 January 2023.
9. Section 5.53 of the *Local Government Act 1995* prescribes the following requirements for inclusion in the Annual Report:
 - a. a report from the mayor or president
 - b. a report from the CEO
 - c. an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year
 - d. the financial report for the financial year
 - e. such information as may be prescribed in relation to the payments made to employees; and
 - f. the auditor's report for the financial year
 - g. a matter on which a report must be made under section 29(2) of the Disability Services Act 1993

- h. details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - i. the number of complaints recorded in the register of complaints; and
 - ii. how the recorded complaints were dealt with; and
 - iii. any other details that the regulations may require; and
 - iv. such other information as may be prescribed.

Consultation

Nil.

Decision Implications

- 10. If Council supports the recommendation it will ensure compliance with the Act.
- 11. If Council does not accept the Annual Report within the statutory timeframes, the City would be in breach of the Act and would need to be accounted for by the City when completing the Annual Compliance Audit Return.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 5.53(1) of the <i>Local Government Act 1995</i> (the Act) requires a Local Government to prepare an Annual Report for each financial year. Section 5.53(2)(f) of the Act specifies that the Annual Report is to contain the financial report of the financial year and Section 5.53(2)(h) specifies that it must contain the Independent Auditor's report for the financial year.</p> <p>In accordance with Section 5.54(1) of the Act, an Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year. Section 5.54(2) notes that if the Independent Auditor's report is not available in time for the Annual Report for a financial year to be accepted by 31 December after that financial year, the Annual Report is to be accepted by the local government no later than two months after the Independent Auditor's report becomes available.</p>
Authority of Council/CEO:	In accordance with Section 5.54 of the Local Government Act 1995 Council is required to accept the annual report by absolute majority.
Policy:	Nil.

Financial Implications

12. Advertising costs associated with giving local public notice and printing of the Annual Report.

Further Information

13. Questions and responses forming part of the Agenda Briefing Session held 6 December 2022 were as follows:

	Question	Response
1.	Councillor Bio's. How does the City know these bio's are factually correct?	<p>The City acts in good faith when accepting Councillor Bio's for inclusion in the Annual Report.</p> <p>In addition, the City's Code of Conduct for Council Members Committee Members and Candidates addresses the principles of honesty and integrity, accountability and avoidance of damage to the reputation of local government and applies to all Elected Members.</p>

Council Resolution (Officer's Recommendation) (OCM-22/12-247)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Rebecca Gordon

That Council:

1. ACCEPTS the City of Perth 2021-2022 Annual Report, as provided in Attachment 15.2A, in accordance with Section 5.53 and 5.54(1) of the *Local Government Act 1995* (the Act); noting that:
 - a. a draft version of Annual Report (text only) is attached to this report which will be formatted (including structurally) and graphically designed following acceptance before it is made available; and
 - b. minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.
2. APPROVES the advertisement of the availability of the Annual Report in accordance with Section 5.55 of the *Local Government Act 1995*.
3. APPROVES the 2021-2022 Electors General Meeting to be held at 5.00 pm on Tuesday 31 January 2023, at Council House, Level 9, Council Chamber, in accordance with Section 5.27 of the Act.

CARRIED UNOPPOSED (8/0) BY ABSOLUTE MAJORITY

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

16. Audit and Risk Committee Reports

16.1 Audit exit interview and presentation of the audited Financial Statements for the year ended - 30 June 2022

Responsible Officer	Melissa Murphy – General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 16.1A – 2022 Audit Management Report Confidential Attachment 16.1B – 2022 Audit Closing Report Attachment 16.1C – 2022 Annual Financial Statements Confidential Attachment 16.1D – Independent Auditor’s Report 2022

Purpose

To present the City’s audited Financial Statements for the period ending 30 June 2022 and provide a forum for the audit exit interview wherein Ernst and Young (EY), as auditors for the Office of the Auditor General (OAG), and the OAG can present their opinion and management letter points.

Committee Recommendation

That Council:

1. RECEIVES the following reports for the period ended 30 June 2022:
 - a. Audit Management report
 - b. Annual audit closing report
 - c. Audited 2022 annual financial statements
 2. ACCEPTS the audited Financial Statements for the year ended 30 June 2022.
 - a. Noting that the audited Financial Statements for the year ended 30 June 2022 were updated by the Office of the Auditor General after inclusion on the Audit and Risk Committee Agenda and the updated version is included for consideration by Council.
-

Background

1. The Management Report provides an overview of OAG's assessment of the appropriateness of internal controls within the City for the period ended 30 June 2022.
2. The audit closing report provides details of audit work conducted as part of the 2022 annual financial statement audit in accordance with the Australian Auditing Standards and practices and the requirements of the *Local Government Act 1995* (the Act) and the *Local Government (Audit) Regulations 1996*. There were no instances of non-compliance identified during the audit.
3. The financial statements will be signed by the Chief Executive Officer and the Auditor General upon acceptance by the Audit and Risk Committee.
4. Once approved by Council, the Financial Statements will be included within the 2022 Annual Report as required by Section 5.53 of the Act.

Discussion

5. The City presented its draft 2021/22 annual financial statement to auditors ahead of the 30 September deadline for submission. Auditors (EY) commenced their audit field work on 26 September 2022 in accordance with their audit program.
6. The City's financial statements addressed all statutory financial requirements imposed on the City and complied with the Australian Accounting Standards. The audit found no instances of non-compliance.
7. The management report (audit of appropriateness of internal controls) identified two risks. These have been reviewed and responded to within the Management Report by the relevant service areas (ICT Services and People and Culture).
8. Whilst these items relate to items identified in the previous year, it is important to note the significant progress that the City has made in addressing those findings in the narrow window between when the last audit report was received by Council in March 2022, and 30 June 2022.
9. The Management Report also includes an item relating to the fair value assessment of infrastructure assets which is not a 'finding' specific to the City but rather is a generic 'recommendation' which has been included in the management reports of all Local Governments that carry a significant value of property, plant, equipment and infrastructure.
10. The City notes this recommendation. After carefully considering the recommendation, the City is proposing an alternative, but rigorous approach which provides appropriate assurance without burdening the City's ratepayers with the cost of yet another level of independent assessment that largely is for the benefit of the auditor rather than the City's ratepayers.
11. The City proposes to continue to have land and buildings independently valued as these valuations are complex and can be volatile - and the assets are transferable in an open market. However, roads, paths and drains are not transferable, and it is considered quite appropriate for the City to use professional officer valuations referencing external guidelines (Rawlinsons Construction Costs Handbook 2022 etc) and current contract rates to determine the fair value of such assets.
12. Given the very limited pool of independent valuers for these asset classes, and the significant cost of independent valuations relative to the minimal additional value to either ratepayers or management when contrasted to the City's proposed approach, the City will respectfully acknowledge the OAG recommendation, but is not recommending the use of independent valuers for infrastructure assets.

Consultation

Nil.

Decision Implications

13. The Committee and Council's consideration of this Item will achieve compliance with the Act.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Nil

Legislation, Delegation of Authority and Policy	
Legislation:	Section 6.4 of Local Government Act 1995 Regulation 36 of the Local Government (Financial Management) Regulations 1996 The audited annual financial statements comply with the above regulatory requirements.
Authority of Council/CEO:	To comply with Local Government regulations the Annual Report, containing the audited, signed Financial Statements, is to be accepted by Council's absolute majority. Before the Annual Report is presented to Council for this purpose, the audited Financial Statements must be accepted by the Audit and Risk Committee and then signed by the Chief Executive Officer and Office of Auditor General.
Policy:	Nil.

Financial Implications

Nil.

Further Information

14. At the Audit and Risk Committee meeting held 5 December 2022, the Committee resolved to accept the audited Financial Statements for the year ended 30 June 2022 noting that the statements had been updated by the Office of the Auditor General after inclusion in the Audit and Risk Committee Agenda. The updated version of the Financial Statements is attached to this report.

Council Resolution (Committee Recommendation) (OCM-22/12-248)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. RECEIVES the following reports for the period ended 30 June 2022:
 - a. Audit Management report
 - b. Annual audit closing report
 - c. Audited 2022 annual financial statements
2. ACCEPTS the audited Financial Statements for the year ended 30 June 2022.
 - a. Noting that the audited Financial Statements for the year ended 30 June 2022 were updated by the Office of the Auditor General after inclusion on the Audit and Risk Committee Agenda and the updated version is included for consideration by Council.

CARRIED EN BLOC (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

16.2 City of Perth Strategic Risk Profile

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 16.2A – City of Perth Strategic Risk Profile Updates 2022 - KPMG

Purpose

To consider the draft strategic risks.

Committee Recommendation

That Council ENDORSES the Draft Strategic Risks.

Background

1. This report is submitted following the development of the City's strategic risks which were developed in collaboration with KPMG who were engaged through an RFQ.
2. Meetings were held with the ELT individually to understand the risks for their Alliance and the City as a whole. The individual results were put together into categories and discussed in a Strategic ELT Workshop. The ELT was then asked to individually rate each of the strategic risks using the City's current risk evaluation tool.
3. The draft strategic risks were presented to the Elected Members in an Elected Member Engagement Session on 1 November 2022 where all thirteen strategic risks were accepted. The Elected Members were then also given the opportunity to rate each of the strategic risks.
4. The risk ratings from the individual ELT members and the Elected Members were combined to obtain the final risk ratings for the thirteen risks.

Discussion

5. The thirteen draft strategic risks have been summarised in the table below. Further detail can be found in Confidential Attachment 16.2A.

No.	Category	Strategic Risk Title	Rating
1.	Health and Safety	Health, Safety and Wellbeing of The City's Workers	High
2.	Fraud and Corruption	Governance and Conduct	High
3.	Financial	Cost Escalation and Supply Chain Disruption	High
4.	Information Security	Cyber Security	High
5.	Relationships and External Stakeholders	Relationships with State Government	High
6.	Technology	Technology Modernisation and Transition	High
7.	People	Attracting, Retaining and Evolving the City's Workforce	Medium
8.	Financial	Diversified and Sustainable Funding Model	Medium
9.	Strategy	Strategic Execution	Medium
10.	Environmental	Sustainability and Green Transition	Medium
11.	Infrastructure and Assets	Asset Portfolio Management	Medium
12.	People	Change Management	Medium
13.	Reputation	Expectations of Key Interest Groups	Medium

6. Following the development of the strategic risk register, the Audit and Risk Team will:
 - a) Update and simplify the City's existing Risk Appetite Statements;
 - b) Update the Risk Management Framework; and
 - c) Completing the Risk Profile, which includes the causes, consequences, controls, and treatment strategies for the Strategic Risks (Strategic Risk Management Plan).
7. The Risk Appetite Statements and Risk Management Framework will be presented to the Audit and Risk Committee once it has been updated.

Consultation

8. KPMG were engaged to facilitate and guide the strategic risk identification process with the ELT and Elected Members and provide an expert and impartial opinion.

Decision Implications

9. If Council does not support the recommendation, the City will be unable to commence developing the Strategic Risk Management Plan and as a result, may fail to proactively protect itself against emerging risks. The 3 Year Strategic Internal Audit Plan will not be able to consider the risk profile of the City, making it difficult to focus its attention in the right areas.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan Each Strategic risk links to one or multiple strategic goals

Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
Authority of Council/CEO:	As the owner of the risk profile, it is appropriate for Council to endorse its strategic risks.
Policy:	Risk Management Policy CP2.15 Each strategic risk was drafted utilising the Risk Management Policy.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (Committee Recommendation) (OCM-22/12-249)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council ENDORSES the Draft Strategic Risks.

CARRIED EN BLOC (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

16.3 Final Scope for Performance of ARC Review

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.3A – Final Scope for Performance of ARC review

Purpose

To consider the final scope for the Performance of the Audit and Risk Committee review.

Committee Recommendation

That Council ENDORSES the final scope for the Performance of the Audit and Risk Committee review.

Background

1. The Audit and Risk Committee Terms of Reference states that *“the Chair of the Audit and Risk Committee, in consultation with Council, will review the performance of the Audit and Risk Committee annually, together with the annual review of the charter”*.
2. This review was not completed for FY20/21 or FY21/22.
3. The review was included in the City’s FY22/23 Audit Plan, which was endorsed by Council at the Ordinary Meeting held on 27 September 2022.
4. The City went out to market, through an RFQ, to obtain audit services for the “Performance of the Audit and Risk Committee” review.
5. Moore Australia was awarded the contract after clearly displaying their ability, capability, and experience in conducting such reviews.
6. A draft scope was developed and discussed with the Manager Audit and Risk and Chair of the Audit and Risk Committee at the entrance meeting held on 7 November 2022.
7. Following the entrance meeting, the draft scope was finalised and signed by the Director Moore Australia, Manager Audit and Risk, and Chair of the Audit and Risk Committee.

Discussion

8. The final attached scope provides the Audit and Risk Committee with the parameters of the upcoming review.
9. Representatives from Moore Australia will be present at the Audit and Risk Committee meeting on 5 December 2022 to observe the workings of the Committee.
10. The proposed commencement date for this review is 6 February 2023.
11. Once the scope has been noted by Council, individual meetings with members of the Audit and Risk Committee and the CEO will be scheduled.
12. The Manager Audit and Risk has commenced gathering the preliminary information requested.
13. It is expected that the final report will be presented to the Audit and Risk Committee to be held on 8 May 2023. Please note that the date listed on the scope is 1 May 2023 because it was expected that the Policy and Legislation Committee (now disbanded) would be held on 8 May 2023.

Consultation

14. Moore Australia was engaged through an RFQ process to develop and finalise the scope for the Performance of ARC review.

Decision Implications

15. If the Council supports the recommendation, then the City will be able to complete the Performance of the Audit and Risk Committee review on a timely basis, which assists in implementing the FY22/23 audit plan on a timely basis. Delays in noting the attached scope will put an additional burden on the City in completing its audit workload in Q4 FY22/23.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	FY22/23 Audit Plan

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government (Audit) Regulations 1996.</i>
Authority of Council/CEO:	As the Audit and Risk Committee is a committee of Council it is appropriate for Council to endorse the method in which the Committee will be reviewed.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (Committee Recommendation) (OCM-22/12-250)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council ENDORSES the final scope for the Performance of the Audit and Risk Committee review.

CARRIED EN BLOC (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

17. Motions of which Previous Notice has been Given

17.1 Notice of Motion – Councillor Sandy Anghie - Pride Piazza

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

Councillor	Councillor Sandy Anghie
Date Received	17 October 2022
Motion	That Council <u>REQUESTS</u> the Chief Executive Officer to initiate the process to permanently rename Northbridge Piazza to Pride Piazza, subject to meeting regulatory and other requirements.
Reasons Provided	<p>The City’s recent announcement of temporarily renaming Northbridge Piazza to Pride Piazza reaffirms Perth as a national leader for celebrating and championing diversity and inclusion. Let’s make it permanent.</p> <p>I recently read an article that noted that from Brooklyn to Bristol, streets, buildings and landmarks are being named and renamed in a celebration of modern values. It’s important, say the instigators, because it shows who society chooses to honour.</p> <p>The word on the street: renaming landmarks to redefine who matters - Positive News - Positive News</p> <p>History of Northbridge</p> <p>Like all of our city neighbourhoods, Northbridge has changed over time.</p> <p>Very briefly:</p> <p>The area was first settled in the early 1830s and was known variously as North Perth, North of Perth, North of the Line.</p> <p>Over time, Northbridge became known as a multicultural precinct. Its European connections are reflected in street names – Zempilas Street, Via Torre Lane, Kakulas Crescent and other. While its Asian connections are celebrated in the Chinatown precinct. Today a wide array of cuisine can be found in Northbridge, including Mediterranean and Asian.</p> <p>Of course, Northbridge is now Perth's main nightlife district. And is the home of WA’s Pride Parade, and also Australia’s longest running gay club, and potentially the longest running in the Southern Hemisphere, Connections.</p> <p>Parade 2022 - Pride WA</p> <p>Connections club: History of Perth’s iconic nightclub (redbull.com)</p> <p>Above all, Northbridge is constantly evolving and is owned by no particular group. This is evident in the 2021 Census data:</p>

Cultural diversity ^

Ancestry, top responses <i>All people</i>	Northbridge (WA)		Western Australia		Australia	
		%		%		%
English	320	22.5	1,000,796	37.6	8,385,928	33.0
Chinese	195	13.7	116,848	4.4	1,390,639	5.5
Australian	183	12.9	789,282	29.7	7,596,753	29.9
Irish	81	5.7	233,323	8.8	2,410,833	9.5
Scottish	79	5.6	232,541	8.7	2,176,777	8.6

Age <i>All people</i>	Northbridge (WA)		Western Australia		Australia	
		%		%		%
Median age	31	N/A	38	N/A	38	N/A

Registered marital status <i>People aged 15 years and over</i>	Northbridge (WA)		Western Australia		Australia	
		%		%		%
Married	331	24.7	1,018,971	47.3	9,665,708	46.5
Separated	45	3.4	71,509	3.3	674,590	3.2
Divorced	111	8.3	190,493	8.8	1,831,952	8.8
Widowed	11	0.8	95,601	4.4	1,029,142	5.0
Never married	854	63.6	777,668	36.1	7,583,393	36.5

Source: [2021 Northbridge \(WA\), Census All persons QuickStats | Australian Bureau of Statistics \(abs.gov.au\)](https://abs.gov.au/2021/northbridge-wa-census-all-persons-quickstats)


Open Spaces

Together with Russell Square and Yagan Square, Northbridge Piazza is one of several open spaces in Northbridge – each having unique and evolving purposes.

Russell Square is the largest open space area and used for large scale events, such as the Fringe Festival and, last month, the after party for the Pride Parade.

The Northbridge Piazza is a smaller, urban space, which has been used as a venue to show free movies, live music performances, and broadcasts of popular sporting events.

While Yagan Square, which only officially opened in 2018, is now being reinvented.




The West Australian

Northbridge | Perth | Federal Politics

Same-sex marriage: Northbridge Piazza crowds hail the day love won

Dylan Caporn | The West Australian
Thu, 16 November 2017 9:42AM



The moment Perth found out the results for the same sex marriage survey.

Source: [Same-sex marriage: Northbridge Piazza crowds hail the day love won | The West Australian](https://www.westaustralian.com.au/news/same-sex-marriage-northbridge-piazza-crowds-hail-the-day-love-won)

2022 Pride Parade

Last month the city welcomed the Pride Parade back to Northbridge for the first time in nearly 3 years. With all of its lights, colour, music and sensational costumes, the parade route took in Aberdeen, William and James Streets, and finished with a free family-friendly community after party in Russell Square. Northbridge came to life with a happy vibe, welcoming young and old, with thousands lining the streets and in bars and restaurants to watch the parade. It was great to be in Northbridge to celebrate this successful event.

There were around 100 organisations that took part in the Pride Parade this year, testament to its importance for the community:

Pride WA First Nations contingent | Dykes on Bikes WA | Wungening Aboriginal Corporation | Living Proud | Gay Ukrainian refugees in Perth | Bassonovas INC | Gay Dads WA | PFLAG+ Perth | GLBTI Rights in Ageing | Prime Timers WA | Western Australian Council of Social Service | Artrage Inc | Ruah Community Services | Connections / The Court / Steam Works | Assisting Your Life to Achieve AYLA Inc. | Challenge Brass Band | Equal Voices WA | Anglicare WA | Uniting WA | The Emerald Pole Boutique | Youth Pride Network | Youth Focus City of Swan | Perth Inner City Youth Service | Australian Association of Social Workers – WA | Pride In Diversity | WASAMBA!! | Youth At Risk Network | Cyrenian House | Hope Community Services | Combined Covens Social Club | TransFolk of WA | Bi+ Community Perth | West Australian Pups and Handlers | Bears Perth Inc. | Out For Australia | Perth Pride Choir | Youngbloods | Vic Park Pride | The Pinnacle Foundation | Rotary International | Mix 94.5 | Australian Computer Society | Coles | Horizon Power/ Western Power/ Synergy | Woodside | BHP | Alcoa of Australia | Kaleidoscope Kreation | Cancer Council WA | care collaborative | Richmond Wellbeing | WA Department of Health | East Metropolitan Health Service | North Metropolitan Health Service | South Metropolitan Health Service | Canteen | WA Wind Symphony | Magenta WA | Prestige Dance & Performance Company | Rainbow Community House | St John WA | Silverchain | WAAC | Headspace | Palmerston Association | Society for Creative Anachronism | Club Fiesta by Hala Fitness | Murdoch University | Edith Cowan University | The Greens (WA) | Rainbow Labor | Channel 7 | Australian Border Force | Australia Post | Barry Mundi and the Barryettes | Department of the Premier and Cabinet's Ally Network | Department of Primary Industries and Regional Development | Department of Fire and Emergency Services | West Australian Police Force | City of Perth | The Department of Justice | City of Vincent | Water Corporation | Department of Communities | Transport Portfolio | Perth White Pointers | Perth Pythons Hockey Club | Perth Frontrunners | Western Swifts LGBTQ+ Social Badminton Club | Emerald City Kickball Perth | WA Roller Derby | Perth Spectres Basketball Club | McMillan St. Dojo | Perth Hornets AFL Club | Rock Wallabies Climbing Group | Perth Rams Rugby Union Football Club Inc | Sambanistas | Pride WA Volunteers

“Pride Piazza”

On 16 August 2022, the City of Perth announced Pride Piazza with the following media statement:

City of Perth Lord Mayor Basil Zempilas said he looked forward to welcoming WA's LGBTQIA+ community to their new headquarters, the Pride Piazza.

"The City's Pride Piazza reaffirms Perth as a national leader for celebrating and championing diversity and inclusion – and I can't think of a better, more vibrant neighborhood for Pride WA to call home.

"The Piazza is the heart and soul of Northbridge and we're excited to see rainbow events and activities lighting up the Piazza throughout the year. This is wonderful opportunity for businesses, locals and visitors to enjoy more activations throughout the year" Zempilas said.

"Pride WA is thrilled to have the generous support of the City of Perth in making Pride Piazza a safe space for the LGBTQIA+ and wider Northbridge Community to meet in what we hope will become a globally-recognised LGBTQIA+ landmark," said Choon Tan, Pride WA CEO.

"Having a 'home' for Perth's queer community is a significant milestone as it means Pride WA and LGBTQIA+ groups and start-ups can access facilities and thrive together."

In conclusion, the city's temporarily renaming Northbridge Piazza to Pride Piazza was a great idea - reaffirming Perth as a national leader for celebrating and championing diversity and inclusion. Let's make it permanent.

Administration Response to Notice of Motion

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Nil.

Discussion

1. The Notice of Motion to formally or permanently allocate the name *Pride Piazza* to the Northbridge Piazza is not supported.
2. The recent Expression of Interest for the community facility did not include any naming rights or indicate potential for naming of the Northbridge Piazza public realm. The benefits were restricted to the use of the community building.
3. The City has approved a licence for use of the premises for a period of two years with an option of a single year extension. The proposed use of the premises can, therefore, not be considered a permanent use. Formal naming of the adjoining public realm should not be contemplated based on the use or users of the premises, as these may change over time.
4. The City fully supports reference to the piazza as *Pride Piazza* in all relevant marketing and communications. This is something the City is already doing, and this does not require the City to undertake the lengthy consultative and approval process required to formally allocate a name to the space.
5. Landgate is responsible for naming of roads and public spaces; however, any request to rename or allocate a name to a road or public space must first be supported by the City. Proposed names must satisfy relevant naming criteria.
6. The site of the piazza has strong cultural linkages with Aboriginal and multicultural communities. These connections should be carefully considered by Council when considering allocation of a formal name to the space.
7. As part of the Reconciliation Action Plan adopted by Council in May 2022 there is a commitment to develop an approach to dual naming of places in the City of Perth with original Nyoongar names. This should be a factor in considering any formal naming of the piazza.
8. Should Council support this Notice of Motion, the City would commence community and stakeholder consultation on the proposed name before seeking final approval of Council. This is a significant project due to the prominence of the piazza, and the scale of engagement for such a location will need to be comprehensive.
9. The outcomes of the engagement process will need to be considered by Council as part of consideration of its recommendation to Landgate.
10. The City would then forward the request, along with Council's recommendation to Landgate for final consideration by the Minister for Lands.

Decision Implications

11. If Council decides to progress the naming of the space to *Pride Piazza*, the City will follow the process outlined above.

12. If the proposed name is supported by Landgate and approved by the Minister, the City would need to investigate what signage would be impacted by the name change and what it would cost to replace the signage. This could be significant as all wayfinding signage within 500m of the site currently references the Northbridge Piazza.
13. The impact on adjoining or nearby landowners who may currently reference the Northbridge Piazza in any marketing or promotional material is unknown.
14. Nominating a preferred name as suggested, without due consideration to other communities may cause reputational risk and not align with existing commitments within the Reconciliation Action Plan.
15. It is important to consider the above implications in the context of the short-term licence approved for Pride WA to occupy the premises adjoining the piazza.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Reconciliation Action Plan LGBTQIA+ Plan 2021 - 2024

Legislation, Delegation of Authority and Policy	
Legislation:	Section 26 of the Land Administration Act 1997
Authority of Council/CEO:	The Minister of Lands is the final authority on all place naming matters; however, Council is requested to indicate its support of the proposed name.
Policy:	Nil.

Financial Implications

16. Ordinarily, the party that makes the request may be responsible for the cost of any necessary rebranding, including the production of new signage.

Further Information

Nil.

Council Resolution (OCM-22/12-251)

Mover: Councillor Sandy Anghie

Seconder: Councillor Viktor Ko

That Council REQUESTS the Chief Executive Officer to initiate the process to permanently rename Northbridge Piazza to Pride Piazza, subject to meeting regulatory and other requirements.

LOST (3/5)

For: Deputy Lord Mayor Liam Gobbert; Councillors Sandy Anghie and Viktor Ko

Against: Lord Mayor Basil Zempilas; Councillors Di Bain, Clyde Bevan, Brent Fleeton and Rebecca Gordon

18. Matters for which the meeting may be closed

Motion

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council CLOSE the meeting to the public.

18.1 Waste to Energy Tender

The Meeting was closed to the public at 6.18pm.

In accordance with Section 5.23(2)(c) and Section 5.23(2)(e) of the Local Government Act 1995, the following Item 18.1 is confidential.

18.1 Waste to Energy Tender

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

Council Resolution (Officer's Recommendation) (OCM-22/12-252)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Clyde Bevan

That Council:

1. ENDORSES the Mindarie Regional Council (MRC) recommendation that Tenderer B be nominated as the first preferred tenderer for the waste to energy services; and that Tenderer A be nominated as the second preferred tenderer.
2. ENDORSES the MRC to pursue negotiations with either of these tenderers with the intention of agreeing the terms of a Waste Supply Agreement (WSA) between the MRC and a waste to energy service provider (Service Provider).
3. ACKNOWLEDGES that if the MRC ultimately enters into a WSA with a Service Provider, the Council will be required to enter into a Participant's Agreement (PA) with the MRC, as will the MRC's other member councils, to support the MRC's ability to meet its obligations under the WSA. The Council authorises the Chief Executive Officer to formally enter into negotiations with the MRC on the terms of the PA and if appropriate, to enter into a PA on terms acceptable to the City of Perth.
4. ACKNOWLEDGES that, subject to the final form of a proposed WSA being ratified by the Council as being acceptable, the MRC may, subject to all MRC member councils being in agreement on the terms of the WSA and the PA, choose to award the tender.

5. RESOLVES that this report and attachments remain confidential in accordance with section 5.23(2)(c) and 5.23(2)(e) of the Local Government Act 1995.

CARRIED UNOPPOSED (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Catherine Lezer

Against: Nil.

Abstained: Councillor Viktor Ko

In accordance with Section 5.23(2)(e) of the Local Government Act 1995, the following Item 18.2 is confidential.

18.2 Tamala Park Regional Council Shareholding Divestment Opportunity

Responsible Officer	Steve Holden – General Manager Commercial Services
Voting Requirements	Simple Majority
Attachments	Nil.

Council Resolution (Officer’s Recommendation) (OCM-22/12-253)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council ENDORSES a directive to the Tamala Park Regional Council (TPRC) to rectify the Establishment Agreement to enable a practical and workable application of the mechanisms relating to the Participant Withdrawal and Divestment of Ownership.

CARRIED EN BLOC (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

Motion

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Viktor Ko

That Council OPEN the meeting to the public.

The Meeting was reopened to the public at 6.35pm.

19. Urgent Business

19.1 RSLWA Request for Support for ANZAC Day 2023

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 19.1A – RSLWA Letter to City of Perth re ANZAC Day 2023

Purpose

To consider a funding request from The Returned and Services League of Australia WA Branch Incorporated (RSLWA) for the 2023 ANZAC Day event.

Recommendation

That Council:

1. APPROVES Option X as detailed in the report
 2. ALLOCATES \$X from the current 2022/23 operating budget surplus.
-

Background

1. Council is being asked to consider this matter due to:
 - a) the RSLWA missing the event sponsorship rounds provided by the City for funding;
 - b) the time sensitive nature of the request;
 - c) the RSLWA's request sitting outside the CEO's authority and [Council Policy 4.3 Sponsorship and Grants](#) (CP4.3); and
 - d) the associated reputational risk of "doing nothing".
2. At its meeting held 25 May 2021, Council resolved to adopt amended CP4.3 which included the removal of donations.
3. On Monday 12 December 2022, the City received a letter from RSLWA (Attachment 15.3A) requesting support of \$150,000 comprising a financial contribution of \$98,400 (for the purposes of traffic management and hostile vehicle mitigation) and \$51,600 in-kind assistance (for event fees which include open air car park fees, banner hire, on-street parking, and activity approvals).
4. ANZAC Day Commemorations have been held in the City since 1915. April 25 is the dedicated date for Australians and New Zealanders, at home and overseas, to commemorate ANZAC Day. It is a day of national and international significance that gives people of all ages the opportunity to pause and reflect on the service and sacrifice made by those who have served, and continue to serve, to defend our nation.
5. RSLWA has advised that they historically seek funding to deliver the event from both Lotterywest and the City of Perth for ANZAC Day Commemorations. Based upon information from the CEO RSLWA, Lotterywest is scheduled to make a decision this week. RSLWA has previously received City funding for the event through both sponsorship (cash and in-kind) and donations. A summary of the previous support is provided below:

FY	Approved Amount (ex GST)	Project
2021-22	\$125,000 (including \$51,600 in-kind) ¹	ANZAC Day 2022
2020-21	\$100,777.60 (including \$44,436.60 in-kind)	ANZAC Day 2021
2019-20	\$85,000 (including \$44,662 in-kind)	ANZAC Day 2020
2018-19	\$95,566	ANZAC Day 2019
2017-18	\$82,666 (including \$16,860 in-kind)	ANZAC Day 2018
2016-17	\$70,948.43	ANZAC Day 2017
2015-16	\$67,868	ANZAC Day 2016
2014-15	\$96,617	ANZAC Day 2015
2013-14	\$61,120	ANZAC Day 2014
2012-13	\$44,940	ANZAC Day 2013
2011-12	\$36,000	ANZAC Day 2012

¹ Actual amount \$49,639.60

6. A budget of \$1,000,000 was allocated to the 2022/23 Event Sponsorship program, with applications received across two rounds. Round 1 was open from 1 to 29 April, and Round 2 from 1 to 23 August. The full budget of \$1 million has already been allocated.
7. The City did not receive an application for Event Sponsorship 2022/23 in Round 1 or Round 2 from RSLWA.
8. The ANZAC Day Street Parade is proposed to move down St Georges Terrace and disperse at Langley Park. The event typically attracts over 6,000 participants and a spectator crowd of 15,000 along St Georges Terrace.

Discussion

The following options are available for Council consideration:

Option 1 (a) or (b)

9. As an application for Event Sponsorship was not received during the round open dates, there are two opportunities available to RSLWA to submit relevant documentation:
 - a. Option 1(a): Application by RSLWA within the Local Activation Grant program. RSLWA can apply for up to \$15,000 for the Dawn Service held at the State War Memorial in Kings Park and up to \$15,000 for the Street Parade held along St Georges Terrace in Perth. A maximum cash funding opportunity of \$30,000 is available to RSLWA through this mechanism; **OR**
 - b. Option 1(b): Fee waiver for relevant fees and charges up to \$50,000.

The above options are consistent with CP4.3 but are inconsistent with the request from RSLWA. It should be noted that under CP4.3, the Applicant cannot receive both options 1(a) and 1(b) (i.e. a Local Activation Grant and a fee waiver for the same project).

Option 2

10. In light of the RSLWA's request not being contemplated by CP4.3 and there being no available budget, Council may wish to consider:
 - a. Approving a funding contribution of \$98,400 (ex GST) for the RSLWA for event fees (such as open air car park fees, banner hire, on-street parking and activity approval fees; and
 - b. Approving \$51,600 in-kind assistance for the RSLWA for event fees (such as open air car park fees, banner hire, on-street parking and activity approval fees).

The above option is consistent with the RSLWA's request as outlined in Attachment 15.3A.

Option 3

11. Council may decline support (or provide partial support). Declining support would carry significant reputational risk given ANZAC Day is a commemorative celebration that the City has had a long association with and is expected by the community.

Consultation

Nil.

Decision Implications

Nil.

Strategic, Legislative and Policy Implications

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

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

Financial Implications

12. Any financial support by the City to RSLWA will need a relevant budget account. This proposal can be funded from operating surplus.

Further Information

Nil.

Primary Motion (Officer's Recommendation)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. APPROVES Option 2 as detailed in the report
 2. ALLOCATES \$98,400 plus \$51,600 in hand assistance from the current 2022/23 operating budget surplus.
-

During debate, Councillor Gordon moved a procedural motion to defer this motion, as follows:

Procedural Motion

Mover: Councillor Rebecca Gordon

Seconded: Nil

That in accordance with Clause 12.19(a) of the Standing Orders Local Law 2009, this motion be deferred to the next Ordinary Council Meeting.

The above motion lapsed for want of a seconder. Debate on the primary motion resumed:

Council Resolution (Officer's Recommendation) (OCM-22/12-254)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. APPROVES Option 2 as detailed in the report
2. ALLOCATES \$98,400 plus \$51,600 in hand assistance from the current 2022/23 operating budget surplus.

CARRIED UNOPPOSED (8/0) BY ABSOLUTE MAJORITY

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Di Bain, Sandy Anghie, Clyde Bevan, Brent Fleeton, Rebecca Gordon and Viktor Ko

Against: Nil.

20. Closure

There being no further business, the Presiding Member declared the meeting closed at 6.51pm.