



City of **Perth**

Agenda

Ordinary Council Meeting

29 March 2022

Notice of Meeting

To the Lord Mayor and Councillors

The next Ordinary Council Meeting will be held on Tuesday, 29 March 2022 in the Council Chamber, Level 9, 27 St Georges Terrace, Perth commencing at 5.00pm.

Michelle Reynolds

Chief Executive Officer

25 March 2022

Information

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

Question Time for the Public

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

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

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

Disclaimer

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

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Table of Contents

1.	Declaration of Opening.....	5
2.	Acknowledgement of Country/Prayer.....	5
3.	Attendance	5
3.1	Apologies.....	5
3.2	Approved Leave of Absence.....	5
3.3	Applications for Leave of Absence	5
4.	Announcements by the Lord Mayor.....	5
5.	Public Participation	5
5.1	Public Questions.....	5
6.	Disclosures of Interests.....	5
7.	Confirmation of Minutes	6
8.	Questions by Members which due Notice has been Given.....	6
9.	Correspondence	6
10.	Petitions.....	6
11.	Planning and Economic Development Alliance Reports.....	7
11.1	20 (Lot 3) Mounts Bay Road, Crawley - Proposed amendments to an approved nine-level residential development	7
12.	Community Development Alliance Reports	63
12.1	Events Plan 2022/23	63
12.2	Event Sponsorship 2021/22 (Round 2) Application	82
13.	Infrastructure and Operations Alliance Reports.....	87
	Nil.	
14.	Corporate Services Reports	88
14.1	Monthly Financial Report - January 2022	88
14.2	Schedule of Accounts Paid - January 2022.....	147
15.	Chief Executive Officer Reports	190
15.1	New Council Policy 1.8 Code of Conduct Behavioural Complaints Management.....	190
15.2	2020/21 Annual Report and Annual Financial Statements	203
16.	Committee Reports	344
16.1	Audit Reports 2021/22.....	344
17.	Motions of which Previous Notice has been Given	359

17.1	Notice of Motion – Councillor Sandy Anghie - Light It Up Part 3	359
17.2	Notice of Motion – Councillor Sandy Anghie - Free Parking on Hay Street in West Perth.....	362
18.	Matters for which the meeting may be closed.....	365
18.1	New Lease Agreement - Shop 3, Regal Place Car Park, 81 - 95 Royal Street, East Perth	365
18.2	Service Review	366
18.3	Major Events and Festivals Sponsorship Application	367
19.	Urgent Business	368
20.	Closure	368

1. Declaration of Opening
2. Acknowledgement of Country/Prayer

3. Attendance

- 3.1 Apologies

Deputy Lord Mayor Di Bain

Councillor Catherine Lezer

Councillor Clyde Bevan

- 3.2 Approved Leave of Absence

Nil.

- 3.3 Applications for Leave of Absence

Councillor Liam Gobbert for the period 2 May 2022 to 6 May 2022 inclusive.

Motion

That Council APPROVES the leave of absence application from Councillor Liam Gobbert for the period 2 May 2022 to 6 May 2022 inclusive.

4. Announcements by the Lord Mayor

5. Public Participation

- 5.1 Public Questions

6. Disclosures of Interests

Name	Councillor Sandy Anghie
Item number and title	11.1 20 (Lot 3) Mounts Bay Road, Crawley – Proposed amendments to an approved nine-level residential development
Nature of interest	Impartiality
Interest description	<i>'I attended a REIWA breakfast and the developer was president of REIWA at the time'</i>

Name	Deputy Lord Mayor Di Bain
Item number and title	18.3 Major Events and Festival Sponsorship Application
Nature of interest	Impartiality
Interest description	<i>'I am on the Board of Tourism WA'</i>

Name	Lord Mayor Basil Zempilas
Item number and title	18.3 Major Events and Festival Sponsorship Application
Nature of interest	Impartiality
Interest description	<i>'Seven West Media are a potential media partner for the event'</i>

7. Confirmation of Minutes

Recommendation

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






8. Questions by Members which due Notice has been Given

9. Correspondence

10. Petitions

11. Planning and Economic Development Alliance Reports

11.1 20 (Lot 3) Mounts Bay Road, Crawley - Proposed amendments to an approved nine-level residential development

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Absolute Majority
Attachments	Attachment 11.1A – Location Plan ↓  Attachment 11.1B – Approved Development Plans ↓  Attachment 11.1C – Amended Development Plans ↓  Attachment 11.1D – Landscape Plans ↓  Attachment 11.1E – Public Submissions ↓ 

Purpose

For Council to determine an application for proposed amendments to an approved nine-level residential development at 20 Mounts Bay Road, Crawley, in accordance with clause 77 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Recommendation

That Council, in accordance with the provisions of City Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES amendments to an approved nine-level residential development as indicated in the application dated 20 October 2021 and revised plans received on 22 February 2022 subject to:

Conditions

1. Condition 16 of the Form 4 approval letter dated 25 May 2021 being amended as follows:
“the existing on-site lemon gum tree being replaced with a mature 2000 litre tree (minimum) to the satisfaction of the City. A Tree Management Plan, confirming the size and species of the replacement tree and details of how the tree will be planted and maintained is to be submitted and approved, with the approved tree being planted prior to occupation of the development and thereafter maintained to the City’s satisfaction or replaced if deemed necessary by the City”
2. All other conditions and requirements detailed on the Form 4 approval letter dated 25 May 2021 shall remain.

Background

1. At its meeting held 25 May 2021 Council approved the demolition of an existing multiple dwelling (apartment) building and the construction of a new nine-level residential development comprising eight multiple dwellings and 24 car parking bays at 20 (Lot 3) Mounts Bay Road, Crawley.
2. The applicant has now submitted a request, in accordance with clause 77 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for amendments to the approved design and amendment to an earlier condition of approval.
3. The proposed amendments require variation to certain provisions of City Planning Scheme No. 2 (CPS2). This requires approval by an absolute majority Council, in accordance with clauses 36 and 38 of CPS2.

Details

Landowner	Nitchingham Investment Pty Ltd; Grahame Duff; Paul John Rodoreda; Andrew Ian Gardner; Tee Tong Chiam and Teng Chay Gan
Applicant	Element Advisory Pty Ltd
Zoning	(MRS Zone) Urban (City Planning Scheme Precinct) Precinct 9 - Matilda Bay (City Planning Scheme Use Area) Residential - R60
Approximate Cost	\$12 million

4. The applicant has advised that following Council's approval of the initial development application, the project progressed to design development and the amendments proposed are in response to feedback from prospective purchasers, consultation with relevant service authorities, and to address issues in relation to the health and viability of the existing gum tree on site.
5. The proposed amendments to the approved residential development are summarised below:
 - a) Installation of a chair lift at the Mounts Bay Road frontage, in lieu of the approved pedestrian ramp to provide universal access into the main building entry
 - b) Relocation and reorientation of the fire booster service cabinets next to the delivery and turning bay
 - c) Modifications to the layout of the undercroft car park to the rear of the property, with no change to the number of car or bicycle bays
 - d) The addition of fire tanks along the rear boundary and a fire pump room on the south-western boundary
 - e) Minor changes to the extent of the boundary wall on the eastern property boundary
 - f) Removal of the approved communal pool on Level 1 and replacement with a communal lounge, terraced area, and additional storage facilities for residents
 - g) Switched location of the approved Level 1 communal gym with the approved rear apartment on Level 2 to capitalise on views to the river
 - h) Minor amendments to the internal apartment layouts at all levels, and a slight modification of the rear apartment terraces, and associated minor modifications to the external facade

- i) Minor modifications to the approved landscaping plans to accommodate the above changes, and to increase the provision of trees and soft landscaping areas in accordance with Condition 17 of the original approval
- j) A request to amend Condition 16 of the original approval to allow for replacement of the existing lemon scented gum tree on the site with a new, mature 2000 litre tree.

Development Requirements

6. The proposal's compliance with the requirements of CPS2 and the State Government's Residential Design Codes Volume 2 - Apartments (R-Codes) is summarised below:

Development Standard	Permitted/Required	Approved	Proposed
Maximum Plot Ratio:	Base Plot Ratio 1:1 (1,539m ²) Maximum transfer of plot ratio of 20%	1.2:1 (1,846.8m ²) Inclusive of a 20% (307.8m ²) transfer of plot ratio from 360 Murray Street, Perth	No change
Maximum Building Height:	39 metres (maximum)	35.5 metres	No change
Setbacks:			
Front	4 metres (minimum)	4 metres	No change
Rear	3 metres (minimum)	16.5 metres	Nil (proposed fire tank) – 16.5 metres (approved building)
Side – North-East	3 metres (minimum)	3 metres – 9.5 metres	Nil (proposed fire tank) – 9.5m (approved building)
Side – South-West	3 metres (minimum)	Nil -13 metres	Nil (proposed fire tank) – 13 metres (approved building)
Visual Privacy Setbacks:			
Main Building	6 metres (minimum)	24 metres	No change
Rear – North-West	unenclosed private outdoor spaces	3 metres – 9.5 metres	
Side – North-East		7 metres – 13 metres	
Side – South-West			

Car Parking:			
Residential	16 bays (minimum)	16 bays	No Change
Visitor	8 bays (minimum)	8 bays	
Bicycle Parking:	4 bays (minimum)	8 bays	No change

7. As outlined in the above table, no changes are proposed to the total number of car parking bays or bicycle parking bays, the total plot ratio, or the height and setbacks of the main building.
8. The addition of the fire pump structures to the northern and western boundaries, results in a minor increase to the building footprint – extending the building to the western boundary for a portion of the Ground Level; to the northern, eastern and western boundaries on Level 1; and resulting in a nil setback from the boundary where generally a 3 metre building setback would be required.

Consultation

9. Given the proposed fire tanks are proposed to be situated on the lot boundaries of the property to the rear (4 Crawley Avenue) and the properties to the sides (22 Mounts Bay Road and 1 and 3 Wingfield Avenue), and given there were previous concerns regarding the viability and retention of the existing lemon scented gum tree, the proposed amendments were publicly advertised for a period of 21 days, in accordance with clause 36(3)(a) of CPS2 and clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2*.
10. Six submissions were received during the advertising period - one letter of support and five submissions raising concerns (refer to Attachment 11.1E – Public Submissions). A summary of the main issues raised during the advertising period include:
 - a. Concerns regarding the loss of the existing on-site mature lemon scented gum tree
 - b. Concerns relating to the potential for damage to existing structures on adjoining properties from the installation of the fire tanks and the retaining wall to the rear of the site
 - c. Noise concerns associated with the relocation of the communal gymnasium to the rear the building
 - d. The proposed amendments resulting in an increase in the approved height and plot ratio of the development
 - e. Concerns that the amendments substantially change the development that was approved, and therefore should require a new development application to be lodged.
11. The concerns raised during public advertising are addressed under the Discussion section of this report.
12. There was no requirement to refer the amendments back to the City’s Design Advisory Committee and have been reviewed and determined as being acceptable by the City Architect.
13. Main Roads WA was not required to be consulted given there were no changes to the total number of car parking bays or the vehicle access into the development from Mounts Bay Road.

Discussion

Nature of Proposed Amendments

14. In accordance with clause 77 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) an owner may make an application to the local government requesting to amend or delete any condition(s) of approval and/or to amend an aspect of the approved development which, if amended, would not substantially change the development that was approved. This proposal involves amending the design of the approved development and amending Condition 16 of the previous approval, which refers to the protection and retention of the existing on-site lemon scented gum tree.
15. Whilst some concern has been raised regarding the extent of changes and the perceived need for the entire proposal to be re-assessed, it is considered that the proposed modifications do not substantially change the nine-level residential development that was approved by Council at its meeting held on 25 May 2021. Therefore, the application can be determined in accordance with clause 77 of the Regulations and this report therefore only deals with the proposed amendments - not a re-assessment of the entire development.

Tree Retention and Landscaping

16. The applicant is seeking to amend Condition 16 of the original approval to allow for replacement of the existing lemon scented gum tree on the site, with a new, mature 2000 litre tree. The original application proposed to retain the tree, with its retention driving the design of the building. During assessment of the original proposal, in response to concerns over the structural integrity of several of the large branches by the adjoining neighbouring property to the south-west at 22 Mounts Bay Road, the tree was pruned by a tree pruning consultant.
17. Following pruning of the tree, in response to concerns about the quality of the work carried out, the owner then engaged an arborist consultant to review the extent of the work and the resulting viability of the tree. The arborist has confirmed that although the tree is still alive, its integrity has been impacted by the extensive pruning. The arborist's recommendation is that the tree be removed and replaced. As such, the applicant has requested that Condition 16 of the approval, which requires retention of the tree, be modified to allow for the tree to be removed and replaced with a mature sized tree, noting the importance of the tree as part of the building's design and contribution to the amenity of the locality and the streetscape.
18. The proposal to remove and replace the tree due to the impact of the pruning works and a supporting arborist statement, has been considered and is supported by the City's own technical experts who have confirmed that:
 - a. The lopping has compromised all subsequent regrowth and retention of the tree would require extensive, on-going monitoring and regular aerial inspections to determine an acceptable risk.
 - b. Current regrowth appears healthy and shows the tree has good vitality; however, as soon as this regrowth reaches a certain length and weight it is likely to fail under high wind or storm conditions.
 - c. Given the amount of effort to maintain acceptable risk, and the limited shade potential expected from such a deformed tree structure, the recommendation to remove and replace the tree should be supported.
 - d. The proposed replacement tree, at 2000L size, is an appropriate species and the proposed deep soil area to support its growth is acceptable.

19. It is considered that the proposal to provide a large mature tree in place of the existing tree addresses the issues raised in the submissions by providing a suitably sized replacement that will not compromise the safety of users of the locality. As such, it is recommended that Condition 16 be modified to permit the replacement of the tree.
20. In addition to the above, the applicant has increased the area for on-site landscaping, in accordance with the required 10% deep soil area specified in the R-Codes. This enables the provision of seven large trees, three medium trees and nine small trees, which exceeds the minimum landscaping requirements and meets the objectives specified under the R-Codes. It is considered that the revised landscape details provided as part of the minor amendments satisfies Condition 17 of the original approval to increase the number of on-site trees and soft landscaping elements and is therefore supported.

Structural Concerns

21. With respect to the provision of fire services and its impact on the structural integrity of the retaining and boundary wall of the adjoining property to the north, it should be noted that the proposed development is required to be contained wholly within the boundaries of the subject site. Any impacts on any adjoining property during the construction of the development cannot be dealt with under CPS2 or this application and is a civil matter between the parties. Notwithstanding the above, the concerns raised regarding the structural integrity of the rear wall have been passed onto the applicant, as well as the City's building team. In response to this concern, the applicant has confirmed that the new fire tanks will be situated above the existing natural ground level and will not require additional excavation works to be undertaken. It is therefore unlikely there will be any structural threat to the existing retaining wall along the boundary.

Building Design, Setbacks, Height and Plot Ratio

22. In relation to alterations to the main building, it is noted there are no changes to the total number of apartments or the mix of dwelling types. A slight reduction in the rear terrace areas are proposed, but these amendments are minor in nature and the terrace areas will still meet and exceed the minimum area and dimension requirements of the R-Codes. The internal layout provides natural light and ventilation to all habitable rooms, consistent with the R-Codes and relocation of the previously rear facing apartment on Level 1 to face Mounts Bay Road is also considered to result in a better outcome in terms of residential amenity. Whilst the development will no longer provide a pool, the communal spaces provided still exceed what is required for a development containing less than 10 units under the R-Codes.
23. With respect to the nil setbacks proposed for the fire tanks at the rear of the property, in lieu of the 3 metre setback required, the tanks will sit below the boundary fence height and next to the pool area at 4 Crawley Avenue, and to the rear garden area of 3 Wingfield Place. Therefore, there will be no undue adverse amenity impacts to these properties. In relation to the nil setbacks proposed to the fire tanks on the north-east and south-west boundaries (also in lieu of a 3 metre setback requirement), the fire tanks will be situated below the proposed modified boundary walls next to the rear garden area to the south-west at 22 Mounts Bay Road, and the carport to the north-east at 1 Winfield Avenue. Therefore, the proposed nil setbacks to the fire tanks are considered to have no undue adverse amenity impacts on these properties. In addition, the fire tanks will be screened with a pebbled roof to match the adjacent landscape design and will visually integrate with the landscaping on the site when viewed by the surrounding apartments from above. It is therefore considered that the setback variations proposed to the fire tanks can be supported in accordance with clause 36(c) of CPS2.

24. The addition of a fire tank along the south-west boundary, near the main entrance into the development, also proposes a nil side setback in lieu of a 3 metre setback at the ground floor level. This structure will be located next to the driveway of the neighbouring property to the south-west at 22 Mounts Bay Road and will be screened from view by the new boundary wall and with soft landscaping from above. The structure is also consistent with the approved nil setback of the adjacent residential store and bin room at the ground floor level. Therefore, it is considered the nil setback will have no undue adverse amenity impact to the neighbouring property to the south-west and the variation can be supported in accordance with clause 36(c) of CPS2.
25. The proposed minor modifications to the eastern boundary wall, which involves modifying the height of the wall to screen the adjacent fire services within the property boundary, are considered to be of an appropriate design and scale, will have no adverse amenity impacts, and can therefore be supported in accordance with clause 36(c) of CPS2.
26. With respect to the comments in the submission that the proposed amendments result in an increase to the approved plot ratio and height of the building, it should be noted that this is not the case and the proposed amendments are consistent with the approved plot ratio and building height. It should also be noted that the floor space of the proposed storerooms, common amenity facilities and additional fire services are excluded from the definition of plot ratio under the R-Codes and do not contribute to any additional plot ratio floor space. In relation to the overall building height the comparison plans of the approved and proposed building demonstrate that there are no changes to the overall building height of the development, with the overall building height at 35.5 metres, well below the maximum permitted height limit of 39 metres in this location.

Noise

27. With respect to the noise concerns associated with the relocation of the communal gymnasium from the front of Level 1 to the rear, any potential noise is to be addressed by Condition 5 of the substantive approval. Although the proposed gymnasium is not considered to create an adverse noise impact that would affect the future occupants of the development and/or occupants of adjoining residential developments, Condition 5 requires the development to be constructed in such a manner that noise levels and noise intrusion can be appropriately ameliorated, with a final acoustic design report to be provided for approval prior to applying for a building permit. This will ensure the development meets the relevant noise requirements. It is also noted that the deletion of the outdoor communal pool area from the proposal in favour of an enclosed gymnasium will likely minimise any potential noise impact to the surrounding residents.

Conclusion

28. The proposed amendments to the approved development are considered to be acceptable and will not result in any undue adverse amenity impacts to the surrounding properties. The proposed amendments are therefore recommended for approval by the Council.

Stakeholder Engagement

29. Consultation on this matter is detailed in paragraphs 9 to 14 of this report.

Decision Implications

30. If Council does not support the recommendation, the applicant has the right to apply to the State Administrative Tribunal for a review of the decision or the conditions of any approval in accordance with Section 252 – ‘Decision made in exercise of discretionary power under planning scheme’ of the *Planning and Development Act 2005*.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan
Legislation, Delegation of Authority and Policy	
Legislation:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 City Planning Scheme No.2 Metropolitan Region Scheme City of Perth Act 2016
Authority of Council/CEO:	This matter is referred to Council as it relates to an application previously determined by Council and public submissions have been received that cannot be addressed by conditions of approval.
Policy:	State Planning Policy 7.0 - Design of the Built Environment State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments 4.1 City Development Design Guidelines 4.4 Building Heights and Setbacks 4.5 Plot Ratio 4.5.2 Transfer Plot Ratio 4.9 Residential Design Policy 5.1 Parking Policy 5.2 Loading and Unloading 5.3 Bicycle Parking and End of Journey Facilities

Financial Implications

31. There are no direct financial implications relating to the recommendation within this report. If the request for minor amendments is refused and an application for review of the decision or any conditions of approval is made to the State Administrative Tribunal there may be financial implications for the City associated with any legal representation costs.

Further Information

32. Questions and responses received prior to and at the Agenda Briefing Session held 22 March 2022 are as follows:

	Question	Response
1.	<p>What is the threshold of minor amendments being considered (such as this application) and when would the City require a new development application process?</p>	<p>It is not uncommon for changes to be made to a development proposal, through the design development process.</p> <p>In determining whether changes can be considered as amendments to an existing approval (versus requiring a new development application), consideration is given to whether the changes result in a development that is in substance the same as the development already approved.</p> <p>In this case, it is the view of officers that the proposal is still substantially the same as the approved development, being a residential development (same intensity) and of generally the same appearance.</p> <p>The modifications to the design, including the addition of structures containing fire equipment, do not substantially change the development that was approved.</p> <p>Even if the City had required a whole new development application, and the Council decided not to approve it, the decision not to approve the new proposal would not revoke the current approval that is in place.</p>
2.	<p>Regarding setbacks and visualising the fire tanks - the report indicates the neighbours will not be able to see them at all, is that correct? Are setbacks in place purely for this reason (visual issues) or are there other considerations for ensuring space between property boundaries?</p>	<p>Setbacks are usually specified to provide separation between buildings, to ensure access to light and ventilation and to reduce the impact of building bulk. However, reduced setbacks can be contemplated if they do not unduly impact the amenity of neighbours or the streetscape.</p> <p>The fire tanks proposed to be located along the rear boundary of the site will be contained within an enclosed structure. This structure will sit below the top of the existing boundary wall between the site and the pool area at 4 Crawley Avenue, and between the site and the rear garden area of 3 Wingfield Place. The location of the fire tanks on the boundary will, therefore, not adversely affect access to light, ventilation or create visual bulk when viewed from the adjoining properties.</p> <p>Along the third boundary, the fire tank enclosure will adjoin a carport and will, therefore, have limited impact on the amenity of this neighbour.</p>

		The roof of the structure will, however, be visible from above. Therefore, it is proposed to create a patterned pebble garden on the roof of the structure to improve the aesthetics of the structure as viewed from above and to tie in with the landscaped (hard and soft) treatment of the ground level surrounding the building.
3.	In terms of what must be considered from a planning perspective, does the City have any role in determining what the applicant can put up alongside the boundary?	<p>The planning scheme does not specify what type of structures can or cannot be located on a boundary or within a reduced setback area.</p> <p>Where setback requirements are specified, they are required regardless of what the structure is, unless a reduced setback is deemed acceptable (as per the point above).</p>
4.	Is the City confident in the existing retaining wall to handle the water tanks or is that not for the City to consider - will this come at the building permit stage?	<p>All buildings, including the proposed fire tanks, must be contained within the boundaries of the subject site and be structurally sound without reliance on any existing structures.</p> <p>This is not a planning issue and will be considered during the Building Permit process. At that stage, the applicant will be required to consult with neighbours if the development has the potential to adversely affect their land, as defined in the Building Act.</p>
5.	Regarding gym noise - is this something the City must consider at this stage, or is it not relevant to planning and it's covered off in the building permit stage?	<p>An acoustic report was provided with the original development application and made some recommendations about noise management measures/restrictions for the gym.</p> <p>Condition 5 requires submission of final details of noise attenuation measures prior to submission of an application for a Building Permit for the proposed development.</p>
6.	The submission on page 54 and 55 is worthy of further discussion and direct responses from the General Manager/officers please.	<p>In relation to noise attenuation, Condition 5 requires the applicant to demonstrate that the building achieves adequate attenuation levels prior to submission of an application for a Building Permit for the proposed development.</p> <p>In relation to plot ratio and building height, the proposed amendments do not change the approved plot ratio or building height. Structures housing plant and equipment for a building are not included in the floor space calculation, as per the definition of floor space in the City Planning Scheme.</p> <p>In relation to the removal of the tree, the applicant submitted a report from an arborist (independent from the arborist that pruned the tree) which was reviewed by the City's Parks Team and arborist consultant. The recommendation of all the parties</p>

		<p>was that the tree has been significantly compromised and should be replaced.</p> <p>In relation to the extent of the amendments, the amended proposal is deemed to be substantially the same as the development that was approved by the Council. The design modifications are considered minor in scale and therefore appropriate to treat as an amendment to an existing approval.</p>
7.	Regarding the tree pruning issues - if it was on land managed by Council on behalf of the public, how much would the tree be valued at?	Using aerial imagery and street view imagery to estimate tree height and canopy width, prior to the tree being lopped, the value of the tree is estimated to have been \$107,307.28.
8.	Who carried out the work/pruning?	The applicant submitted a statement with the application outlining that Morrin and Sons Trees carried out the work.
9.	Are they able to be fined for the damage?	<p>If the development approval had been acted upon (the buildings were built) and then the tree had been removed or damaged, this would have contravened a condition of development approval and the City would have been able to take compliance action under the Planning and Development Act.</p> <p>Any pruning of the tree on private property, outside enactment of the development approval, would not warrant a penalty under the Planning and Development Act.</p>
10.	Does the City use those contractors? If so, can this be revisited? Can the City ensure they are never used again where the City has influence over such decisions?	<p>No, they are not contractors used by the City.</p> <p>As part of any future tender process, the City would carry out a rigorous evaluation of any submission, including the contractor's previous work and relevant references.</p>
11.	How long would it take a 2000L replacement tree to grow to what this tree was in its prime before being pruned?	This is difficult to estimate due to the following variables (for example): ongoing management of the tree, subsoil planting environment and infrastructure, climate, etc. However, the City's arborist estimates a minimum of 50 years.
12.	In terms of tree/landscape coverage for the block, considering what they are proposing in landscaping versus what would be covered by this single existing tree (in better conditions), which is a higher coverage?	<p>The current planning requirements specify a minimum amount of landscaping, including deep soil planting areas and the number of trees required as part of any residential development on this site. The amended proposal meets the minimum requirements.</p> <p>The landscaping plans indicate that the proposed landscaping has the potential to provide greater canopy cover across the site than the existing tree, once the trees establish and grow.</p>

13.	Can clarity be given around what a fire tank is?	A tank which is used to store water for the purposes of firefighting and fire protection, as required under the Building Code of Australia.
14.	How does a 2000L tree compare to the size of the existing one?	<p>The existing tree is approximately 15m in height. A 2000L tree is a mature tree of approximately 4-5m in height.</p> <p>It is considered a 2000L tree can make a visual impact instantly and this size has been recommended by the City's Parks team as it will give the tree a greater chance of successful transplanting and healthy establishment.</p>
15.	If Council does not agree to allow the tree to be removed, what actions could the City take if that tree was not kept in good health?	<p>Council's options are to either refuse the amendments to the current approval which would essentially reject the request to amend Condition 16 (replacement of the tree).</p> <p>Alternatively, the Council could approve the amendments but not include the amendment to Condition 16.</p> <p>If the development was then progressed with the tree in place and then the tree was removed, the City could take compliance action under the Planning and Development Act for non-adherence to conditions of the development approval.</p>
16.	What would that look like?	The penalties under the Planning and Development Act for non-compliance with the planning conditions are determined by the courts. Compliance action does not always progress to prosecution. There may be no choice but to remove the tree at a particular stage in the future. The City would then work with the landowner to make sure that a suitable replacement tree was established in its place. If the landowner did not comply with this, the matter would move through the compliance process to prosecution.
17.	Given what has occurred to the tree, is it the City's opinion that the tree should go?	The City's technical officers share the opinion of the arborist that the tree could present a potential safety issue in future when regrowth reaches a certain length and weight and is exposed to high wind or stormy conditions. The tree would require extensive ongoing monitoring and regular aerial inspections to determine the level of risk.
18.	Regarding fire tanks, are there any similar other examples that permitted that type of infrastructure to sit right on the boundary?	It is not uncommon for structures to be placed on boundaries. Setbacks are usually required to manage impacts of building bulk on neighbouring properties and to ensure access to light and ventilation for neighbours.

		In this case given the structures are below the fence line, so building bulk and access to light and ventilation would not be an issue. The structure will be visible from above, so the roof is to be treated as a fourth elevation and will blend with the landscaping on site, so it should not be an amenity issue.
19.	What is the value of a replacement 2000L tree?	Substantially less than the value of the existing tree. By way of example, in reviewing the prices of a tree supplier, a 2000L Jacaranda retails for around \$6000.00 and a Brachychiton for around \$7575.00. The largest Eucalyptus on the supplier's list is 1500L at \$4825.00. Additional costs would be incurred for crane hire and planting. It is important to note, however, that value is placed on the tree by the City when the tree is on City-owned or managed land, not on private property.
20.	Does the City have any recourse if it were to strictly enforce the planning condition and then seek the value of the difference in that amount?	The value we place on these trees and the City's ability to recoup that really just applies to trees in the public realm. It does not apply to trees on private property, so the City would not be able to recoup any of that value.
21.	If there was a replacement tree, would it be in the same location or would the location be specified?	The applicant has submitted a revised landscape design that proposes to locate the replacement tree in approximately the same location as the existing tree, being the south-west corner of the site. The proposed tree will be setback approximately 2 metres from the western boundary to create more clearance from the neighbouring property than currently exists. Condition 17 requires the applicant to submit a final landscaping and reticulation plan for the City's approval prior to submission of an application for a Building Permit for the proposed development.
22.	Regarding the original arborist who caused damage to the tree, did the City seek their opinion or was an alternative opinion sought from a new arborist?	The applicant sought an alternative arborist to give an opinion however the City has its own arborist that works with City technical staff who was relied on to form the City's opinion on this. It was not the arborist that was originally used.
23.	Please clarify the rationale for removing the tree.	The City's experts internally have the view that the lopping compromised all subsequent regrowth, and that retention of the tree would require extensive ongoing monitoring. Although the current regrowth appears healthy and shows the tree is in decent health, as soon as the regrowth reaches a certain length and weight it could fail under high wind and storm conditions.
24.	So there is nothing wrong with the tree now, it's in a future state where it gets too leafy?	Correct.

25.	Is Council able to view the arborist report?	<p>The arborist report provided by the developer in support of removal of the tree was prepared by a reputable arborist that the City also contracts from time to time. A copy of the arborist report will be provided to Elected Members ahead of the meeting.</p> <p>The City's internal arborist reviewed the report submitted and advised that:</p> <p><i>Briefly, the severe lopping of this tree means that all the regrowth will not be able to attach to the main trunk appropriately, which means that the risk of branch failure is now significant and will be an on-going concern for the remaining life of the tree. The regrowth seen is indeed healthy and shows the tree has good vitality; however, this is not relevant. As soon as this regrowth reaches a certain length / weight - it will simply fail under high wind or storm conditions. There are examples of retained trees in this condition in private backyards etc. but as stated, the risk potential is significant, and way higher than a tree with a naturally developed canopy structure. For this reason, the tree is now not considered a worthy specimen for retention.</i></p>
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20 (LOT 3) MOUNTS BAY ROAD, CRAWLEY

20 MOUNTS BAY ROAD 8 APTS

SITE AREA = 1539m²
 PLOT RATIO 1:1 = 1539m²
 BUY 20% = 307.8m²
 TOTAL PLOT RATIO = 1846.8m²
 (8) APTS

	A	B	C						
	3x2	3x2	3x3.5 + Study						PLOT RATIO
	131	131	250						TOTAL
G									
1									
2	1	1						281	2
3			1					261	1
4			1					261	1
5			1					261	1
6			1					261	1
7			1					261	1
8			1					261	1
TOTAL	1	1	6					1847	8
TOTAL STRATA	131	131	1500						1762

CAR PARKING	
2 x RESIDENT BAYS + 1 VISITOR EACH 3 x 8 apartments	24
TOTAL BAYS	24

CITY OF PERTH

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DA NO. 2021/5026

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CLIENT
MOMENTUM WEALTH
PROJECT

CRAWLEY APARTMENTS

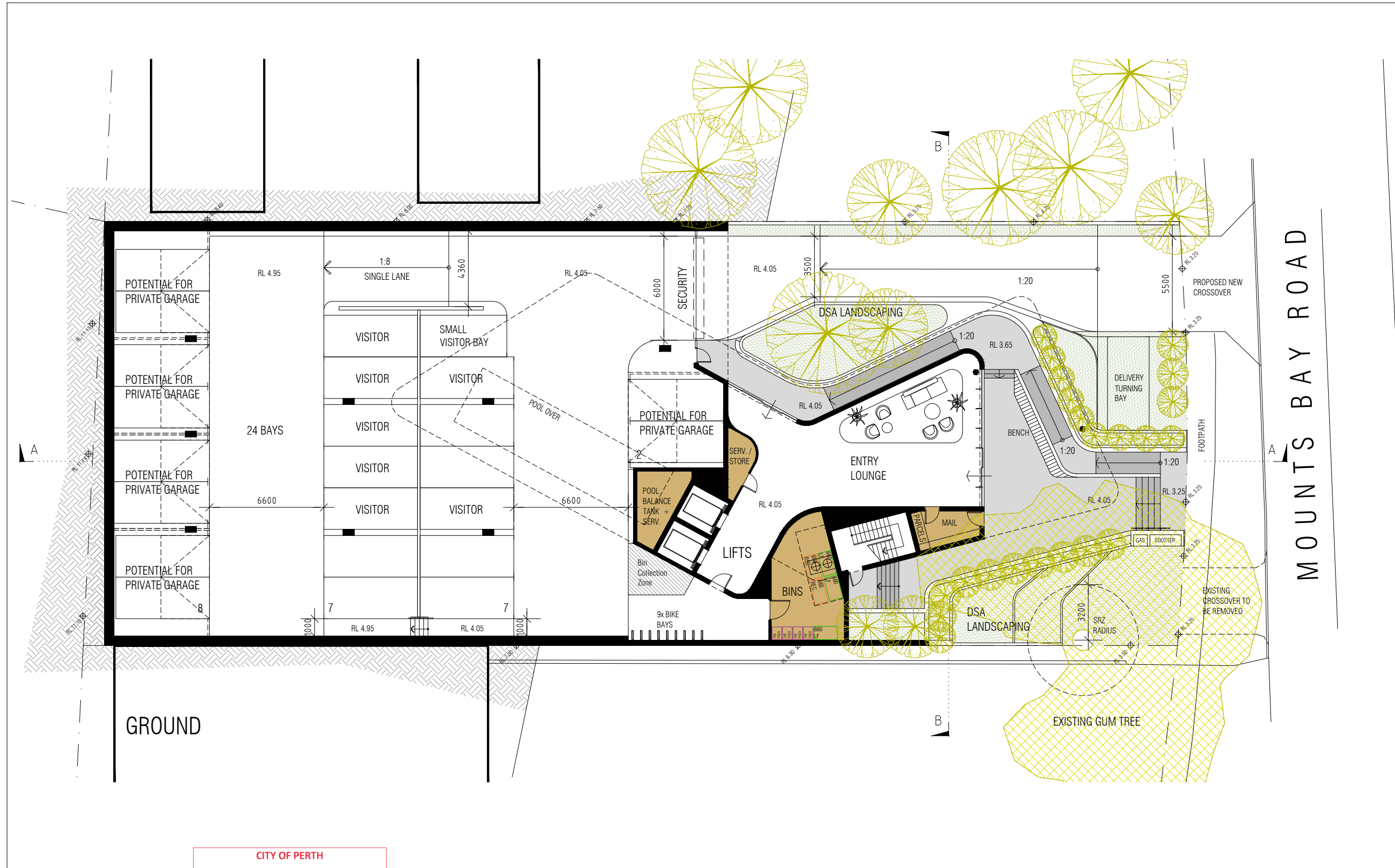
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20 MOUNTS BAY ROAD
CRAWLEY

PROJECT STATUS
DEVELOPMENT APPLICATION

PROJECT NUMBER NORTH
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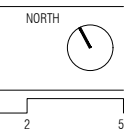
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SUBJECT TO CONDITIONS ON THE NOTICE
OF APPROVAL DATED 25/5/2021
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Page 2 of 12

REV.	DATE	AMENDMENT
A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
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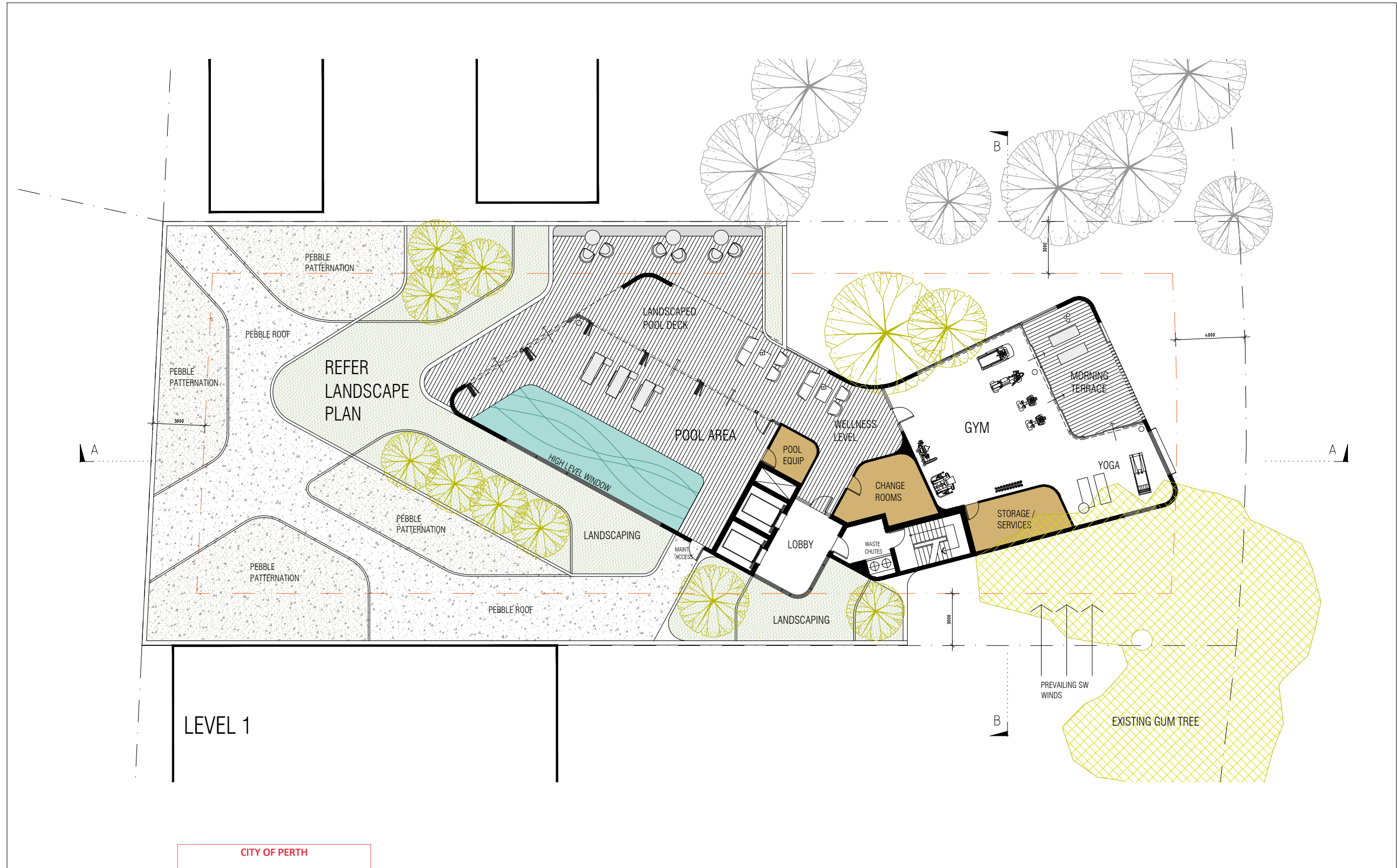
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PROJECT
CRAWLEY APARTMENTS

PROJECT ADDRESS
20 MOUNTS BAY ROAD
CRAWLEY
PROJECT STATUS
DEVELOPMENT APPLICATION

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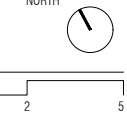
PROJECT
CRAWLEY APARTMENTS

PROJECT ADDRESS
**20 MOUNTS BAY ROAD
CRAWLEY**

PROJECT STATUS
DEVELOPMENT APPLICATION

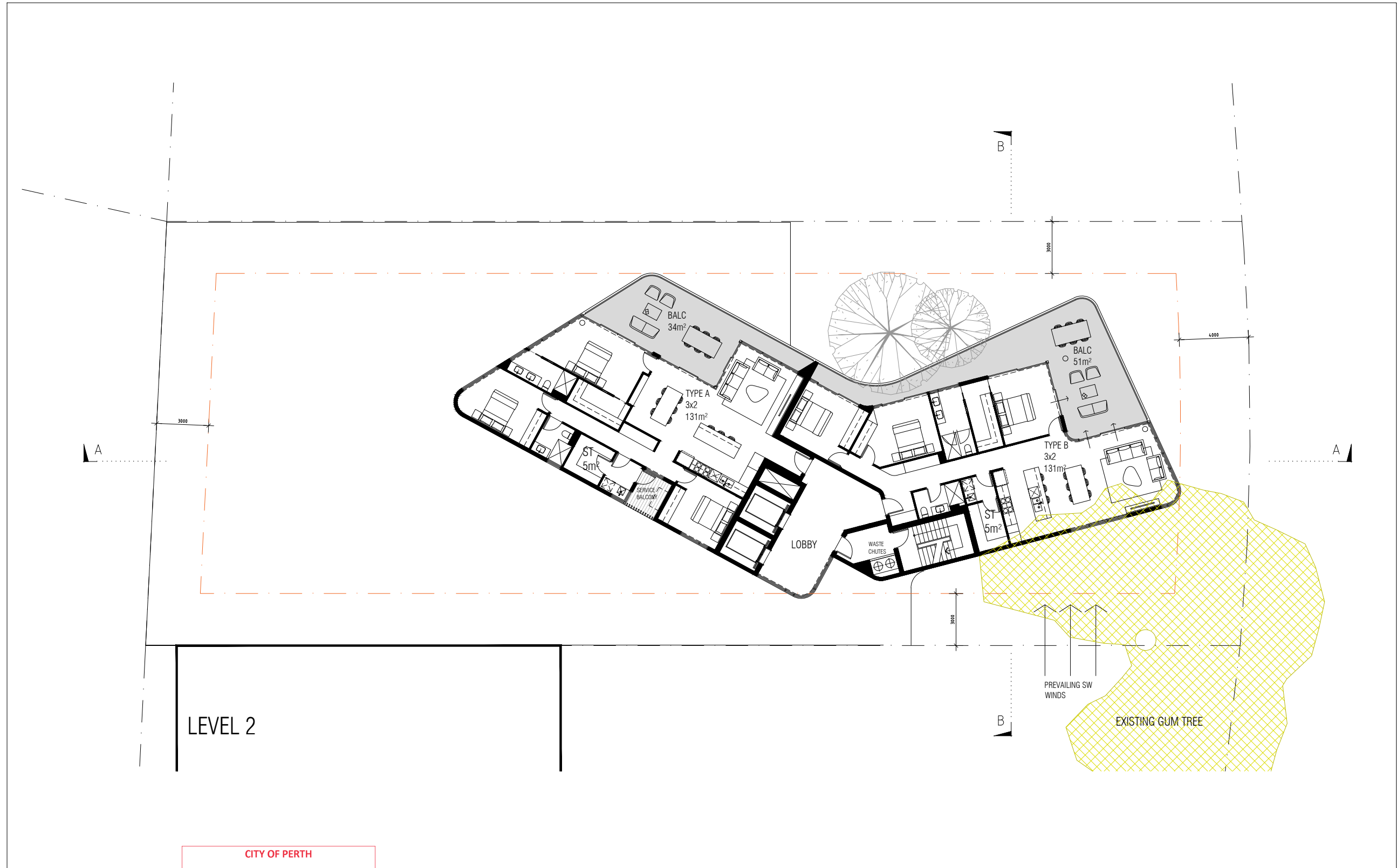
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SUBJECT TO CONDITIONS ON THE NOTICE
OF APPROVAL DATED 25/5/2021
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Page 4 of 12

REV.	DATE	AMENDMENT
A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
C	19.04.21	DA RE-ISSUE

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PROJECT
CRAWLEY APARTMENTS

PROJECT ADDRESS
20 MOUNTS BAY ROAD
CRAWLEY
PROJECT STATUS
DEVELOPMENT APPLICATION

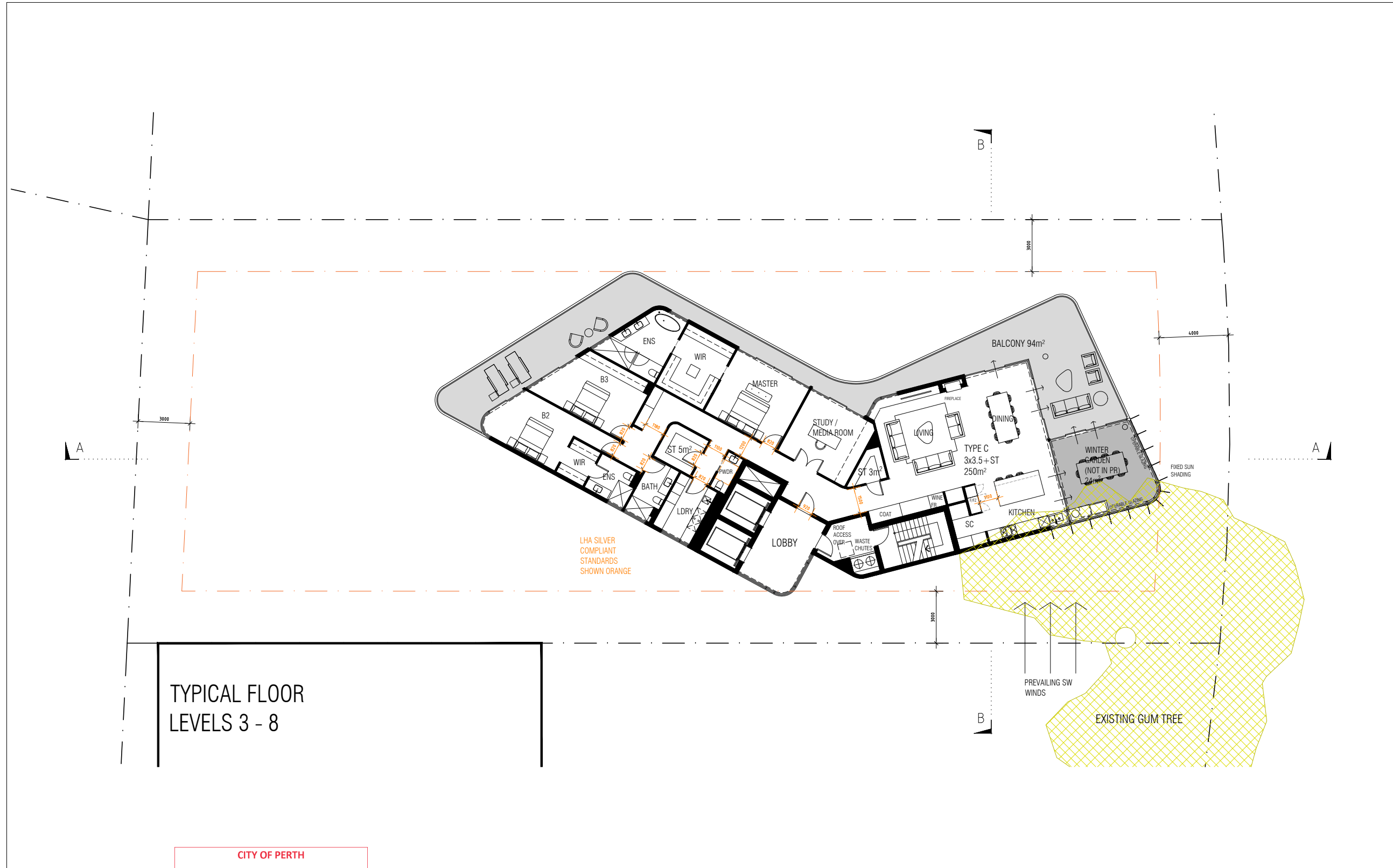
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TYPICAL FLOOR
LEVELS 3 - 8



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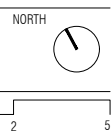
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OF APPROVAL DATED 25/5/2021
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Page 5 of 12

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A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
C	19.04.21	DA RE-ISSUE

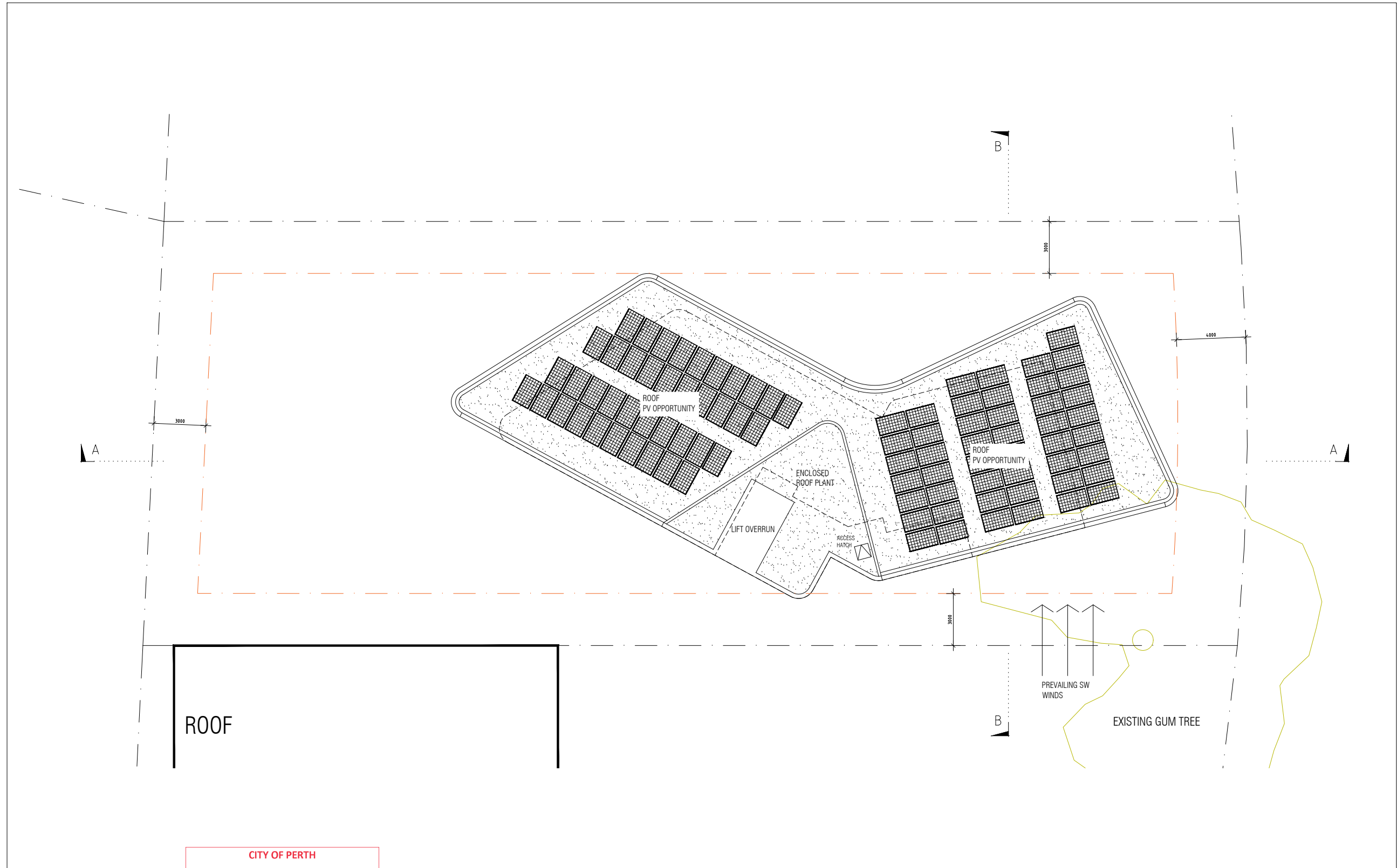
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CRAWLEY APARTMENTS

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CRAWLEY
PROJECT STATUS
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Page 6 of 12

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A	09.02.21	DA ISSUE
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PROJECT
CRAWLEY APARTMENTS

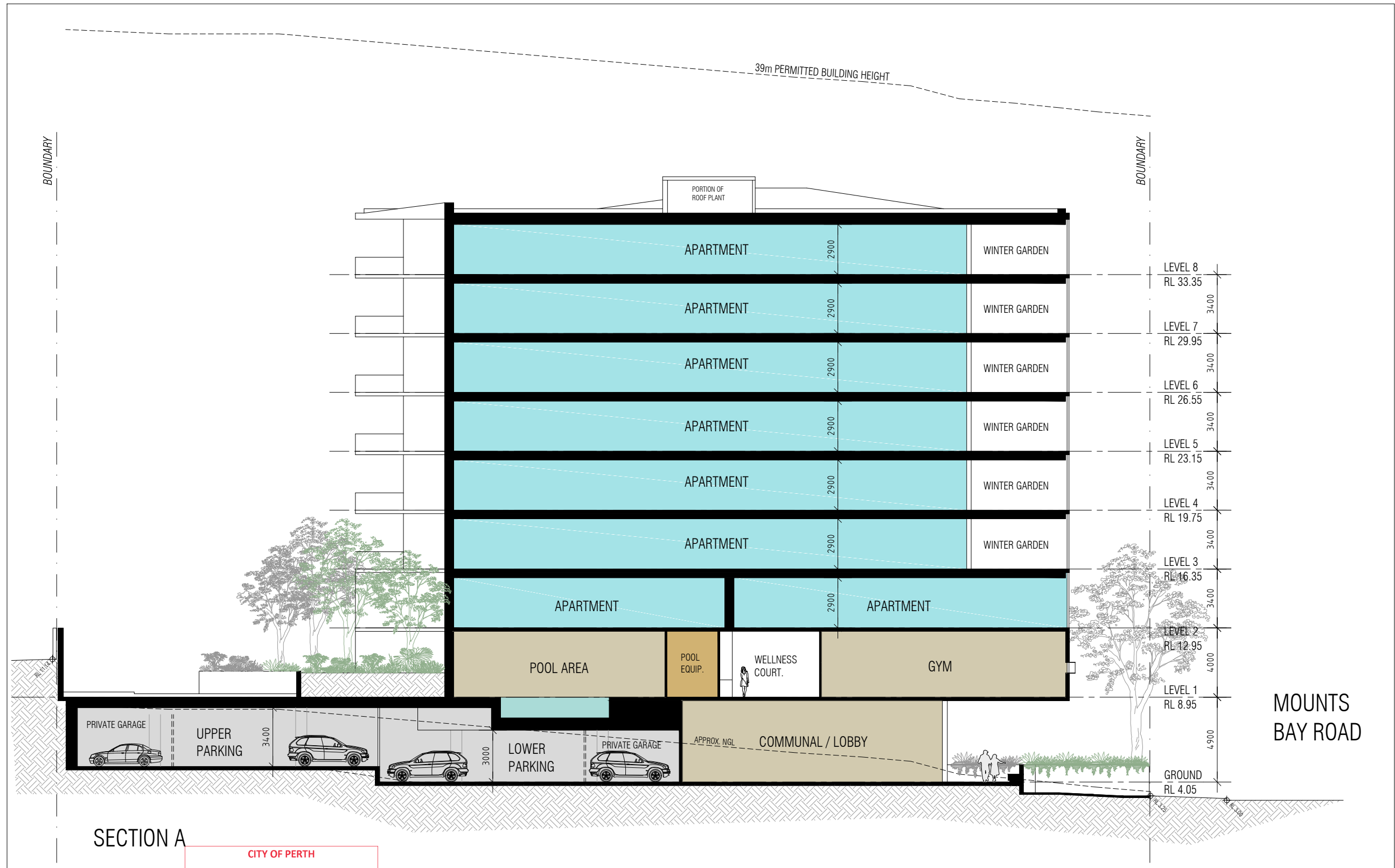
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SECTION A

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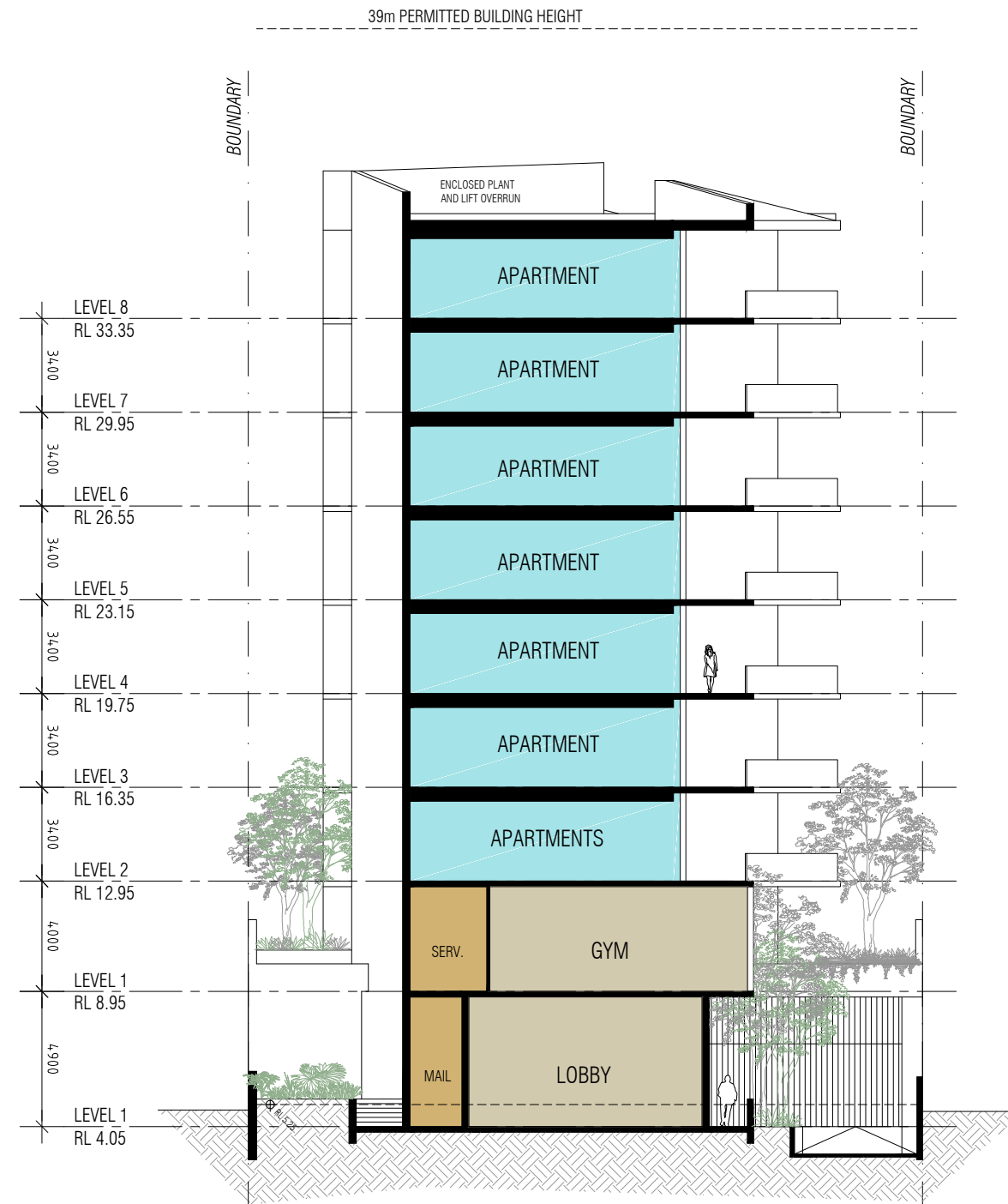
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PROJECT
CRAWLEY APARTMENTS

PROJECT ADDRESS
20 MOUNTS BAY ROAD
CRAWLEY
PROJECT STATUS
DEVELOPMENT APPLICATION

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SECTION B

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CRAWLEY APARTMENTS

PROJECT ADDRESS
20 MOUNTS BAY ROAD
CRAWLEY

PROJECT STATUS
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12. Community Development Alliance Reports

12.1 Events Plan 2022/23

Responsible Officer	Louise Vescovo – Acting General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.1A – Events Plan 22/23 ↓  Attachment 12.1B – Indicative Events Calendar 2022/23 ↓ 

Purpose

To present the City of Perth Events Plan for 2022/23 for Council's approval.

Recommendation

That Council APPROVES the Events Plan 2022/23 (Attachment 12.1A).

Background

1. Council adopted the City's first [Events Strategy](#) on 25 May 2021, to outline the new direction and approach for the City to achieve its vision for Perth to be 'the events heart of WA'.
2. A key principle of this strategy is 'something for everyone.' Using a portfolio approach, the City will facilitate, support and organise a diverse range of events that are inclusive, appeal to a broad range of demographics and provide enriching experiences for all throughout the year. To demonstrate this progression of this approach, an Indicative Events Calendar 2022/23 is contained within Attachment 12.1B.
3. The City facilitates others to deliver events to the community by attracting, approving and sponsoring events. In the second year of the 2025 Events Strategy, the City will further align with these priorities by significantly increasing the Sponsorship and Grants Program budget and reducing the amount of direct-delivery required by the City.

Discussion

4. Through guidance from Council members, feedback from the community and key stakeholders, the City has reviewed the annual calendar of City-led events.
5. As COVID continues to impact adversely on the hospitality, retail and tourism sectors, the staging of events offers a tangible and proven solution to attracting visitation, providing economic benefits and reigniting the city environment. While the major events landscape is uncertain, the City's successful staging of several events in 2021/22 in the COVID context has paved the way for the City to deliver a strong events calendar for 2022/23.
6. The Events Plan 2022/23 has been drafted based on key principles including return on investment, enhancing and aligning to the City's brand, program diversity and strategically filling the gaps where the market is unable to deliver key events important to the community. The City also has an increased focus on local activation of priority venues including Elizabeth Quay and Forrest Place.
7. The Christmas Lights Trail has cemented its place as the City's Signature Event. Delivering significant economic impact and consistently high visitation numbers, this Signature Event will be the priority focus for incoming sponsorship and grant opportunities in 2022/23.
8. Building on the success of the inaugural City of Light 60th Anniversary event which was attended by over 7,000 visitors, a monthly event from October 2022 to February 2023 will feature light shows and provide local activation to the Elizabeth Quay precinct driving economic impact to city businesses.
9. A special edition City of Light Event will take place on Australia Day with a new perspective on a family favourite localised to Langley Park and citycentric. The Birak Concert will also continue to be a feature. The City has conducted an analysis of the celebrations on 26 January, and refocused resources to support activity across the summer to provide greater return on investment to ratepayers.
10. Other returning events and activations include Christmas Nativity, New Year's Eve, Twilight Hawkers Market, Lunar New Year and Heritage Perth Month. The City will also leverage major sporting events and milestones and activate the City's neighbourhoods with curated events to support community connection.
11. Leveraging the City's new municipality brand – City of Light – the City will develop branded assets to increase brand awareness, and tactical assets to drive visitation to events the City delivers, sponsors and facilitates.

Stakeholder Engagement

12. The development of the 2025 Events Strategy involved in-depth workshops with over 60 industry stakeholders from hospitality, tourism, State Government agencies, other Local Governments, events professionals and community groups.

Decision Implications

13. If Council does not support the recommendation to approve the Events Plan 2022/23, the City will not be able to meet community expectations to deliver on key events and outcomes.
14. The budget is structured on the minimum requirement to deliver the scale of event outlined in the Events Plan 2022/23 however increase cost in services and changes to incoming sponsorship forecasts may impact budget estimates.
15. If Council defers the decision on supporting the recommendation to approve the Events Plan 2022/23 planning will be critically delayed for the procurement of key contracts required.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	2025 Events Strategy The City has a vision for Perth to be ‘the events heart of WA’. Events generate significant economic, social and community benefits for all who live, work, visit, study and invest in the city.

Legislation, Delegation of Authority and Policy	
Legislation:	Section 8 (1) of the City of Perth Act 2016 (e) to promote awareness of the facilities and events provided or facilitated by the City of Perth and encourage the community to make use of or participate in them;
Authority of Council/CEO:	The recommendation is made to Council in line with both: <ul style="list-style-type: none"> • section 2.10 (a) of the <i>Local Government Act 1995</i> whereby under the role of Councillors; represents the interests of electors, ratepayers and residents of the district; and • section 2.7 which provides Council is to be responsible for the performance of the local government’s functions and oversee the allocation of the local government’s finances and resources. The future decision to budget for events in the Events Plan will have significant financial implications. Planning and resource allocation will commence prior to (but subject to) the budget. Council oversight and direction is warranted prior to investment of resources.
Policy:	Nil.

Financial Implications

16. The financial implications of the recommendation are subject to the 2022/23 budget adoption:

Account Number	1065 100 50 10365	Operating
Account Description	Christmas Lights Trail	
Total Budget	\$1,500,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10311	Operating
Account Description	City of Light Shows	
Total Budget	\$795,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10183	Operating
Account Description	Australia Day Celebrations	
Total Budget	\$740,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10139	Operating
Account Description	New Year's Eve	
Total Budget	\$190,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	TBC	Operating
Account Description	Neighbourhood Activations	
Total Budget	\$90,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	TBC	Operating
Account Description	Leveraging and Activations	
Total Budget	\$130,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1062 100 50 10269	Operating
Account Description	Heritage Perth Month	
Total Budget	\$70,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10039	Operating
Account Description	Christmas Nativity	
Total Budget	\$65,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10059	Operating
Account Description	Lunar New Year	
Total Budget	\$50,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10207	Operating
Account Description	Twilight Hawkers Market	
Total Budget	\$20,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	TBC	Operating
Account Description	Marketing	
Total Budget	\$550,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	


Further Information

17. Questions and responses received prior to and at the Agenda Briefing Session held 22 March 2022 are as follows:

	Question	Response
1.	Page 63 - the paper speaks about proactively attracting events - so has the City proactively approached event organisers we'd like to see in the city? What has their feedback been?	<p>The City has worked with event organisers to bring several new events to the city and will continue to proactively bolster the offering for 22/23. New events of national and international significance include Van Gogh Alive and World Transplant Games.</p> <p>Responses to the City's Event Organiser Customer Satisfaction Survey demonstrate 93% are likely to recommend the City as an event approval authority (50% extremely likely) and 96% are satisfied with dealing with the respective City officer (85% very satisfied).</p>
2.	Has consideration been given to moving the drone shows around? EQ, Northbridge, Claisebrook Cove?	<p>The proposed locations for the City of Light Shows have been selected based on logistical suitability and a focus on CBD activation to support businesses.</p> <p>Light shows such as drones or fireworks require the following considerations when selecting a venue including, but not limited to:</p> <ul style="list-style-type: none"> - crowd capacity in viewing area - minimum exclusion zone requirements (drones cannot fly over people at any time) - suitable launch area - venue infrastructure requirements - accessible public transport and public parking - road closures - resident impacts <p>Northbridge is proposed to be activated with fireworks as part of the New Year's Eve event.</p>
3.	Where did the figure come from re: \$350k in sponsorship? How did we come to this estimate?	<p>The \$350k sponsorship estimate for the City of Light Shows is untested. The Events Plan 22/23 was drafted with input from an external consultant with significant experience in sponsorship and partnership attraction.</p> <p>The estimate was benchmarked against sponsorship received for previous events and takes into consideration the descaling of Australia Day celebrations, presenting new opportunities for partners.</p>

<p>4.</p>	<p>What is left in the budget to help chase something bigger than what's on the calendar right now or take advantage of opportunities as they come up? Are we able to see what's confirmed with TWA and overlay that onto the calendar so we get a more holistic view of what's happening in Perth?</p>	<p>The Major Events and Festivals Sponsorship budget has been increased by \$1,800,000 to attract significant events to Perth.</p> <p>The events calendar is provided as a 'snapshot' of events confirmed to date and includes alignment with Tourism WA such as the ICC T20 World Cup. Annual events that Tourism WA and the City historically support, such as Fringe Festival and Perth Festival, are yet to submit sponsorship applications for 22/23 and are not yet included.</p> <p>The Leveraging and Activation budget outlined in the Events Plan 22/23 also enables the City to leverage opportunities as they arise.</p>
<p>5.</p>	<p>Can I please have some advice on how this \$90k was arrived at (i.e. \$15k per neighbourhood?) and how the breakdown compares to previous financial years, also if any allowance for marketing was made for this amount?</p>	<p>The \$90,000 budget for neighbourhood activations provides up to \$15,000 per neighbourhood on average, however some activations will require more or less depending on the proposed activation and venue.</p> <p>This budget excludes a marketing allocation which is itemised separately. \$550,000 has been allocated for brand awareness and tactical assets throughout the year.</p> <p>The City has not previously budgeted specifically for neighbourhoods in the past. As part of the Australia Day program in 21/22, the City spent \$117,535 on neighbourhood events. Within the Christmas Lights Trail budget, \$126,476 was incurred for neighbourhood activations. In 22/23, the Australia Day and Christmas Lights Trail events are focused on CBD activation as supported by Elected Members at the 8 March EMES.</p> <p>Community Groups may also apply for Local Activation Grants up to \$15,000 for community-led events and access the new Community Group Insurance Grants launching in FY 22/23.</p>

12.2 Event Sponsorship 2021/22 (Round 2) Application

Responsible Officer	Louise Vescovo – Acting General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.2A – Application Summary and Recommendation Rationale ↓ 

Purpose

For Council to consider approving an Event Sponsorship application under Round 2 of the Event Sponsorship 2021/22 program.

Recommendation

That Council APPROVES the following Event Sponsorship 2021/22 totalling \$135,000.00 excluding GST:

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
e	Nursery and Garden Industry Western Australia for Perth Garden and Outdoor Living Festival 2022	\$135,000 for one year

Background

1. The City has a vision for Perth to be ‘the events heart of WA’ (2025 Events Strategy). A key principle of this strategy is ‘something for everyone’. The City will facilitate and support a diverse range of events that are inclusive, appeal to a broad demographic and provide enriching experiences for all throughout the year.
2. The 2021/22 Event Sponsorship program Round 1 was determined by Council on 29 June 2021.
3. The City accepted applications for Round 2 of the Events Sponsorship 2021/22 program from 17 November to 14 December 2021. Eight applicants were received.
4. The funding level recommended is based on the scale, impact and significance of the event. The Event Sponsorship Program Guidelines stipulate the City can provide a maximum contribution of 30% to the total project cost.

Discussion

5. The applications were assessed by a three-person panel, consisting of management and officers from the City’s Chief Executive Officer Alliance and Community Development Alliance. In addition to the panel the General Manager Community Development had an oversight role.
6. The assessment criterium are aligned to the key priority outcomes; visitation, vibrancy, engaging a diverse community, sustainability and economic growth and provides clear descriptions and a rating scale to 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. Seven applications were approved at the Ordinary Council Meeting held 22 February 2022. One application was deferred and is now presented for Council’s consideration. A summary of the application and recommendation rationale can be found in Attachment 12.2A.

Stakeholder Engagement

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 applicants in line with sponsorship funding amounts once approved by Council. The applicant will be required to provide significant benefits in recognition of the City’s support.
10. The applicant will be required to submit an acquittal report within three months of project completion. Acquittal reports must demonstrate how the City’s sponsorship funding supported projects or initiatives within the City’s district and demonstrate direct impact on the City meeting its aspirations of Liveable, Sustainable and Prosperous.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	2025 Events Strategy Event Sponsorship 2021/22 Program Guidelines

Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
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:	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 implication of the recommendation is accommodated within the existing budget.

Account Number	1066 100 50 10078 7901	Operating
Account Description	Event Sponsorship	
Total Budget	\$135,000	
Budget – This report	\$135,000	
Budget – Carry over of incomplete projects from previous years	\$0	
Remaining Budget	\$0	
Budget Impact	Accommodated in approved budget 2021/22	

Further Information

Nil.

13. Infrastructure and Operations Alliance Reports

Nil.

14. Corporate Services Reports

14.1 Monthly Financial Report - January 2022

Responsible Officer	Michael Kent – Project Director Strategic Finance (CFO)
Voting Requirements	Simple Majority
Attachments	<p>Attachment 14.1A – Financial Activity Statement and Notes to FAS January 2022 ↓ </p> <p>Attachment 14.1B – Net Current Position - January 2022 ↓ </p> <p>Attachment 14.1C – Financial Variances by Alliance - January 2022 ↓ </p> <p>Attachment 14.1D – Capital Variances by Alliance - January 2022 ↓ </p> <p>Attachment 14.1E – Investment Report - January 2022 ↓ </p> <p>Attachment 14.1F – Statement of Rates Debtors - January 2022 ↓ </p>

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 January 2022:

1. Financial Activity Statement (FAS) and Notes to the FAS - Attachment 14.1A.
2. Net Current Position - Attachment 14.1B.
3. Financial Variances by Alliance & Service Unit - Attachment 14.1C.
4. Capital Projects Schedule - 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) provide 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	\$ 60.593 M	\$ 63.786 M	\$ 3.193M	F
Rates Revenue	\$ 98.294 M	\$ 97.848 M	(\$ 445 K)	U
Operating Expenditure	\$ 122.767 M	\$ 114.942 M	\$ 7.825 M	F
Non-Operating Revenue	\$ 8.447 M	\$ 7.945 M	(\$ 501K K)	U
Capital - Infrastructure	\$ 18.740 M	\$ 12.975M	\$ 5.766 M	F
Property, Plant & Equipment	\$ 6.694 M	\$ 4.753 M	\$ 1.940 M	F

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 2021/22.
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 (\$27.7M) compared to a year to date budget of (\$39.0M). This is a favourable variance of \$11.4M at the end of the month. A number of the factors creating that variance are adjusted in the mid-year budget review.
20. Investing activities reflect a result of (\$9.8M) compared to a year to date budget of (\$16.9M). This is a favourable variance of \$7.2M - and is largely attributable to a favourable timing variance on invoicing for construction of infrastructure at Roe Street and electrical lighting works.

21. Construction of infrastructure to 31 January 2022 is at 70% of year to date budget expectations at \$12.9M, against \$18.7M budget as noted at paragraph 14. Attachment 14.1D provides comments on specific variances for capital projects.
22. Acquisition of non-infrastructure to 31 January 2022 is \$4.74M and is 29% under 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 January shows that a rate yield of \$97.8M has been levied compared to the \$98.3M budget at rates strike date. This is because of the impact of the WACA concession (\$183K) and Heritage Concessions (\$232K) on the net rates yield which was compounded some negative adjustments via interim rates.
25. The disclosed year to date Closing Position of \$96.0M compares favourably to the year to date budgeted closing position of \$79.3M - a variance of 21.1%, reflecting the combined impact of the favourable variances noted in this report for revenues, expenses, financing activity and investing activity. Some of this variance is adjusted in the mid-year budget review and the remainder is largely related to timing of cash outflows relating to capital projects.
26. The Net Current Position Report (Attachment 14.1B) indicates a year to date adjusted Net Current Position value of \$94.4M versus the budget of \$71.20M. This is primarily attributable to a favourable variance in cash from a timing difference in spending on capital works and a stronger than budgeted operating result. This is not considered unusual as it essentially reflects a timing difference.
27. Headline data from this month's Net Current Position report is shown in Table 2 below. Comparative figures are provided for January 2021 as well as the 30 June 2021 year-end figures.

Table 2:

Item Details	June 2021	Jan 2021	Jan 2022
Current Assets	\$ 179.657 M	\$ 232.675M	\$ 245.678 M
Current Liabilities	(\$ 44.730 M)	(\$ 50.609 M)	(\$ 49.684 M)
Unadjusted Net Assets	\$ 134.927 M	\$ 182.066 M	\$ 195.993 M
Less Restricted Items	(\$ 102.872 M)	(\$ 78.234 M)	(\$101.592 M)
Adjusted Net Current Position	\$ 32.054 M	\$ 103.832 M	\$ 94.401 M

28. The comparative numbers from the Net Current Position report at January 2021 and January 2022 reflect the impact of a higher value of restricted cash in 2022 than in 2021. This is simply due to funds prudently accumulated in cash backed reserves for upcoming expenditures rather than any adverse financial trend.
29. Attachment 14.1E - Investment Report at January 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.
30. 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.

31. Attachment 14.1F - Rates Debtors provides a monthly update and analysis of rates collections by differential property rating category and overall. It shows that the City has collected 90.5% of all collectible rates. It also contains some brief commentary regarding payment arrangements and financial hard-ship cases.

Stakeholder Engagement

Nil.

Decision Implications

32. 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 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. • Any other information which the local government deems relevant.
Authority of Council/CEO:	The above legislation prescribes that this report be presented to Council on a monthly basis.
Policy:	2.1 - Management of Investments

Financial Implications


33. 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

34. Questions and responses received prior to and at the Agenda Briefing Session held 22 March 2022 are as follows:

	Question	Response
1.	Which hotel has the current financial hardship application for rates? (please provide in confidential paper)	Specific details of the property cannot be provided in this forum. However, it can be confirmed that the property owner has diligently followed the mutually agreed payment arrangement and will have fully cleared the outstanding amount by 28 June 2022.
2.	The 13 "legal action possible" page 131 - can we get some detail on these?	Specific details of the properties cannot be provided in this forum. The properties involved have three years or more rates outstanding. There is a statutory process for properties more than three years in arrears should Council determine it wishes to take that path – noting that rates debts are always secured against the land and must be cleared upon settlement. Approximately \$100K is involved.
3.	When the City can't provide details in this forum, can the City please follow up to all Elected Members rather than just saying 'we can't give this to you in this forum'? Legal advice and when specifics are mentioned around which property owners are in arrangements.	In relation to the rates questions, that information is available outside of this forum and can be provided to Elected Members offline.

14.2 Schedule of Accounts Paid - January 2022

Responsible Officer	Michael Kent – Project Director Strategic Finance (CFO)
Voting Requirements	Simple Majority
Attachments	Attachment 14.2A – Schedule of Accounts Paid - January 2022 ↓ 

Purpose

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

Recommendation

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 31 January 2022 as at Attachment 14.2A.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$11,377,880.12
Trust Fund	\$0
Total - All Funds	\$11,377,880.12

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 attached.
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 - January 2022		
Municipal Fund		
EFT & Cheque Payments	Direct Creditor Payments	7,955,368.48
Sub Total - EFT & Cheques		7,955,368.48
Direct Debits	Bank Charges and Merchant Fees	58,960.27
Sub Total - Direct Debits		58,960.27
Payroll	04/01/2022	1,683,714.97
	18/01/2022	1,679,836.40
Sub Total - Payroll		3,363,551.37
Corporate Cards		8,940.33
Sub Total - Cards		8,940.33
Total per Attachment 14.2A		11,377,880.12
Total Payments from Municipal Fund		
New Investments	(Not Rollover Investments)	0
Trust Fund		
Trust EFT & Cheques		0
Total - Trust Funds		0

Stakeholder Engagement

7. As the contents of this report focus on the organisation's recent past financial performance, no external consultation is relevant to the preparation of this report.

Decision Implications

8. 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 Local Government Act 1995 Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996</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 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 Council.
Policy:	Delegated Authority 2.14 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds.

Financial Implications

9. 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



10. Questions and responses received prior to and at the Agenda Briefing Session held 22 March 2022 are as follows:

	Question	Response
1.	Page 154 - Minter Ellison Forgotten Laneway \$16,500 - what is this for?	The engagement of external legal advisors is for confidential and legally privileged advice. General Counsel can provide verbal report to any elected member where confidentiality is not a legal prerequisite if required.
2.	RFD membership subscription for Bronwyn Rose on page 160 for \$1348 - is this a personal subscription or for the City linked to Royal Flying Doctor?	This is professional membership cost reimbursement provided for in the employment contract and a prerequisite for the role of the Internal Audit and Risk Manager Bronwyn Rose: <ol style="list-style-type: none"> 1. Institute of Internal Auditors Australia \$595 2. Chartered Accountants Australia and New Zealand \$753 These are within contract.
3.	Minter Ellison secondment listed on page 161 - \$13,464 - how long was this secondment for and in broad/high level terms what was it for?	Engagement of legal professional for triaging of procurement matters at the pre-tender and pre-contract stages. This arrangement was in place for three months to provide capacity whilst senior roles in the Procurement team were recruited and to ensure sound oversight of the critical area of the city business.
4.	Page 163 - JB Legal \$18,349.43 – what is this for?	The engagement of external legal advisors is confidential and legally privileged advice which the General Counsel can provide verbal report to any elected member where confidentiality is not a legal prerequisite if required.
5.	Page 172 - \$15,260 to DOT to search records for car owners - what period is this for? How many searches? How much has the City spent across the financial year on this task? Is there a better arrangement the City can establish with the State?	Fees for 3722 searches in December 2021. Expenditure until the end of February 2022 were \$108,120.60. Fees are set annually by the DoT who are the only supplier of this service in WA. As at 28 February 2022 the City had written \$5.43M in infringements for the financial year.
6.	Rate payers are now spending over \$1.5M a year in legal fees, please provide clarity on this.	The General Counsel is available to answer specific questions regarding spend.
7.	Page 182 – please provide details on the \$28,048.90 LinkedIn payment.	The City has used the LinkedIn Hiring Package for the past five years. The average cost for this package equates to approximately \$16,000pa. The City has recently upgraded its Package. This provides the City with a unique way of recruitment including the ability to directly ‘head hunt’ candidates as well as a wide range of training courses. Specifically, it provides the City with the ability to:

		<ol style="list-style-type: none"> 1. Automate vacancies to LinkedIn candidates to directly match talent with the skills required for the role 2. Build a brand to inform applicants on career opportunities at the City 3. Proactively engage with potential applicants not searching for a new opportunity. <p>The upgraded package also provides the City with specialised analytics regarding market trends and new ways of sourcing talented applicants.</p>
8.	Page 184 – who/what is the \$3,500.46 New York Times subscription for?	This is a library subscription and is used by library patrons.

15. Chief Executive Officer Reports

15.1 New Council Policy 1.8 Code of Conduct Behavioural Complaints Management

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 15.1A – Code of Conduct Behavioural Complaints Management Policy ↓  Attachment 15.1B – Proposed Delegation ↓ 

Purpose

For Council to consider a new Council Policy ‘Code of Conduct Behavioural Complaints Management’ and delegations to support the administration of the Policy.

Recommendation

That Council:

1. ADOPTS new Council Policy 1.8 Code of Conduct Behavioural Complaints Management, as detailed in Attachment 15.1A.
 2. REVOKES the General Counsel of the City of Perth, Michelle Clare Antonio, as the authorised person to receive complaints and the withdrawal of complaints under clause 11(3) of Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*.
 3. DELEGATES its functions related to complaints of breaches of the behavioural requirements Code of Conduct for Council Members, Committee Members and Candidates, as detailed in Attachment 15.1B.
-

Background

1. Changes to the *Local Government Act 1995* (WA) came into effect on 3 February 2021. The changes included replacing the *Local Government (Rules of Conduct) Regulations 2007* with the *Local Government (Model Code of Conduct) Regulations 2021*. The new Regulations prescribe that local governments must adopt a Code of Conduct for Council Members, Committee Members and Candidates (the Code) and each local government must deal with alleged behavioural breaches of the Code.
2. At its meeting held 27 April 2021, Council adopted its Code and endorsed the development of a Council Policy to set out how complaints concerning an alleged breach of the behavioural requirements of the Code will be dealt with.
3. At its meeting held 14 February 2022, the Policy and Legislation Committee considered a Council Member Behaviour Resolution Policy and recommended the matter be deferred to the March 2022 Ordinary Council Meeting for consideration.
4. The Committee queried the complexity of the investigation process, the authority to conduct an investigation and how the policy complemented the City's existing complaints management framework.
5. The feedback from the Committee has been considered and a revised draft of the policy is presented for Council's consideration.

Discussion

6. The Department of Local Government, Sport and Cultural Industries (the Department) [Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates](#) state that local governments should ensure that making a complaint is a simple and accessible process so that any member of the local community can raise concerns about the conduct of Council Members, Committee Members and Candidates. The proposed policy has been drafted with the aim of providing a straight forward and transparent process.
7. The Act and its subsidiary legislation does not give power to local governments to conduct an investigation into alleged breaches of the behavioural requirements of the Code. On this basis, the proposed policy is based on the Local Government Standards Plan approach to address allegations of minor breaches of the *Local Government Act 1995*.
8. In summary, an Authorised Person makes a decision solely upon the evidence presented by the person making the complaint and the person subject to the complaint. The Authorised Person makes a finding that a Council or Committee Member has committed a breach of the behavioural requirements of the Code, based on evidence from which it may be concluded that it is more likely that an alleged breach occurred than it did not.
9. The proposed policy concerns alleged breaches of the behavioural requirements of the Code only, as a result of legislative change. Council has a separate Policy 2.16 Complaint Management, which relates to complaints regarding the City's products, services and employees. The management of alleged breaches of the behavioural requirement of the Code is restricted by the *Local Government (Model Code of Conduct) Regulations 2021*. These legislative restrictions do not apply to products, services or employees (unless an employee is a Committee Member), the policies are separate to allow for an alternative approach to the management of the different types of complaint.

Authorised Person

10. At its meeting held 27 April 2021, Council authorised the City’s General Counsel, Michelle Claire Antonio, as the authorised person to receive complaints and the withdrawal of complaints. Following the development of the proposed policy and consultation with Elected Members, it is considered more appropriate for the Chief Executive Officer to be appointed by Council as the Authorised Person.
11. To administer the policy, it is recommended Council delegate powers detailed in Attachment 15.1B to the CEO.

Stakeholder Engagement

Nil.

Decision Implications

12. If Council supports the recommendation, there will be an established, publicly available, process detailing how alleged breaches of the behavioural requirements of the Code are managed.
13. If Council does not support the recommendation, the process to manage alleged breaches of the behavioural requirements of the Code will remain undetermined.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Code of Conduct for Council Members, Committee Members and Candidates

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 5.102 to 5.104 of the <i>Local Government Act 1995</i> Local Government (Model Code of Conduct) Regulations 2021 The recommendations of this report (if adopted) will enable the City to continue to comply with its obligations under the Model Code.
Authority of Council/CEO:	In accordance with section 5.42 of the <i>Local Government Act 1995</i> Council can delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (except those referred to in section 5.43 of the Act).
Policy:	Nil.

Financial Implications


Nil.

Further Information

14. Questions and responses received prior to and at the Agenda Briefing Session held 22 March 2022 are as follows:

	Question	Response
1.	Regarding reporting: will the City publish a complaint on the register when the complaint is dismissed? Or just maintain it internally?	No. Public reporting will only take place for instances where a breach is determined to have occurred.

15.2 2020/21 Annual Report and Annual Financial Statements

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 15.2A – 2020/21 Annual Report and Annual Financial Statements ↓ 

Purpose

For Council to consider the City of Perth 2020/21 Annual Report.

Recommendation

That Council:

1. ACCEPTS the 2020/21 Annual Report inclusive of the signed audited financial statements for the year ended 30 June 2021 as Attachment 15.2A; and
 2. CONVENES an Electors General Meeting on 3 May 2022 to be held in the Council Chambers at Council House.
-

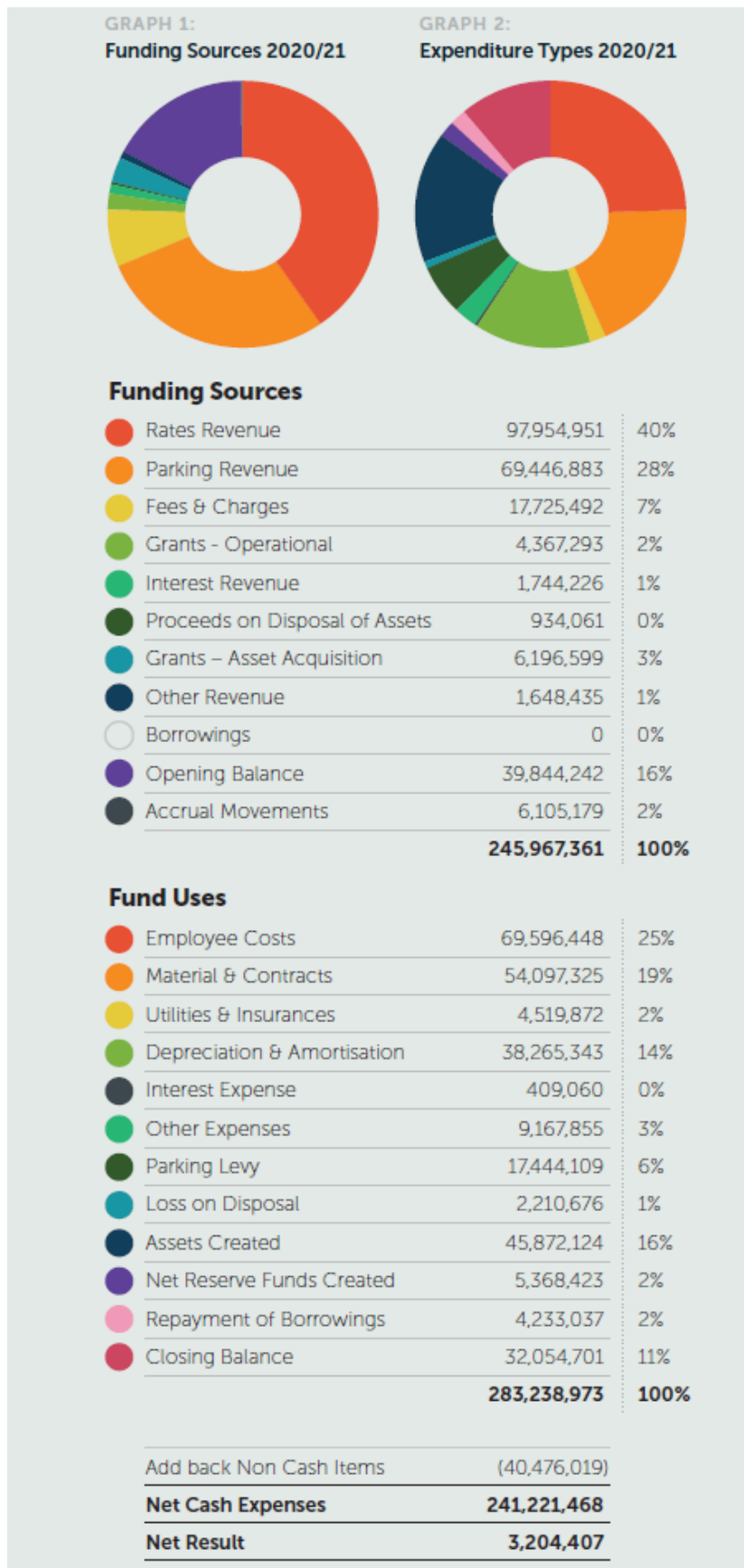
Background

1. Each year Council is required to accept the City's Annual Report. Once accepted by Council, the Annual Report is to be published on the City's official website within 14 days and presented to an Electors' General Meeting (EGM) within 56 days of Council accepting the report. The proposed date of the EGM following Council's acceptance of the Annual Report is 3 May 2022.
2. The audited Financial Statements for the year ended 30 June 2021 have been signed by the City's CEO and the Auditor General following acceptance by the Audit and Risk Committee at its meeting held 21 March 2022.

Discussion

3. The City presented its draft 2020/21 annual financial statement to auditors ahead of the 30 September deadline for submission. EY, on behalf of the Office of the Auditor General (Auditors) commenced their audit field work on the 27 September 2021 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. This resulted in the City not being able to present the Annual Report to Council by 31 December 2021 as required by section 5.54(1) of the *Local Government Act 1995*.
6. A brief overview of the City's financial performance for the 2020/21 year is provided below.
7. Annual revenue for the year reached \$192.9M against the adopted budget of \$179.3M.
8. The 7.6% overall favourable variance is largely attributable to better than anticipated performance on commercial parking operations, receipt of an extraordinary dividend from Mindarie Regional Council and a prepayment of the 2021/22 general purpose grant by the WA Local Government Grants Commission. Investment revenues and fees and charges revenue both fell short of budget expectations.
9. Capital revenue was \$6.2M against a budget of \$5.4M due to the receipt of additional capital grant funding resulting in a 14% favourable variance.
10. Operating expenditure was \$193.5M against a budget target of \$199.2M representing a 3% saving.
11. Employee costs were 8% under revised budget in total due to the reduction in employee numbers to bring them back to financially sustainable levels, vacant positions at times during the year and an anticipated EBA adjustment that was not required prior to June 30. Materials and contracts were within 6% of adopted budget and utilities 5% under.
12. The net operating result for the year was \$8.5M after allowing for asset revaluations, contributions of assets from external parties and disposals of other assets.
13. The 2020/21 budget had anticipated an operating loss, so a positive result of \$8.5M was a very good outcome.

14. Funding sources and fund uses for the year are shown graphically below:



15. Rates Information for 2020/21 was as shown in the table below:

Rates Information 2020/21					
Property Type	No. of Properties	GRV \$M	Rates \$M	Revenue Contribution	Relative Rating Effort
Residential Properties	15,708	319.07	20.70	21.0%	6.49%
Commercial	714	105.98	6.88	7.0%	6.49%
Hotel	1,367	108.23	7.09	7.2%	6.55%
Retail	532	132.11	8.55	8.7%	6.47%
Office	2,390	979.46	53.42	54.3%	5.45%
Vacant Land	78	23.70	1.76	1.8%	7.41%
Interim & Back Rates	-	-	(0.03)	0.0%	
	20,789	1,668.54	98.37	100.0%	
Adjust for Heritage Rate Concession			(0.43)		
Net Rates Revenue			97.93		

16. A capital works program of \$46.7M was delivered in the 2020/21 financial year.
17. At year end, the City has total assets of \$1.30 Billion, a slight increase from the previous year's \$1.29 Billion.
18. 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 2021 was \$1.25 Billion compared to \$1.24 Billion in 2019/20.
19. The City's key financial ratios either met or exceeded industry benchmarks except for the asset sustainability ratio, which despite having improved on the previous year, was still below the target range.
20. The asset sustainability ratio has been experiencing a downward trend and this matter had previously been raised with the City by the auditors and the Office of the Auditor General.
21. The challenge for the City is to not only fund an adequate amount for renewal of its infrastructure assets but also to successfully execute the delivery of those renewal projects. 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.
22. The City is in sound financial health as indicated by its Financial Health indicator (FHI) score of 84 (a score of 70 represents the baseline for sound financial health).

Stakeholder Engagement

Nil.

Decision Implications

23. If Council supports the recommendation it will ensure compliance with the *Local 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 Local Government Act 1995 (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 Independent Auditor's report on 23 March 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 report by absolute majority.
Policy:	Nil.

Financial Implications

Nil.


Further Information

Nil.

16. Committee Reports

Report referred from the Audit and Risk Committee meeting held on 21 March 2022

16.1 Audit Reports 2021/22

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment A – Compliance Audit Return 2021 Submission to the Department of Local Government, Sport and Cultural Industries ↓  Confidential Attachment B – Internal Audit Report Compliance Audit Return for 2021 Confidential Attachment C – Review of Risk Management, Internal Control and Legislative Compliance (Reg 17)

Purpose

To consider the 2021 Compliance Audit Return and Internal Audit Reports.

Committee Recommendation

That Council:

1. ADOPTS the completed 2021 Compliance Audit Return as detailed in Attachment 16.1A for certification by the Lord Mayor and the Chief Executive Officer in accordance with Regulation 15(2) of the *Local Government (Audit) Regulations 1996*.
 2. NOTES the Internal Audit Reports for 2021/22, including:
 - a. Compliance Audit Return 2021 – March 2022.
 - b. Review of Risk Management, Internal Control and Legislative Compliance (Reg 17) – March 2022.
-

Background

1. The 2021-22 annual internal audit plan was approved in the August 2021 Audit and Risk Committee meeting as part of the Strategic Internal Audit Plan 2021-22 to 2023-24 and timing of audits noted in the December 2021 Audit and Risk Committee meeting.

Discussion

2. The Compliance Audit Return 2021 has been completed for submission to the Department of Local Government, Sport and Cultural Industries as per Attachment 16.1A.
3. The following 2021/22 internal audits are now complete and are submitted in Confidential Attachment 16.1C for consideration by the Audit and Risk Committee:
 - a. Compliance Audit Return 2021
 - b. Review of Risk Management, Internal Control and Legislative Compliance (Reg 17)
4. A Payment Card Industry Data Security Standard (PCI-DSS) compliance audit is performed by an external consultant on an annual basis. A certificate of compliance was provided on 3 March 2022. This was the sixth consecutive year compliance has been achieved.

Stakeholder Engagement

Nil.

Decision Implications

5. If Council does not adopt the recommendation of these reports, there will be no formal acceptance by Council of findings and recommendations contained within the reports. As a result, management would lack direction on process improvement.

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:	Local Government (Audit) Regulations 1996
Authority of Council/CEO:	Council
Policy:	Nil.

Financial Implications

Nil.

Further Information

6. Questions and responses received prior to the Audit and Risk Committee meeting held 21 March 2022 are as follows:

	Question	Response
1.	Attachment 16.1A, page 1 of 12 - why is the response N/A regarding line 1 - parking?	It was N/A as no major trading undertaking commenced during 2021. It can be changed to 'yes' to confirm that existing undertakings have a current business plan.
2.	Doesn't the ARC have delegated authority for one or two minor areas?	The ARC has no delegated authority.
3.	Attachment 16.1A, page 7 of 12 states N/A several times against items which cannot be completed yet due to incomplete information. Is it the right answer in the circumstances? Isn't the answer no, rather than not applicable?	The answer is N/A as the City is yet to receive the Auditor's report. As such, the City cannot undertake the further items as legislatively required.
4.	Attachment 16.1A, page 10 of 12, point 9, spelling mistake with "it's" - it should be "its".	Question is set by DLGSCI in the questionnaire and is unable to be altered.

17. Motions of which Previous Notice has been Given

17.1 Notice of Motion – Councillor Sandy Anghie - Light It Up Part 3

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	22 March 2022
Motion	<p>That Council <u>REQUESTS</u> the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Investigate opportunities for permanent light installations and welcome signage in the City of Perth including, but not limited to, the Mounts Bay Road pedestrian bridge, buildings and monuments, and streets, malls and laneways across our City neighbourhoods. 2. Investigate opportunities for the private sector to be engaged in the provision of permanent light installations across the City of Perth including, but not limited to, initiatives like “percentage for light”, grants and sponsorship. 3. Investigate opportunities for permanent light installations to be delivered sustainability including, but not limited to, solar power. 4. Present these opportunities for consideration at an Elected Member Engagement session in due course.
Reasons Provided	<p>If we are going to be the City of Light, we need lights! While events are one way of celebrating the theme of City of Light, they are fleeting. We should celebrate light every day, and the only way to do this is with permanent light installations.</p> <p>From experience we know that light installations are embraced and enjoyed by our City’s residents and visitors – for example, the success of the East Perth Community Group’s “tunnel of hope” light installation during Covid, the Historic Heart’s examples in Perth’s east end, and most recently the City of Perth’s East Perth pedestrian bridge.</p> <p>According to a Google search, in Paris (also known as the City of Light) there are over 296 illuminated sites from hotels and churches, statues and fountains, national buildings and monuments, and out of 37 major bridges in Paris, 33 of them are illuminated.</p> <p>Further, by engaging local artists for the project will help provide assistance to our creative sector who, like many local businesses, have had a tough year through Covid-19.</p>

Administration Response to Notice of Motion

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

Discussion

1. Provision has been made in the existing City's Long-Term Financial Plan for an annual budget of \$300,000 commencing in 2022/23 for Aesthetic Lighting.
2. This was an outcome of the City's Public Lighting Framework which was adopted by Council in late 2019. The Framework was created to ensure there was an overall coordinated plan for lighting the city. The Framework identified the importance of feature lighting to create atmosphere in each neighbourhood. Work will commence on identifying light installation opportunities once the 2022/23 budget has been adopted.
3. City of Perth owned assets that will be considered for lighting include buildings and monuments, bridges, streets, malls and laneways. Other existing budgeted programs of work in 2022/23 such as future laneway enhancements, Main Street and Murray Street Mall Refresh also offer the opportunity to include light-based installations.
4. While there are opportunities for private sector engagement to provide light installation through the City's existing grants and sponsorship programs, there is no mechanism in the City Planning Scheme No. 2 for a 'percentage for light'.
5. Lighting infrastructure has not been identified for provision of bonus plot ratio due to the relatively short life space of such infrastructure. Bonus plot ratio is best used where long-term community benefit is provided. Rather than imposing a requirement on a developer, it may be more effective to raise the opportunity with developers to ascertain a willingness to provide this amenity. It is understood that many developers have already been exploring light based approaches to façade lighting as evidence by our Development Approvals Unit through recent building applications.
6. Sustainable lighting is a key principle of the Public Lighting Framework and new technologies will be investigated for use.
7. Potential projects identified for the Aesthetic Lighting project will be presented to a future EMES.

Decision Implications

8. Opportunities for lighting installations in each neighbourhood can be undertaken under existing budgeted programs of works to ensure alignment with the City's Public Lighting Framework. The addition of a Light It Up Part 3 will duplicate the existing Aesthetic Lighting project objectives.
9. A future 'Percent for Light' incentive can be incorporated into the broader consideration under the new Local Planning Scheme No 3.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Public Lighting Framework 2019 - 2029 The City's Public Lighting Framework provides a comprehensive and integrated plan for the future lighting of Perth.

Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
Authority of Council/CEO:	Council
Policy:	Nil

Financial Implications

10. The financial implications of the recommendation(s) are accommodated within the existing 2022/23 budget when adopted.

Further Information

Nil.

17.2 Notice of Motion – Councillor Sandy Anghie - Free Parking on Hay Street in West Perth

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	22 March 2022
Motion	That Council <u>ENDORSES</u> free parking on Hay Street in West Perth on weekends to support local business and neighbourhood vibrancy.
Reasons Provided	<p>The reason for this Notice of Motion is simple. Currently there is limited traffic, or pedestrian traffic, in West Perth on weekends.</p> <p>On weekends I regularly see sections of Hay Street where there are no cars at all parked in the kerbside parking.</p> <p>Therefore, it would seem, the cost of free parking in West Perth should be insignificant in comparison to the potential benefits for the local businesses currently open on Saturdays. In time, it may even encourage others to open on Saturdays, contributing to neighbourhood vibrancy.</p> <p>I hear continually that the cost of parking, and the time limits on street parking, is a barrier to people visiting our City.</p>

Administration Response to Notice of Motion

Responsible Officer	Nathan Ahern – Acting General Manager Commercial Services
Voting Requirements	Simple Majority
Attachments	Nil.

Discussion

1. Hay Street in West Perth is a main thoroughfare for traffic.
2. Businesses have established themselves on Hay Street to maximize the passing trade.
3. Parking on Hay Street has been designed to offer the best possible amenity for businesses with a section of Hay Street from Emerald Terrace to Outram Street offering one hour free parking. This section of Hay Street has the largest concentration of service businesses such as pharmacies, cafes, bakeries and food outlets.
4. There are 64 car bays within the one hour free parking zone.
5. One hour free parking is designed to support bay turnover and eliminate long stay parking. Long stay parking is accommodated behind Hay Street on Mayfair Street via the City of Perth CPP multi-story car park.
6. One hour free parking commenced in September 2019 and averaged 400 parkers each weekday and 180 on Saturdays prior to COVID-19. Since April 2020 the parkers have dropped to 300 per weekday and 140 on Saturdays. At \$4.20 per hour the free parking represents \$7,000 per week in revenue loss.
7. One hour paid parking is in place for the remainder of Hay Street from Monday to Saturday. This has generated \$59,000 in the current year financial year with 2.4% earned on Saturdays.
8. All streets in West Perth except Hay Street are time restricted parking from Monday to Friday only. With no restrictions on Saturday and Sunday.
9. Actively managing Hay Street parking on Saturdays via time restrictions and fees ensures bay availability for businesses and deters long term parkers.
10. Street signs inform parkers of the parking restrictions and signs throughout West Perth have been replaced throughout 21/22 due to damage and fading at a cost of \$10,200.

Decision Implications

11. An opportunity exists to extend on a trial basis the one hour free parking area to Harvest Terrace and Thomas Street on Hay Street from Monday to Saturday.
12. Extending the one hour free parking area zone will increase car bays to 121.
13. The trial can be for the remainder of 21/22 financial year and 22/23 or until the COVID-19 conditions abate.
14. To assist with the community's awareness of the on-street and off-street parking options, maps can be produced highlighting to businesses and users the availability and conditions of parking in West Perth.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Corporate Business Plan 2021/22 – 2024/25

Legislation, Delegation of Authority and Policy	
Legislation:	Section 6.12 of the <i>Local Government Act 1995</i> allows a local government to determine to waive any amount of money owed to the local government.
Authority of Council/CEO:	Council has the authority to waive fees in accordance with Section 6.12 of the <i>Local Government Act 1995</i> .
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

18. Matters for which the meeting may be closed

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

18.1 New Lease Agreement - Shop 3, Regal Place Car Park, 81 - 95 Royal Street, East Perth

Responsible Officer	Nathan Ahern – Acting General Manager Commercial Services
Voting Requirements	Absolute Majority
Attachments	Confidential Attachment 18.1A – Proposed Lease Schedule Confidential Attachment 18.1B – Lease Agreement Confidential Attachment 18.1C – Survey Plan Confidential Attachment 18.1D – Valuation Update Confidential Attachment 18.1E – Proposed Delegation

In accordance with Section 5.23(2)(a) of the Local Government Act 1995, the following Item 18.2 and its attachments are confidential.

18.2 Service Review

Responsible Officer	Louise Vescovo – Acting General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 18.2A – Financial Modelling Confidential Attachment 18.2B – Draft Communications Plan

In accordance with Section 5.23(2)(e) of the Local Government Act 1995, the following Item 18.3 and its attachments are confidential.

18.3 Major Events and Festivals Sponsorship Application

Responsible Officer	Louise Vescovo – Acting General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 18.3A – Summary of Application Confidential Attachment 18.3B – Letter of Support One Confidential Attachment 18.3C – Letter of Support Two Confidential Attachment 18.3D – City of Perth Letter of Thanks Confidential Attachment 18.3E – Application Form

19. Urgent Business

20. Closure