



City of **Perth**

Minutes

Ordinary Council Meeting

31 May 2022

Michelle Reynolds
Chief Executive Officer
10 June 2022

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature _____

Date _____

Information

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

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.....	6
3.2	Leave of Absence	6
3.3	Applications for Leave of Absence	6
4.	Announcements by the Lord Mayor	6
4.4	Parliamentary Inquiry into Homelessness.....	6
4.2	Van Gogh Alive.....	6
4.3	Reconciliation Week	6
4.4	Extended Free Parking in West Perth.....	7
4.5	Upcoming Sporting Events	7
4.6	Perth to Rome direct flight.....	7
5.	Public Participation	7
5.1	Public Questions	7
6.	Disclosures of Interests.....	9
7.	Confirmation of Minutes	11
8.	Questions by Members which due Notice has been Given.....	11
9.	Correspondence.....	11
10.	Petitions	11
11.	Planning and Economic Development Alliance Reports.....	13
11.1	247-249 James Street, Northbridge - Proposed Change of Use from an Education Facility ('Education 2') to a Community Centre ('Community and Cultural') (DA-2022/5042)	13
11.2	Wellington Street Clearways	81
11.3	Proposed e-scooter Share Scheme	89
11.4	Adoption of Terms of Reference for City of Perth Design Review Panel.....	95
12.	Community Development Alliance Reports.....	106
12.1	Close out of the Rough Sleeper Plan May 2021–May 2022	106
12.2	City of Perth Reconciliation Action Plan 2022-2024	113
12.3	2021/22 Economic Development Sponsorship Program.....	148
13.	Infrastructure and Operations Alliance Reports	164

Nil.	
14. Corporate Services Reports	165
14.1 Monthly Financial Report - March 2022	165
14.2 Schedule of Accounts Paid - March 2022.....	223
14.3 Creation of New Cash Backed Reserve - Sponsorship Reserve	288
14.4 Year End Reserve Transfers	300
14.5 Differential Rates 2022/23	308
14.6 Corporate Business Plan Quarterly Report 3 (1 January to 31 March 2022)	322
15. Chief Executive Officer Reports.....	338
15.1 Inquiry into the City of Perth Recommendations - Quarterly Progress Update.....	338
15.2 Funding Agreement for Aquatic Facility.....	348
16. Committee Reports.....	353
16.1 Policy Review Workplan	353
16.2 Review of Council Policy 1.3 Council Member Communications	358
16.3 Review of Council Policy 2.11 Heritage Rate Concession	367
16.4 Local Law Review (Repeals)	381
17. Motions of which Previous Notice has been Given	390
Nil.	
18. Matters for which the meeting may be closed.....	390
Nil.	
19. Urgent Business	390
20. Closure	390

1. Declaration of Opening

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

2. Acknowledgement of Country/Prayer

The Presiding Member gave an Acknowledgement of Country:

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

The Chief Executive Officer recited a prayer:

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

3. Attendance

Members in Attendance

Lord Mayor	Basil Zempilas (Presiding Member)
Deputy Lord Mayor	Di Bain
Councillors	Sandy Anghie
	Clyde Bevan
	Brent Fleeton
	Liam Gobbert
	Rebecca Gordon
	Viktor Ko
	Catherine Lezer

Officers in Attendance

Chief Executive Officer	Michelle Reynolds
General Manager Community Development	Kylie Johnson
General Manager Commercial Services	Steve Holden
General Manager Infrastructure and Operations	Allan Mason
General Manager Planning and Economic Development	Dale Page
Acting General Manager Corporate Services	Michael Kent
Executive Director Governance and Strategy	Karen Callaghan
Acting Project Director Strategic Finance (CFO)	Roan Barrett
Acting Alliance Manager Governance	Mieke Wevers
Governance Consultant	Chris Liversage
Governance Officer	Kait Hedley

Public Gallery

There were approximately 26 members of the public and one member of the media in the gallery.

3.1 Apologies

Nil.

3.2 Leave of Absence

Nil.

3.3 Applications for Leave of Absence

Nil.

4. Announcements by the Lord Mayor

4.4 Parliamentary Inquiry into Homelessness

The Lord Mayor along with the Chief Executive Officer Michelle Reynolds had the opportunity last week to address the Parliamentary Inquiry into Homelessness in the City of Perth. The Lord Mayor used the opportunity to explain that the City is disproportionately affected by the 61% increase of people who are experiencing homelessness. The Lord Mayor presented a four point action plan to the Inquiry:

1. More crisis accommodation
2. A network of support workers with the authority to engage with rough sleepers and transport them to crisis accommodation.
3. Staggering or extending the opening hours of the day centres.
4. A decentralisation of these services provided

4.2 Van Gogh Alive

The Lord Mayor was pleased to welcome the Van Gogh Alive exhibition to the City of Perth last Thursday at the Supreme Court Gardens. The Lord Mayor was delighted to see the significant crowds down at Supreme Court Gardens and its surrounds and to see it activated, particularly because the City had worked hard to ensure that the exhibition found its way to the heart of Perth. The Lord Mayor said that big events is what the City prides itself on and it was terrific to see the number of people enjoying the exhibition.

4.3 Reconciliation Week

The Lord Mayor noted that he introduced Uncle Farley and Aunty Muriel who lead the City of Perth yarning session, as part of Reconciliation Week at Council House. The Lord Mayor noted that the City is very proud of its work in reconciliation including last year's signing of the Yacker Danjoo agreement and the very significant Stolen Generation memorial in Wellington Square.

4.4 Extended Free Parking in West Perth

The Lord Mayor congratulated Councillor Anghie on her initiative to extend free parking in West Perth which commenced last weekend. The initiative includes extended free parking on Moore Street in West Perth, 60 new bays between Harvest Terrace and Thomas Street and 226 more free parking spots for Saturday shoppers.

4.5 Upcoming Sporting Events

The Lord Mayor announced that Perth had three exciting upcoming weekends of sport:

- State of Origin Rugby League Sunday 26 June
- Australia v England Rugby Union Saturday 2 July
- Crystal Palace v Leeds and Manchester United v Aston Villa 22 and 23 July

The Lord Mayor also announced that the People’s Parade will be back in the City of Perth on the Fridays before those three landmark weekends.

4.6 Perth to Rome direct flight

The Lord Mayor along with Premier Mark McGowan and other Officials have been invited on a special commemorative flight, the new Perth to Rome direct service launched by Qantas at the end of June. The Lord Mayor said this is a significant milestone for Western Australia, in particular Perth and the tourism industry and provides an opportunity to promote Perth as a tourist destination. The Lord Mayor announced that while in Rome he will be visiting the City’s Italian sister city Vasto and will be meeting with the Mayor of Rome, the Mayor of Vasto and taking the opportunity to meet with business in Rome that have direct links to Perth. The Lord Mayor reiterated that this was a good opportunity to continue the message of the City of Light being open for business.

5. Public Participation

5.1 Public Questions

Question Received with Notice

	Debra Zanella (address on record)
Q1	Can the Councillors describe/explain how they formed the view that the CoP Officers decision to recommend the Ruah Community Services application for James Street to be approved was not within the Officers delegation?
A1	Provided by the Chief Executive Officer The City’s Register of Delegations and Authorisation provides the ability for the Lord Mayor or three Councillors to request that the application be considered by Council. If this occurs, officers are no longer able to exercise their delegation in relation to the matter under consideration. The City is unable to provide comment on behalf of the three Councillors who requested to have the application determined by Council. This would be a matter for the Councillors to respond to, if they choose to do so.

A2	Provided by Councillor Brent Fleeton
	I am going to debate the matter and if the members of the public want to hang around, they will be able to understand why. I don't intend on doing it right now before the matter, I think that's appropriate.
	Provided by Deputy Lord Mayor Di Bain
A3	Thank you Lord Mayor and thank you Deb for the question. I am very impressed with the work Ruah does and I was at your fundraiser the other day and I wish you all the very best with everything you do with the City. Using the power of delegation assists local government to efficiently deal with a wide range of operational matters, that are minor administrative in nature and very time consuming. It is my view based on the many objections received regarding this matter that we as Councillors would not be performing our role if we did not bring this matter for debate. Now there is an opportunity for all parties to review the subject matter through fresh eyes. It was my oath when I was sworn in as a Councillor to duly, faithfully, honestly and with integrity fulfill the duties of the office for the people in the district according to the best of my judgement and ability and tonight we have many people here who are from that district wanting to be heard.

Question Received from the floor

	Dr Linton Sharp (address on record)
Q2	I am a member of not for profit organisation Veteran Car Club of Western Australia. For the last 50 years they have held an annual event in Forrest Place to commemorate the first organised car event in the State in 1903. For the last few years the cost of hosting this event in Forrest Place has made the event prohibitive, we consider the City to have become quite mercenary with charges for non for profit organisations. Is there any consideration that not for profit organisations might be given some consideration to the cost of the use of Forrest Place for a short time?
A2	Provided by the Chief Executive Officer
	Taken on notice.

The Lord Mayor brought forward Item 6 Disclosures of Interest, noting that a number of disclosures relate to the public question received with notice.

6. Disclosures of Interests

Name	Councillor Viktor Ko
Item number and title	11.1 247-249 James Street, Northbridge - Proposed Change of Use from an Education Facility ('Education 2') to a Community Centre ('Community and Cultural') (DA-2022/5042)
Nature of interest	Direct Financial
Interest description	<i>'My current employer is Homeless Healthcare, who operate walk-in GP clinics throughout the city. I have worked as a medical doctor in the Ruah community centre Northbridge and have provided care to those who are homeless or of low-income. A new drop-in centre consequently will provide more work for my service.'</i>

Name	Councillor Sandy Anghie
Item number and title	11.1 247-249 James Street, Northbridge - Proposed Change of Use from an Education Facility ('Education 2') to a Community Centre ('Community and Cultural') (DA-2022/5042)
Nature of interest	Proximity
Interest description	<i>'APM has an interest in 247 James Street Northbridge, one of their offices being located there. My husband Michael Anghie is the CEO of APM, and my husband and I are shareholders in the company.'</i>

Name	Lord Mayor Basil Zempilas
Item number and title	11.1 247-249 James Street, Northbridge - Proposed Change of Use from an Education Facility ('Education 2') to a Community Centre ('Community and Cultural') (DA-2022/5042)
Nature of interest	Impartiality
Interest description	<i>'I own a property at 9 Shenton Street.'</i>

Name	Councillor Liam Gobbert
Item number and title	11.3 Proposed E-scooter Share Scheme
Nature of interest	Impartiality
Interest description	<i>'I met with Mr Price to understand issues related to e-scooters. Mr Price may be a potential respondent to the proposal.'</i>

Name	Councillor Sandy Anghie
Item number and title	11.4 Adoption of Terms of Reference for the City of Perth Design Review
Nature of interest	Impartiality
Interest description	<i>'As an architect, I am likely to know people to be appointed to the pool of panel members.'</i>

Name	Councillor Sandy Anghie
Item number and title	12.3 Economic Development Sponsorship Program
Nature of interest	Impartiality
Interest description	<i>'Brodie McCulloch and Chandra Sundareswaran from the Sapcecubed team are known to me. I attended a presentation at a startup weekend last year (startup weekend x Global Goals Jam/ Regenerative Cities in November 2021).'</i>

Name	Deputy Lord Mayor Di Bain
Item number and title	12.3 Economic Development Sponsorship Program
Nature of interest	Impartiality
Interest description	<i>'Tourism WA also funds Business Events Perth. I am on the Board of Tourism WA.'</i>

Name	Councillor Rebecca Gordon
Item number and title	16.3 Review of Council Policy 2.11 Heritage Rate Concession
Nature of interest	Financial
Interest description	<i>'As the owner of a heritage listed property in the City of Perth I am able to apply for heritage rates concession.'</i>

Name	Chris Liversage – Conway Highbury Pty Ltd
Item number and title	16.4 Local Law Review (Repeals)
Nature of interest	Direct Financial
Interest description	<i>'My company has recently been engaged under a contract of service to the City to provide support to its governance unit and other staff while vacancies are being filled. This includes attendance at council meetings including 31 May 2022 where council is considering a proposed Repeal Local Law. I have offered to the CEO to draft the proposed repeal local law and deal with associated requirements required by s3.12 of the Local Government Act 1995 (except for advertising and Gazettal costs) as part of the existing contract to support the City, as it is similar to work I have done for other local governments.'</i>

7. Confirmation of Minutes

Council Resolution (OCM-22/05-065)

Mover: Councillor Brent Fleeton

Seconded: Councillor Clyde Bevan

That Council CONFIRMS the minutes of the:

1. Ordinary Council Meeting held on 26 April 2022.
2. Annual General Meeting of Electors held on 3 May 2022.

as a true and correct record.

CARRIED UNOPPOSED (9/0)

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

Against: Nil

8. Questions by Members which due Notice has been Given

Nil.

9. Correspondence

Nil.

10. Petitions

Nil.

En Bloc Items

Council Resolution (OCM-22/05-066)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That the officer recommendations for Items 11.2, 12.2, 14.1, 14.2, 14.3, 14.6, 15.1, 16.1 and 16.2 be adopted en bloc and the remaining items be dealt with separately.

CARRIED UNOPPOSED (9/0)

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

Against: Nil

Extracted for Debate

Item	Reason
11.1 247-249 James Street, Northbridge – Proposed Change of Use from an Education Facility ('Education 2') to a Community Centre ('Community and Cultural') (DA-2022/5043)	Elected Member Interest
11.3 Proposed E-scooter Share Scheme	Debate
11.4 Adoption of Terms of Reference for the City of Perth Design Review Panel	Absolute Majority
12.1 Close out of the Rough Sleeper Plan May 2021-May 2022	Debate
12.3 2021/22 Economic Development Sponsorship Program	Elected Member Interests Debate
14.4 Year End Reserve Transfers	Absolute Majority
14.5 Differential Rates 2022/23	Debate
15.2 Funding Agreement for Aquatic Facility	Debate
16.3 Review of Council Policy 2.11 Heritage Rate Concession	Elected Member Interest
16.4 Local Law Review (Repeals)	Debate

11. Planning and Economic Development Alliance Reports

The Lord Mayor disclosed an Impartiality Interest, Councillor Ko disclosed a Direct Financial Interest and Councillor Anghie disclosed a Proximity Interest in Item 11.1 (as detailed in Item 6).

5.19pm Councillor Ko and Councillor Anghie accordingly departed the meeting prior to Item 11.1.

- 11.1 247-249 James Street, Northbridge - Proposed Change of Use from an Education Facility ('Education 2') to a Community Centre ('Community and Cultural') (DA-2022/5042)

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.1A – Location Plan Attachment 11.1B – Floor Plans Attachment 11.1C – Stakeholder Comments

Purpose

For Council to determine a development application to change the use of an existing building, previously used as an Education Facility to a Community Centre ('Community and Cultural') at 247-249 James Street, Northbridge.

Recommendation

That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Metropolitan Region Scheme and the *Planning and Development (Local Planning Scheme) Regulations 2015 - Deemed Provisions for Local Planning Schemes*, APPROVES the application to change the use of the existing building at 247-249 James Street, Northbridge to Community Centre ('Community and Cultural') as indicated on the Metropolitan Region Scheme Form One dated 16 February 2022 and as shown on the plans and details received on 17 February 2022 subject to:

1. The proposed use (Community Centre) operating Monday to Friday from 8.30am to 2.00pm only (excluding public holidays);
2. Submission of a final Business Management Plan for approval by the City prior to the commencement of the use that addresses the operation and management of the Community Centre, including how the operator will:
 - a. control any noise and other disturbances on the site or close to it, that are associated with the activities or customers on site.
 - b. arrange for the removal of unwanted or unattended personal belongings of customers of the site within the immediate vicinity of the property to the City's satisfaction.
 - c. accommodate persons waiting to access services within the building.
 - d. managing the congregation of customers, or people associated with customers, outside the property during operational hours to the City's satisfaction.

- e. establish and maintain a complaints management service, that enables and facilitates easy access (by the community) to a designated contact person(s), including after-hours and emergency contact details, to the City's satisfaction.
 3. The approved Business Management Plan being implemented by the operator/manager on an on-going basis and to the satisfaction of the City.
 4. A Waste Management Plan, satisfying the City's waste servicing requirements, being submitted for approval by the City prior to applying for an Occupancy Permit, with the Plan being implemented by the operator/manager on an on-going basis and to the satisfaction of the City; and
 5. Installation of a sign on the building, which is clearly visible from the adjoining footpath, and provides detail on the approved opening hours; an after-hours contact services for users of the centre; and general and emergency contact details for the public. Final details of the design, location, dimensions, and content of the sign need to be submitted for approval by the City, prior to the commencement of the use, with the sign being installed and maintained thereafter to the City's satisfaction.
-

Background

1. The subject site is located on the south- western side of James Street, near Fitzgerald Street and has a total area of 1,482m² (refer Attachment 11.1A for location plan).
2. The site contains two single storey buildings and one two-storey building. The two-storey building is the subject of the proposed change of use. The building accommodates approximately 489m² of gross floor area and has been previously used as an Education Facility for the Skills Institute of Australia.
3. The area is typically characterised as a mixed-use area, with commercial properties to the east, west and south, including the Northbridge Police Station located immediately to the west. The street block to the north of the site, bound by James, Fitzgerald, John and Shenton Streets, contains a mix of short stay and permanent residential accommodation. The development opposite the subject site contains ground floor commercial tenancies.
4. The subject site is located approximately 200m from the existing Ruah Community Centre, located on the corner of Shenton and John Streets (see Attachment 11.1A).
5. The subject site is not Heritage Listed.

Discussion

Details

Landowner	Sawasdee Pty Ltd
Applicant	PTS Town Planning Pty Ltd
Zoning	(MRS Zone) Central City Area (City Planning Scheme Precinct) Precinct 1 - Northbridge (City Planning Scheme Use Area) City Centre
Approximate Cost	Nil

6. Approval is being sought to change the use of the existing two-storey building on the subject site to a Community Centre for Ruah.
7. The application does not include any physical alterations to the existing building.
8. The applicant has advised that the proposed Community Centre will provide services for people experiencing homelessness, including linking people with accommodation services, specialist services such as alcohol and other drug support, mental health services and legal services. The service will also provide emergency relief and light food that people can take away.
9. The Community Centre is proposed to be open between 8.30am to 2.00pm Monday to Friday only. The Centre will not be open overnight, on weekends or public holidays.
10. Four support workers (staff) will be on site each day, and those staff will use the parking bays on site. Security, as required, will also attend on site during opening hours.
11. In support of the proposed use, the applicant has submitted a series of operational management plans for the premises.

12. Ruah is an independent, not-for-profit community service organisation whose mission is to empower vulnerable and disadvantaged people to create meaningful change in their lives through the provision of quality support services.
13. Ruah currently operates the proposed services from a nearby location at 29-35 Shenton Street, Northbridge. Ruah has recently obtained planning approval for the redevelopment of this site for a seven-storey Community Centre providing services, including emergency accommodation for women and children who are escaping domestic violence.
14. As a result, the applicant has advised that, following the redevelopment of 29-35 Shenton Street, Northbridge, the homeless services currently provided at that site will not be returning to the new facility. Instead, Ruah has advised they have secured a lease at 247-249 James Street for five years, with potential for extension.

Compliance with Planning Scheme

15. The application has been assessed against the requirements of City Planning Scheme No. 2 (CPS2).
16. Under CPS2, the subject site is located in the Northbridge Precinct.
17. The proposed use is most appropriately categorised as a Community Centre, which is defined in CPS2 as: *“premises accommodating services (such as health or social services) or facilities (such as meeting or recreation facilities) primarily for the benefit of those who live or work in the surrounding locality.”*
18. Under CPS2, a Community Centre falls within the ‘Community and Cultural’ use group which is a Preferred ‘P’ use in the Northbridge Precinct.
19. Clause 32 of CPS2, which deals with the determination of preferred uses, states:
‘Where in a precinct, a use group category is classified as a preferred use then, in considering an application involving a use from that category in that precinct, the local government –
 - a. shall refuse the application if it involves a change of use prohibited by clause 35;*
 - b. cannot otherwise refuse the application by reference to the proposal to begin or continue the preferred use.’*
20. Clause 35 of CPS2 deals with applications that involve a change of use within a development that has previously been granted bonus plot ratio for a specific use. Neither the subject site, nor the existing use, has been granted bonus plot ratio - therefore part (a) of clause 32 is not applicable in this instance.
21. In accordance with part (b) of Clause 32 of CPS2, the application cannot be refused based on the proposed land use. This position is supported by internal legal advice.
22. This application proposes a change in use only (no development). The proposed use is therefore not subject to any specific development requirements under CPS2 and cannot be refused on the basis of non-compliance with specific development provisions of CPS2.
23. Notwithstanding this, in order to determine what conditions should be imposed in the event of an approval, the City has assessed the application against clause 67(2) of the Deemed Provisions of the State Government’s *Planning and Development (Local Planning Schemes) Regulations 2015*. Clause 67(2) sets out matters that need to be considered in assessment of a planning proposal (including the objectives and intentions of CPS2 and the Precinct Plan for Northbridge). Details of this assessment are outlined below.

Land Use

24. The subject site is located within the City Centre use area of the Northbridge Precinct under CPS2.
25. As per the statement of intent for the precinct, this area will continue to evolve as a diverse, interesting, and dynamic inner-city precinct and will be promoted as an attractive destination for the local population and interstate and overseas visitors. This precinct will remain Perth's primary entertainment and night life area and provide a variety of residential and visitor accommodation and commercial services. It will be a unique area in terms of uses and character, and the social and cultural diversity that clearly distinguished the precinct will be fostered.
26. Appropriate uses in this precinct are those which do not conflict with the above description of the area. West of Melbourne, Parker and Palmerston Streets a greater residential component, accommodating a variety of residential and visitor accommodation and other non-residential uses, including small shops, community facilities, recreational uses, restaurants, coffee shops, medical consulting rooms, service industries and small showrooms and workshops will be supported.
27. As previously stated, the proposed use is most appropriately categorised as a Community Centre. Under CPS2, a Community Centre falls within the 'Community and Cultural' use group which is a Preferred 'P' use in the Northbridge Precinct.
28. Clause 32(b) of CPS2 outlines that a proposal that is a Preferred 'P' use cannot be refused on the basis of land use. Further, the proposed use is not considered incompatible with existing commercial uses in the immediate locality and can be managed appropriately to minimise any potential impact on the residential properties on the northern side of James Street and within the wider locality.

Consideration of relevant matters

29. Under clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* there are matters listed which the local government, to the extent the local government considers the matters relevant to the specific proposal, is to have due regard to in considering planning applications. Matters, considered relevant in the assessment of this application, are discussed in the following paragraphs - some of which have been raised in submissions received on the proposal.
30. Clause 67(2)(a) requires consideration of the objectives and provisions of the planning scheme operating in the area. The objectives of CPS2 are high level and are not considered to have a strong or clear link to this specific proposal that would enable the objectives to be used as a reason to refuse the application. Other than the application of clause 32 (discussed in points 19 to 23 above) the more detailed provisions of CPS2 do not apply given no physical works are proposed as part of the application.
31. Clause 67(2)(m) requires consideration of "the compatibility of the development with its setting, including (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development."
32. Given there is no physical development proposed with this application, consideration needs only to be given to whether the use is compatible with the setting. Given the use is listed as a Preferred 'P' use under CPS2, it should be assumed that the use is compatible with its setting.
33. Further, Ruah's existing Community Centre is located 200m from the site and already contributes to the character of the setting. From a planning point of view, it may be difficult to defend a position that relocation of a use that is currently located 200m away, within a precinct that already accommodates a diversity of land uses, would unduly change or impact the character of the setting.

34. Clause 67(2)(n) requires consideration of the amenity of the locality including the environmental impacts of the development; the character of the locality; and the social impacts of the development. Amenity is defined as *“all those factors which combine to form the character of an area and include the present and likely future amenity”*.
35. For the reasons outlined above, from a planning point of view it may be difficult to defend a position that relocation of an existing use within 200m of its current location would have environmental impacts on the locality or impact on the character of an existing diverse, mixed-use area.
36. Whilst it is acknowledged that congregation, noise and behaviour of certain clients attending the site could potentially have negative social impact on nearby residents and business owners/operators from time to time, this could also apply to other land uses or businesses in the area, given the diverse nature of the area and the mixture of uses currently permitted under CPS2. It could (conversely) be argued that the nature of the services to be provided at the site assist in improving the social impacts on people experiencing homelessness and social impacts of homelessness on the broader community.
37. Areas of concern regarding the potential for the proposal to impact on the existing amenity of the area are capable of being managed and mitigated through ongoing implementation of management plans developed by Ruah for the Community Centre and through conditions imposed on the planning approval.
38. The operator has provided preliminary management plans for the City’s consideration and review. These plans include certain Ruah internal operational matters and are, therefore, not public documents. If Council decides to approve the application, recommended Condition 2 requires the operator to submit a final Business Management Plan for approval by the City prior to the commencement of the use. This Management Plan will need to address the operation and management of the Community Centre, including how the operator will:
- a. control any noise and other disturbances on the site or close to it, that are associated with the activities or customers on site
 - b. arrange for the removal of unwanted or unattended personal belongings of customers of the site within the immediate vicinity of the property to the City’s satisfaction
 - c. accommodate persons waiting to access services within the building
 - d. managing the congregation of customers, or people associated with customers, outside the property during operational hours to the City’s satisfaction
 - e. establish and maintain a complaints management service, that enables and facilitates easy access (by the community) to a designated contact person(s), including after-hours and emergency contact details, to the City’s satisfaction.
39. Recommended Condition 3 requires the approved Business Management Plan to be implemented by the operator/manager on an on-going basis and to the satisfaction of the City. This enables the City to progress compliance action if the Business Management Plan is not adhered to.
40. Other matters can be suitably addressed through conditions under any approval. These include:
- a. The opening hours of the facility being limited as proposed by the applicant to 8.30am to 2.00pm on weekdays, excluding public holidays
 - b. Compliance with an approved Waste Management Plan
 - c. Installing clear visible signage at the building frontage, detailing all opening hours; after hours contact services; and contact details for complaints and emergencies.

41. Clause 67(2)(t) requires consideration of the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety. Four support workers (staff) will be on site each day, and those staff will use the parking bays on site. The amount of vehicular traffic likely to be generated by the proposal is considered very low, based on the operations at the current Ruah facility. Most clients are pedestrians and the numbers are very low in terms of the pedestrian capacity of James Street and other streets in the vicinity. The surrounding street network currently accommodates large vehicle and pedestrian traffic numbers at night and over weekends when the entertainment activities in Northbridge operate. This facility will only be open on weekdays (excluding public holidays) up to 2.00pm and, therefore, the traffic impact of this development on surrounding residents/businesses will be negligible.

Consultation

Public Consultation

42. Clause 67(2)(y) requires consideration of any submissions received on the application. The submissions received and the City's response thereto is addressed below.
43. As the application proposed is a Preferred 'P' use and does not propose any change to the building (and therefore no variations to development requirements), as per CPS2 and the State's Deemed Provisions, there is no requirement for the proposal to be advertised to adjoining owners, occupants or residents.
44. Notwithstanding this, as a result of word of mouth and public knowledge of Ruah's proposed redevelopment of their current site on Shenton Street, the City received 71 submissions from the public with respect to the application, with 64 raising objections, four advising support and three seeking further information.
45. In the submissions of support, the following comments were made:
- "Homelessness services such as Ruah's are the best possible step we could take to make Northbridge a safer and happier place"*
 - "A bigger homelessness service in the neighbourhood is a clear win for residents, a clear win for people living in poverty or on the Northbridge streets, and a clear win for the City"*
 - "Providing more central, upgraded, accessible locations for these communities to seek help will actually assist in addressing many of the concerns raised by the community"*
 - "The increasing support ... is essential for the safety of the area"*
46. The main areas of concern outlined in the submissions objecting to the proposal have been summarised and addressed under common themes below:
47. **Antisocial Behaviour/ Public Safety/ Management of the Site:**
- Increase in crime and vandalism*
 - Uncontrollable loitering around the area*
 - Increase in human waste (urine and faeces)*
 - Safety of staff with people wanting to enter adjoining buildings to use toilets*
 - Laneways and carparks becoming a 'shooting alley' and toilet*
 - Increased rubbish (old mattresses, shopping trolleys)*
 - Visual and physical presence of rough sleepers*

- h. Verbal abuse/intimidation*
 - i. Unsafe and confronting*
 - j. Persons congregating prior to the centre opening*
 - k. Management of persons attending the facility*
48. It is understood that the comments regarding antisocial behaviour and the potential impact on the safety of members of the public, residents and workers in the surrounding area are largely due to observations and experiences of the existing Ruah facility on Shenton Street.
49. It is noted that the characteristics of the two sites are different, with the current location being on a corner with two large street frontages and directly opposite a large public park (Russell Square). Given the new site has a smaller street frontage and is not next to an area of public space (other than the street), it is expected that clients would be less inclined to linger and potential antisocial behaviour would be reduced and, where it does occur, it can be more easily managed.
50. It is also noted that the subject site is close to the Perth Police Station, which is open 24 hours a day. Ruah has existing guidelines regarding working with the WA Police who, along with providing supportive services to Ruah (welfare checks, missing persons checks, etc), can assist in instances where antisocial behaviour requires the attendance of Police.
51. In relation to the management of potential antisocial behaviour in and around the site, the applicant has provided the City with detailed management plans for their operations. As outlined above, recommended conditions of approval require a final Business Management Plan to be submitted for the City's approval prior to the commencement of the use and adherence to the management plan by the operator.
52. **Loss of Amenity, impact to existing businesses and properties**
- a. Wellbeing and safety of residents and business owners, workers, and visitors*
 - b. The proposal will destroy a flourishing and lovely neighbourhood*
 - c. People will be scared, and the streets deserted*
 - d. Not a good fit for the area amongst the mixed use of residents, restaurants, and offices*
 - e. Proximity to a liquor store*
 - f. Potential conflict/violence with clients of Ruah and persons attending the Police Station and Courts and the Department of Health service provided at 233 James Street for (attending to youth homelessness and mental health)*
53. Some submissions have referred to the City's Policy 3.5 *Non-Residential uses in or Adjacent to Residential Areas*, stating that the proposed development (change of use) does not comply with the intent or provisions of the policy. It should be noted that this policy only applies within areas zoned 'Residential' under CPS2. Northbridge is not identified in CPS2 as a 'Residential' use area but predominantly a City Centre use area where a wide range of use are Preferred 'P' uses.
54. It is evident from the range of comments received that there is real concern from the local community that the proposed change of use will have a detrimental impact on the amenity of the locality, devaluing the surrounding properties and residents' enjoyment of the area.
55. While the concerns raised are noted and understandable, the proposed Community Centre is a Preferred 'P' use within the Northbridge Precinct and is, therefore, considered capable of co-existing with other existing and future uses in the precinct. It is also considered that the issues and concerns

raised can be managed to a large extent through implementation of the Business Management Plan for the premises, required as a condition of approval.

56. Traffic and Parking

- a. *Potential for persons to cause havoc around a busy intersection*
- b. *Safety hazard – James Street traffic higher than John Street and Shenton Street - Located less than 20m from the Fitzgerald Street double carriageway – visitors to the facility may spill over into streets and accessways endangering themselves and delaying responses of emergency vehicles*

57. As mentioned above, the proposed Community Centre is not considered to adversely impact on the capacity of the adjoining streets to deal with pedestrian and vehicle numbers associated with the proposal.

58. Loss of Property Values/ Economic Fallout

- a. *People will be deterred from seeking accommodation in the area due to decreased attractiveness thus causing financial stress and loss of income*
- b. *Loss of business and income due to customers concerns over safety*
- c. *Decrease in property value*
- d. *Businesses have just started to recover after COVID – the centre will deter businesses from investing in the area*
- e. *Insurance premiums increased.*

59. In relation to concerns about potential loss of property values and economic fallout, whilst these issues are understandably of high importance to individual landowners and occupants, they are not reasonably able to be considered in assessment of the planning merit of a planning proposal.

Conclusion

60. There is a need for service providers to assist people experiencing homelessness, which is recognised at State and local levels. The City's *Rough Sleeper Plan* supports such services being provided in the City to improve the overall health and wellbeing of persons who may find themselves homeless and in need of support services. Ru's proposed drop-in centre will continue to provide such services to the local, and greater Perth community.

61. However, concerns have been raised by some members of the local community about the suitability of locating the proposed facility at the subject site. These concerns are acknowledged by the City.

62. The proposal is a Preferred 'P' use in this precinct (and the subject site) and, therefore, cannot reasonably be refused by Council based on the land use proposed.

63. Given no physical development is proposed as part of this application, there are no grounds to refuse the application on the grounds of non-compliance with other provisions of CPS2.

64. Due regard has been given to the matters listed under clause 67(2) of the Deemed Provisions and it is considered that none of these matters form solid planning grounds upon which the proposal could reasonably be refused.

Decision Implications

65. In accordance with clause 32 of CPS2, Council cannot reasonably refuse the proposed change of use application to a Community Centre, on the basis of the use itself, as the 'Community and Cultural' use group is a Preferred 'P' use in the Northbridge Precinct.
66. When imposing conditions on any planning approval, conditions must have a planning purpose, must reasonably relate to the development proposed, and must not be unreasonable.
67. Should the applicant be aggrieved by any decision, including any conditions of approval, the applicant has the right to apply to the State Administrative Tribunal for a review of Council's decision.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<p><i>Rough Sleeper Plan</i></p> <p>The proposed facility will support people experiencing rough sleeping in the city, contribute to the coordination of services and improving connection of people sleeping rough to access support services and contribute to the health and wellbeing of people sleeping rough in the city.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p><i>Planning and Development Act 2005</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><i>City Planning Scheme No.2</i></p> <p><i>Metropolitan Region Scheme</i></p> <p><i>City of Perth Act 2016.</i></p>
Authority of Council/CEO:	<p>The authority to determine this development application has been delegated by Council to the CEO, the General Manager Planning and Economic Development and the Alliance Manager Development Approvals under the <i>Planning and Development Act 2005</i>.</p> <p>However, three Elected Members agreed to "call in" the application for determination by the Council.</p>
Policy:	No specific policies under the CPS2 are relevant to this development application.

Financial Implications

Nil.

Further Information

68. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	Have locations other than Northbridge been considered by the proponent?	<p>The applicant has advised that Ruah engaged a property consultant in October 2021 to carry out extensive market research in Northbridge and the CBD fringe areas for properties that had potential to meet the requirements of Ruah. A range of property options were investigated including warehouse/factory, bulky goods, showroom and office accommodation of 250-500 sqm, with ground floor and stand-alone tenures a preference. Over 120 different landlords and leasing agents were contacted.</p> <p>The site the subject of the current development application was determined to be the only feasible option for Ruah.</p>
2.	With reference to page 13 point 36, the many comments received from the public point to negative social impacts outside operating hours. Will the Business Management Plan address security and cleaning outside of operating hours?	The Management Plan details appropriate measures for onsite staff to manage potential disturbances and other impacts on site and in the immediate vicinity during operating hours. Although there is no provision to have staff or security at the centre outside of office hours, the Management Plan is required to include a complaints management service.
3.	The proposed use (Community Centre) will operate Monday to Friday from 8.30am to 2.00pm only (excluding public holidays). What happens if they want to change these opening hours?	If a condition is placed on the approval, limiting the hours of operation (as currently recommended), then further planning approval would be required from the City to change the hours of operation.
4.	<p><i>'Submission of a final Business Management Plan for approval by the City prior to the commencement of the use that addresses the operation and management of the Community Centre, including how the operator will:</i></p> <p><i>a) control any noise and other disturbances on the site or close to it, that are associated with the activities or customers on site.'</i></p> <p>What will Council do if Ruah do not comply with their own business plan? How often will the City review the business plan? Will it be a document that is in the public domain?</p>	<p>If the operators do not comply with the Business Management Plan, they will effectively be in breach of the conditions of their planning approval. The City could then take steps (as per the provisions of the <i>Planning and Development Act 2005</i>) to require them to comply – failing which, the City could move to prosecute the owner/operator for failure to meet the conditions of the planning approval.</p> <p>Once the City is satisfied that there is adequate information in the Business Management Plan (the Plan) to detail how the operators will manage the business to minimise impact on other surrounding businesses and residents, there would be no further review of the Plan by the City, unless the operators sought to change any aspect of the Plan.</p> <p>The Plan contains broader details of the management and operations of the business and is not intended to be a public document.</p>

5.	<p>With reference to page 13 point 35, it is stated that <i>“it may be difficult to defend a position that relocation of an existing use within 200m of its current location would have environmental impacts on the locality or impact on the character of an existing diverse, mixed-use area.”</i></p> <p>What is the size of the existing facility compared to the new proposed facility?</p>	<p>The floor area proposed to be occupied by Ruah at 247-249 James Street is approximately 489sqm in area.</p> <p>The floor area of the existing facility at 29-35 Shenton Street is approximately 694sqm in area.</p>
6.	<p>When did Ruah move into its existing site?</p>	<p>The Daughters of Charity soup kitchen (now Ruah) opened in 1959 at the existing Shenton Street site. While there have been some alterations and expansions to the existing building, the land use for the building (Community Centre/Public Facility) has remained unchanged.</p>
7.	<p>When was the precinct plan for Northbridge developed?</p>	<p>The Precinct Plan for Northbridge was originally adopted on 26 June 2001.</p> <p>There have been various amendments to the Precinct Plan between 2013 and 2017.</p>
8.	<p>Does the existing Ruah facility have a management plan in place?</p>	<p>Ruah has management and operation plans for Shenton Street that are implemented by the centre; however, from available records, it does not appear that the original planning determination for the site (circa 1959) was conditioned to require the implementation of a management plan for the centre. As such, the City is unable to take development compliance action, as it was not a condition of the original planning approval.</p>
9.	<p>Is it correct that Council cannot reject an application citing the approved use as the reason to reject a development application.</p> <p>If yes, and if Council approve this development application with the conditions listed, how can the City reasonably enforce condition 2 and its 5 clauses?</p> <p>Surely the applicant will just appeal these as unreasonable as the use of the land that is approved means all of these issues are simply known and the City of Perth are approving of the situation?</p>	<p>The land use being proposed is a ‘Preferred’ use for this site under the City’s Planning Scheme (CPS2). Clause 32 of CPS2 states that an application involving a ‘Preferred’ use cannot be refused based on the proposed land use.</p> <p>If the operators do not comply with the Business Management Plan, they will effectively be in breach of the conditions of their planning approval. The City could then take steps (as per the provisions of the <i>Planning and Development Act 2005</i>) to require them to comply – failing which, the City could move to prosecute the owner/operator for failure to meet the conditions of the planning approval.</p> <p>The applicant could appeal condition 2 if the Council approves the application. The applicant could appeal any condition imposed by Council or could appeal a decision by Council to refuse the application (all within stipulated timeframes – the right of appeal is not open-ended).</p> <p>However, once the Business Management Plan has been agreed and once the business commences operation, there will be no further right of appeal against the condition. To date, the applicant has not resisted the requirement for a Business Management</p>

		Plan but is still in discussion with the City around some of the details being requested for inclusion in the plan.
10.	What does “the City’s satisfaction” mean? This term is mentioned several times in condition 2?	The City would need to be satisfied with the way in which the operator manages or responds to the issues. Such wording is commonly used in planning conditions to ensure the condition is not too open-ended and to ensure that the City (not the applicant) is the arbiter of whether a condition is met or not.
11.	How can the City of Perth enforce the Business Management Plan? What resources would it take to enforce this? Is a Business Management Plan enforced now at the Shenton site?	<p>If the City becomes aware that the operator is not adhering to the provisions of the Business Management Plan, the City is able to take steps to rectify the matter as per points 4. and 9. above. This work would be undertaken by the City’s Development Compliance team who have responsibility for responding to all planning and building compliance matters.</p> <p>Ruah have management and operation plans for Shenton Street that are implemented by the centre, however, from available records, it does not appear that the original planning determination for the site (circa 1959) was conditioned, to require the implementation of a management plan for the centre. As such, the City is unable to take development compliance action for non-adherence to the management plan at the Shenton Street facility, as it was not a condition of the original planning approval.</p>
12.	In the City’s discussion with the applicant, has there been any talk of how this location makes sense in fitting with any state strategy to locate services? For example, other than it being convenient for their existing site on Shenton Street, which is expanding by some 7 storeys to include new social services, what other services are close by which link in with this offering?	<p>The social services located within the vicinity of the Ruah Centre include the Deen Clinic; Sexual Health Clinic; Women’s Health and Family Services; Youth Link and Hepatitis W. Please refer to the Homeless Services in the Inner City Z-Card (information brochure) for more detail.</p> <p>The strategic (or otherwise) choice of this site by the applicant/operator is not a matter that could be considered by the City in assessing the planning merits of this application.</p>
13.	<p>In defining ‘Community Centre’ in CPS2, as per point 17 on page 11, Ruah needs to show this would cater to the community in the surrounding locality. What does “surrounding locality” mean?</p> <p>Further, discussion point 17 also identifies the use must benefit those who live and work in the surrounding locality. Looking at community feedback, would the City agree it seems the surrounding locality does not want the “benefits” of this use?</p>	<p>Community Centre is defined in CPS2 as: <i>“premises accommodating services (such as health or social services) or facilities (such as meeting or recreation facilities) primarily for the benefit of those who live or work in the surrounding locality.”</i></p> <p>The wording of this definition is interpreted by the City to mean:</p> <ul style="list-style-type: none"> • premises accommodating services like health or social services; or • Facilities like meeting or recreation facilities, primarily for the benefit of those who live or work in the surrounding locality.

		<p>Given the above interpretation of the scheme definition, whilst the City agrees that some people in the surrounding locality are concerned about and have voiced opposition to the proposal, this should not mean the proposed land use does not align with the definition of a Community Centre.</p>
14.	<p>With reference to the discussion of 'Land Use' on page 12, has the City in researching it's position to form it's recommendation counted the number of vacant shops and tenancies in the areas identified in point 26?</p>	<p>The character and description of the area stated under points 25 and 26 in the report on page 12 is as per the Statement of Intent for the area under CPS2.</p> <p>The City, in forming its recommendation, has not counted the number of vacant tenancies, as this is not a matter that could be considered by the City in assessing the planning merits of this application.</p>
15.	<p>(a) In relation to page 12 point 33, does the City accept that Ruah's services in the area are not merely relocating, they are expanding?</p> <p>(b) Given the City has the information and it has been referenced, how many square metres is the existing space at Shenton? How many square metres is the proposed space at James Street? How many square metres will be available for Ruah to use for their services once their 7-storey building is finished?</p>	<p>By redeveloping the Shenton Street site and relocating the current use to the James Street site, Ruah is expanding their breadth of service in this location, not necessarily expanding the current service for those experiencing homelessness.</p> <p>The floor area of the existing facility at 29-35 Shenton Street is approximately 694sqm. The approved 7-storey development will have a floor area of 2,381sqm; however, the new building will only provide services and emergency accommodation for women and children dealing with domestic violence. Homelessness services will not operate from Shenton Street, once development is completed.</p> <p>The applicant had advised that the two services are two different (although in some instances related) complex issues.</p> <p>The City has been advised that Ruah did consider co-locating the services; however, the Women and Children's Centre is by appointment only which is a direct response to ensuring the safety of those women and children using the centre. The homelessness service is funded as a place where people experiencing homelessness and others can drop into the centre to receive support services. Ruah considered that the two uses should be separate as there is the potential that conflict could arise between the two groups given the complex issues facing each.</p> <p>The applicant has advised that, from a practical point of view, as the existing building on Shenton Street is being demolished to make way for the Women and Children's Centre, if another site is not secured there will be no homeless services provided by Ruah for the period of construction (several years). This would impact funding and the assistance provided to people experiencing homelessness and others.</p>

16.	<p>(a) With reference to page 13 point 34 of the agenda, how would the City define the present amenity of this location? Who is the ultimate decision maker when it comes to “amenity”? Is it Council or the administration?</p> <p>(b) In the City’s view, would the amenity of an area change by introducing dozens of people each day from outside this area seeking assistance from social services not presently linked with the current use of the land in this area?</p> <p>(c) In the draft Local Planning Strategy, or any other strategy which helps Council define what the City would like to see in “future amenities”, does the City think it is a good planning outcome to see a rapid expansion of these types of services to congregate in this location?</p>	<p>Ultimately, the decision maker on the issue of amenity is the person or body making the planning decision – the City’s planners, Council, the Development Assessment Panel, the West Australian Planning Committee or State Administrative Tribunal.</p> <p>Present amenity is considered consistent with that of an inner-city, mixed-use, urban area.</p> <p>In the City’s view, the amenity of the area would not be unduly altered given the characterisation of the area (above) and given the existing service (and clients) are already present in the nearby area.</p> <p>The City’s draft Local Planning Strategy has a vision for the area as the entertainment capital of Perth, attracting people from across the metropolitan area and beyond to its lively nightlife combined with its diverse food scene and independent retail offer and creative opportunities. Land uses envisaged in this area west of Stirling Street are medium scale, mixed use development with a greater focus on commercial development. An activity Intensification Area is envisaged close to this site, along Fitzgerald Street.</p> <p>The current scale and operating hours of the proposed facility are considered unlikely to comprise the future vision for this area.</p> <p>Conversely, it could be considered - though not a planning justification for the proposal - that an absence of services for people experiencing homelessness could exacerbate the issue of homelessness in this area – potentially increasing the perception of compromised current and future amenity.</p>
17.	<p>As per page 13 point 35, the City believes it is difficult to defend rejecting this development application as it is a relocation of a centre some 200 metres away. Why has the City not provided context in this section for why Ruah needs to relocate this specific centre? Does the City think it is not relevant to understand the context behind expanding the 7-storey building which will result in more social services being based in Northbridge?</p>	<p>Ruah’s need to relocate to this site (versus any other) cannot be considered by the City in assessing the planning merits of this application.</p> <p>The question regarding the provision of additional services has been answered in point 15 above.</p>
18.	<p>On page 13 point 36 of the agenda, the City says “<i>it could be argued that the nature of the services to be provided at the site assist in improving the social impacts on people experiencing homelessness and social impacts of homelessness on the broader community</i>”.</p>	<p>Submissions received from nearby businesses and residents described (social) impacts they believe could arise from the operation of the facility. For the purposes of this report, these are the (perceived) social impacts of homelessness.</p> <p>An absence of services for people experiencing homelessness could exacerbate the issue of</p>

	<p>What does the City mean by the “social impacts of homeless on the broader community”? Please also define “broader community”.</p>	<p>homelessness in this area – potentially increasing the perception of compromised impact and amenity.</p> <p>For the purposes of this report, the broader community is taken to mean nearby residents and businesses, visitors to the area, and the community beyond the immediate vicinity of the site.</p>
<p>19.</p>	<p>(a) The City believes it can manage all concerns through management plans and the like (page 13 point 37 of the agenda). Given the condition is a resolution of Council, can Council at a future point (if this is approved) determine the enforcement of such plans are not working and penalise Ruah, or close the centre? If yes, what measures are available?</p> <p>(a) Relating to the City’s comments in point 38, page 13 of the agenda that preliminary management plans are internal Ruah documents and not publicly available, how can we possibly judge them to be satisfactory against community expectations? Surely these must be made publicly available to provide transparency and accountability on enforcement?</p> <p>(c) Regarding other community centre uses specifically (point 38 section e), is the administration aware of such a condition being required in the City of Perth? It seems having the need for this condition means approving it provides a negative outcome on amenity (i.e. there will need to be a prescribed process to manage a large body of complaints).</p>	<p>If the City becomes aware that the operator is not adhering to the provisions of the Business Management Plan (the Plan), the City is able to take steps to rectify the matter as per points 4. and 9. above. This work would be undertaken by the City’s Development Compliance team who have responsibility for responding to all planning and building compliance matters.</p> <p>The Plan contains broader details of the management and operations of the business and is not intended to be a public document.</p> <p>The City will review the Plan and assess whether it satisfies the conditions of the approval which, in part, have been imposed to address the community concerns.</p> <p>It is not uncommon for planning approvals involving land uses that are considered to have the potential to result in (perceived or real) amenity impacts, including noise, parking and patron behaviour to be conditioned to comply with approved Business Management Plans. Business Management plans provide further details about the operation of the land use which are conditioned to ensure they form part of any approval.</p>
<p>20.</p>	<p>With reference to page 16 point 60 of the agenda, the City states “<i>Ruah’s proposed drop-in centre will continue to provide services to the local and greater Perth community</i>”. Does this use of the wording “greater Perth community” contradict the intent of the definition “surrounding locality” when defining if this development application may be approved as a community centre?</p>	<p>Community Centre is defined in CPS2 as: “<i>premises accommodating services (such as health or social services) or facilities (such as meeting or recreation facilities) primarily for the benefit of those who live or work in the surrounding locality.</i>”</p> <p>The wording of this definition is interpreted by the City to mean:</p> <ul style="list-style-type: none"> • premises accommodating services like health or social services; or • Facilities like meeting or recreation facilities, primarily for the benefit of those who live or work in the surrounding locality. <p>Given the above interpretation of the scheme definition, use of the wording “greater Perth</p>

		community” is not considered to contradict the intent of the definition.
21.	Overall, is the City in possession of any research or data displaying that Northbridge is naturally predisposed to having a disproportionate need for wide ranging social services compared to other neighbourhoods in Western Australia?	<p>As part of the Local Planning Strategy, the City completed a desktop study of the number of community services within the City of Perth. The Strategy notes that given its important role as a capital city, Perth city has a need for a broad range of health and community care support services, including those that cater for vulnerable and disadvantaged groups.</p> <p>The City, in forming its recommendation on this particular proposal, has not considered the need (or otherwise) for social services in this area, as this is not a matter that could be considered by the City in assessing the planning merits of this application.</p>
22.	Does the City keep statistics on complaints received regarding this location?	<p>Since January 2022, Citywatch has recorded the following:</p> <ol style="list-style-type: none"> a. The existing Ruah site - 20 incidents reported (assault, disorderly conduct, fighting, theft). b. The proposed James Street site, there have been 32 incidents reported (disorderly conduct, hazards, requests to monitor people/vehicles, suspicious persons, traffic related matters).
23.	Can Council be provided further information regarding the definition of Community Centre? One of the speakers during a deputation at the 24 May 2022 Agenda Briefing Session said that it is an unlisted use, whereas the Administration states it is a listed use	Confidential legal and professional advice was obtained and information on this will be circulated to Elected Members separately.
24.	Can the Administration please respond to a letter received from Ruah requesting changes to operating hours?	<p>The applicant (on behalf of Ruah) has requested the following modifications to Conditions 2, 2a, 2b, 2c, 2d, 2e and 5:</p> <p><u>Applicant’s Request:</u></p> <p>Modify condition 2 to read as follows:</p> <p><i>Submission of a final Business Management Plan for approval by the City prior to the commencement of the use that addresses the operation and management of the Community Centre during the operational hours of 8.30am to 2pm Monday to Friday, including how the operator will:</i></p> <p>The applicant’s justification for this modification is that: <i>Ruah is funded to provide its homelessness services between the hours of 8.30am to 2pm Monday to Friday. The services provided are not crisis care/accommodation and therefore the business management plan needs to reflect the operation of the centre and not the matters which are beyond the</i></p>

services of Ruah or are related to general homelessness in Perth and Northbridge.

Officer Response:

Officers expect each component of the Management Plan to outline parameters, including hours of management and the area of management, therefore it is recommended that the condition be retained as is.

Applicant’s Request:

Modify condition 2a to read as follows:

control any noise and other disturbances on the site ~~or close to it~~, that are associated with the activities or customers on site.

The applicant’s justification for this modification is that: *“Ruah can control noise and other disturbances on its site and has procedures in place to do this, however, Ruah cannot control noise and other disturbances ‘close to it’. Firstly ‘close to it’ is vague and uncertain and secondly this is beyond the legal ability for Ruah to control noise and disturbances in the public domain. This is a matter for the relevant authorities in a similar way to a tavern or the like.”*

Officer Response:

It is acknowledged that the words ‘close to it’ do not specifically define the exact area the City is expecting Ruah to manage, and it may be difficult to enforce compliance with such a condition. The condition is intended to require Ruah to manage their operations on site and any potential impacts that extend beyond their site that can reasonably be linked to the provision of their services. In order to provide more certainty regarding the area that Ruah’s management plan will need to cover, like the applicant’s proposed amendment for condition 2b, it is recommended that the condition be modified to read as follows:

control any noise and other disturbances on the site ~~and on the verge area directly in front of the property or close to it~~, that are associated with the activities or customers on site.

Applicant’s Request:

Modify condition 2b to read as follows:

arrange for the removal of unwanted or unattended personal belongings of customers of the site within the ~~immediate vicinity~~ verge area directly in front of the property to the City’s satisfaction.

The applicant’s justification of this modification is that: *“it is not clear how it would be determined that the belongings relate directly to customers, secondly these are personal belongings and therefore Ruah needs to be considerate of its customers and their situation and thirdly ‘immediate vicinity’ is not clearly defined. Ruah currently arranges for cleaning and clearance of unwanted goods in front of its current premises on the verge area and will continue this process, however, it cannot remove belongings which are not located in front of its premises.”*

Officer Response:

It is acknowledged that there is no definition for ‘immediate vicinity’, and it may be difficult to enforce compliance with such a condition given the uncertainty of the area it applies to. The condition is intended to require Ruah to manage their operations on site and any potential impacts that extend beyond their site that can reasonably be linked to the provision of their services. In order to provide more certainty regarding the area that Ruah’s management plan will need to cover, it is recommended that Council accepts the applicant’s re-wording of this condition.

Applicant’s Request:

Delete condition 2c:

~~c. accommodate persons waiting to access services within the building.~~

The applicant’s justification of this modification is that: *“We are not sure what this is referring to? If it relates to accommodating persons waiting to use the services during operational hours, then the condition is supported, however, if it is referring to persons arriving before or after the hours of 8:30am to 2pm Monday to Friday, then this is outside the operational hours and cannot be accommodated. Similar to other business premises, Ruah does not accommodate persons waiting to use those services outside of opening hours.”*

Officer Response:

The condition is intended to require Ruah to manage their operations in a way that minimises any potential disturbances resulting from people waiting outside of the building outside of its opening hours, anticipating people might arrive at the building prior to its opening at 8.30am. Details of how Ruah can minimise any potential disturbances can be negotiated with the City – this does not necessarily require the site to be staffed outside of business hours. It is recommended that the condition be retained.

Applicant’s Request:

Modify condition 2d to read as follows:

managing the congregation of customers, ~~or people associated with customers~~, outside the property during operational hours to the City’s satisfaction.

The applicant’s justification for this modification is that: *“While Ruah has procedures in place to manage its customers, it cannot influence people who are not customers of the centre. Furthermore, there are complex issues that could occur between its customers and other associated people which are a matter beyond the ability of Ruah to control.”*

Officer Response:

This condition is considered similar to condition 2a to manage noise and disturbances on site and within the verge area directly in front of the property, which is associated with its operations or customers. The applicant accepts this condition, subject to a minor change to specify the area external to the site. Therefore, it is recommended that the condition be retained as is.

Applicant’s Request:

Modify condition 2e to read as follows:

establish and maintain a complaints management service, that enables and facilitates easy access (by the community) ~~during the hours of operation~~ to a designated contact person(s), ~~including after-hours and emergency contact details~~, to the City’s satisfaction.

The applicant’s justification for this modification is: *“Ruah currently has a complaints management email, phone number and service that is used during operational hours. As identified above, the services provided are not crisis care or accommodation services and therefore it is not appropriate to require after-hours emergency contact details. If it is an emergency, it should be reported to the appropriate authorities. We note there is a 24-hour Police station within 50 metres of the site.”*

Officer Response:

It is acknowledged that the site is capable of being secured after hours, with access prohibited. Therefore, any after-hours disturbances are likely to occur off-site. It is acknowledged that it may be difficult to ascertain if any disturbances are directly linked to the operations of Ruah; however, the operator should provide access to a complaints service that can investigate and respond to

		<p>issues. It is recommended that the condition be modified to reads as follows:</p> <p><i>establish and maintain a complaints management service, that enables and facilitates easy access (by the community) to a designated contact person(s) or after-hours message service including after hours and emergency contact details, to the City's satisfaction.</i></p> <p><u>Applicant's Request:</u></p> <p>Modify condition 5 to read as follows:</p> <p><i>Installation of a sign on the building, which is clearly visible from the adjoining footpath, and provides detail on the approved opening hours an after hours contact services for users of the centre; and general and emergency police contact details for the public. Final details of the design, location, dimensions, and content of the sign need to be submitted for approval by the City, prior to the commencement of the use, with the sign being installed and maintained thereafter to the City's satisfaction.</i></p> <p>The applicant's justification for this modification is similar to the reasons outlined under Condition 2 - the Ruah service does not provide crisis care or crisis accommodation and is not funded outside of operational hours.</p> <p><u>Officer Response:</u></p> <p>The applicant's advice that Ruah are not funded to provide a service outside of their business hours is acknowledged. It is also acknowledged that in the case of an emergency, if Ruah are contacted, they will contact emergency services to attend any incident. For reasons detailed in the officer comments above, it is recommended that Council accepts the applicant's re-wording of the condition.</p>
25.	Has the City ever prosecuted an owner or operator for failure to meet the conditions of a Business Management Plan?	In the last 4 - 5 years, the City has not prosecuted an owner or operator for failing to comply with a Business Management Plan. Most of the City's planning and building compliance activities relate to enforcement of Construction Management Plans, Traffic Management Plans, emergency management plans and conditions of planning approval.

Officer's Recommendation

Mover: Councillor Liam Gobbert

Seconder: Nil.

That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Metropolitan Region Scheme and the *Planning and Development (Local Planning Scheme) Regulations 2015 - Deemed Provisions for Local Planning Schemes*, APPROVES the application to change the use of the existing building at 247-249 James Street, Northbridge to Community Centre ('Community and Cultural') as indicated on the Metropolitan Region Scheme Form One dated 16 February 2022 and as shown on the plans and details received on 17 February 2022 subject to:

1. The proposed use (Community Centre) operating Monday to Friday from 8.30am to 2.00pm only (excluding public holidays);
2. Submission of a final Business Management Plan for approval by the City prior to the commencement of the use that addresses the operation and management of the Community Centre, including how the operator will:
 - a. control any noise and other disturbances on the site or close to it, that are associated with the activities or customers on site.
 - b. arrange for the removal of unwanted or unattended personal belongings of customers of the site within the immediate vicinity of the property to the City's satisfaction.
 - c. accommodate persons waiting to access services within the building.
 - d. managing the congregation of customers, or people associated with customers, outside the property during operational hours to the City's satisfaction.
 - e. establish and maintain a complaints management service, that enables and facilitates easy access (by the community) to a designated contact person(s), including after-hours and emergency contact details, to the City's satisfaction.
3. The approved Business Management Plan being implemented by the operator/manager on an on-going basis and to the satisfaction of the City.
4. A Waste Management Plan, satisfying the City's waste servicing requirements, being submitted for approval by the City prior to applying for an Occupancy Permit, with the Plan being implemented by the operator/manager on an on-going basis and to the satisfaction of the City; and
5. Installation of a sign on the building, which is clearly visible from the adjoining footpath, and provides detail on the approved opening hours; an after-hours contact services for users of the centre; and general and emergency contact details for the public. Final details of the design, location, dimensions, and content of the sign need to be submitted for approval by the City, prior to the commencement of the use, with the sign being installed and maintained thereafter to the City's satisfaction.

The above motion lapsed for want of a seconder. Councillor Fleeton then moved the following alternate motion:

Council Resolution (Alternate Motion) (OCM-22/05-067)

Mover: Councillor Brent Fleeton

Seconded: Deputy Lord Mayor Di Bain

That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Metropolitan Region Scheme and the Planning and Development (Local Planning Scheme) Regulations 2015 - Deemed Provisions for Local Planning Schemes, REFUSES the application to change the use of the existing building at 247-249 James Street, Northbridge to Community Centre ('Community and Cultural') as indicated on the Metropolitan Region Scheme Form One dated 16 February 2022 and as shown on the plans and details received on 17 February 2022 for the following reasons:

1. The proposal is contrary to clause 67(2)(a) of the deemed provisions as the proposed use is inconsistent with the statement of intent for the Northbridge Precinct to provide a diverse, interesting and dynamic inner-city precinct that will be promoted as an attractive destination for the local population and interstate and overseas visitors.
2. The proposal is contrary to clause 67(2)(n) of the deemed provisions as the proposed use will adversely impact upon the amenity and character of the locality which includes the permanent residential dwellings located in the surrounding locality, by way of adverse noise, reduced public safety and antisocial behaviour.
3. The proposal is contrary to clause 67(2)(y) of the deemed provisions as the proposal does not adequately address community concern relating to an increase in antisocial behaviour, a reduction in public safety, loss of residential amenity, and an adverse impact on business.

CARRIED UNOPPOSED (7/0)

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

Against: Nil.

Reasons for Change

"I'd like to begin with a thank you to Ruah for their tireless work in this space.

As we give our reasons for debating this motion, while I am speaking against this specific DA, I am not taking a set against Ruah or the services we continue to support with ratepayer funds.

No one operates in a vacuum so it's important to understand ramifications on existing land uses and ratepayers before approving when the rules allow us.

These rules allow a minimum of three councillors to call this in, the first instance this new Council has done so. That is our right under delegated authority.

I don't think councillors should ever just blindly accept interpretations or advice from the Administration as black and white. It's our job to ask questions. There are grey areas in planning, that's why our policy allows us the opportunity to do what we are doing here at this meeting in full transparency being observed by our community.

So as the motion states, I believe the application is not consistent with the state of intent for the precinct.

I will also talk about character, amenity and community feedback.

To the state of intent for the precinct:

“the City will provide a diverse, interesting and dynamic inner-city precinct and will be promoted as an attractive destination for the local population and interstate and overseas visitors.”

We’ve heard from investors, residents, business owners, they’re saying that approving this centre is not adding to the attractiveness of this destination, in fact it’s taking from it. We’ve heard from female business owners, safety is a real concern.

Then we look to the future, what do we want Northbridge to be?

I want us to capitalise on the Perth City Deal, I want landowners to be encouraged by their Council to get together and turn this end of James Street into a magnificent hub to take advantage of the future university campus just around the corner.

I want Council to give Northbridge hope that we have your back when you go to make big decisions, when you lodge those plans for apartments to cater for international students, to invest in that new business –take our plans and our vision with confidence and make them your own.

What we are planning for is a once in a generation investment in the future of this precinct which we must not miss.

Approving this change of use disregards this vision.

It sends exactly the wrong signal. There is no denying the surrounding locality will change if this centre is approved.

We have to think of how the land use fits in with the amenity of the area 24/7 – how is this going to work not just for the operating hours they are proposing but how do people access this facility.

How are neighbours going to be impacted? Are their concerns valid, yes they are.

Can it be managed or not? If they cannot be adequately managed and we know that now, why would we approve this?

The summary of the management plans we have seen do not address community concerns. And the letter from the applicant received the day of the briefing session requesting amendments to conditions to reduce their liability gives me little confidence in the utility of such conditions.

I’ve heard in our deliberations that such drop-in centres don’t attract people in from other areas, that we just have a naturally high local population that requires services as compared to every single other LGA in the metro area.

I disagree and I put it to the applicant that the reason we have so many people requiring services in Northbridge and the inner city is because we have some 90% of all metropolitan based services in our patch.

I’ve also heard in a deputation last week that people just want to be in the city as it’s a great place to be. I agree, but also, Subiaco is a nice spot to be. South Perth is a nice spot to be. So why is Northbridge’s amenity and character being fundamentally changed, why are we still doing far more in this area than any other metropolitan local government?

I’d say because before this evening, people in this building hadn’t stopped and asked the questions we are posing.

Finally, the weight of the feedback from the lived examples coming through from neighbours, businesses, residents must be taken into account. We are their representatives.

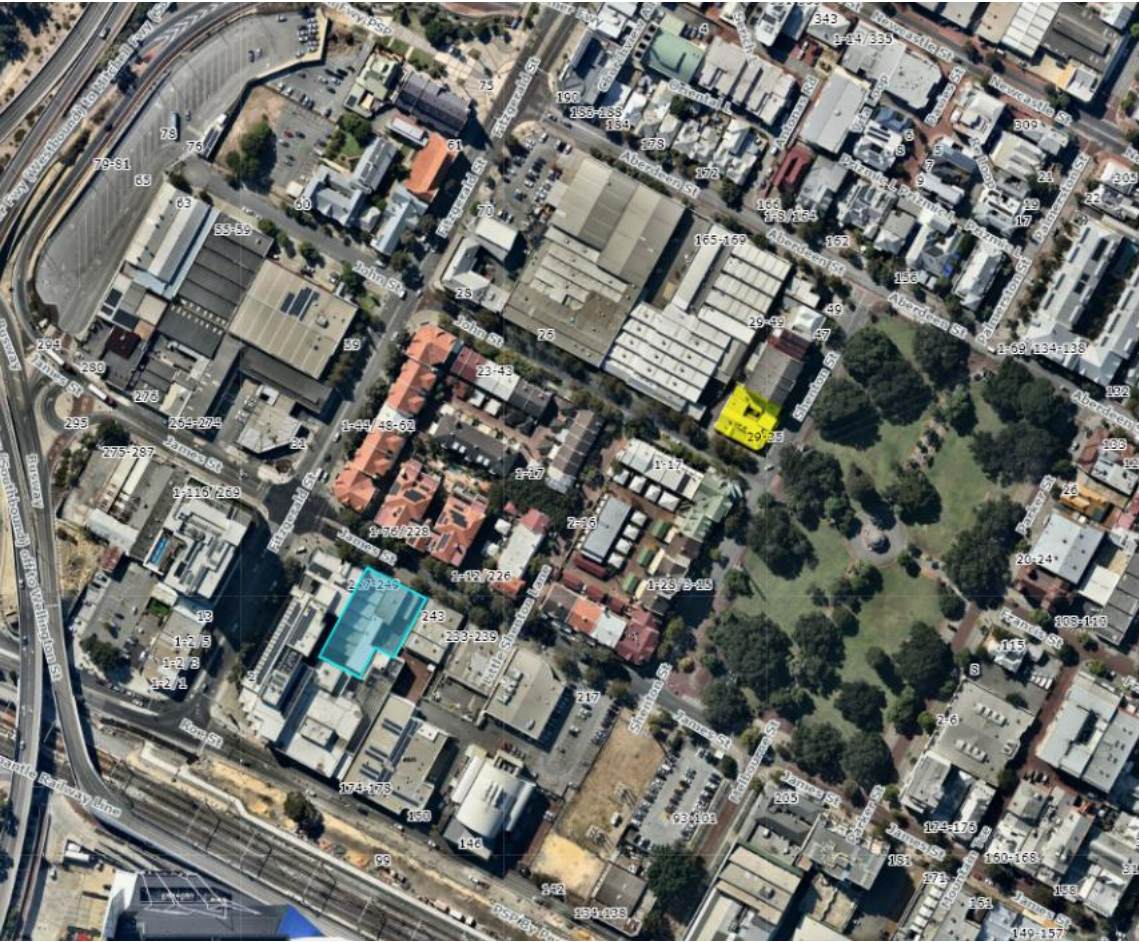
This is their community too and their opinions shouldn't be dismissed as heartless, heartless would be to turn a blind eye to what's happening in Northbridge and what will keep happening if we don't face some hard truths.

I won't re-read what's in the agenda in terms of feedback, or what we have received via email.

When it comes down to it, on the ground, day to day long after this meeting, we know management plans won't work to allay the very real concerns - we also know the responsibility and liability will then fall to the ratepayer.

We are setting ourselves and Northbridge up for failure.

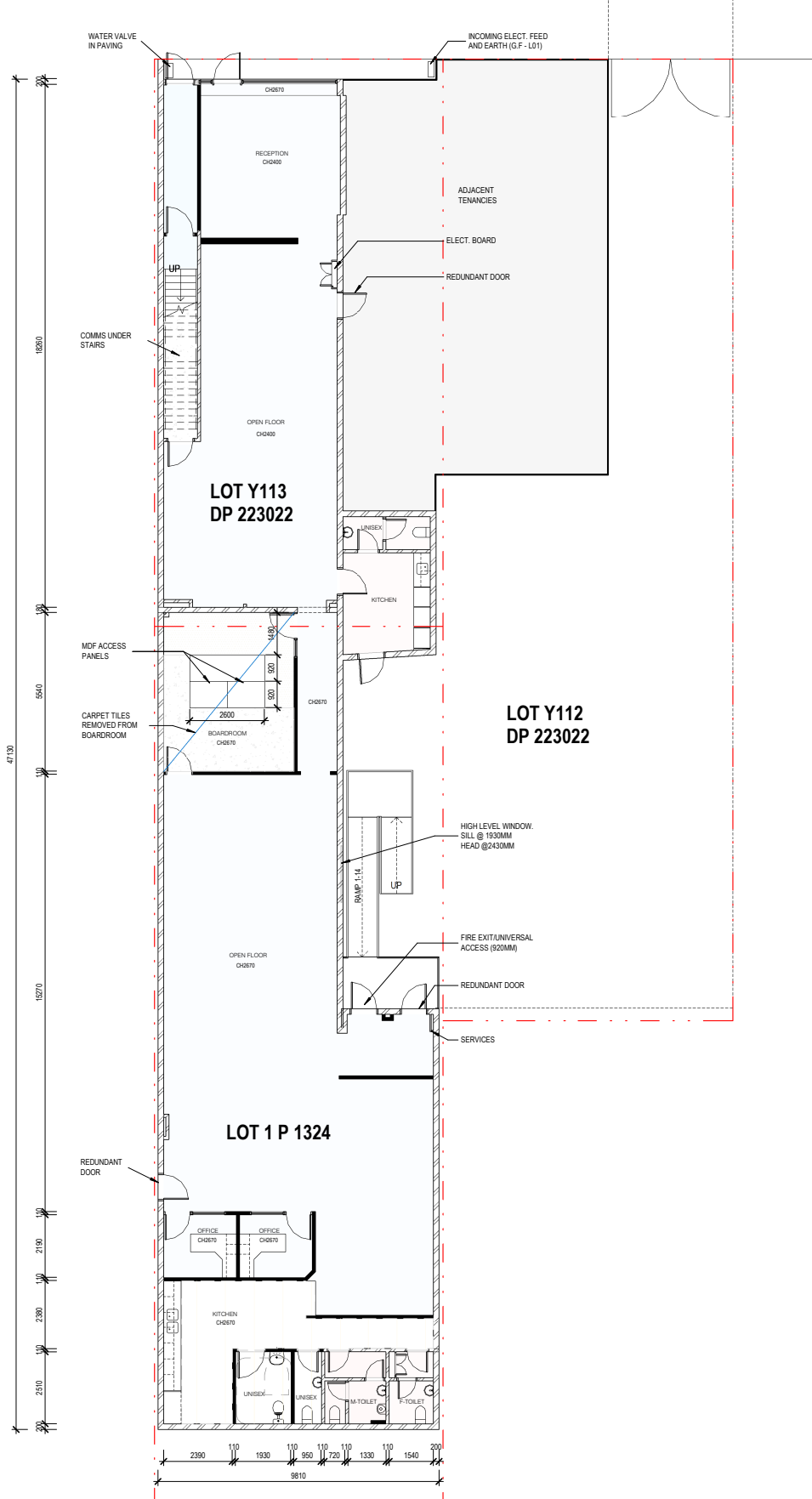
On balance, it's better for Council to refuse this, try to work with Ruah and the state government on a strategy which makes sense while encouraging our Northbridge community to have confidence in Council that we have your back."



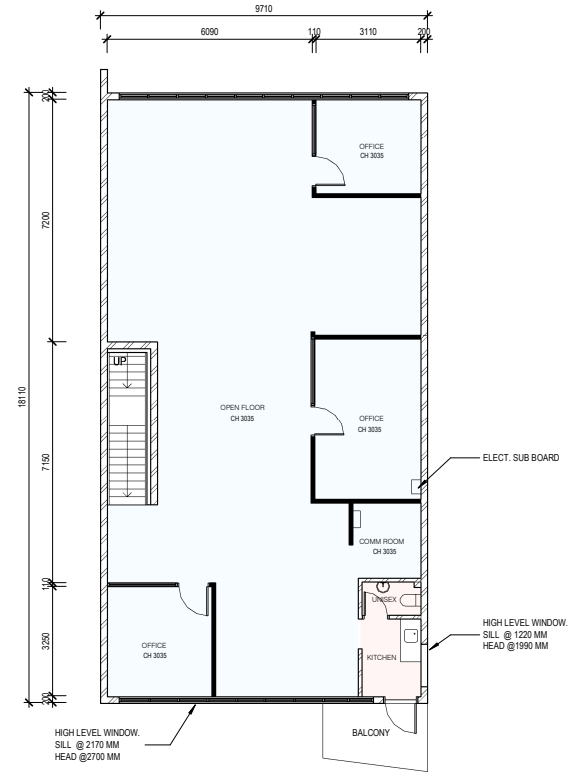
- Ruah -
Shenton Street,
Northbridge
- 247-249 James
Street
Northbridge

2022/5042 – 247-249 (LOTS Y113 & 1) JAMES STREET, NORTHBRIDGE

JAMES STREET



1 GROUND FLOOR
SCALE: 1 : 100

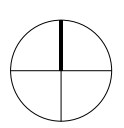


2 LEVEL 01
SCALE: 1 : 100

- LEGEND**
- LOT BOUNDARY
 - ADJACENT TENDENCIES
- WALL TYPES**
- ▨ BRICKWORK
 - ▬ PLASTERBOARD
- FLOOR TREATMENT**
- CARPET
 - TILE
 - VINYL
 - CONCRETE
 - MDF

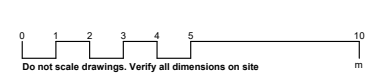
	G.F.A (M2*)	N.L.A (M2*)
GROUND FLOOR	335	267
LEVEL 01	154	149
TOTAL	489	416

*NOTE THESE AREAS ARE APPROXIMATE ONLY



247 JAMES ST, NORTHBRIDGE
EXISTING LAYOUT

Drawing: A.A.1000
Drawing no: A
Issue: 1 : 100
Scale@A1: 10.02.22
Date:



architectus™

Comments Received

Objection

My partner and I have owned ■ James Street Northbridge for some 30 years and approximately 12 years back, spend significant monies completely refurbishing the premises, for high end office accommodation .We did so on the basis of rejuvenating the western end of Northbridge to attract a more diverse tenancy mix, rather than the generic hospitality / night club occupants and bring life to the once dead end of James. The precinct has since seen several new developments take place , including apartment towers , restaurants /café, boutique retail, student training and office accommodation all of which are complementing each other and drawing an audience to this end of Northbridge .Our offices alone have had upwards of 50 staff , pre covid and staff have just commenced returning to work . Further, I also believe there is several multi-level student accommodation towers proposed for this end of the James Street, one of which is to be adjoining our property to the east .

Yesterday, I was astonished to learn that there is change of use application by Ruah Community Services, to occupy the adjoining building (to west) at 247 James , which I believe will be a drop-in centre to cater for the homeless-and associated business, , for which council is considering without public feedback .. I have a long-standing national aged care provider tenant , of which over 90% of the staff are woman and have serious concerns for their safety and prospect of the anti-social behaviour problems that will likely come with the approval of this application .I base this on visual evidence I have witnessed at the existing drop-in centre in Shenton St , which I pass by at least once a week . I frequent the area on numerous occasions each week and I am overwhelmed by homeless issue and anti-social behaviour that exists and the impact it is having on businesses and residence of the area.

There are numerous residential town houses and small businesses directly across the road from the proposed location , all which without a doubt will be directly affected by the operation of this facility . Council must visit their current facility and spend some time there to understanding what I am referring to . Many times, I have walked past the Shenton Street and have been harassed by people , asking for cigarettes and money , there is a never-ending stream of folk moving in and out of facility, to the park directly across the road.

The centre they currently occupy is located on Shenton St, on a corner and overlooking Russell Square , where many of the patrons (not all homeless either) of this facility congregate and wait for the facility to open ,before they rush in . Further there are mattresses (they leave their personal belongings around the property and come back at night to sleep there ,waiting for the centre to open) , furniture , plastic chairs , milk crates and trolleys, always scattered across the front of the property , lots of screaming and carrying on , swearing and fighting . I believe Ruah own the current property they are in and want to redevelop thus the need to relocate . At least where they are now, there is no adjoining property on one side of the property and no one directly across from them , unlike this tightly nestled and occupied strip of James St,, where they propose to locate .

Everyone I have spoken too in proximity to the proposed relocation site ,who is aware of the proposal to date , is strongly opposed to the move – no one believes this facility would provide any benefit to the strip and nor is there enough amenity to support the facility's patrons . I am

aware that the proprietor of the Best Western hotel , located directly across the road from the proposed facility , who has been there since 2004, is very concerned of the potential noise and loitering and the effect on the hotel's patronage as are a number of small boutiques business and numerous residential occupiers located next to the hotel , all of whom will have directly visual contact with the proposed premises .We also have concerns re the interaction of the facilities' patrons loitering at the front of the property , with those folk coming to and from the police station , located nearby along the same stree. My understanding is that there will be numerous objections lodged with council and local members of parliament .

I, along with others are perplexed as to why this change of use , which will undoubtedly impact on the long-standing residents and occupiers, in immediate proximity to the proposed relocation, has not been advertised by the City . Whether it is a preferred use or not ,there is a change of use required and thus it should be advertised by the City, on the basis the proposed change will have a material impact on those in immediate proximity to the location . If approved, we seriously believe businesses and residents positioned down this end of James St , which are already having to deal with the economic fallout out of COVID and general negative publicity and anti-social behaviour that prevails in Northbridge , will be further negatively affected with some having to close .

I cannot see how the City can possibly allow this to proceed given the likely prospect of negative impact on the existing amenity and on the wellbeing of other good folk who have worked hard for many years to build an investment, whether it be a business house employing staff or a residence .I acknowledge the good work Ruah do in the community and there is a need for their services but if the relocation means others will be negatively impacted , then this needs to be seriously considered ,as the end result may well be the creation of another unneeded problem to deal with, which no one wants to know about . we have existing homelessness issues where council is blaming government and vice versa and there is no light at the end of the tunnel as to how or who is going to deal with this . This not helping anyone , more so the homeless.

Perhaps Ruah should reconsider their proposed move and stay where they have been for years or relocate to government facility (such as beneath the City Railway on Wellington St) or in the homeless accommodation centre (Ex St John of God offices on the Railway)) which are not bound by high end offices or residential accommodation and have open spaces to the front and or sides . Irrespective of whether something falls in a preferred use precinct , the City needs to consider the onflow affect and the legacy of their decision on other residents and occupiers in the area many of whom , like us ,have had an interest and contributed to the wellbeing of the area for many years and paid their rates and taxes .

We are very concerned that the problematic issues ,which are synonymous with this type of facility, will only hinder the retention and future procurement of high quality tenants , resulting in the gradual demise of the western end of James St , which we have worked so hard for many years to activate and promote as a friendly and safe destination offering a boutique strip style accommodation as an alternative to the hectic and generic CBD offering.

I hope the City will take on board our concerns and reject the change of use application as approval will affect the livelihoods of many , including residence , commercial property owners, business houses and the many staff , employed in the immediate precinct .

Objection

I have been contacted by a number of landowners in the vicinity of the proposed Community Use / Drop In Centre at 247 James Street, Northbridge.

I have been asked to write a submission on the proposal, but I understand the proposal is not being advertised for public comment.

The City should reconsider its position on not advertising the proposal, as it has the potential to affect the amenity of existing businesses and properties in the vicinity of this proposal.

As it is not being advertised, I have no specific detail of the proposal. Accordingly, could you provide me with a copy of the Application so that it may be reviewed and so that we can prepare a written submission?

Objection

We received a news saying City of Perth is relocating the RUAH centre to 247-249 James St Northbridge. We vote to against that plan.

We are an office on James St called [REDACTED] we are happy with where we are and grateful for all the restaurants and cafes located on James St. We had a meeting to talk about this plan within our office co-workers and we all thought this plan will destroy this flourish and lovely neighbourhood. No one would dare to sit out to have a coffee or brunch, and all the businesses on James st will be closing down very soon. People who live upstairs will be scared all the time and all of us happily living in the neighbourhood will try to move and make this street a deserted place in the end. We suggest that an other location where doesnt have a developed neighbourhood shall be the perfect place for the RUAH centre, not this one for sure. Please give it a deeper thought and make a better decision.

Objection

I have recently been made aware that the Ruah Centre, (currently 33 Shenton St) is proposing to relocate to 247 James St. This means that this centre will be located directly across James St from my business. I would like to register my strongest possible objection to this facility being permitted to operate directly across the street from my location and in this area in general. My objection is based on some of these points:

- *A homeless drop in and support centre (with many of these people with underlying drug, mental health and violence issues) is NOT a good fit to an area surrounded by restaurants, offices and residential apartments.*
- *I am concerned about the anti-social behaviour brought about from the recipients of this service*

- *I am concerned about the additional crime that will be generated by the recipients and friends of these people*
- *The loitering around this area will be uncontrollable if this centre is established here.*
- *We will see an increase in human waste (urine and faeces) around the area due to lack of toilet facilities around*
- *My staff and I will be exposed to danger with the constant flow of people wanting to enter our location and wanting to use the toilet*
- *My guests will be exposed to the same dangers*
- *We will see in the little lane ways, car parks in the immediate vicinity (including mine) being used and a 'shooting alley' and toilet by these people*
- *I am aware that the current location has to employ security guards on a daily basis to control the violence from the clients of the Ruah centre*
- *The old mattresses, shopping trolleys and rubbish will be a constant feature in this vicinity if this centre is allowed to operate at 247 James St*

I have run my business here since 2004. This business has been here since 1996. I can speak authoritatively in relation to this type of facility and its clientele. I have accommodated over the years many people from the Dpt. of Communities (many of these are also supported by the Ruah Centre). It is rare that we accept any more of these bookings due to the majority bringing crime, drug, loiterers, filth and anti-social behaviour to my location. . The last time I accepted Dpt. of communities bookings, security guards had to be provided as the increase in crime goes from zero to a very noticeable level. Moreover guests and staff are made to feel uneasy with increased anxiety levels due to constant threats, noise, foul language safety fears from this type of clientele. Not only this, the Ruah Centre here will completely destroy my business as well as the ones around the area. I ask you to not allow the Ruah Centre to operate from 247 James Street. If this is allowed to operate here, the property values will decrease, and there will not be any restaurant able to operate within 200 metres each side. If they are allowed to operate at 247 James Street, it will leave a lasting legacy and forever condemn this side of James Street as the dangerous, filthy, smelly and least desirable side. Please don't forget that there are families in the area now as well as new hospitality businesses and offices trying to establish a foothold after having had COVID to deal with.

Objection

I would like to formally lodge my objection to the Ruah Community Services organisation relocating to their offices to 247 - 249 James Street Northbridge from 33 Shenton Street Northbridge.

We share the view of many that the RUAH Centre is not a good fit for this area. We strongly object to this centre being established amongst restaurants, offices and a high concentration of residential living.

Having lived at James street in Northbridge for over 15 years, the Ruah Centre at Shenton street is mostly seen with vagrants hanging around the street front and Ruah centre footpath. I have walked past often in front of the building and see human faeces and the strong stench of urine and often strewn with litter.

The local James Street precinct business's will suffer with the visual and physical presence of rough sleepers, vagrants, verbally abusive people, where I have been verbally abused mostly each time I have walked past by all manner of people in various states of undress and behaving in an intimidating manner.

The Ruah Community Services Centre services and supports homeless, rough sleepers and mental health affected people, which potentially means bringing people with adverse behaviours and anti-social activities to our location. The new centre will be larger than the current one in Shenton St.

As stated on their website. "The Western Australian Ruah organisation provides community support services to more than 25,000 people each year. 40% victims of domestic violence and 40% Aboriginal." <https://www.ruah.org.au/services-support/housing-and-homelessness/>

This centre does not have a place in a thriving and successful business area with restuarants, motel and residential accommodation business.

Can I please ask that the City of Perth Planning department consider disallowing the James Street area from being a area suitable for a community service centre.

Objection

As one of the ratepayers in the City of Perth, I strongly object to the relocation of RUAH Centre to 249 James St, Northbridge. I do not think it's a good fit for this area, where there's restaurants, offices and residential living nearby. The reason is that the centre will attract people with adverse behaviours and anti-social activities to this location, and as a result, it will affect our personal safety and security. I ask you to please reconsider this plan to relocate RUAH Centre, and to consider the effects of this plan on our livelihoods.

Objection

I am a co-owner of three retail/office tenancies on the ground floor at 228 James Street Northbridge I am writing to you to lodge my objection to Ruah Community Services Centre relocating to 247 -249 James Street Northbridge from 33 Shenton Street Northbridge. This centre is not a good fit for this area, and I am surprised and disappointed that there has been no consultation with business owners or landlords regarding their planning submission.

The Ruah Community Services Centre services and supports homeless, rough sleepers and mental health affected people, which potentially means bringing people with adverse behaviours and anti-social activities to our location. The new centre will be larger than the current one in Shenton St, which is even more disturbing.

I am very familiar with the Ruah Community Services centre having lived, worked and owned property, both residential and commercial in the west end of Northbridge for the past 26 years. I love Northbridge, I love its culture and diversity and everything that goes with it, but I do avoid the corner of Shenton Street where Ruah currently is at all costs. It is unsafe and confronting and one of the few places where I consistently get verbally abused and accosted by all manner of people in all states of undress and intoxication, not to mention the human faeces and the overwhelming smell of urine.

To move this behaviour to the west end of James Street where businesses are getting established and where the west end of James Street is only just beginning to get the momentum of becoming a thriving hub will destroy this area and put everyone who has invested in Northbridge in financial peril.

I am appalled that my tenants and their customers are going to be subjected to this daily abuse and arriving to the stench of urine and filth on the street should this be approved.

I understand that Ruah needs to go somewhere accessible, but please understand that Ruah or any community service centre should not be placed amongst restaurants, cafes, beauty/hairdressing studios, motels and residential accommodation.

Can I please ask that the City of Perth Planning department consider disallowing the whole of the James Street area from being an area suitable for a community service centre?

Further Information sought

May you please let me know what I need to do to object to the RUAH Centre relocation please?

Also, do you have an update on what is happening with the below proposed development?

<https://eservices.perth.wa.gov.au/ePathway/0310/Production/AppInPlans/Files/501734/Architectural%20Design%20Report.PDF>

Support

I am writing to express my support of the planned development by RUAH at 247-249 James street to house their new expanded service. As a Northbridge resident who lives less than 1 minute away from the proposed development, I want to express my support for RUAH and their mission against some backlash they appear to be receiving.

Many residents in this neighbourhood have been circulated a letter calling for us to condemn this development, I have attached a copy of the letter which was circulated to the mailbox of a neighbour of mine which they later posted on Facebook. I oppose the efforts by other Northbridge residents to prevent the essential development of a larger homelessness service within Northbridge. Homelessness services such as RUAH's are the best possible step we could take to make northbridge a safer and happier place.

I sympathise with the concerned resident who has posted these letters around but I feel he is incorrect with his conclusion that this type of service is not a good fit for our neighbourhood. Homelessness is clearly an issue in Northbridge, and the current RUAH service is clearly overcrowded and overworked for the type of service they provide. I walk past their service every day and the only complaint I could ever make about it is that I do wish the service was bigger, as sometimes there is even a visible line from the street. You need only walk past RUAH any day of the week to see how important and valuable a larger premises would be for the organisation.

From my perspective, a bigger homelessness service in the neighbourhood is a clear win for residents, a clear win for people living in poverty or on the northbridge streets, and a clear win

for the city of perth. Seeing these letters posted around I decided I had to write in my support for RUAH and express my hope as a Northbridge resident that this development does successfully go ahead.

Objection

I'm writing to formally object to the change of use application for 247-249 James Street. I recently invested my life savings into an apartment at 269 James Street and seeing this area devolve into a slum would send me spiralling into a deep depression. The RUAH centre does not belong here, and will cause havoc around a busy intersection surrounded by cafes and restaurants. I cannot stress enough how upset I'd be if this centre was moved to 247-249 James Street.

Objection

We have been informed that you are hoping to relocated the RUAH centre from Shenton Street to 249, James Street.

We have had numerous bloodied fights in the front of our office across the road at 228 James Street plus drunk homeless people sleeping at our front door ledge.

It is already a regular scene of screaming couples pushing each other whilst walking out of the magistrates courts and police station.

Seeing the station faces Fitzgerald Street, the officers are often not aware of the fights at night on James Street end (Fitzgerald Street corner)

We strongly object to this move right in the middle of the business and hospitality precinct.

Can you confirm why you would not consider moving them to a more quiet location and away from homes and offices.

Objection

I have recently been made aware that there is an application to change the usage of a property situated at 247-249 James Street, Northbridge.

I believe that this property is going to be used by RUAH Centre.

I strongly object to this centre being operational in this section of James Street.

Since the onset of Covid restrictions in early 2020, times have been tough with attracting people to stay at the apartments and having this type of organisation in the vicinity will further decrease any attractiveness for people to want to seek accommodation at the apartments, thereby causing financial stress in a tough economic climate.

Objection

As a fellow co-owner, this is to convey my 100% agreement and lodge a firm objection to the proposed relocation of the Ruah Centre.

11.2 Wellington Street Clearways

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

Purpose

To seek Council's approval to commence consultation with key stakeholders and the community on a preferred option (Option 3) for a clearway proposal on Wellington Street, ahead of seeking Council's authorisation of the clearway in accordance with the *City's Parking Local Law 2017*.

Recommendation

That Council:

1. APPROVES commencing public consultation on a preferred clearway proposal (Option 3) on Wellington Street between Hill Street and Bennett Street.
 2. NOTES that following public consultation a further report will be prepared seeking Council's authorisation of the clearways in accordance with the *City's Parking Local Law 2017*.
-

Background

1. The Wellington Street clearways initiative proposes to introduce clearways between Hill Street and Plain Street to manage the parking and stopping of vehicles in the existing on-street bays on Wellington Street during morning and afternoon peak traffic periods.
2. Installing clearways along this section of Wellington Street is intended to allow for two lanes to be used during peak periods, with the aim of increasing the peak directional capacity, reducing traffic congestion, improving travel times for drivers and public transport, and potentially improving safety by removing parked vehicles from kerbside lanes.
3. The Wellington Street clearways project was an initiative identified in Phase One of the Perth Greater CBD Transport Plan (CBD Transport Plan) which was released in August 2020.
4. The key purpose of the CBD Transport Plan is to set out and identify a series of initiatives, projects and programs that will contribute towards creating a safe, connected, and vibrant city centre over the next 10 years.
5. The Wellington Street clearways project is also identified in the City's Corporate Business Plan as an operational project for delivery in the 2021/2022 financial year.

Discussion

6. As part of this project, the City undertook detailed traffic investigation and analysis. Results showed that:
 - a. the section of Wellington Street, between Lord Street and Plain Street, is congested at various times and to varying degrees (a consequence of different factors).
 - b. some critical lanes on the approaches to intersections are nearing capacity limits in the AM and PM peak periods:
 - i. westbound lane between Hill Street and Bennett Street (AM peak period)
 - ii. eastbound lane between Hill Street and Bennett Street (PM peak period)
 - c. critical lanes within the network are near capacity given higher traffic demands and constrained roadway capacity due to kerbside parking.
7. The traffic investigation and analysis considered three possible options for implementation, which are detailed as follows:

Option 1

8. The clearway initiative identified in the CBD Transport Plan (Figure 1 below), recommended conversion of the entire section of Wellington Street, between Hill Street and Plain Street, to clearways in both directions in peak traffic periods.



Figure 1 – Wellington Street Clearway – CBD Transport Plan (Option 1)

9. Analysis undertaken of this full clearway scenario demonstrated little to no operational improvement to the overall performance of the network. Operational improvements were, however, evident along small sections of Wellington Street along critical intersection approach lanes.
10. This scenario would have the greatest impact on residents and businesses because of the prohibition of parking and stopping of vehicles along the entire section of Wellington Street between Hill Street and Plain Street during AM and PM peak periods, including sections of Wellington Street which currently do not experience congested conditions.

Furthermore, Wellington Street between Bennett Street and Plain is a resident permit parking zone and this Option 1 would severely impact residents, given the parking occupancy rates measured on site and as shown in Table 1 below:

Table 1

Wellington Street between Hill St and Bennett St				
	Number of vehicles parked		Occupancy %	
Time (AM)	Eastbound	Westbound	Eastbound	Westbound
7.30 - 7.45	2	9	10	47
7.45 - 8.00	3	9	16	47
8.00 - 8.15	2	7	10	37
8.15 - 8.30	2	5	10	26
8:30	3	5	16	26
Wellington Street between Bennett St and Plain St				
	Number of vehicles parked		Occupancy %	
Time (AM)	Eastbound	Westbound	Eastbound	Westbound
7.30 - 7.45	14	13	82	72
7.45 - 8.00	10	13	59	72
8.00 - 8.15	8	12	47	67
8.15 - 8.30	6	10	35	55
8:30	7	10	41	55

11. For the reasons detailed above, Option 1 is not recommended.

Option 2

12. Given the challenges with the CBD Transport Plan option (Option 1), a second option was investigated to:
 - a. tailor the clearways to critical sections, peak time periods, directional traffic demands, and specific conditions along Wellington Street.
 - b. reduce impact to kerbside parking and servicing, including resident permit parking zones between Bennett Street and Plain Street.
 - c. consider existing, surrounding land uses.
 - d. respond to results of kerbside parking surveys.
13. This option is indicated in Figure 2 below and includes:
 - a. Westbound AM peak clearway, between Hill Street and Bennett Street.
 - b. Eastbound PM peak clearway, between Hill Street and Bennett Street.
 - c. Implementation and operation of clearways by end of financial year 2021/2022.



Figure 2 – Wellington Street Clearway (Option 2)

14. Analysis of Option 2 indicated optimal intersection performance and performance of critical approach lanes at intersection experiencing peak traffic demands, particularly the Hill Street and Bennett Street intersections. This had a flow on effect of improving the performance of upstream and downstream intersections and approach lanes. Furthermore, this option significantly reduced the impacts to kerbside parking on Wellington Street between Bennett Street and Plain Street (as per Table 1).
15. However, when assessing this option against the clearway warrant criteria prescribed in the Austroads Guide to Traffic Management Part 5: Link Management (as indicated in Figure 3 below), it was noted that the eastbound PM peak clearway, between Hill Street and Bennett Street does not meet the threshold (vehicles per hour) to warrant establishment of this clearway. It would also compound the existing high demand for limited visitor parking around Wellington Square.

Number of moving traffic lanes available before clearway (one-way)	Consider clearway when total one-way traffic flow (veh/h)
1	800*
2	1600*
3	2400

Figure 3 – Table 4.1 Austroads Guide to Traffic Management Part 5: Link Management

16. For the reasons detailed above, Option 2 is not recommended. Further refinements were made to arrive at a preferred option (Option 3 below).

Option 3

17. Option 3 is the preferred option as indicated in Figure 4 below and includes:
- a. Westbound AM peak clearway only, between Hill Street and Bennett Street.
 - b. Delayed implementation, with the clearway to commence at the beginning of the Armadale train line closure as part of the Metronet project - currently planned to start in early 2023.



Figure 4 – Wellington Street Clearway - Option 3

18. The original timeline for implementation of the clearway initiative was financial year 2021/2022. However, site investigations and analysis of existing traffic flows have revealed significantly reduced traffic flows, which are assumed to be a result of the impacts of COVID-19 on travel behaviour (more flexible work arrangements, a reduction in public transport usage, and changes in peak hour traffic conditions).

19. Table 2 below shows the comparison between traffic flows in September 2021 and March 2022.

Intersection	AM traffic flow reduction (%)	PM traffic flow reduction (%)
Wellington Street and Plain Street	-34	-13
Wellington Street and Bennett Street	-28	-19
Wellington Street and Hill Street	-16	-19

Table 2 – Traffic flow comparison between September 2021 and March 2022

20. Given the above, it is recommended that the clearways be programmed for installation at the beginning of the Armadale train line closure (part of the Metronet project) in early 2023. Until then, establishment of the clearways will have minimal benefit.
21. In summary, Option 3 is the recommended clearway option for the following reasons:
 - a. The westbound AM peak clearway, between Hill Street and Bennett Street, is the only section and on Wellington Street that currently meets the warrant criteria for a clearway.
 - b. Kerbside parking impacts are minimised.
 - c. Timing will align with the Metronet Armadale line shutdown, for effective benefit realisation.

Consultation

22. Public consultation will be undertaken following Council approval through the following methods and stakeholders:
 - a. Letters sent directly to the following affected stakeholders:
 - i. Properties abutting Wellington Street between Lord Street and Plain Street
 - ii. Public Transport Authority
 - iii. Main Roads WA
 - b. Public consultation through Engage Perth
23. Wider public notification will be undertaken prior to the clearway becoming operational to increase awareness of the clearway and parking prohibitions.

Decision Implications

24. Key benefits of the clearways initiative include the following:
 - a. Increased directional road capacity
 - b. Reduction in traffic congestion
 - c. Reduction in driver and public transport delays
 - d. Reduction in red light running
 - e. Safer pedestrian crossings and reduced waiting times for crossings at signalised intersections
 - f. Reduced traffic signal cycle times
 - g. Improved visual, environmental and local street amenity
 - h. Reduced risk of vehicle crashes
25. Whilst there are a number of benefits, some implications of the clearway initiative have been identified as:
 - a. Some impact to kerbside parking and servicing bays
 - b. Potential concern from the community
 - c. Towing by Main Roads WA of unauthorised vehicles
 - d. Need for active enforcement of unauthorised on-street parking

- e. Minor financial implications (delivered within capital budget) for modification of regulatory signs and changes to on-street parking machines.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Corporate Business Plan Phase One of the Perth Greater CBD Transport Plan

Legislation, Delegation of Authority and Policy	
Legislation:	Part 2 of the <i>City of Perth Parking Local Law 2017</i> <i>Thoroughfares and Public Places Local Law 2017</i>
Authority of Council/CEO:	Proceeding to public consultation does not itself require a Council decision. However, both clause 2.1 and clause 2.2 of the <i>Parking Local Law 2017</i> require a Council resolution prior to determining to commence any additional regulation. Seeking Council approval of advertising the preferred option is considered consistent with this. In addition, the report is being presented to Council given the project is specifically listed in the Corporate Business Plan and as a High Priority Initiative in the Perth Greater CBD Transport Plan (Phase One).
Policy:	CP3.1 Kerbside Parking CP4.2 Stakeholder Engagement

Financial Implications

26. The financial implications of the recommendation is accommodated within the existing budget.

Account Number	1088-100-50-10345-7230	Operational
Account Description	Wellington Street Clearways	
Total Budget	\$10,000.00	
Budget – This report	\$10,000.00	
Remaining Budget	\$6,900.00	
	To date \$3,100 has been expended on a contractor to undertake video surveys and provide traffic data as part of the traffic modelling	
Budget Impact	\$10,000.00	

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/05-068)

Mover: Lord Mayor Basil Zempilas

Seconder: Councillor Liam Gobbert

That Council:

1. APPROVES commencing public consultation on a preferred clearway proposal (Option 3) on Wellington Street between Hill Street and Bennett Street.
2. NOTES that following public consultation a further report will be prepared seeking Council's authorisation of the clearways in accordance with the *City's Parking Local Law 2017*.

CARRIED EN BLOC (9/0)

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

Against: Nil

5.40pm Councillor Ko and Councillor Anghie returned to the meeting prior to Item 11.3.

Councillor Gobbert disclosed an Impartiality Interest in Item 11.3 (as detailed in Item 6).

11.3 Proposed e-scooter Share Scheme

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

Purpose

To seek Council's approval for a preliminary project scope for implementation of an e-scooter share scheme trial, ahead of finalisation of tender documentation and commencement of a formal tender process.

Recommendation

That Council:

1. APPROVES the preliminary project scope for implementation of an e-scooter share scheme trial in the City of Perth, ahead of finalisation of tender documentation and commencement of a formal tender process.
 2. NOTES that the outcomes of the tender process will be reported back to Elected Members ahead of commencement of the e-scooter share scheme trial.
-

Background

1. E-scooters have grown in popularity in response to community demand for more innovative and sustainable travel choices. Throughout Australia, cities are introducing e-scooter share services as a solution to complex urban mobility issues, and as demand for sustainable modes of transport increases.
2. On 4 December 2021, amendments were made to the *Road Traffic Code 2000 (WA)* (Road Traffic Code) to include rules and regulations relating to e-rideables. E-rideables include electric scooters, electric unicycles, electric skateboards, electric roller skates, one-wheel electric scooters and hoverboards.
3. These new rules and regulations do not apply to other devices like Segways, electric bikes, motorised wheelchairs and motorised scooters. These devices are governed under their own provisions within the Road Traffic Code.

Discussion

4. The recent changes to the Road Traffic Code have now opened the door for the City of Perth to look at introducing e-scooter hire scheme services.
5. Some inner-city local governments as well as UWA and the Botanic Gardens and Parks Authority - Kings Park (BGPA) have expressed preliminary interest in the opportunity for possible collaboration on a joint e-scooter share scheme trial with the City of Perth (the project). The City has been engaging with these project stakeholders on the proposed scope for an e-scooter shared scheme.
6. Benchmarking against other share schemes, as well as recent discussions with the stakeholders mentioned above have informed the initial scoping for this project, which is proposed to include:
 - a. **Contract period and terms** - a two year contract term with option to extend. The contract will include suitable targets and incentives to measure contractor performance and ensure the scheme operates successfully.
 - b. **Operators** - two operators to ensure continuity of service if one operator does not perform to the requirements of the contract or ceases operation for any other reason, and to encourage a level of competition and high level of performance. The tender will require operators to outline a proposed methodology and work plan in their submissions.
 - c. **Docking and parking areas** – to ensure optimum usage and benefit, the tender will require careful consideration of location of docking and parking areas close to major development nodes and other key areas of activity. Operators will be required to nominate sites for docking and parking areas and explain why these are most appropriate.
 - d. Operators will also need to outline how docking and parking areas will be delineated and what incentives/disincentives could be implemented to encourage users to return or dock e-scooters safely and appropriately after use. Operators will also need to demonstrate how they will minimise the visual pollution and trip hazards associated with discarded e-scooters.
 - e. **Managing movement and speed** – the tender will require operators to outline how they will use geo-fencing and/or any other mechanisms to control, manage and restrict (where necessary) the movement of e-scooters through heavily pedestrianised areas such as the malls or event spaces.
 - f. Operators will also be required to demonstrate how they will control the speed of e-scooters and outline whether they are able/willing to implement reduced speeds in certain areas.
 - g. They will also be required to outline the benefits (or otherwise) of deactivating e-scooters after hours to mitigate vandalism.

- h. **Insurance and liability** – the tender will require operators to demonstrate that they have adequate insurance cover for any injuries or damage that may result from use of its e-scooters, and which names and indemnifies the City (and other participating stakeholders) from any legal liability.
- i. **Pricing and financial arrangements** - the tender will require operators to outline a preferred pricing/financial model. This model will need to consider the possible involvement of other inner-city local governments, UWA and BGPA, and should provide recommendations in relation to a methodology for profit distribution between all parties.

Consultation

- 7. The City will continue to liaise with other interested inner-city local governments as well as UWA and the Botanic Gardens and Parks Authority - Kings Park (BGPA) on the opportunity for possible collaboration on a joint e-scooter share scheme trial.
- 8. If timely agreement on scope or other matters cannot be reached with other project stakeholders, the City could commence the project, and other project stakeholders could potentially become involved if/when they are ready to do so. Flexibility to accommodate this would need to be built into the tender documentation and negotiated with the operators.
- 9. If project stakeholders do not want to continue participation in the project, the City can progress the project on its own or with a reduced number of stakeholders.
- 10. It is proposed that the City of Perth will lead the procurement of an e-scooter share scheme. A working group will be set up with any other project stakeholders to guide the development and management of the share scheme trial.

Decision Implications

- 11. Following Council’s endorsement of the proposed scope, a draft tender document will be finalised, in discussion with other project stakeholders.
- 12. If Council does not support the recommendation, an e-scooter share scheme will not be progressed.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Road Traffic Code 2000</i> (particularly part 15)
Authority of Council/CEO:	Council approval is sought for the preliminary project scope prior to pursuing an e-scooter share scheme trial.
Policy:	Nil.

Financial Implications

13. There are potentially substantial financial benefits for having an e-scooter share scheme within the City, including possible revenue from fees for permit, consent, and per trip.
14. Operators will be required to present their preferred pricing model in their tender submissions and analysis will then be undertaken to determine which option represents the best value for the City.

Further Information

15. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	Why is the trial for 2 years and not 12 months?	The City believes a two-year trial is required to truly understand the impact and learnings of this transport mode across the City.
2.	Does the City receive statistics on incidents? How does the City know incidents in the City occur on e-scooters?	<p>Enforcement of non-compliance with the Road Traffic Code is a police matter. Legislation which regulates the use of e-scooters has only recently been introduced, so this is a new area from a policing perspective.</p> <p>The City has spoken with the Road Safety Team at Main Roads WA who coordinate the State’s crash data and information, which is made available through their crash analysis system.</p> <p>Main Roads has advised that the State’s crash data is gathered from several sources including hospitals/Department of Health, WA Police and the Insurance Commission of WA.</p> <p>Unfortunately, at present time, the crash statistics for e-ridable devices is not accessible through the Main Roads crash system but they are working towards amalgamating this crash information from the various sources and making this data available in their system in the future.</p> <p>In addition, the reason this data is not available is due to no provision of a specific road user class for e-rideables, within the crash system and so there is no uniform reporting description from the various sources of crash information.</p> <p>The only accessible information that the City has been able to locate is the Road Safety Commission’s e-rideable Monitoring Map which obtains data from incidents or issues reported by the public. eRideable Monitoring Map eRideable Legislation Monitoring Community Connect Road Safety (rsc.wa.gov.au)</p> <p>In terms of the City’s own records, since January 2022 there have been 24 recorded queries related to e-rideables (includes e-scooters). These include:</p> <ul style="list-style-type: none"> • 3 complaints

		<ul style="list-style-type: none">• 5 interested in the City promoting scooter hire• 3 lost/stolen scooters• 3 accidents <p>Complaint themes include:</p> <ul style="list-style-type: none">• No helmets• Policing of e-rideables in malls• Vehicle speed• Lack of action by the City/police• Ignoring road rules (running red lights, etc.)• Lack of signage <p>Customers have mostly mentioned e-scooters; however, some complaints extend to e-skateboards.</p>
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Council Resolution (Officer's Recommendation) (OCM-22/05-069)

Mover: Councillor Liam Gobbert

Seconded: Councillor Brent Fleeton

That Council:

1. APPROVES the preliminary project scope for implementation of an e-scooter share scheme trial in the City of Perth, ahead of finalisation of tender documentation and commencement of a formal tender process.
2. NOTES that the outcomes of the tender process will be reported back to Elected Members ahead of commencement of the e-scooter share scheme trial.

CARRIED (8/1)

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

Against: Councillor Viktor Ko

Councillor Anghie disclosed an Impartiality Interest in 11.4 (as detailed in Item 6)

11.4 Adoption of Terms of Reference for City of Perth Design Review Panel

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Absolute Majority
Attachments	Attachment 11.4A – Draft Terms of Reference

Purpose

For Council to adopt the draft Terms of Reference for the City of Perth Design Review Panel.

Recommendation

That Council:

1. ADOPTS the Terms of Reference for the City of Perth Design Review Panel.
 2. AUTHORISES the Chief Executive Officer to appoint a pool of panel members to the City of Perth Design Review Panel, following a formal expressions of interest process.
 3. DISBANDS the current Design Advisory Committee upon appointment of the new panel members for the City of Perth Design Review Panel.
 4. NOTES the City of Perth Design Review Panel will commence following the appointment and induction of new panel members.
-

Background

1. At its Ordinary Meeting held 25 May 2021, Council resolved as follows:

That Council:

REQUESTS that the Chief Executive Officer investigates the establishment of a City Architecture and Design Advisory Group to review City-led design projects of significance.

Discussion

Current City of Perth Design Advisory Committee

2. The existing Design Advisory Committee (DAC) was established by Council in 2004 to assist Council in its consideration of development applications for additional plot ratio above the Scheme maximum and to provide independent design and architectural advice.
3. The current DAC is formed under section 5.8 of the *Local Government Act 1995* (the Act), with members nominated by their respective industry bodies/institutes and appointed every two years. In accordance with the Act, members cannot be paid sitting fees for their time.
4. The City is one of only a few local governments to utilise a formal Committee model for design review, established under the Act.
5. The current DAC continues to assist proponents, officers and decision makers with expert design advice, with the referral criteria including:
 - Applications for development which seek bonus plot ratio under clause 28 of City Planning Scheme No. 2.
 - Applications for major developments in the city, including Form 1 Development Assessment Panel applications.
 - Applications for other developments where the advice of the DAC is considered by the Manager Development Approvals to be of assistance in the assessment of the application.
 - Any application referred to the DAC by Council at a Council meeting.
6. Although the current DAC meets the current requirements of City Planning Scheme No. 2, the current Committee model is no longer considered consistent with best practice for design review.

State Design Review Guide – Guidance for Local Governments

7. It is proposed to establish a new Design Review Panel, in accordance with the State Government's [*Design Review Guide – Guidance for Local Governments*](#).
8. The *Design Review Guide* was published by the Western Australian Planning Commission (WAPC) in 2019 as part of the suite of Design WA documents, including *State Planning Policy 7.0 Design of the Built Environment* (SPP 7.0).
9. SPP 7.0 addresses design quality and built form outcomes in Western Australia. It seeks to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes across the State.
10. The *Design Review Guide* sets out a best practice model for the establishment of new design review panels, offering practical advice on how to establish and operate a panel, to encourage consistency, as existing design review processes evolve.

11. The *Design Review Guide* includes a Model Terms of Reference, which has been used to draft the Terms of Reference for the City's Design Review Panel.

Terms of Reference for City of Perth Design Review Panel

12. Consistent with the *Design Review Guide*, the proposed Terms of Reference for the Design Review Panel will:
- a. Define the role of the panel, which is to provide independent expert design advice to:
 - proponents and local government officers on the design quality of proposals.
 - decision-makers (State and local governments, Development Assessment Panels, the State Administrative Tribunal) on eligible development applications or other proposals.
 - local governments, where required, on strategic policy, master plans, precinct plans, local development plans, structure plans, activity centre plans, local planning schemes and amendments or other matters.
 - b. Establish that the following proposals may be eligible for design review:
 - proposals that seek approval under clause 28 of City Planning Scheme No. 2 for bonus plot ratio.
 - proposals that meet the mandatory requirement to be determined by the Development Assessment Panel.
 - proposals, as identified by the Alliance Manager Development Approvals, that are significant due to their location, prominence, complexity and/or precedence.
 - strategies, structure plans, precinct plans, local development plans, local planning policies and Local Planning Scheme amendments, as identified by the Alliance Manager City Planning.
 - significant City-led construction projects and significant capital work proposals, as identified by the General Manager Planning and Economic Development.
 - c. Allow the Council/CEO to appoint a pool of panel members with expertise in one or more of the following disciplines:
 - Planning
 - Architecture
 - Landscape architecture
 - Urban design
 - Heritage architecture
 - Sustainability and environmental design
 - Transport planning
 - Land tenure and strata titling
 - d. Allow the City to remunerate members for their time.
13. It is proposed to appoint members to the panel following public advertising seeking formal expressions of interest (EOI). It is recommended that the term of office for a panel member be two years with new

appointments to the panel to run concurrently with the Council election cycle. It is not proposed to restrict members from serving more than one consecutive term on the panel.

14. Given that the Terms of Reference seek to establish a pool of members with a range/variety of expertise and permits members to serve consecutive terms, this report does not recommend that appointment to the panel be split so that only half the panel changes every two years.
15. Should Council wish to split the membership of the panel it would initially need to appoint half the pool of members for two years and half the pool of members for four years. Careful consideration would then need to be given each two-year period to ensure that the make-up of the panel has an appropriate mix of expertise.
16. Following an EOI to call for members, applications will be assessed against the following criteria:
 - a. appropriate qualifications and demonstrated expertise in the relevant professional area
 - b. ability to work in a multi-disciplinary team
 - c. demonstrated expertise in design review, design critique or the provision of strategic advice on design quality issues
 - d. knowledge or understanding of the State's Planning Framework, the City of Perth's Planning Framework, development controls and design issues in the local area
 - e. ability to analyse, evaluate and offer objective and constructive feedback on complex design quality issues in design review, for evaluation of complex development applications, strategic planning matters and significant capital works projects
 - f. good written and verbal communication to ensure that advice provided to proponents is clear and concise
17. Following a review of the applications it is recommended that a report be prepared for the CEO to appoint panel members on behalf of the Council.

Commencement of a Panel

18. If the Council endorses the proposed Terms of Reference for the City of Perth Design Review Panel, the City will seek formal expressions of interest for panel members.
19. Upon appointment of a pool of panel members to the panel, the existing Design Advisory Committee will be disbanded.
20. Prior to the commencement of the City of Perth Design Review Panel, the City will hold an induction for panel members to confirm general operating and meeting procedures prior to the Panel's first meeting. In addition as part of the induction process, each panel member will be required to agree to the City of Perth's Code of Conduct for Employees - Integrity at the City of Perth.
21. Members will be remunerated for their time on the panel, where they participate in a review. It is recommended that members be paid per hour for the meeting and for one hour of preparation prior to the panel meeting. The City contacted the Office of the Government Architect for guidance on the current recommended remuneration rates. The proposed rate of \$250 per hour was considered consistent with some other established panels, whilst there was acknowledgement that some other panels pay per meeting rather than per hour.

Consultation

22. Although no formal engagement is required in regard to establishing the Terms of Reference for a Design Review Panel, the City has engaged with external agencies for input and advice including the Office of the Government Architect, the City of Melbourne and internal departments that are expected to refer proposals to the Design Review Panel for review.
23. The proposed Terms of Reference were presented to Elected Members at an Engagement Session on 5 April 2022. Feedback received from Elected Members at the Engagement Session has been factored into the draft Terms of Reference at Attachment 11.4A.

Decision Implications

24. If Council supports the recommendation, the City will establish a new Design Review Panel and disband the current Design Advisory Committee. The Design Review Panel will commence design review on the eligible projects listed in the Terms of Reference and provide advice to proponents, officers, and decision makers.
25. If Council does not support the recommendation, the current Design Advisory Committee will continue to operate.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable, Liveable, Prosperous
Related Documents (Issue Specific Strategies and Plans):	City Planning Scheme No. 2 The Design Review Panel will assist the City to deliver high quality design outcomes within the built environment.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Clause 67 Consideration of application by local government including 67(2)(c) any approved State planning policy. State Planning Policy 7.0 – Design of the built environment includes 10 principles for good design. Section 5.8 of the <i>Local Government Act 1995</i> prescribes that a local government may establish (and conversely disband) a committee by absolute majority.
Authority of Council/CEO:	It is a decision of Council to disband one of their committees.
Policy:	State Planning Policy 7.0 – Design of the built environment This State Planning Policy includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process.

Financial Implications

26. If Council endorses the proposed Terms of Reference for the City of Perth Design Review Panel, budget would be required for member remuneration and this has been proposed as part of the 22/23 budget process.
27. The financial implications of the recommendations are accommodated within the existing budget.

Account Number	1083-7230	Operating
Account Description	Consultancy and Professional Fees	
Total Budget	\$10,000 (current)	
Budget – This report	\$50,000 (proposed additional budget)	
Remaining Budget	N/A	
Budget Impact	It is proposed to include \$50,000 in the operating budget for 2022/23 to cover the cost of remunerating Panel Members.	

Further Information

Nil.

Council Resolution (Officer's Recommendation) (OCM-22/05-070)

Mover: Councillor Liam Gobbert

Seconded: Councillor Catherine Lezer

That Council:

1. ADOPTS the Terms of Reference for the City of Perth Design Review Panel.
2. AUTHORISES the Chief Executive Officer to appoint a pool of panel members to the City of Perth Design Review Panel, following a formal expressions of interest process.
3. DISBANDS the current Design Advisory Committee upon appointment of the new panel members for the City of Perth Design Review Panel.
4. NOTES the City of Perth Design Review Panel will commence following the appointment and induction of new panel members.

CARRIED BY ABSOLUTE MAJORITY (9/0)

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

Against: Nil

12. Community Development Alliance Reports

12.1 Close out of the Rough Sleeper Plan May 2021–May 2022

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

Purpose

For Council to consider closing out the City of Perth’s Rough Sleeper Plan May 2021-May 2022.

Recommendation

That Council:

1. NOTES the outcomes achieved under the City’s Rough Sleeper Plan May 2021–May 2022.
 2. CONCLUDES the Rough Sleeper Plan May 2021–May 2022.
-

Background

1. The Department of Communities (the Department) is the lead agency for homelessness in Western Australia. Their key planning document for homelessness is [All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020 – 2030](#).
2. At its Ordinary Meeting held 27 April 2021, Council approved the Rough Sleeper Plan May 2021-May 2022 (the Plan). The Plan details actions to delivered over a 12 month period. That period has concluded and it is now appropriate for Council to consider formally concluding the Plan.

Discussion

3. The Plan communicated the City's vision and approach for addressing homelessness and rough sleeping. Under this Plan, the City:
 - a. Affirmed its commitment to the roles of local government, as set out in the Department's *Strategy on Homelessness 2020 – 2030*.
 - b. Stepped up to support the State Department's responsibilities, providing the Safe Night Space for Women. The Safe Night Space has been an interim solution until longer term options became available in the implementation of the Department's 10-Year Strategy on Homelessness.
4. The cost to the City for providing Safe Night Spaces, in support of the State Government, is shown in the below table.

Initiatives	City of Perth Expenditure			Total (excl. GST)
	2020-2021 actuals	2021-2022 budget	2022-2023 budget proposal	
Safe Night Space for Women	\$ 911,699	\$ 1,296,983	\$1,081,500	\$ 3,290,182
Safe Night Shelter for Men	\$ 12,565	\$ 226,323	\$0	\$ 238,888

Table 1 City of Perth expenditure on Safe Night Spaces from 1 June 2020 to 30 July 2022

5. The key initiatives and advocacy work the City has delivered under the Rough Sleeper Plan are:
 - a. **Safe Night Space for Women (160 Hay St, East Perth): two-year trial**
Ruah Community Services were appointed to lead the delivery of this service. With a capacity to shelter up to 30 women per night, this service sheltered 886 women, providing a total of 4,010 nights of shelter i.e. one night of operation at maximum capacity totals 30 nights of shelter (note that once allotted placement, the women can attend the Safe Night Space for 10 consecutive nights). These figures span the period of service commencement on 31 May 2021 to 30 April 2022.
 - b. **Safe Night Shelter for Men: two-month trial**
The Shelter was a proof of concept to demonstrate the need to provide basic shelter and safety for men experiencing homelessness during winter. With a capacity to shelter up to 15 men per night, the service provided a total of 341 nights of shelter to 65 individuals over the two months.
 - c. **Cultural Outreach trial**
The 12-month Outreach trial was successful in building relationships, engagement and setting public realm behaviour expectations. The trial was extended from November 2021 to April 2022. This extension allowed for an evaluation of the amended approach and procurement for a culturally appropriate assertive outreach that provides services seven days a week.

The Department is taking a leading role in cultural services; their service is linked to the Housing First Rapid Response Team (HEART). The City of Perth is therefore taking a supportive role and assesses the ongoing need for cultural outreach services on a monthly basis.

d. **Provision of the Accredited Homelessness Services (Moore Street)**

This site operates weeknights and on Sunday mornings. It provides food, showering, health and laundry services from several accredited providers.

e. **Membership on Working Groups to reduce homelessness**

The City of Perth is an active member of several working groups, such as the: State Government's Homelessness Working Group; the Alliance to End Homelessness; the Local Government Homelessness Knowledge Hub; and the Council of Capital City Lord Mayors (CCCLM).

f. **Hosted the City of Perth Local Government Homelessness Forum (7 September 2021)**

This included a presentation by the City of Perth on the lessons learned from its trials and initiatives to State Government agencies and service providers and sharing of homelessness trends.

6. The City's advocacy and input has contributed to new homelessness initiatives by the Department. Four of their key initiatives located within the City are:

a. **Boorloo Bidee Mia, Perth**

August 2021: The Department launched Boorloo Bidee Mia, a new accommodation service for a projected 100 rough sleepers a night, operating from 300 Wellington Street, Perth (previously home to the St John Ambulance Association and later a youth hostel). The name "Boorloo Bidee Mia" represents "Perth pathway to housing" in Whadjuk Nyoongar language as it is transitional housing and capacity building for people experiencing homelessness. The service has been designed to be culturally appropriate to the needs of Aboriginal residents, who the Department expects to be primary users of the service due to their over-representation among chronic rough sleepers.

b. **Common Ground, East Perth**

November 2021: \$45.4 million of funding from the Perth City Deal is being invested in the delivery of the Common Ground facility, at the corner of Hill and Wellington Streets in East Perth. Comprising 112 self-contained apartments, communal areas and on-site support services, this facility will deliver permanent, supportive housing for adults who have experienced chronic homelessness or are low income earners. The facility is estimated to open in 2024.

c. **Housing First Rapid Response Teams (HEART)**

These teams, with one specific to the city, bring together representatives from the Department and homelessness service providers. The city HEART provides coordinated, proactive support to transition people experiencing homelessness and rough sleeping into safe housing. This support includes cultural outreach services.

d. **Creation of an Office of Homelessness within the Department**

Located in the city, the Office of Homelessness has facilitated a multi-functional approach within the Department in order to address the multiple factors that contribute to homelessness and rough sleeping. The office is also responsible for coordinating the Housing First Rapid Response Teams.

7. With the Rough Sleeper Plan having been implemented, the City’s future approach for homelessness and rough sleeping has been considered.
8. Elected Member feedback was sought at an Elected Member Engagement Session on 5 April 2022 where a preference was expressed that going forward, the City articulates its high-level approach for addressing homelessness through a position statement.
9. Moving forward, the City will continue to:
 - Coordinate the trial of the Moore Street Accreditation site to ensure homelessness services are accessible and coordinated in the City public realm.
 - Deliver the two-year trial of the Safe Night Space for women.
 - Support an outreach first approach to those who are experiencing homelessness, vulnerable or requiring support in our community.
 - Participate in cross sector and cross government forums, meetings and discussions to improve outcomes in homelessness.
10. A position statement regarding the City’s approach to homelessness will be developed in consultation with Elected Members during the review of the City’s Strategic Position Statements. An example of what this may look like is:

The City will continue to work with both tiers of government and relevant stakeholders to reduce homelessness and visible rough sleeping Perth.

To achieve this, the proposed approach will be through:

- *Advocating on behalf of the community to influence the delivery of services and programs to meet the needs of the community; and*
- *Supporting the sector toward better collaboration and coordination.*

Consultation

11. There has been ongoing engagement with the Department in relation to the Rough Sleeper Plan initiatives and the Department’s homelessness initiatives in the city.

Decision Implications

12. If Council does not support the recommendation, there is a risk of reputational scrutiny and impact on stakeholder relationships.
13. If Council extends further than the role of local government, as articulated by State Government in its strategy document, there may be a growing expectation that the City will continue to perform these additional services.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan 2022 – 2032: Goal L1: A safe, active, vibrant and connected community

	<p>Objective L1.1: The city is a safe place for all to live, work, study and play</p> <p>Goal G2: A high performing organisation</p> <p>Objective G2.2: The City collaborates effectively with key partners</p>
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Legislation, Delegation of Authority and Policy	
Legislation:	Section 1.3(3) of the <i>Local Government Act 1995</i> prescribes that in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.”
Authority of Council/CEO:	In accordance with Section 2.7 of the <i>Local Government Act 1995</i> Council is responsible for overseeing the allocation of the City’s finances and resources; and determination of Council policies.
Policy:	Nil

Financial Implications

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

Account Number	1057	Operating Expenditure
Account Description	Homelessness Response Program	
Total Budget	\$ 1,835,020	
Budget – This report	\$ 1,835,020	
Remaining Budget	No impact as it is already accommodated in the proposed 2022/2023 budget, which is subject to budget adoption.	
Budget Impact	\$ 1,835,020	

Further Information

15. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	The City’s Sustainability Strategy includes an initiative to “end homelessness”. Is the expectation that the City ends homelessness?	<p>One of the initiatives in the adopted Sustainability Strategy is to “Support the transition towards reducing homelessness in the community” (through Partnership, Advocacy and Delivery).</p> <p>The City’s recently adopted Strategic Community Plan outlines that the City is a stakeholder involved in homelessness as a member of the Homelessness Working Group, a multi-partner collaboration that facilitates information sharing and a coordinated response to rough sleeping.</p>

Primary Motion (Officer's Recommendation)

Mover: Councillor Liam Gobbert

Seconded: Councillor Viktor Ko

That Council:

1. NOTES the outcomes achieved under the City's Rough Sleeper Plan May 2021–May 2022.
 2. CONCLUDES the Rough Sleeper Plan May 2021–May 2022.
-

During debate the Deputy Lord Mayor moved the following amendment:

Amendment

Mover: Deputy Lord Mayor Di Bain

Seconded: Councillor Brent Fleeton

That a new point 3, new point 4 and new point 5 be added which read as follows:

3. REQUESTS the Chief Executive Officer to undertake, in consultation with Elected Members, an updated action plan for delivering on the City's homelessness agenda for the FY 23/24.
4. REQUESTS this new plan has tangible actions which aligns to the City's endorsed Sustainability Strategy - theme objective 6.3 "A Safe & Healthy City".
5. DEVELOPS a budget for delivering on the plan for consideration in the 2022/23 mid-year budget review.

CARRIED (5/4)

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

Against: Lord Mayor Basil Zempilas; Councillors Sandy Anghie, Liam Gobbert and Catherine Lezer

Reasons for Change

"As articulated last week by Councillor Fleeton the recommendation in this paper is at odds with our recently endorsed position as a Council. Just last month we approved a Sustainability Strategy which committed Council to supporting the transition towards reducing homelessness in the community, we defined our roles as advocating, partnering and delivering, emphases on the word delivering. Now we are been advised that we don't require another plan instead we should advocate influence and support the sector to collaborate.

My view is that is a very hands off approach, once the existing work that we are doing to your point councillor Ko on the delivery side of homeless support is over i.e. Safe Night Space. We are left with no plan to deliver on that bigger aspiration. More over we told that unless we close out the plan and its imputed that we support the City's position statement instead that we face reputational scrutiny and a growing expectation that the City will need to preform services of the state.

I'd argue the opposite and it starts here, when I was elected to this Council 18 months ago my platform and the platform of some of my colleagues here was to position the City to act on homelessness. That was a very clear commitment to our ratepayers who were pleading the City to stop observing and start participating. In

fact may have argued that the fact that the previous councils of this City did not act and get on top the homeless plight, when it started emerging as an issue is the very reason the numbers of people found on the street of our City have exploded.

This Rough Sleeper Action Plan which is expiring was designed to deliver results for the community and it has, let's look at the number of people we have helped .It was also a signal to the State Government and our homelessness sector that the City of Perth agreed with the premise that it was a shared responsibility to end homelessness.

We would pull our collective resource to the extent that we could and earnestly work together on this challenge. What we are been asked tonight it is a slippery slope, we are effectively retreating from that aspiration by stealth. Rounding out the Rough Sleeper Plan is technically probably prudent as we did agree to an end date, however the solution proposed the administration is in my view substandard and it does not position the City as inclusive and committed to building healthy communities.

In clause 8 of the discussion points in the paper we are being told a high level approach for addressing homelessness through a position statement. An example of this is that we will advocate, influence and support the sector to collaborate without a plan about how and what we advocate for and who and how and what we will do to influence and how we will measure the success of these inputs.

Without a plan for all of that we are simply putting up motherhood statements and I looked up the definition of a motherhood statement, that is a vague, "feel good" platitude, especially one made by a politician, that few people would disagree with. That doesn't represent my values, that's not why I'm here so I appeal to Elected Members to not retreat but to boldly support action on this pressing subject for the City and encourage the development of a new plan, a measurable plan and demonstrates that we are honestly delivering on the City's homelessness agenda."

The amendment was declared carried and formed part of the Primary Motion as follows:

Council Resolution (Amended Motion) (OCM-22/05-071)

Mover: Councillor Liam Gobbert

Secunder: Councillor Viktor Ko

That Council:

1. NOTES the outcomes achieved under the City's Rough Sleeper Plan May 2021–May 2022.
2. CONCLUDES the Rough Sleeper Plan May 2021–May 2022.
3. REQUESTS the Chief Executive Officer to undertake, in consultation with Elected Members, an updated action plan for delivering on the City's homelessness agenda for the FY 23/24.
4. REQUESTS this new plan has tangible actions which aligns to the City's endorsed Sustainability Strategy - theme objective 6.3 "A Safe & Healthy City".
5. DEVELOPS a budget for delivering on the plan for consideration in the 2022/23 mid-year budget review.

CARRIED UNOPPOSED (9/0)

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

Against: Nil

12.2 City of Perth Reconciliation Action Plan 2022-2024

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.2A – Innovate Reconciliation Action Plan

Purpose

To endorse the proposed Reconciliation Action Plan 2022–2024.

Recommendation

That Council:

1. ENDORSES the City of Perth Reconciliation Action Plan 2022–2024.
 2. AUTHORISES the Chief Executive Officer to make minor amendments to the Reconciliation Action Plan 2022–2024 to address feedback that may be received from Reconciliation Australia.
-

Background

1. The City developed its first Reconciliation Action Plan (RAP) in 2017.
2. Reconciliation Australia is an independent not-for profit organisation that is recognised as the lead body for reconciliation in Australia. They have a framework that guides the development of RAPs while recognising that there are different stages that organisations progress through when developing their action plan.
3. As classified by Reconciliation Australia’s four-stage model of RAP maturity (1. reflect, 2. innovate, 3. stretch and 4. elevate), the City’s 2017 RAP was in the ‘reflect’ phase.
4. The City’s second RAP (Attachment 12.2A) is in the ‘innovate’ phase (the draft Innovate RAP) and builds on the Yacker Danjoo Ngala Bidi signed in 2021 between the City and the Elders Advisory Group.
5. The City’s draft Innovate RAP was submitted to Reconciliation Australia for their feedback who subsequently identified 22 essential changes, 11 suggestions and offered three compliments. Amendments based on their feedback have accordingly been made however the document will still need to be resubmitted to Reconciliation Australia for their endorsement.

Discussion

6. Following Council’s endorsement, the draft Innovate RAP will be submitted to Reconciliation Australia for a second review who have advised that their review will take four to six weeks.
7. As Reconciliation Australia may recommend further amendments, Council is requested to authorise the CEO to make minor changes to the proposed RAP in response to Reconciliation Australia’s feedback. However, if Reconciliation Australia requires a major change to the document’s text or intent, the amended RAP will be submitted to Council for endorsement.

Consultation

8. Development of the proposed RAP has included consultation with Elected Members, Reconciliation Australia, Reconciliation WA and the City of Perth Elders Advisory Group.

Decision Implications

9. There are reputational risks and possible impact on stakeholder relationships if the City does not have a RAP that is endorsed by Reconciliation Australia.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Yacker Danjoo Ngala Bidi (Working Together Our Way)

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

Financial Implications

10. The actions in the Reconciliation Action Plan will be considered as part of the 2022 – 2023 budget deliberations.

Further Information

11. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	What initiatives were completed/implemented in the past year pursuant to the City of Perth Reconciliation Action Plan 2017?	<p>The Innovate level Reconciliation Action Plan must include past actions. Key achievements are detailed from page 10 of the Plan. Actions completed include:</p> <ul style="list-style-type: none"> • signing Yacker Danjoo Ngala Bidi (Working Together Our Way); and • installation of the Wellington Square artwork for Stolen Generations. <p>The Elders Advisory Group Meetings have been used to assist with actions such as murals, events and cultural outreach approaches.</p>
2.	What initiatives are proposed to be completed / implemented over the next year pursuant to the City of Perth Reconciliation Action Plan 2022–2024?	<p>There are 55 initiatives contained within the proposed RAP 2022-2024 that will occur over the upcoming financial year.</p> <p>The table of actions/deliverables (pp 123-132) in the proposed RAP includes two columns indicating the financial year, and the month that each action is scheduled to occur.</p>
3.	What amount is proposed to be included in the 22/23 City of Perth budget for initiatives related to the City of Perth Reconciliation Action Plan 2022–2024?	<p>Most actions will occur within operational costs (primarily staff time). There is a proposed 2022/23 budget for Aboriginal Engagement and the Elder Advisory Group of \$60,000 (excl. GST) and this budget will be finalised as part of the 22/23 budget process. There are actions such as major City gateways that have a separate budget, which will also be considered through the 22/23 budget process.</p>
4.	<p>Statement</p> <p>Citiplace Childcare Centre is listed as one of the main locations from which the City operates (refer RAP page 8 of 29).</p>	<p>The reference to Childcare Centre has been removed from the RAP.</p>

5.	What is the proposed budget for item 2.2 c) dual naming project (refer RAP page 21 of 29)? Has this been included in the 22/23 budget, given it is due for delivery August 2023?	The development of a dual naming approach will be undertaken in house. The approach will assist in defining future costs for identified projects.
6.	What is the proposed budget for item 2.2 d) major gateway symbol signage (refer RAP page 21 of 29)? Has this been included in the 22/23 budget, given it is due for delivery within the next year? Has this work started?	A budget has been proposed for these works, with \$140,000 allocated in the 22/23 financial year and \$380,000 proposed in the 23/24 financial year for construction. The City proposes to engage with the Elders in June to establish an agreed scope and program.
7.	Regarding item 1.3 g) digital maps and walking trails (refer RAP page 19 of 29), where are these maps and trails? Are there plans for a trail on the City's App?	There are currently two 'Karling Yarna' self-guided trails available in hard copy at locations such as iCity Kiosk. They are also in PDF form for download on the Visit Perth website. For 2022/23 a review and update of the trail content is planned, with an aim to reprint hard copies for both tours and develop a new online version of the Whadjuk Country Trail for the App.
8.	Statement The branding on the Perth Trails App is now inconsistent with the City's new brand style.	The Perth Trails App will be updated to reflect the new branding as part of the progressive application of the brand guidelines.
9.	Can the City please clarify the Nyoongar word for Kings Park?	Given the size of Kings Park, there are several Nyoongar names for the park (refer to: museumofperth.com.au/kata-moor). For consistency it has been amended from 'Gargatup' (on page 113) to 'Kaarta Gar-up'.
10.	Why does this only have a two year timeframe?	Reconciliation Australia require that 'innovate' RAP's are for two years duration.
11.	Is it advisable/necessary to detail the members of the internal RAP Working Group?	A mandatory item for the RAP is the role titles of the internal working group that developed the RAP. It is a list capturing a point in time rather than a list of current or future members. The descriptor for Figure 2 (on page 121) has been changed to read " <i>City staff (RAP Working Group) involved in developing this RAP</i> ".
12.	Has the Manager Governance and Executive Services departed the organisation and will their replacement join the group?	The Manager Governance and Executive Services was involved in the RAP's development and was therefore included on the list.
13.	Do Reconciliation Australia have local personnel or are they all based over east?	Reconciliation Australia is based on the East Coast and liaison with their office has been online or via telephone. The City has liaised with Reconciliation WA who are based in West Perth.
14.	To clarify up the answer provided to question 6, the budget has been proposed for the 22/23 financial year of \$140,000 and then \$380,000 for the next financial year for construction. In the table it has only got July to June in the 2022/23	The table in the Reconciliation Action Plan has been updated to include an additional line, splitting the design in the 22/23 financial year and construction in 23/24.

year but a dash in the 2023/24 year. Reading that table, the assumption is that this project would be completed in the July to June year so by June 2023. Can the Administration please explain?	
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Council Resolution (Officer's Recommendation) (OCM-22/05-072)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council:

1. ENDORSES the City of Perth Reconciliation Action Plan 2022–2024.
2. AUTHORISES the Chief Executive Officer to make minor amendments to the Reconciliation Action Plan 2022–2024 to address feedback that may be received from Reconciliation Australia.

CARRIED EN BLOC (9/0)

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

Against: Nil

Deputy Lord Mayor Bain and Councillor Anghie each disclosed an Impartiality Interest in Item 12.3 (as detailed in Item 6).

6.30pm The General Manager Planning and Economic Development left the meeting during Item 12.3.

12.3 2021/22 Economic Development Sponsorship Program

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

Purpose

To provide sponsorship recommendations to Council, under the Economic Development Sponsorship 2021/22 program.

Recommendation

That Council APPROVES the following Economic Development Sponsorships totalling \$1,005,000 excluding GST:

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
a	Business Events Perth Key Sector Business Event Economic Development Sponsorship	\$840,000 cash contribution over three years subject to a suitable sponsorship agreement being entered into on terms acceptable to the City within three-months. This equates to \$300,000 in 2021/22, \$280,000 in 2022/23 and \$260,000 in 2023/24
b	The Chamber of Arts and Culture WA Incorporated Curating the Landscape	\$15,000 cash contribution for one year (2021/22)
c	Spacecubed Ventures Pty Ltd WA Landing Zone	\$150,000 cash contribution over three years. This equates to \$50,000 in 2022/23, \$50,000 in 2023/24 and \$50,000 in 2024/25.

Background

1. The City is committed to supporting the growth and ongoing development of established or emerging key sectors that represent strategic importance to the City of Perth’s economy.
2. There are three tiers of funding available under the Economic Development Sponsorship Program (the Program):
 - a. Tier 1 - \$0 - \$15,000 (decision to be made by the Chief Executive Officer);
 - b. Tier 2 - \$15,001 - \$50,000 (decision to be made by Council); and
 - c. Tier 3 - \$50,001+ (decision to be made by Council).
3. Applications opened for the Program on 20 December 2021 and closed on 29 April 2022.

Discussion

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

a. Business Events Perth

Applicant Details	
Applicant Name	Business Events Perth
Applicant Background	<p>Business Events Perth (formerly known as Perth Convention Bureau) was established in 1972 and is responsible for attracting international and interstate business events to Perth and Western Australia.</p> <p>Business Events Perth is supported by the State Government, through Tourism WA, and industry members to drive the business events sector in Western Australia by marketing the city and State as a premium business events destination.</p> <p>Business Events Perth mission is to secure business events to generate social and economic benefits for the people of Western Australia. Business events range in size from small corporate and incentive meeting groups to many thousands of association congress delegates, most of whom travel from interstate and overseas to attend an event in the city.</p> <p>In 2020/21 and despite significant COVID-19 impacts, Business Events Perth secured 67 national and international business events, set to occur in Western Australia out to 2024 and boosting the State’s economy by more than \$54 million.</p>

	In addition, funding from the State Government through Tourism WA and the City of Perth enabled Business Events Perth to directly support the staging of 190 local business events, connecting more than 82,000 delegates across the city and state assisting industry recovery and local jobs.		
Previous Support (5-year period)	Year	Amount (ex GST)	Project
	2016-17	\$280,652	Perth Convention Bureau
	2017-18	\$284,861	Perth Convention Bureau
	2018-19	\$293,406	Perth Convention Bureau
	2019-20	\$308,077	Perth Convention Bureau
	2020-21	\$230,000	Business Events – Bid Funding, Destination Marketing and ASPIRE Awards
	TOTAL	\$1,396,996	
Project Details			
Project Title	Key Sector Business Event Economic Development Sponsorship		
Project Date / Venue	1 July 2022 – 30 June 2025	Business Events Perth secures business events for Perth and Western Australia that are staged in the City of Perth and across the state. Key venues include Perth Convention and Exhibition Centre and major city hotels.	
Project Description	<p>Business Events Perth are seeking a three-year funding agreement to the value of \$400,000 per year and inclusive of a \$20,000 per annum Aspire Scholarship. The funding request is an increase from the previous (2020/21) City sponsorship.</p> <p>The City funding will be used to support Business Events Perth in COVID-19 recovery and the potential growth of the business events sector for Perth and Western Australia for the next three years. Business Events Perth state the impact of COVID-19 on the business events sector in the last two years has resulted in real losses and reduced future business confidence.</p> <p>Business Events Perth state in an increasingly competitive national environment, the proposed application aligns to current local government funding received by national comparator organisations in 2020/21:</p> <ul style="list-style-type: none"> • Melbourne Convention Bureau received \$510,000 from City of Melbourne; and • Adelaide Convention Bureau received \$367,000 from City of Adelaide. <p>Business Events Perth has a confirmed increase in Tourism WA funding from \$5.5m to \$10.5m in 2022/23 as part of the WA Government’s Reconnect WA Package announced in December 2021 and have also obtained in principle support for \$10.5m in 2023/24 and \$5.5m in 2024/25.</p> <p>Business Events Perth states with the increased funding from Tourism WA and the City, they will be able to deliver \$203.9 million in direct delegate expenditure and 90,982 delegates to Western Australia. The full requested funding amount of</p>		

	<p>\$400,000 per year will generate \$183.5 million in direct delegate expenditure and represents a return of investment of 1:458 for the City.</p> <p>Business Events Perth state the business events they attract generate significant year-round economic output with delegates spending up to five times more than an average leisure visitor at venues, hotels, hospitality and retail businesses. In turn, directly supporting local jobs across Perth and the State's small and large businesses across a broad industry ecosystem of venues, suppliers, organisers, travel and accommodation and the business event host including associations/not-for-profits, corporations and government.</p> <p>In a highly competitive environment, Business Events Perth state they will secure lucrative business events not just for their tourism impact, but also as a platform for promoting Perth's world leading expertise, the State's diverse economy and a front door for investment, trade and talent attraction.</p>
Estimated Attendance	Anticipate 90,982 delegates over three-years
Total Project Cost	<p>2022/23: \$10,954,000</p> <p>2023/24: \$5,540,000 - \$20,500,000 (subject to additional Sate Government support)</p> <p>2024/25: \$5,540,000 - \$20,500,000 (subject to additional Sate Government support)</p>
Total Amount Requested	<p>2022/23: \$400,000</p> <p>2023/24: \$400,000</p> <p>2024/25: \$400,000</p>
Multi Year Request	Three-year sponsorship request
Total Assessment Score	32.75 out of 40 (80%) (A Tier 3 request is out of a total possible score of 40)
Recommendation	<p>Approve a three-year term.</p> <p>Year two and three contingent on satisfactory annual review.</p>
Recommended Amount	<p>2022/23: \$300,000</p> <p>2023/24: \$280,000</p> <p>2024/25: \$260,000</p>
Recommendation Rationale	
<p>The application was recommended for support due to:</p> <ol style="list-style-type: none"> The City has a long history of supporting Business Events Perth for the past 50 years; The panel agreed this as a cornerstone investment from the City, with other capital cities having partnerships like this; The sponsorship is of strategic importance to the City to create a pipeline of future business events for the City. Business Events Perth provided compelling evidence on solid return on investment; The international and interstate business events attract high spending delegates and 90% of secured events for the state taking place within the City; 	

- e. The project return on investment for business events is comparable to Perth Festival and Fringe World Festival for arts and culture events;
- f. Business Events Perth promotes the city as a premium business events destination;
- g. The panel acknowledges the impact COVID-19 had on Business Events Perth and the difficulties that have been faced on the past two years as a result. As such, the panel recommends additional funding in year one, with years two and three receiving similar funding levels to previous years;
- h. A three-year sponsorship term is recommended as:
 - i. It is important to provide long term assurance to influential organisations such as this who have a proven track record of delivering outcomes; and
 - ii. There is a lead time of approximately two to three years to attract conferences, exhibitions, trade shows of a high calibre.

The assessment panel considered the applicant’s multi-year request for \$400,000 per year for three years. **The panel recommends \$300,000 in 2022/23, \$280,000 in 2023/24 and \$260,000 in 2024/25 for the following reasons:**

- a. Business Events Perth has received significant additional funding from State Government through Tourism WA making the organisation less reliant on City funding;
- b. The City already supports and leverages some of the events that are supported by the Business Events Perth;
- c. The panel saw limited value in the City of Perth Aspire Scholarship and the recommendation is reflective of this component being removed from the sponsorship;
- d. The sponsorship benefits outlined require further discussion with the City to determine those that are of value to the City;
- e. Funding from members is minimal and Business Events Perth is encouraged to work with their members to increase funding so that reliance on the City is reduced.

b. The Chamber of Arts and Culture WA Incorporated

Applicant Name	The Chamber of Arts and Culture WA Incorporated
Applicant Background	<p>The Chamber of Arts and Culture WA Incorporated (the Chamber) is the peak policy and advocacy organisation for arts and culture in Western Australia.</p> <p>The Chamber believes that a vibrant and diverse arts and culture environment is essential for economic, social, and personal well-being.</p> <p>The Chamber is a not-for-profit organisation that aims to bring Western Australia’s arts and culture sector together to debate, discuss and to act as a collective on the major issues that impact the sector. The Chamber have a membership base of over 250 arts organisations, individuals and businesses across the broad spectrum of the arts.</p> <p>The Chamber informs, advocates and engages with government, policy makers and other opinion formers on behalf of the industry it represents.</p>

	<p>According to the Department of Local Government, Sport and Cultural Industries WA Creative Industries: An Economic Snapshot, 2019 (dlgsc.wa.gov.au), the WA creative industries in 2018/19:</p> <ul style="list-style-type: none"> contributed an estimated \$3.3 billion in Industry Value Add (IVA) to the WA economy and generated an estimated \$175.9 million in service exports; and employ approximately 53,000 people and there are approximately 10,000 creative businesses in WA, most of them sole traders. 		
Previous Support (5-year period)	Year	Amount (ex GST)	Project
	2017/18	\$75,000	REMIX
	2018/19	\$75,000	REMIX
		\$20,000	Keystone Partnership
	2019/20	\$75,000	REMIX
		\$20,000	Keystone Partnership
	2020/21	\$20,000	Keystone Partnership
TOTAL	\$285,000		
Project Details			
Project Title	Curating the Landscape		
Project Date / Venue	1 July 2022 – 30 June 2023	<p>Board Roundtable and Professional Development Session – QV1 building</p> <p>Symposium and Summit – Heath Ledger Underground Theatre (to be confirmed)</p>	
Project Description	<p>The Chamber is seeking funding to support year one of the three-year program ‘Curating the Landscape’.</p> <p>The Chambers states the program will bring together the city’s complex cultural and economic ecology from grassroots to key industry influencers in the field of arts/culture, education, tourism and the business sectors.</p> <p>The Chamber aims to:</p> <ul style="list-style-type: none"> bring together key partners and stakeholders to explore opportunities for collaboration and action across priority State and Local Government policy areas; and explore the intersectionality of art and culture with activating spaces/properties (built environment) within the city to encourage increased tourism and education opportunities to the sector. <p>The program consists of three event streams:</p> <ol style="list-style-type: none"> Board Room Industry Conversations; Symposium - A Case for Culture: National Cultural Policy; and Bridging the Gap Events. 		

Estimated Attendance	660
Total Project Cost	\$97,450
Total Amount Requested	\$23,500
Multi Year Request	One-year sponsorship request
Total Assessment Score	23 out of 35 (65.71%) (A tier 2 request is out of a total possible score of 35)
Recommendation	APPROVE
Recommended Amount	\$15,000 cash contribution for one year

Recommendation Rationale

The application was recommended for support due to:

- a. The program aims to broaden the economic understanding and capacity of the creative industry sector and the conversation about the contribution this sector can make;
- b. The Chamber has a history of delivering highly regarded events and quality programs which are always well attended. This instils confidence that the program is likely to be successful;
- c. The Chamber is an important organisation advocating for the creative industry sector and support for this program will help provide professional and skills development for artists and arts organisations; and
- d. The program will address how the creative industry sector will diversify the City’s and Western Australian economy.

The assessment panel considered the applicant’s total request amount of \$23,500. **The panel recommends the lower amount of \$15,000 for the following reasons:**

- a. The City sponsored the Chamber to deliver 12 events in 2020/21 for \$20,000. When benchmarked against the current application for three events, the panel agreed the request for \$23,500 was high and that \$15,000 was a fair reflection of the value the current proposal provides the City;
- b. The panel found the information provided in the application was limited; and
- c. The Chamber applied under the Economic Development Sponsorship – Tier 2 (\$15,001 - \$50,000), the panel score of 65.71% supports City funding on the lower end of this Tier.

c. Spacecubed Ventures Pty Ltd

Applicant Details			
Applicant Name	Spacecubed Ventures Pty Ltd		
Applicant Background	Founded in 2012, Spacecubed Ventures Pty Ltd is Perth’s largest co-working, collaboration and innovation hub, developed as a social enterprise with a vision to support 100,000 entrepreneurs, startups and businesses by 2025. Spacecubed Ventures state they are a unique Western Australian business that has become the epicentre for innovation and collaborative spaces, hackathons, incubators, accelerators and corporate innovation programs across the State.		
Previous Support (5-year period)	Year	Amount (ex GST)	Project
	2018-19	\$10,000	Startup Weekend
	2019-20	\$10,000	Startup Weekend
	2020-21	\$10,000	Startup Weekend
	2021-22	\$18,000	Startup Weekend (\$6,000 per year for three years - 2021/22, 2022/23 and 2023/24)
	TOTAL	\$48,000	
Project Details			
Project Title	WA Landing Zone		
Project Date / Venue	11 July 2022 – 30 June 2025	Riff 45 St Georges Terrace, Perth	
Project Description	<p>WA Landing Zone will be an extension to the services Spacecubed has offered for over nine years.</p> <p>The WA Landing Zone aims to:</p> <ul style="list-style-type: none"> • Attract investment and nurture skills from Asia to create global WA-based businesses - The WA Landing Zone will support startups and scaleup ventures from Asia to tap into the entrepreneurial support services located in Perth to grow their businesses and create jobs in WA. • Provide Australian business a pathway into Asian markets – WA shares the GMT+8 time zone with over 24% of the world’s population. Spacecubed believes this makes it the perfect base for Australian businesses to access these fast-growing global markets while WA-based startups have a competitive advantage to foster collaboration. <p>The City of Perth’s funding will be used to activate the space and run programs for the visiting regional and international innovators and entrepreneurs, leveraging the Spacecubed investment in the City of Perth’s ecosystem. The programs and initiatives include:</p> <ul style="list-style-type: none"> • Three-Year Asian Incubator Program featuring Cohort and Inbound Streams <ul style="list-style-type: none"> ○ Three-month incubator program targeted at regional, interstate and international startup ventures, run twice a year for three years, including 1-week intensive facilitated face-to face program; 		

	<ul style="list-style-type: none"> ○ Guest mentors to support participating entrepreneur; and ○ Co-working desk space for up to 10 Asian entrepreneurs for two months per year for three years, including meeting room allocation for client/partner meetings. ● Expert Talks and Forums <ul style="list-style-type: none"> ○ Quarterly forums and expert events which includes travel costs for visiting experts, venue hire, catering, administration; and ○ Delivery of events in partnership with existing startup investment programs (e.g. West Tech Fest) to facilitate deal flows through international and inter-state venture capital funders. ● Promotion and Profile Raising <ul style="list-style-type: none"> ○ Marketing campaigns to regional, interstate and international entrepreneurs and investors, and travel to international and regional hubs to build collaborative partnerships and attract high-growth ventures to set up or expand their businesses in WA. <p>Spacecubed has stated that the WA State Government and the Commonwealth Government through the Austrade department have expressed interest in becoming Major Partners of the project.</p>
Estimated Attendance	240
Total Project Cost	2022/23: \$1,029,000 2023/24: \$1,029,000 2024/25: \$1,029,000
Total Amount Requested	2022/23: \$68,166 2023/24: \$68,166 2024/25: \$68,166
Multi Year Request	Three-year sponsorship
Total Assessment Score	70.93%
Recommendation	APPROVE a three-year term.
Recommended Amount	2022/23: \$50,000 (excluding GST) cash contribution 2023/24: \$50,000 (excluding GST) cash contribution 2024/25: \$50,000 (excluding GST) cash contribution
Recommendation Rationale	
<p>The application was recommended for support due to:</p> <ol style="list-style-type: none"> a. The project strongly aligns to the City’s strategic objectives in the Strategic Community Plan and Economic Development Strategy. b. The project aligns with international models and provides links to regional Western Australia, Association of Southeast Asian Nations and South Asia. 	

- c. The project will attract companies to Perth to continue their business growth which will develop the Western Australia's innovation and technology sector, create new opportunities and bring further attention to what is happening in Perth.
- d. The project will diversify the Perth's economic base.
- e. The project will create opportunities to showcase local innovators and create new jobs and companies through exposure to international venture capital, investment and other networks.
- f. The project has alignment with other key stakeholders and international connections.
- g. The project will attract people into Perth from regional, interstate and international areas and allow for use of local accommodation and expand the networks of these audiences into the City ecosystem.
- h. The applicant has some proven success with their Plus Eight program which was launched in 2016 as a seed-funded accelerator program helping local startups go global.
- i. The project evaluation will provide rich data and information for City use.

The assessment panel considered the applicant's multi-year request for \$68,166 per year for three years. **The Panel recommends \$50,000 in 2022/23, \$50,000 in 2023/24 and \$50,000 in 2024/25 for the following reasons:**

- a. The request is heavily reliant on the City. The request for the City is the same amount as the request for all other unconfirmed partners.
- b. Benchmarked against comparable approved Economic Development Sponsorship applications, the Panel agreed \$50,000 per year over three years was appropriate as seed/pilot funding.
- c. The application would have been stronger if the additional partners were confirmed. It is to be noted that the international landing pads located in Berlin, San Francisco, Shanghai, Singapore and Tel Aviv are Commonwealth Government run and funded.
- d. The application consists of repetitive information against the assessment criteria.
- e. The applicant states the Western Australian State Government and the Commonwealth Government have expressed interest in supporting the project but no support has been confirmed.
- f. The budgeted cost of co-working space is high at \$45,000 per year and the Panel do not support this element of the project.

Consultation

Nil.

Decision Implications

- 8. In instances where an applicant was requesting support for a new initiative, it was benchmarked against comparable activity and recommendations made accordingly.
- 9. 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.
- 10. A City representative will negotiate sponsorship benefits with the applicant in line with sponsorship funding amounts, once approved by Council. Applicants will be required to provide significant benefits in recognition of the City's support.

11. Successful applicants will be required to submit an acquittal report within one month of project completion. Acquittal reports must demonstrate how the City’s sponsorship funding supported projects or initiatives within the City of Perth local government area and demonstrate direct impact on the City of Perth meeting its aspirations of Liveable, Sustainable and Prosperous.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Economic Development Sponsorship FY2021/22 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:	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

12. The financial implications of the 2021/22 recommendation are accommodated within the existing budget. Provisions for the 2022/23 and 2023/24 commitment will need to be made in future budgets.

2021/22

Account Number	1066-100-50-10095-7901	Operating
Account Description	Economic Development Sponsorship	
Total Budget	\$666,298	
Total Allocated to Approved Applicants	\$81,000	
Budget – This report	\$365,000	
Remaining Budget	\$220,298	
Budget Impact	Accommodated in approved budget 2021/22	

2022/23

Account Number	TBC	Operating
Account Description	Economic Development Sponsorship	
Total Budget	TBC	
Budget – This report	\$330,000	
Total Allocated to Approved Applicants	\$6,000	
Budget Impact	Subject to annual budget review	

2023/24

Account Number	TBC	Operating
Account Description	Economic Development Sponsorship	
Total Budget	TBC	
Budget – This report	\$330,000	
Total Allocated to Approved Applicants	\$6,000	
Budget Impact	Subject to annual budget review	

Further Information

13. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response																											
1.	The City already supports and leverages some of the events that are supported by the Business Events Perth. What are these events?	Australian Oil and Gas Conference (AOG) and the upcoming WA ASEAN Conference are two examples of events supported by Business Events Perth and then provided sponsorship by the City directly.																											
2.	What is the value of the City's leveraged support?	<table border="1"> <tr> <td>2013/14</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2014/15</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2015/16</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2016/17</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2017/18</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2018/19</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2019/20</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2020/21</td> <td>AOG</td> <td>\$50,000</td> </tr> <tr> <td>2021/22</td> <td>WA ASEAN Conference</td> <td>\$15,000</td> </tr> </table> <p>In addition to the City's support, the State Government, through Tourism WA contributes approximately \$5.5 Million a year to Business Events Perth.</p>	2013/14	AOG	\$50,000	2014/15	AOG	\$50,000	2015/16	AOG	\$50,000	2016/17	AOG	\$50,000	2017/18	AOG	\$50,000	2018/19	AOG	\$50,000	2019/20	AOG	\$50,000	2020/21	AOG	\$50,000	2021/22	WA ASEAN Conference	\$15,000
2013/14	AOG	\$50,000																											
2014/15	AOG	\$50,000																											
2015/16	AOG	\$50,000																											
2016/17	AOG	\$50,000																											
2017/18	AOG	\$50,000																											
2018/19	AOG	\$50,000																											
2019/20	AOG	\$50,000																											
2020/21	AOG	\$50,000																											
2021/22	WA ASEAN Conference	\$15,000																											

		The recent WA State Government budget also allocates a further \$5 Million for business events - this funding is in addition to the \$15 Million Reconnect WA package
3.	What is the value of the hotel and convention sector to the City?	Economic output from REMPLAN (which is the City's online LGA specific economic and analytical tool) values the Accommodation and Food Services industry sector in the City of Perth at \$1.959 Billion and employs 9,151 people as of March 2022, noting COVID-19 would have impacted heavily on these figures over the last two years.
4.	What rate, charges and other levies do hotels and convention centres pay to the City of Perth?	Hotels pay rates at the relevant differential rates for the hotel classification multiplied by the Gross Rental Value of their property as assessed by Landgate. Some, but not all, pay for rubbish services (if they use the City's service). Others have their own commercial arrangements and are not levied rubbish collection by the City.
5.	When a convention comes to Perth what is the average delegate stay and spend?	Business Events Perth provided projections for 22/23 of \$203.9 million in direct delegate expenditure and 90,982 delegates to the whole of WA. This equates to \$2,241 average expenditure per delegate across the State. As a cross reference, recent work undertaken by URBIS for the City on the Economic Development Strategy highlighted the following (specific to the City of Perth LGA): <ul style="list-style-type: none"> • Interstate tourists spend \$1,802 (average) per trip • International tourists spend \$1,426 (average) per trip • Intrastate tourists spend \$774 (average) per trip
6.	The panel saw limited value in the City of Perth Aspire Scholarship and the recommendation is reflective of this component being removed from the sponsorship. What is this program? No description is supplied.	Source: Business Events Perth Website <i>Business Events Perth's Aspire Awards support Western Australian researchers, academics, and professionals to attend an international business event in the interest of professional development.</i> <i>Successful applicants may use their award funds to cover the cost of travel, accommodation, and registration expenses at their chosen conference, exhibition, convention, or seminar</i>
7.	Regarding Spacecubed Ventures, the Panel says "The budgeted cost of co-working space is high at \$45,000 per year and the Panel do not support this element of the project." What is considered an appropriate/reasonable budgeted cost of co-working space?	This equates to \$750 per desk per month (for 10 desks over 6 months). By way of a comparison, there is a co-working space in the City of Perth that charges \$449 for a permanent desk for 30 days.

<p>8.</p>	<p>The Chamber of Arts and Culture WA Incorporated sponsorship can be approved under delegation. Is it being presented to Council because they have requested an amount above the threshold?</p>	<p>Correct. The application has come to Council for consideration as the original request is above \$15,000 (at \$23,500).</p>
<p>9.</p>	<p>Mr Gareth Martin identified a number of discrepancies in the report regarding Business Events. The one of interest was the 90,000 delegates whether it was per year or over the three-year period. Was that a typo in the report? What was considered in the assessment?</p>	<p>The delegate figure referenced in the Business Events Perth application for three years of funding was 90,982 but did not make it clear whether the figure was per annum, or over a period of three years (see below):</p> <p><i>With an increase of State Government funding to \$10.554m PA and increased City of Perth funding to \$400,000PA; Business Events Perth would deliver \$203.9m in direct delegate expenditure and 90,982 delegates to Western Australia. More than 90% of events secured for WA occur in the city. Therefore, \$400,000 PA funding would generate \$183.5m in direct delegate expenditure and represent an ROI of 1:458 (\$DDE/\$1 of funding) for the City.</i></p> <p>The Council report stated an estimated attendance of 90,982 delegates over three years but should have more clearly stated 90,982 delegates per year, over three years.</p>

Primary Motion (Officer’s Recommendation)

Mover: Councillor Rebecca Gordon

Seconded: Councillor Liam Gobbert

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
a	Business Events Perth Key Sector Business Event Economic Development Sponsorship	\$840,000 cash contribution over three years subject to a suitable sponsorship agreement being entered into on terms acceptable to the City within three-months. This equates to \$300,000 in 2021/22, \$280,000 in 2022/23 and \$260,000 in 2023/24
b	The Chamber of Arts and Culture WA Incorporated Curating the Landscape	\$15,000 cash contribution for one year (2021/22)
c	Spacecubed Ventures Pty Ltd WA Landing Zone	\$150,000 cash contribution over three years. This equates to \$50,000 in 2022/23, \$50,000 in 2023/24 and \$50,000 in 2024/25.

During debate Councillor Anghie moved an amendment to Ref a Business Events Perth, as follows:

Amendment

Mover: Councillor Sandy Anghie

Seconded: Deputy Lord Mayor Di Bain

That Ref a be amended as follows:

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
a	Business Events Perth Key Sector Business Event Economic Development Sponsorship	\$840,000 \$1,200,000 cash contribution over three years subject to a suitable sponsorship agreement being entered into on terms acceptable to the City within three-months. This equates to \$400,000 in each year \$300,000 in 2021/22, \$280,000 in 2022/23 and \$260,000 in 2023/24.

LOST (3/6)

For: Deputy Lord Mayor Di Bain; Councillors Sandy Anghie and Clyde Bevan

Against: Lord Mayor Basil Zempilas; Councillors Brent Fleeton, Liam Gobbert, Rebecca Gordon, Viktor Ko and Catherine Lezer

The amendment was declared lost and debate on the Primary Motion resumed.

Council Resolution (Officer’s Recommendation) (OCM-22/05-073)

Mover: Councillor Rebecca Gordon

Seconded: Councillor Liam Gobbert

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
a	Business Events Perth Key Sector Business Event Economic Development Sponsorship	\$840,000 cash contribution over three years subject to a suitable sponsorship agreement being entered into on terms acceptable to the City within three-months. This equates to \$300,000 in 2021/22, \$280,000 in 2022/23 and \$260,000 in 2023/24.
b	The Chamber of Arts and Culture WA Incorporated Curating the Landscape	\$15,000 cash contribution for one year (2021/22)
c	Spacecubed Ventures Pty Ltd WA Landing Zone	\$150,000 cash contribution over three years. This equates to \$50,000 in 2022/23, \$50,000 in 2023/24 and \$50,000 in 2024/25.

CARRIED UNOPPOSED (9/0)

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

Against: Nil

13. Infrastructure and Operations Alliance Reports

Nil.

14. Corporate Services Reports

14.1 Monthly Financial Report - March 2022

Responsible Officer	Michael Kent – Acting General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 14.1A – Financial Activity Statement & Notes to FAS Attachment 14.1B – Net Current Position P9 Attachment 14.1C – Alliance Variances Attachment 14.1D – Capital Variances P9 Attachment 14.1E – Investment Register P9 Attachment 14.1F – Rates Collection P9

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 March 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	\$ 77.953 M	\$ 76.254 M	\$ 1.699M	U
Rates Revenue	\$ 97.854 M	\$ 97.857 M	\$ 3 K	F
Operating Expenditure	\$ 153.568 M	\$ 147.616 M	\$ 5.952 M	F
Non-Operating Revenue	\$ 9.266 M	\$ 7.945 M	(\$ 1.321M)	U
Capital - Infrastructure	\$ 25.843 M	\$ 16.854M	\$ 8.988 M	F
Property, Plant & Equipment	\$ 10.498 M	\$ 7.438 M	\$ 3.060 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 (\$41.3M) compared to a year to date budget of (\$46.6M). This is a favourable variance of \$5.3M at the end of the month.
20. Investing activities reflect a result of (\$16.3M) compared to a year to date budget of (\$27.0M). This is a favourable variance of \$10.7M. This is largely attributable to a favourable timing variance on invoicing for construction of infrastructure at Roe Street, supply chain delays on materials for electrical lighting works and delayed approvals on East Perth foreshore works.

21. Construction of infrastructure to 31 March 2022 is at 65% of year to date budget expectations at \$16.8M, against \$25.8M budget as noted at paragraph 14. Attachment 14.1D provides comments on specific variances for capital projects.
22. Acquisition of non-infrastructure to 31 March 2022 is \$7.4M 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 March shows that a rate yield of \$97.9M has been levied compared to the \$97.9M budget at rates strike date. The budget was amended downwards at mid-year budget review because of the impact of the WACA concession (\$183K) and Heritage Concessions (\$232K) on the net rates yield which was also impacted by some negative adjustments via interim rates.
25. The disclosed year to date Closing Position of \$66.2M compares favourably to the year to date budgeted closing position of \$41.5M - a variance of 28.7%, reflecting the combined impact of the favourable variances noted in this report for revenues, expenses, financing activity and investing activity. Most of this variance is due to the timing of cash outflows relating to capital projects as noted in this report at paragraphs 20 – 22.
26. The Net Current Position Report (Attachment 14.1B) indicates a year to date adjusted Net Current Position value of \$65.3M versus the budget of \$52.1M. 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	Mar 2021	Mar 2022
Current Assets	\$ 179.657 M	\$ 201.261M	\$ 214.508 M
Current Liabilities	(\$ 44.730 M)	(\$ 33.198 M)	(\$ 38.314 M)
Unadjusted Net Assets	\$ 134.927 M	\$ 168.063 M	\$ 176.194 M
Less Restricted Items	(\$ 102.872 M)	(\$ 93.800 M)	(\$110.895 M)
Adjusted Net Current Position	\$ 32.054 M	\$ 75.025 M	\$ 66.299 M

28. The comparative numbers from the Net Current Position report at March 2021 and March 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 such as the WACA capital contribution rather than any adverse financial trend.
29. Attachment 14.1E - Investment Report at March 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 97.4% of all collectible rates. It shows that collections are stronger than in previous years. It also contains some brief commentary regarding payment arrangements and financial hard-ship cases.

Consultation

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 24 May 2022 were as follows:

	Questions	Response
1.	With reference to the Rates Instalment Due Date table, what does the percentage represent?	It presents the cumulative portion of the rates levied that are collected by the due date for each instalment. Rates are 0% collected as soon as levied, then 66% of the total levied is collected by the first due date, 82% by the second, 90% of the total levied by the third instalment date and 93% by the fourth instalment. Collections are 98% of total rates levied as at the end of April.

Council Resolution (Officer's Recommendation) (OCM-22/05-074)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council RECEIVES the following financial reports for the period ended 31 March 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.

CARRIED EN BLOC (9/0)

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

Against: Nil

14.2 Schedule of Accounts Paid - March 2022

Responsible Officer	Michael Kent – Acting General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 14.2A – Schedule of Accounts Paid - March 2022

Purpose

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

Recommendation

That Council:

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

Total Accounts Paid	
Municipal Fund	\$24,476,500.81
Trust Fund	\$0
Total - All Funds	\$24,476,500.81

Background

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

Discussion

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

Schedule of Accounts Paid - March 2022		
Municipal Fund		
EFT & Cheque Payments	Direct Creditor Payments	19,459,211.42
Sub Total - EFT & Cheques		
Direct Debits	Bank Charges and Merchant Fees	55,951.17
Sub Total - Direct Debits		
Payroll	01/03/2022	1,621,432.53
	15/03/2022	1,689,099.20
	29/03/2022	1,626,389.49
Sub Total - Payroll		4,936,921.22
Corporate Cards		24,417.00
Sub Total - Cards		24,417.00
Total per Attachment 14.2A		24,476,500.81
Total Payments from Municipal Fund		24,476,500.81
New Investments		5,000,000.00
Trust Fund		
Trust EFT & Cheques		0
Total - Trust Funds		0

Consultation

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

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.10 of the <i>Local Government Act 1995</i> Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i></p> <p>This section of the Act and the related regulation prescribes the requirement to prepare a list of all payments made for each month and to present them to Council. The Schedule of Accounts Paid (the 'list') should contain, for each payment:</p> <ul style="list-style-type: none"> • Payee Name • Amount of the Payment • Date of the Payment • Sufficient information to identify the transaction
Authority of Council/CEO:	In accordance with Regulation 13(2) and 13(3) of the <i>Local Government (Financial Management) Regulations 1996</i> , where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council.
Policy:	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 24 May 2022 were as follows:

	Questions	Response
1.	The City paid nearly \$500 for lost time. Has the relevant PO T&Cs or contract been checked to confirm whether this is payable?	The charge relates to lost time due to the tenant not attending the site to provide access for the replacement of fire detection equipment as agreed. The charge is in line with the terms and conditions. This amount will be recouped from the tenant

Council Resolution (Officer's Recommendation) (OCM-22/05-075)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council:

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

Total Accounts Paid	
Municipal Fund	\$24,476,500.81
Trust Fund	\$0
Total - All Funds	\$24,476,500.81

CARRIED EN BLOC (9/0)

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

Against: Nil

14.3 Creation of New Cash Backed Reserve - Sponsorship Reserve

Responsible Officer	Michael Kent – Acting General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 14.3A – Council Policy 2.4 Cash Backed Reserves

Purpose

To seek Council’s approval to create a new cash backed reserve to facilitate more efficient management of sponsorship arrangements that span multiple financial years.

Recommendation

That Council:

1. APPROVES the creation of a Sponsorship Reserve with the following purpose:
‘This cash reserve is used to manage the cashflow implications of awarded sponsorship agreements that span multiple financial years’.
 2. ADOPTS amended Council Policy 2.4 Cash Backed Reserves as detailed in Attachment 14.3A.
-

Background

1. The City is looking to make improvements to the financial processes for the management of sponsorships that span multiple financial years. The timing of the sponsorship funding rounds, and the lead times required by sponsorship recipients to deliver their events or sponsorship obligations typically does not conveniently align to financial years and annual budget cycles.
2. Matters considered as part of the development of this proposal address challenges faced by both the City and the sponsorship recipients including, but are not limited to, the following:
 - a. Accommodating multi-year sponsorships within an annual budget cycle.
 - b. Offering sponsorship funding certainty to a proponent of a major sporting or performance event that may have a two year or more lead time.
 - c. Giving sponsorship proponents the funding certainty to allow them to confidently invest in the event preparations and secure artists when their sponsorship application occurs in one financial year but the event itself is staged in the following financial year.
 - d. Mitigating the risks associated with full or partial prepayment of sponsorships, only for those events to not occur due to public health considerations or other uncontrollable factors.
 - e. Maintaining Council visibility of the status of the status of the funding pool.
 - f. Ensuring that Council resolutions are 'fully deterministic' rather than future year allocations being expressed as 'subject to adoption of the YY/YY budget'.
3. The elapsed time between calling for applications, assessing applications and then presenting recommendations to Council can consume several months - after which the successful applicants still need to prepare for, procure and deliver their event.
4. Given this, having some sponsorships spanning multiple financial years is inevitable.

Discussion

5. Currently, the budgeted annual sponsorships funding allocation is included in the Operating Statement as an aggregated dollar amount. Following the evaluation of each funding round, sponsorship recommendations are put to Council for endorsement by Council and a manually compiled spreadsheet keeps a tally of what has been allocated - and what is available in the remainder of the cost pool.
6. It is important to note that the amount allocated may not be the same as the amount disbursed in a year because of timing differences in acquittals.
7. In some instances, sponsorships have had to be pre-paid because of the mis-alignment between the annual budget cycle and the timing of awarding funding rounds and event staging. This proposal seeks to minimise the risk of event cancellation risk or under-delivery of agreed outcomes.
8. To more effectively and transparently manage the cashflow implications associated with awarded sponsorship arrangements that span multiple financial years (either across the 30 June end of financial year or alternatively, awarded multi-year sponsorships), it is proposed to introduce a cash-backed Sponsorship Reserve.

9. The proposed approach to using the reserve, once established would be:
- a. Each year upon adoption of the Annual Budget, the full amount approved for Sponsorships is transferred to the Reserve Fund.
 - b. The sponsorship funding rounds are conducted as per the approved process and evaluation results are presented to Council for adoption.
 - c. Once adopted by Council, a unique identifier is associated with each sponsorship and the funds quarantined for that specific sponsorship in the Sponsorship Reserve.
 - d. The Sponsorships Team works with the approved applicants to establish the likely cash flow patterns associated with the sponsorship.
 - e. Where the sponsorship is awarded in a single year but is likely to be acquitted across two financial years, the identifier is to have a Part A and Part B (one for each financial year).
 - f. Where a sponsorship relates to a multi-year or future year sponsorship allocation, that amount is assigned an identifier and entered into the Sponsorship Funding Register which is reconciled to the Sponsorship Reserve balance.
 - g. Future year commitments (resulting from multi-year sponsorship awards are acknowledged as required transfers from the Sponsorship Reserve in the Long Term Financial Plan (LTFP)) - and reflect a reduction of the indicative Sponsorship allocation for that future year.
 - h. Using this approach; there should always be visibility of the status of the program and future / multi-year sponsorships could be accommodated without risk of double dipping or overspending an allocation.
 - i. Additionally, funds held in the Sponsorship Reserve would accrue interest (which albeit modest), would grow the available funding pool over time.
10. The amendments to Council Policy 2.4 Cash Backed Reserves (Attachment 14.3A) are simply to ensure that the policy maintains a comprehensive schedule of the active cash backed reserves. There are no other changes made to the policy.
11. It is foreshadowed that Council will receive a report at the Ordinary Council Meeting in June seeking approval to transfer the value of awarded, but yet to be acquitted, 2021/22 sponsorships to the Sponsorship Reserve until the sponsorship obligations are fully acquitted.

Consultation

12. Essentially the recommendations of this report relate to internal administrative processes - but feedback from current and potential future sponsorship applicants has influenced the development of this solution to address the challenges of sponsorships spanning multiple financial years that may be faced by successful applicants.

Decision Implications

13. Council's adoption of the report recommendation will provide an effective mechanism to manage the financial implications of multi-year sponsorships (should they be awarded), will provide more effective internal financial controls and will assist applicants manage the timelines associated with applying, procuring and delivering their sponsorship obligations.

14. Should Council not support this recommendation, the challenges identified at paragraph 2 of this report would continue to be faced by both sponsorship proponents and the administration.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Long Term Financial Plan Cash backed Reserves are an essential component of the City's strategic financial planning and are used by the Chief Financial Officer to manage the City's cash flow demands and ensure the City's ongoing financial sustainability.

Legislation, Delegation of Authority and Policy	
Legislation:	Section 6.11 of the <i>Local Government Act 1995</i> and Regulation 17(1) of the <i>Local Government (Financial Management) Regulations 1996</i> Council is to establish a separate reserve account for monies to be set aside in cash backed reserves. The reserve is to have a title and stated purpose that clearly identifies the purpose for which the monies are set aside.
Authority of Council/CEO:	Creation of new reserves is a decision of Council in accordance with Section 6.11 of the Act.
Policy:	2.4 Cash Backed Reserves

Financial Implications

15. There are no immediate direct financial implications of the recommendation to create the Sponsorships Reserve.
16. However, this report foreshadows that a further Council report (including a budget amendment to transfer the value of awarded, but yet to be acquitted, 2021/22 sponsorships to the Sponsorship Reserve) will be presented at the June 2022 Ordinary Council Meeting.
17. In future years, the use of the Sponsorship Reserve will assist in managing sponsorship related cashflows across financial years.

Further Information

18. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	How many sponsorships currently span multiple years?	<p>There are two situations contemplated by this report – one is where Council wishes to award a multi-year sponsorship, For a past example - the Space-Cubed Ventures Pty Ltd sponsorship. The second situation is where a sponsorship is awarded by Council, but the event delivery and acquittal does not occur until after the end of financial year. This is not uncommon.</p> <p>As noted in the Sponsorship Reserve report, a report will be considered by Council in June providing the details of the affected sponsorships and the associated values. That is foreshadowed in the May OCM report.</p>
2.	How much is proposed to be transferred to this reserve? On what basis was this amount calculated?	<p>The mechanics of the reserve have been very carefully considered to ensure that the full amount budgeted by Council remains available whether the acquittal occurs in this year or the subsequent one.</p> <p>The benefits are that sponsorship recipients are not constrained by the arbitrary 30 June end of financial year date and any unallocated funds from one year are available in a subsequent one. So, the amount to be transferred is calculated as a combination of the awarded but unspent sponsorships from one year and the unallocated amount from that year's budget allocation for sponsorships.</p>
3.	Noting the "newly created Major Events Activations Reserve" in Item 14.4 of the Agenda. Is this different to this proposed "Sponsorship Reserve"? Why is the City requesting Council approval for the Sponsorship Reserve but not the newly created Major Events Activations Reserve?	<p>The reports consider the creation of both reserves and Council will vote on recommendations relating to the creation of both reserves. The Sponsorship Reserve had a stand alone report because it required more detailed explanation.</p>

Council Resolution (Officer's Recommendation) (OCM-22/05-076)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council:

1. APPROVES the creation of a Sponsorship Reserve with the following purpose:
'This cash reserve is used to manage the cashflow implications of awarded sponsorship agreements that span multiple financial years'.
2. ADOPTS amended Council Policy 2.4 Cash Backed Reserves as detailed in Attachment 14.3A.

CARRIED EN BLOC (9/0)

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

Against: Nil

6.32pm *The General Manager Planning and Economic Development returned to the meeting during Item 14.4.*

14.4 Year End Reserve Transfers

Responsible Officer	Michael Kent – Acting General Manager Corporate Services
Voting Requirements	Absolute Majority
Attachments	Nil.

Purpose

To seek Council approval for year-end transfers of funds to cash backed Reserves.

Recommendation

That Council APPROVES:

1. The transfer of the 2021/22 (\$5.0M) budget for Instalment 1 of the WACA Aquatic Facility contribution to the Asset Enhancement Reserve - recognising that the delay in the State Government finalising the funding agreement will mean that the City will not make payment prior to 30 June 2022.
2. The transfer of re-deployed funds from 2021/22 Municipal (general) funds to the following cash-backed Reserves:
 - a. \$1.0M to the Employee Entitlements Reserve
 - b. \$1.0M to the Technology Upgrade Reserve
 - c. \$1.0M to the Parking Facilities Reserve
 - d. \$1.0M to the Major Infrastructure Projects Reserve
 - e. \$1.0M to a newly created Major Events Activations Reserve
3. The creation of a Major Events Activations Reserve having the following specified purpose:

‘This reserve is established to allow the City to leverage activations associated with third party run major national or international events.’

Background

1. The City develops a responsible and prudent budget each year, broadly in line with the Long-Term Financial Plan (LTFP) and based upon the likely timing and quantum of the anticipated revenue and expenditure cashflows.
2. However, there can be factors outside the City's control emerging during the year that distort those cashflows - such as the time taken to negotiate funding arrangements with other levels of government, successful applications for unbudgeted grant funding, windfall gains and out-performance of certain revenue streams. There may also be the cashflow impacts of realised savings from vacant staff positions and various other smaller operational cost savings.
3. The City takes a dynamic treasury management approach - so rather than simply reporting these as year-end variances and doing nothing with them, it takes a proactive approach, harvesting the savings or windfall revenues and directing them to cash-backed reserves (which essentially are proactive savings plans for future expenditures).
4. By doing this, the City sustainably builds its financial capacity and smooths the financial impost on future ratepayers.
5. A similar action was undertaken by officers late in the 2020/21 financial year - resulting in transfers to the Neighbourhood Initiatives Reserve & Strategic Property Reserve.

Discussion

6. The extension of time to finalise the funding agreement for the City's contribution to the WACA Aquatic Facility means that the 1st instalment of \$5.0M funded in the 2021/22 budget will now not be required to be paid prior to 30 June 2022.
7. It is proposed that the \$5.0M expenditure line item in the 2021/22 budget will be adjusted to zero and replaced with a \$5.0M transfer to the Asset Enhancement Reserve in May 2022 and the funds will remain in that reserve until required in the 2022/23 financial year when it can be drawn down to make the payment when called for. This means no additional funding is required in 2022/23 as the reserve transfer manages the cash flow implications across years.
8. A critical review of the City's operational financial performance for 2021/22 was also undertaken in the first half of May, resulting in the identification of other opportunities for reserve fund transfers arising from staff salary savings due to vacancies and the extended period for EBA negotiations, other small operational savings from efficiencies, some unbudgeted grant funding, and contributions and better than anticipated plant and fleet trade-in proceeds.
9. It is recommended that the additional \$5.0M of identified funds be re-deployed to the cash backed reserves nominated below:
10. **Employee Entitlements Reserve** **\$1.0M**
Strengthen the reserve balance given that it will be reduced in September 2022/23 by the redundancies associated with the Childcare Centre closure and further reduced by the back pay elements of both inside and outside workers EBAs when finalised.
11. **Technology Reserve** **\$1.0M**
Strengthen the reserve balance now to reduce the \$2.0M dependency on general funds in the later stage of the core systems (ERP) project.

12. **Parking Facilities Reserve** **\$1.0M**
 Strengthen the reserve balance now to enhance capacity to fund replacement of ageing ticket machines ahead of the decommissioning of the 3G network.
13. **Major Infrastructure Projects Reserve** **\$1.0M**
 Strengthen the reserve balance to further support major upcoming infrastructure projects.
14. **Major Events Activation Reserve** **\$1.0M**
 Creation of a new cash backed reserve designed to have funds available for the City to stage activations to leverage major events such as the Festival of Football, Rugby World Cup or AFL Grand Final. Funds could only be used for activations that leverage national or international events. It is not available to fund events directly - only for City activations to leverage third party run events.
15. The proposed approach will enhance the City’s financial sustainability in future by proactively re-deploying funds that will not be used in the 2021/22 financial year.
16. To support the creation of the new Reserve proposed at paragraph 14, there is a proposed minor amendment to Council Policy 2.4 Cash Backed Reserves to ensure that the policy maintains a comprehensive schedule of the active cash backed reserves. No other changes to the policy are proposed.

Consultation

Nil.

Decision Implications

17. Council’s decision in favour of the recommendation to transfer the identified funds to cash backed reserves will enhance the City’s future financial sustainability. Not deciding in favour of the proposal would potentially result in sub-optimal financial outcomes.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Long Term Financial Plan & Annual Budget The purpose of dynamic treasury management resulting in budget amendments such as those proposed in this report is to ensure that the City’s financial position remains sustainable in both the short term and longer term. It also helps to encourage value for money outcomes from the deployment of the City’s financial resources and transparently demonstrates accountability for their use.

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Sections 6.8(1) and (2) and 6.11 of the <i>Local Government Act 1995</i> Regulation 33A of the <i>Local Government (Financial Management) Regulations 1996</i></p> <p>This section of the Act and the related Financial Management Regulation prescribe the requirements surrounding reserve creation and the preparation and presentation to Council, a review of the Annual Budget for the period commencing 1 July and no earlier than 31 December.</p> <p>That review of the Budget must consider:</p> <ul style="list-style-type: none"> • The local government’s financial performance for that period. • The local government’s financial position as at review date. • The financial outcomes as forecast in the budget for the end of the financial year. <p>Council must consider and adopt the review, or any parts of the review and any recommendations made in the review.</p> <p>Council may review and amend its annual budget at any other time during the year by adopting the desired amendments by absolute majority.</p>
Authority of Council/CEO:	The above legislation prescribes that amendments to the Annual Budget are a decision of Council.
Policy:	<p>2.3 Strategic Financial Planning & Budgeting</p> <p>2.4 Cash Backed Reserves</p>

Financial Implications

18. The financial implications for 2021/22 associated with this report are presented in the table below.
19. The Major Events Activation Reserve could be replenished from operational savings as and when required.

Details	Justification	Amount	Impact
WACA Aquatic Centre - Instalment 1	Deferred until 2022/23	\$ 5.0M	F
Trans to Asset Enhancement Reserve	Transfer funds via Reserve to 2022/23	(\$ 5.0M)	U
Operational Savings / Windfall Gains	Refer Report Paragraph 8	\$ 5.0M	F
Trans to Employee Entitlements Reserve	Refer Report Paragraph 10	(\$ 1.0M)	U
Trans to Technology Upgrade Reserve	Refer Report Paragraph 11	(\$ 1.0M)	U
Trans to Parking Facilities Reserve	Refer Report Paragraph 12	(\$ 1.0M)	U
Trans to Major Infrastructure Reserve	Refer Report Paragraph 13	(\$ 1.0M)	U
Trans to Major Event Activation Reserve	Refer Report Paragraph 14	(\$ 1.0M)	U
<i>Note: Overall financial impact is neutral</i>			

Further Information

20. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	In relation to transferring \$1 million to the Major Events Activation Reserve and possible events such as the Festival of Football, Rugby World Cup or AFL Grand Final. It is highly unlikely that Western Australia will host another AFL Grand Final in the foreseeable future. Additionally, the Rugby World Cups are 5 and 7 years away. Are the funds potentially being committed too early? Would it be more prudent to allocate a quarter of this amount and put the rest to a more urgent need?	<p>The events mentioned in the report are intended to be illustrative to give context to what the reserve might support rather than being a precise listing. The festival of football is held in early July 2022 and there is international rugby later that same month (not World Cup).</p> <p>To provide context as to the quantum, the 2021 AFL Grand Final activation had a \$370K budget – so the proposed \$1.0M should support two to three similar scale activations although not all in one year.</p> <p>The CFO's general approach is that \$1M is the minimum amount to justify maintaining a reserve, notwithstanding that there are a few 'legacy' reserves currently with smaller balances.</p>
2.	<p>The commentary in the agenda refers to the "Neighbourhood Initiatives Reserve" (refer page 287 of the agenda).</p> <p>What amount is currently in this reserve?</p>	<p>The Neighbourhood Initiatives Reserve is projected to have a balance of \$2.9M at 30 June 2022.</p> <p>A reserve can be recommended by the CFO (which is not an unusual situation) but is adopted by Council either through adopting the budget or through a Council report on the creation of the reserve at other times of the year.</p>
3.	How much was spent from this reserve in the current financial year?	<p>As stated in the purpose of the reserve, the reserve is designed to provide future financial capacity rather than being used in the current budget year.</p> <p>As the neighbourhood place plans mature and projects that are not already contemplated by the City are validated, then like all cash reserves, the funds may be judiciously allocated – with a view being maintained towards longer term financial capacity.</p> <p>If a transfer from this reserve was appropriate it would be done in the year following the expenditure but not in advance of it. Since the reserve only existed for the current year community engagement session, any relevant transfers would be done after the end of the current financial year.</p>
4.	What initiatives were funded from this reserve in the current financial year?	As noted above, reserves are part of the longer-term financial strategy and are not designed to be consumed in the current year. If that were the case, then the initiative would be a budget line item rather than a reserve.

		It is also important to recognise that reserve funds can only be deployed in accordance with the purpose for which they are intended to be used.												
5.	Over the past 18 months since Council's election, the City has held two Neighbourhood Budget Workshops. In the past financial year, what initiatives have been funded/completed from the projects and priorities identified by the neighbourhood groups in these workshops?	This will be circulated to Elected Members in due course.												
6.	In relation to the Technology Upgrade Reserve, the commentary refers only to "the project". Is this a reference to the technology upgrades discussed at a recent Elected Member Engagement Session and Audit and Risk Committee meeting?	Yes, correct. It is important to note that the Reserve was established to provide funding to enhance the City's core technology systems.												
7.	In relation to the newly created Major Events Activations Reserve, how much was spent on the AFL Grand Final activations in 2021?	The AFL grand final activation had a total budget of \$370K comprising: <table style="margin-left: 20px;"> <tr> <td>Contractors</td> <td style="text-align: right;">\$235k</td> </tr> <tr> <td>Rental</td> <td style="text-align: right;">\$17k</td> </tr> <tr> <td>Materials</td> <td style="text-align: right;">\$38k</td> </tr> <tr> <td>Other</td> <td style="text-align: right;">\$7k</td> </tr> <tr> <td>Security Fencing</td> <td style="text-align: right;">\$16k</td> </tr> <tr> <td>Marketing</td> <td style="text-align: right;">\$57K</td> </tr> </table> The staff time of the events, marketing and communications teams were not directly attributed to the event.	Contractors	\$235k	Rental	\$17k	Materials	\$38k	Other	\$7k	Security Fencing	\$16k	Marketing	\$57K
Contractors	\$235k													
Rental	\$17k													
Materials	\$38k													
Other	\$7k													
Security Fencing	\$16k													
Marketing	\$57K													
8.	The title of the newly created Major Events Activations Reserve is relatively broad, however the Administration's commentary states " <i>Funds [from this reserve] could only be used for activations that leverage national or international sporting events</i> " (page 288 of the agenda). Is it the intent that this reserve will only fund sporting events?	Each reserve must have an explicitly stated purpose. Reserve funds can only be deployed in accordance with that purpose. In order to recommend establishment of the reserve, it needed a stated purpose. The proposed purpose is the Administration's recommendation to support Council in future situations where significant unanticipated activations are required. The theme of the reserve was to leverage only large-scale events in support of Council's desire to be the 'Events Capital'. It was not intended for ongoing operational expenditures.												
9.	What is the rationale for the reserve only funding sporting events and not, for example, cultural events?	The proposed purpose is the Administration's recommendation to support Council in future situations where significant unanticipated activations are required. It was considered that this would address some of the concerns raised by Councillors in the past about how would these major events be activated if there was no line item in the budget.												

		<p>The theme of the reserve was to leverage only large-scale events in support of Council's desire to be the 'Events Capital'.</p> <p>Reserves are not intended for ongoing operational expenditure</p>
10.	Does the City have any particular events in mind?	<p>The events noted in the report are illustrative of events which the City may want to be involved in activating which may not have been reasonably foreseen at the time of developing the budget.</p>

Council Resolution (Officer's Recommendation) (OCM-22/05-077)

Mover: Councillor Liam Gobbert

Seconded: Councillor Rebecca Gordon

That Council APPROVES:

1. The transfer of the 2021/22 (\$5.0M) budget for Instalment 1 of the WACA Aquatic Facility contribution to the Asset Enhancement Reserve - recognising that the delay in the State Government finalising the funding agreement will mean that the City will not make payment prior to 30 June 2022.
2. The transfer of re-deployed funds from 2021/22 Municipal (general) funds to the following cash-backed Reserves:
 - a. \$1.0M to the Employee Entitlements Reserve
 - b. \$1.0M to the Technology Upgrade Reserve
 - c. \$1.0M to the Parking Facilities Reserve
 - d. \$1.0M to the Major Infrastructure Projects Reserve
 - e. \$1.0M to a newly created Major Events Activations Reserve
3. The creation of a Major Events Activations Reserve having the following specified purpose:
'This reserve is established to allow the City to leverage activations associated with third party run major national or international events.'

CARRIED BY ABSOLUTE MAJORITY (8/1)

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

Against: Councillor Sandy Anghie

14.5 Differential Rates 2022/23

Responsible Officer	Michael Kent – Acting General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 14.5A – Draft Rate Setting Statement 2022-23 Attachment 14.5B – Differential Rates - Statement of Objects and Reasons

Purpose

To seek Council’s approval for the advertising of proposed differential rates for the 2022/23 financial year in accordance with section 6.36 of the *Local Government Act 1995*.

Recommendation

That Council APPROVES:

1. Local public notice being given for the following differential rates (based on the predominant purpose for which the land is held) and the minimum rate for each differential rate classification:
 - a. Commercial 6.51092 cents in the dollar of GRV \$800 Minimum Rate
 - b. Retail 6.51165 cents in the dollar of GRV \$750 Minimum Rate
 - c. Hotel 6.44420 cents in the dollar of GRV \$765 Minimum Rate
 - d. Office 5.55045 cents in the dollar of GRV \$800 Minimum Rate
 - e. Residential 6.51450 cents in the dollar of GRV \$765 Minimum Rate
 - f. Vacant Land 10.0000 cents in the dollar of GRV \$1,000 Minimum Rate
2. The Statement of Objects & Reasons for each differential rate and each minimum rate as detailed in Attachment 14.5B.

Background

1. It is essential that local governments have current, meaningful, and accurate financial information on which to base their annual financial decisions.
2. From a budgeting perspective, the starting point for sound financial management is the preparation of the Rate Setting Statement. This statement is a crucial component of the budget process and establishes the amount required to be made up from rates.
3. The Rate Setting Statement provides a single consolidated view of all aspects of the budget. It includes estimates of all operating and non-operating revenues and expenditures as well as repayments of loan principal, proceeds from loan borrowings, capital expenditure items and transfers to or from cash backed reserves. It does, however, exclude all non-cash items such as depreciation or loss on disposal of a fixed asset.
4. The indicative Required Rates Yield shown in the Long-Term Financial Plan exerts persuasive influence on the development of the budget - but may be further refined by Council through the development of the annual budget which should be informed by review of critical inputs including:
 - a. Asset renewal (informed by asset management plans) and discretionary capital projects
 - b. Services, operating programs, and projects
 - c. Revenues from sources other than Rates
 - d. Planned transfers to or from Cash Backed Reserves
 - e. New borrowings and repayment of Borrowings
 - f. Projected Opening & Closing Position
5. It is particularly important to note that the Budget Deficiency before Rates on the Rate Setting Statement (**Attachment 14.5A**); and therefore, the Amount Required to be Raised from Rates; is not a direct input into the Rate Setting Statement. Rather, it is a consequence of the inputs in the other sections of the Rate Setting Statement.
6. These inputs reflect Council's commitment towards funding core service delivery, operational projects (both discretionary and mandatory), capital works programs and ensuring the long-term financial sustainability of the City.
7. It is important that there is a well-considered and well documented rationale that justifies the quantum of rates being raised - and the Rate Setting Statement helps provide that justification.
8. The Rate Setting Statement for 2022/23, presented in draft form as **Attachment 14.5A**, reflects a 1.1% increase in the rates yield (after allowing for concessions).
9. This result has been achieved through a critical review of operational costs to deliver a 1.0% reduction in cash year on year operational costs whilst supporting additional allocations towards sponsorships and despite cost increases in labour and other costs. The anticipated 1.5% increase in the Perth Parking Levy has since been included in the Draft Rate Setting Statement and this reduces the cost savings to 0.8%.
10. The proposed asset renewals and discretionary capital program has been matched with delivery capacity.
11. Having established the Amount Required to be Raised from Rates through that process, the next step is to establish how the respective contributions towards that funding pool from each property classification will be determined.

12. When determining the respective contributions and, therefore, differential rates based on the predominant (primary) use of the rateable land, local governments are required to observe the best practice principles of:
 - a. Objectivity
 - b. Fairness & Equity
 - c. Consistency
 - d. Transparency
 - e. Administrative Efficiency
13. The prospects of a satisfactory rating outcome are significantly improved if these principles are correctly applied.

Table 1

Principle	Interpretation
Objectivity	As far as possible, the predominant use of land should be reviewed and determined based on an objective assessment of relevant criteria. External parties should be able to understand how and why a particular determination was made.
Fairness & Equity	Rating principles should be applied fairly and equitably. Each property should make a fair contribution to rates based on a method of valuation that appropriately reflects predominant use.
Consistency	Rating principles should be applied, and determinations should be made, in a consistent manner. Like properties should be treated in a like manner.
Transparency	Systems and procedures for determining the method of valuation of land should be clearly documented and available for the public to inspect. This is fundamental to the “good government” principle upon which the Act is based. The right to govern accompanies the obligation to do so openly and fairly.
Administrative Efficiency	Rating principles and procedures should be applied and implemented in an efficient and cost-effective manner.

14. In January 2021, Council commissioned an independent expert review of the City’s Rating Methodology, including an assessment of compliance with the five best practice principles referenced at paragraph 11 of this report and a further 8 principles of good tax design.
15. The final report presented to Council in August 2021, found that the City’s Rates Methodology (in place since the 2020/21 rates year) was sound, well-reasoned and fully compliant with best practice principles, including exceeding best practice in 2 of the 13 assessment criteria.
16. In April 2022, the City again had independent consultants review the proposed 2022/23 rating strategy for compliance with best practice principles prior to advertising the proposed 2022/23 differential rates for comment.

Discussion

17. The City of Perth applies a differential rating approach aligned to a clearly enunciated Rating Methodology.
18. That is, it distinguishes between different classifications of properties based upon the predominant (primary) use of the land - and then uses that differentiation to influence the level of rating contribution from that property classification.
19. This provides the opportunity to levy different rates in the dollar (RID) on the GRVs of different property classifications to reflect the differing levels of demand placed on City services and public realm infrastructure by ratepayers in each differential rating classification.
20. Currently, the City uses six differential rate classifications to distribute required contributions to the rates funding pool as detailed below:
 - a. Commercial
 - b. Retail
 - c. Hotel
 - d. Office
 - e. Residential
 - f. Vacant Land
21. A description of each differential rates classification and the reason for each differential rate is provided in **Attachment 14.5B - Statement of Objects & Reasons for Differential Rates**, which forms the basis of the statutory advertising of proposed differential rates.
22. The City also establishes individual minimum rate values for each of the differential rating classifications to recognise that all ratepayers have equal opportunity to enjoy the facilities and services provided by Council, regardless of the value of the ratepayer's property or the level of use they choose to make of those services and facilities.
23. Accordingly, the minimum rate ensures that all ratepayers make a reasonable contribution to the cost of providing services, programs, and facilities.
24. This minimum rate is applied when the calculation of (GRV * Rate in \$) results in a value smaller than what has been determined to be the minimum equitable ratepayer contribution.
25. A local government may have up to 50% of the properties within a particular property classification subject to the minimum rate, but no more than 50% of all properties overall subject to the minimum rate.
26. The City's philosophical target for minimum rated properties is no more than 15% of all properties being subject to the minimum rate and for the overall financial yield from minimum rated properties to be no more than 2.5% of the total amount raised from Rates.
27. Under the proposed differential rating model for 2022/23, the City has 9.9% of properties being minimum rated, with these properties generating 1.6% of the rates yield.
28. The required rates yield for 2022/23 as determined through the rate setting process is \$99.6M before concessions.

29. In determining the respective contributions from the properties in each differential rating category, careful consideration has been given to the relative rating effort (rates generated from the available GRV of all the properties in that category) of each category, the objects and reasons for each differential rating category and minimum rates as applied to each category.
30. Council has also considered the prevailing economic environment and its impacts on the properties in the differential rating categories and then made its determination of distribution of the rating burden in accordance with the best practice principles of local government rating.
31. Modelling the proposed Rate in the Dollar and Minimum Rate for each differential rates classification provides for the following anticipated rates yield from each category:

Table 2:

Property Category	Number of Properties	Gross Rental Value \$M	Rate in the \$ of GRV	Minimum Rate	Anticipated Rates Yield \$M
Commercial	728	\$ 107.535	6.51092	\$ 800	\$ 7.018
Retail	524	\$ 128.248	6.51165	\$ 750	\$ 8.355
Hotel	1,347	\$ 118.079	6.44420	\$ 765	\$ 7.767
Office	2,375	\$ 980.937	5.55045	\$ 800	\$ 54.035
Residential	15,723	\$ 320.683	6.51450	\$ 765	\$ 21.016
Vacant Land	76	\$ 14.184	10.0000	\$ 1,000	\$ 1.429
					\$ 99.630 M

32. The City adopts a tiered approach with respect to setting its minimum rate for each differential rating classification.
33. Tier 1 is the lowest minimum rate of \$750 - and this applies to small retail tenancies. It covers 19 properties (approximately 4% of the Retail classification).
34. Tier 2 has a minimum rate of \$765 - and this applies to the lowest GRV residential properties in the Residential classification. This applies to 1,165 properties (approximately 7% of that classification.)
35. Tier 3 has a minimum rate of \$800 - and this applies to the lowest GRV commercial and small office properties. This applies to 37 commercial properties (approximately 5% of the Commercial property classification) and 214 office properties (approximately 9% of the Office classification).
36. Tier 4 has a minimum rate of \$1,000 - and this applies to 12 properties in the Vacant Land classification including several large prominent land parcels currently deemed to be minimum rated under Heritage Lands legislation until such time as they are built out.
37. The Hotel classification is a hybrid property grouping containing both hotels in the conventional sense and short stay apartments. The minimum rate for this group is classified as a Tier 2 minimum - that being \$765. As the short stay apartments represent a significant proportion of this property classification, there are 615 minimum rated properties (representing 45% of the Hotel classification).

38. A year-on-year comparison of the proposed differential rate in the dollar (RID), minimum rate, rates yield and change in the rate in the dollar (the increase) is provided in Table 3 below.

Table 3:

Property	Rate in the \$ (RID)		Minimum Rate		Expected Rate Yield \$ Million		Change in RID
	2021/22	2022/23	2021/22	2022/23	2021/22	2022/23	
Commercial	6.47853	6.51092	\$ 800	\$ 800	\$ 7.012	\$ 7.018	0.50%
Retail	6.47925	6.51165	\$ 750	\$ 750	\$ 8.342	\$ 8.355	0.50%
Hotel	6.41214	6.44420	\$ 750	\$ 765	\$ 7.941	\$ 7.767	0.50%
Office	5.45000	5.55045	\$ 800	\$ 800	\$ 53.550	\$ 54.035	1.00%
Residential	6.45000	6.51450	\$ 750	\$ 765	\$ 20.750	\$ 21.016	1.00%
Vacant Land	7.39961	10.0000	\$ 800	\$ 1,000	\$ 0.940	\$ 1.429	

Consultation

39. The City has engaged with the community through numerous consultation processes during the year (including on the Strategic Community Plan, Economic Development Strategy, Sustainability Strategy and other targeted consultation exercises) to understand the community's aspirations. There have also been regular consultations with representatives of the six community neighbourhoods which have informed the development of the draft annual budget.
40. Based on the identified community and Council priorities, the draft budget has been formulated and the amount required to be raised from rates has been established. This report represents an important step in the budget process, which is to now advertise the proposed differential rates for 2022/23.

Decision Implications

41. Council's approval of the proposed Differential Rates and the supporting Statement of Objects & Reasons for Differential Rates will allow the City to meet its statutory obligation to publicly advertise the proposed rate in the dollar and minimum rate for each differential rates classification for 21 days to allow public submissions on the proposed rates.
42. Following the statutory advertising period and consideration of submissions (if any) the City will continue to finalise the 2022/23 Annual Budget

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	<p>City of Perth Rating Methodology</p> <p>Long Term Financial Plan</p> <p>The differential rating process is applied to distribute the required rating contribution fairly and equitably across the rateable properties in the city and to ensure the City's ongoing financial sustainability.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.33(1) of the <i>Local Government Act 1995</i></p> <p>This section of the Act allows a local government to impose differential general rates according to the predominant purpose for which rateable land is held or used.</p> <p>Section 6.35(1) to (6) of the <i>Local Government Act 1995</i></p> <p>These sections of the Act prescribe the way minimum rates are to be calculated and applied.</p> <p>Section 6.36(1) and (3A) of the <i>Local Government Act 1995</i></p> <p>This section of the Act prescribes the requirement to publicly advertise the proposed differential rates, minimum rates and reasons and objects of each differential rate classification.</p>
Authority of Council/CEO:	The above legislation prescribes the process that Council must follow to be fully compliant in levying its rates.
Policy:	2.3 Strategic Financial Planning & Budgeting.

Financial Implications

43. There are no direct financial implications of receiving this report as it relates to a statutory part of the budget development process. However, following the public advertising period, the proposed rates model will influence the final 2022/23 Annual Budget document.

Further Information

44. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	<p>The interest revenue forecast next financial year is considerably higher than current financial year. What is the forecast interest rate revenue projection based on? It is almost double.</p>	<p>The forecast interest revenue for 2022/23 is, as noted, almost double this year’s interest revenue. The projection is based on currently available interest rates applied to anticipated cash holdings. Since the 3 May RBA announcement on interest rates, financial institutions have clearly factored in further rate rises in determining the investment rates they are offering. For terms of say 9-12 months, investment rates have moved from around 1.05% in April to in excess of 2.5% today. Shorter-term interest rates are also significantly higher - although not quite double what was on offer.</p>
2.	<p>Regarding the \$5m set aside for the first instalment for the WACA contribution. The City is advising to spread the contribution over 5 x \$1 million reserve transfers and also spend \$17.5 million in 2022/23. However those funds are not technically available – they are just unspent funds and are planned to be spent in 2022/23. Why doesn’t the City just use the initial \$5m as originally intended? Would following the City’s advice result in levying ratepayers for an additional \$5m?</p>	<p>This report refers to two separate amounts - each of \$5M. The \$5M relating to instalment 1 of the WACA contribution is simply transferred to the Asset Enhancement Reserve to be held for that explicit purpose until called back in 2022/23 to make the payment. Effectively the \$5M + \$12.5M initially proposed is simply paid out as \$17.5M in 2022/23. There are no additional rates raised, and the accounting treatment simply manages cashflow across financial year end.</p> <p>The five transfers of \$1M each to other reserves results from harvesting savings from current project contingencies (\$1.5M) and \$3.5M from staff vacancies in 21/22 and uses them to support future expenditures.</p> <p>In 2022/23, the Administration has introduced a vacancy rate offset adjustment to avoid budgeting for salaries that are not required due to vacant positions.</p>

Council Resolution (Officer's Recommendation) (OCM-22/05-078)

Mover: Councillor Liam Gobbert

Seconded: Councillor Brent Fleeton

That Council APPROVES:

1. Local public notice being given for the following differential rates (based on the predominant purpose for which the land is held) and the minimum rate for each differential rate classification:
 - a. Commercial 6.51092 cents in the dollar of GRV \$800 Minimum Rate
 - b. Retail 6.51165 cents in the dollar of GRV \$750 Minimum Rate
 - c. Hotel 6.44420 cents in the dollar of GRV \$765 Minimum Rate
 - d. Office 5.55045 cents in the dollar of GRV \$800 Minimum Rate
 - e. Residential 6.51450 cents in the dollar of GRV \$765 Minimum Rate
 - f. Vacant Land 10.0000 cents in the dollar of GRV \$1,000 Minimum Rate
2. The Statement of Objects & Reasons for each differential rate and each minimum rate as detailed in Attachment 14.5B.

CARRIED (8/1)

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

Against: Councillor Sandy Anghie

14.6 Corporate Business Plan Quarterly Report 3 (1 January to 31 March 2022)

Responsible Officer	Michael Kent – Acting General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 14.6A – Corporate Business Plan Quarterly Report 3 (1 January to 31 March 2022)

Purpose

To inform Council on the progress of the Corporate Business Plan 2021/22 - 2024/25.

Recommendation

That Council NOTES the Corporate Business Plan Quarterly Report 3 for the period 1 January to 31 March 2022 detailed in Attachment 14.6A.

Background

1. The Corporate Business Plan (CBP) provides guidance and direction to the City's Administration on requirements for the core project and service delivery. The CBP outlines the City's operational project and capital project priorities for the 2021/22 financial year.
2. To drive transparency and accountability, the City is required to track and report on a quarterly basis to Council. A project management system has been established by the City's Administration to track and report on projects in the CBP.

Discussion

3. The third quarterly report for the period 1 January to 31 March 2022 (Attachment 14.6A) has been designed to align with the CBP.
4. There are 77 Capital and Operational Projects across the Alliances comprising the City's Administration:
 - a. 31% (24 projects) are completed
 - b. 50% (38 projects) are on track towards completion
 - c. 6% (5 projects) are on watch
 - d. 8% (6 project) are delayed
 - e. 5% (4 projects) have been closed. The projects with this status are:
 - i. Better Bins Program – due to a lack of licensed processing facilities (food organics) funding for this project has been surrendered and in consultation with DWER will be delivered in 2025.
 - ii. Payment Portal for Parking Cards – the Technology Innovation Assessment identified that the software would require greater development than first anticipated.
 - iii. Drainage Maintenance – this project has been closed as further investigations revealed that there was no need to upgrade the system at this stage.
 - iv. Main Drain Monitoring Program – the City has negotiated for the program to be completed by the Water Corporation at their cost, resulting in a saving of \$300K over the life of the project.

Consultation

Nil.

Decision Implications

Nil.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	Section 2.7 of the <i>Local Government Act 1995</i> provides that Council is responsible for the performance of the local government's functions. Section 5.56 of the <i>Local Government Act 199</i> requires a local government to plan for the future of the district. Regulation 19DA of the <i>Local Government Administration Regulations 1996</i> establishes the requirement for a Corporate Business Plan.
Authority of Council/CEO:	Under the Act and Regulations, the Council is responsible for the performance of the City's functions and setting the Corporate Business Plan. Accordingly, it is appropriate for Council to receive regular updates on the progress of this plan.
Policy:	Nil.

Financial Implications

- It is important to recognise that there is always a lag between delivery of a project, or its major milestones and the cash outflows associated with the project. Current projections infer a delivery and expenditure of 77% to 80% of the capital program. An indicative amount of around \$10M is currently flagged as potential carry forward works - largely attributable to COVID-19 related supply chain issues for materials.
- Details of the financial expenditure profile associated with the capital works program are provided in the Monthly Financial Report (Item 14.1 – Attachment D) submitted to Council each month.

Further Information

- Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:**

	Questions	Response
1.	What else is to be done for the CEO Alliance Level 11 Audio Visual Upgrade before the project is complete?	A needs assessment has been undertaken and quotes are progressing to finalise the equipment required for installation, which is now anticipated to be completed in the second half of 2022.
2.	The NABERS rating for Council House rating talks about an energy rating 3.5 or 4.5 with green power. Is the City purchasing green power for Council House currently?	The City's three-year energy contract with Alinta, expiring February 2023, includes the purchase of 25% renewable energy.

3.	What is the plan to improve the rating other than purchasing green power?	<p>The lower-than-average rating is due to low occupancy rates across certain floors and inclusion of the energy used in the Council House CPP car park. An electrician would be required to certify the metered usage of the car park, and that energy use can then be excluded from Council House's energy use.</p> <p>Future plans to improve the energy and water efficiency of Council House include developing a design solution for LED lighting across Council House and investigating opportunities for green power.</p>
4.	Why was the drainage maintenance program, included in the schedule, budgeted for only then to discover it is not needed? What was set aside in the budget for this project and what happens to those funds now?	<p>Downstream maintenance works undertaken by WaterCorp on their stormwater installation which flows into the Swan River has resolved the upstream City drainage issues identified on Bennett Street between Hay Street and Adelaide Terrace, negating the need for city stormwater works.</p> <p>\$100,000 handed back as a saving.</p>
5.	With reference to page 313, the parking payment portal project has been cancelled due to the scope being larger than the City realised. What happens now?	<p>Actual cost of implementing a solution exceeded approved budget by approximately 160% and the cost benefit was re-evaluated. Due to the relatively small number of card users, the project was deferred. It will however be reconsidered as part of the technology enhancement program and it is anticipated that some current card holders will migrate to the parking App once rolled out across the City.</p>
6.	<p>Statement</p> <p>Some commentary has not been updated to reflect decisions made at the April 2022 OCM.</p>	<p>The Corporate Business Plan report is for Quarter 3. Current practice is that the updates are worded as at the end of the relevant quarter (in this case March 2022).</p>
7.	What is the status of the Spring Street project?	<p>Detailed design of the intersection is nearing completion, with the City's consultants making minor changes to reflect Main Roads WA comments. Base modelling has also been provided to Main Roads for approval to move forward.</p> <p>The intersection lighting will be relocated as part of the intersection works.</p> <p>Current work is focused on the interface between this project and the spring street cycle facilities. Co-ordination of the works will ensure compatibility while also potentially reducing construction disruption.</p>
8.	In relation to the \$10 million carry forward figure (page 308 of the agenda) the explanation given is largely due to COVID supply chain issues. What percentage is that in terms of the total project budget/plan for the year?	<p>The bulk of the carry forward figure relates to fleet / equipment, lighting and the Roe Street Project. A carry forward value of this quantum represents around 15% of the capital program of \$59M. By comparison the carry forward from last year was around 18%. Program delivery of 80% to 85% is in line with higher achieving metropolitan local governments.</p>

Council Resolution (Officer's Recommendation) (OCM-22/05-079)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council NOTES the Corporate Business Plan Quarterly Report 3 for the period 1 January to 31 March 2022 detailed in Attachment 14.6A.

CARRIED EN BLOC (9/0)

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

Against: Nil

15. Chief Executive Officer Reports

15.1 Inquiry into the City of Perth Recommendations - Quarterly Progress Update

Responsible Officer	Karen Callaghan – Executive Director Governance and Strategy
Voting Requirements	Simple Majority
Attachments	Attachment 15.1A – Quarterly Progress Update - Recommendations of the Inquiry into the City

Purpose

For Council to note the progress towards the implementation of the recommendations from the Inquiry into the City of Perth.

Recommendation

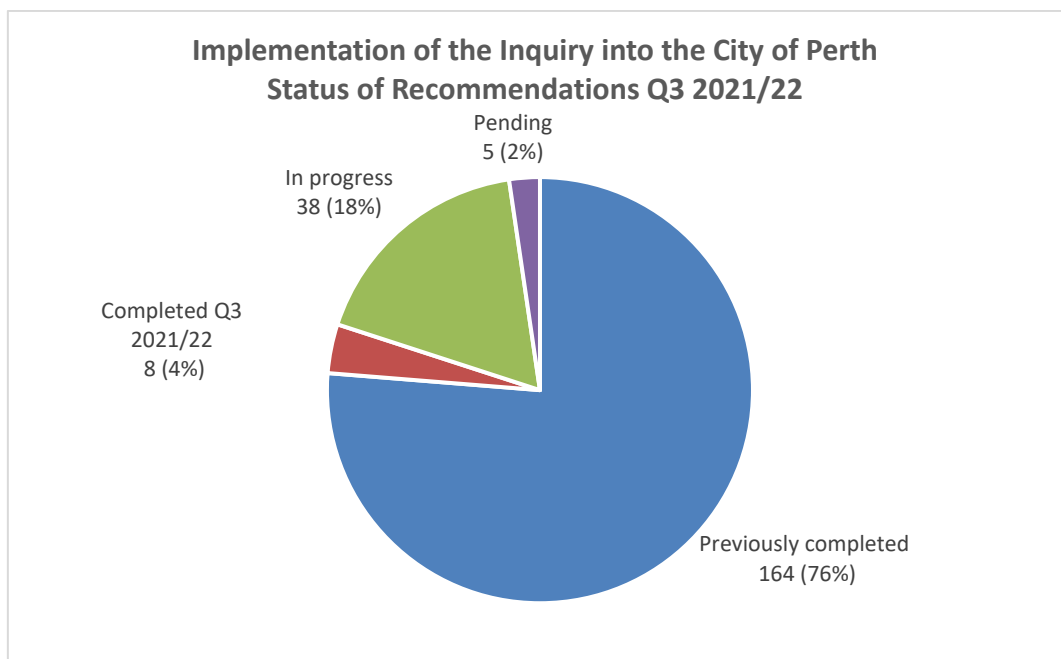
That Council NOTES the quarterly progress update on the remaining Inquiry into the City of Perth recommendations for the City of Perth (Attachment 15.1A).

Background

1. The Report of the Inquiry into the City of Perth (the Inquiry) was tabled at State Parliament on 11 August 2020. The report detailed 341 recommendations for both the City of Perth (the City) (215) and State Government (126).
2. Quarterly progress updates on the implementation of the Inquiry's recommendations were previously presented to Council on 15 December 2020, 30 March 2021, 27 July 2021, 23 November 2021 and 15 February 2022.
3. A further quarterly progress update is now presented to Council for noting (Attachment 15.1A).

Discussion

4. The City has completed 172 of its 215 recommendations to this reporting period, with eight completed during the quarter (1 January – 31 March 2022). Of the remaining recommendations, 38 are in progress while five are pending (as either yet to commence, or that are reliant on other actions occurring before progressing).
5. Overall, the progress achieved to date can be depicted as follows:



6. This quarterly progress update will be provided to the Department of Local Government, Sport and Cultural Industries and the Inquiry Oversight Group, with evidence to support the recommendations addressed during the quarter. The Oversight Group will then consider the update and evidence provided and request any additional evidence as needed. If the recommendations are deemed to be satisfactorily addressed they will be officially “closed-out”, or a further report may be required to the Minister.
7. It is important to note that delivering prosperity, sustainability and liveability into the future requires the recommendations to be considered as more than just a ‘tick-box’ exercise for the City. In recognition of this, the recommendations have been incorporated into the City’s Evolution to Excellence transformation plan to ensure the intent of the Inquiry’s findings are embedded into the organisation.

Consultation

Nil.

Decision Implications

8. If this update is noted by Council, the recommendations completed since 31 March 2022 will be submitted to the Oversight Group for assessment

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous.
Related Documents (Issue Specific Strategies and Plans):	Report of the Inquiry into the City of Perth

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 8.22 and 8.24 of the Local Government Act 1995
Authority of Council/CEO:	The recommendation of this report is for noting only.
Policy:	Nil.

Financial Implications

Nil.

Further Information

9. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	<p>Page 326 of the agenda states that the <i>“reports containing the results of the Cultural Assessment and proposed actions to address findings in each report is to be provided to the City of Perth Council by the CEO for consideration, endorsement and action no later than three months after the results are received by the CEO.”</i></p> <p>When was the last time Council received one of these reports and when is it next due?</p>	<p>This assessment is an Inquiry recommendation and there are a number of associated actions. The assessment is to be undertaken by Catalyse. As per the Corporate Business Plan, the Catalyse survey is to be conducted in July with a subsequent draft report provided to the CEO within 3 months.</p>

Council Resolution (Officer's Recommendation) (OCM-22/05-080)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council NOTES the quarterly progress update on the remaining Inquiry into the City of Perth recommendations for the City of Perth (Attachment 15.1A).

CARRIED EN BLOC (9/0)

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

Against: Nil

15.2 Funding Agreement for Aquatic Facility

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

Purpose

For Council to consider:

- a. A request for an extension of time for the City and State Government to enter into a suitable funding agreement on terms previously approved by Council; and
- b. An amendment of the previous Council resolution so that the funding agreement be entered into between the State and the City without the WACA being a party

In relation to the in-principal commitment of \$25 million towards an Aquatic Facility at the WACA site.

Recommendation

That Council:

1. AMENDS point 1 of the resolution made at its Ordinary Meeting held 31 August 2021 to read as follows:
“1. *COMMITTS \$25 million in-principle to the State Government towards the Perth City Deal, subject to a bipartite funding agreement being entered into by the City and the State Government on terms acceptable to the City by 31 December 2022. Without limitation, such agreement must include the following terms:...*”
 2. AUTHORISES the CEO to continue negotiating the terms of the funding agreement in accordance with legal advice.
-

Background

1. At its Ordinary Meeting held 31 August 2021 Council resolved to commit \$25 million to the State Government for the development of an Aquatic Facility at the WACA subject to a funding agreement being entered between the City, the State and the WACA on terms acceptable to the City (**Resolution**). The Resolution was as follows:

That Council:

1. *COMMITTS \$25 million in-principle to the State Government towards the Perth City Deal, subject to a tripartite funding agreement being entered into by the City, State Government and the WACA on terms acceptable to the City within 6-months. Without limitation, such agreement must include the following terms:*
 - a. *That the \$25 million from the City is used as a one-off capital contribution to the development of an aquatic facility as part of the WACA Redevelopment under the Perth City Deal.*
 - b. *The City's contribution, outlined in 1(a), is capped at a maximum of \$25 million regardless of the total project cost for the development of an aquatic facility at the WACA and does not include any future contribution towards its ongoing maintenance, management and operation.*
 - c. *The City must be satisfied that the design, specification and quality of the aquatic facility is commensurate with its \$25 million capital contribution.*
 - d. *The City will not own or operate the aquatic facility at the WACA at any time and will not be required to fund or subsidise its management, maintenance and operation.*
 - e. *That the aquatic facility at the WACA is made available for public use on such terms (including entry fees) and at such times so as to provide a benefit to the district, the City's ratepayers and other visitors, and for a term acceptable to the City.*
 - f. *Appropriate payment terms to be agreed.*
 2. *Further to the State Government's request for an additional \$10 million, AUTHORISES the Lord Mayor to commence discussions with both the Federal and State Governments on the potential for alternative initiatives that are of benefit to the district.*
2. The Resolution followed an earlier resolution of Council on 6 July 2021 not to enter into a major land transaction as per section 3.59(3) of the *Local Government Act 1995* in relation to the development of an aquatic facility as part of the WACA redevelopment given:
 - a. the State and WACA required the City to commit to a total lifecycle cost of the aquatic facility projected to be \$151.5 million over 40 years.
 - b. the negative impact on the City's financial position as outlined in its Long-Term Financial Plan 2021/22-2030/31.

Discussion

Extension of negotiation term

3. The State and the City have been progressing negotiations since Council's Resolution.
4. While the City has progressed negotiations in a timely manner, for reasons outside the City's control, the funding agreement has not been entered into within the 6 months required by the Resolution.

5. As the funding agreement has not been reached within the required timeframe, an amendment to the Resolution is required to continue negotiating the agreement.

Parties to agreement

6. The State has advised that rather than a tripartite funding agreement between the City, the State and WACA it prefers a bipartite agreement between the City and the State. The State will separately enter into another funding agreement with WACA.
7. The administration does not consider this change prejudicial to the City’s interests, subject to agreed terms between the City and the State. However, this change is inconsistent with the terms of the Resolution which approved the commitment of \$25 million “...*subject to a tripartite funding agreement being entered into by the City, State Government and the WACA...*”
8. An amendment to the Resolution is required to permit a bipartite agreement between the State and City.

Consultation

9. The matter has been negotiated directly with the State.

Decision Implications

10. If Council supports the recommendations in full, it will enable the City to:
 - a. Continue to negotiate terms of a funding agreement with the State
 - b. Ensure responsible financial management and good government for \$25 million of City funds
11. If Council does not support the recommendation, the negotiations with the State will end and the initial in-principle funding contribution to the Aquatic Facility will not proceed.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Long-Term Financial Plan 2021/22-2030/31

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 5.25(1)(e) of the <i>Local Government Act 1995</i> provides that regulations may makes provision for the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed.</p> <p>Regulation 10 of the <i>Local Government (Administration) Regulations 1996</i> provides a process where Council wishes to change or revoke its decisions. The regulation does not apply unless the effect of the change is that the decision would be revoked or be substantially different. This change is not considered either a revocation or substantially different.</p>

Authority of Council/CEO:	Only Council may amend its decisions. It is the role the CEO under section 5.41(c) of the <i>Local Government Act 1995</i> to cause Council's decisions to be implemented.
Policy:	Nil.

Financial Implications

12. As previously set out in the Council resolution of the 31 August 2021 resolution.
13. Impact to the Legal Services budget above general day to day business.

Further Information

14. **Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:**

	Questions	Response
1.	Can the City confirm that legal counsel is approving of the change of parties to the agreement?	The General Counsel has no objection to the change in parties. Terms to allow for this to occur will be negotiated with the State Solicitors Office, subject to Council Approval.
2.	How will condition (e) of the original Council motion be enforced in the absence of the WACA being a party to the funding agreement?	The State is required to enter into an agreement with the WACA that is consistent with the City's requirements. Such requirements are set out in the draft agreement between the State and the City. This draft agreement provides the City with enforcement/default mechanisms.
3.	Why does the agreement need to be changed in terms of the City now just agreeing directly with the State Government? Why is the State cutting the WACA out? How have the City confirmed this is not detrimental to its interests? Also, is Council able to consider using this opportunity to not proceed at all with the \$25 million?	The State has requested that WACA not be a party to the funding agreement with the City. The State will enter into its own agreement with WACA. The City has advised the State of the terms that the City requires for the funding agreement. The City has requested that terms between the State and the WACA are consistent with the requirements of the City. The decision to proceed or not is a matter for Council.
4.	There are still legal issues in April 2022. Is the City still spending money coming to an agreement on how this is going to work?	Following a letter from Minister Saffioti dated 15 November 2021 accepting the City's offer of \$25m, the following ensued: 1 Dec 2021 - City provided the State 1 st draft Funding Agreement. 12 Jan 2022 – the City provided the State 2 nd draft Funding Agreement (Note: a date of 12 December 2021 was initially advised incorrectly). 3 Mar 2022 - City received marked-up State Solicitors Office response. 5 Apr 2022 - most recent meeting held (Minter Ellison on behalf of the City, State Solicitors Office on behalf of the State).

Council Resolution (Officer's Recommendation) (OCM-22/05-081)

Mover: Deputy Lord Mayor Di Bain

Seconded: Councillor Liam Gobbert

That Council:

1. AMENDS point 1 of the resolution made at its Ordinary Meeting held 31 August 2021 to read as follows:
"1. *COMMITTS \$25 million in-principle to the State Government towards the Perth City Deal, subject to a bipartite funding agreement being entered into by the City and the State Government on terms acceptable to the City by 31 December 2022. Without limitation, such agreement must include the following terms:...*"
2. AUTHORISES the CEO to continue negotiating the terms of the funding agreement in accordance with legal advice.

CARRIED UNOPPOSED (9/0)

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

Against: Nil

16. Committee Reports

Policy and Legislation Committee meeting held on 16 May 2022

16.1 Policy Review Workplan

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.1A – Proposed Policy Review Workplan

Purpose

To consider the proposed Council Policy Review Workplan.

Committee Recommendation

That Council ENDORSES the Policy Review Workplan (Attachment 16.1A).

Background

1. Council established a Policy Committee at its meeting held 3 November 2020 with the objective to review all Council policies and City of Perth local laws. The review of all Council policies was completed on 31 August 2021 however the local law review process remains ongoing.
2. As the Committee fulfilled its objective to review all Council policies, Council determined to amend the Committee's terms of reference (TOR) at its Ordinary Meeting held 26 October 2021, to facilitate the review of the City's local laws and continue the review of Council's policies over a two-year period.
3. As stipulated in the Committee's TOR, a key role and function of the Committee is to recommend to Council a policy review workplan. The workplan now has been developed and is presented for the Committee's consideration (Attachment 16.1A).

Discussion

4. The two-year review period prescribed in the Committee's TOR was taken to commence from the date the TOR was most recently considered by Council (November 2021) and ends in November 2023 being the likely first Committee meeting following the 2023 local government ordinary election.
5. As the Committee sets meeting dates at the start of each calendar year and is to meet at least four times per year, policies have been allocated a Committee meeting date for which their review is to be completed by.
6. Factors taken into consideration when allocating review dates included:
 - a. Grouping by Alliance
 - b. Grouping related policies
 - c. Aiming for no more than two years lapsing between reviews
 - d. Legislative requirements.
7. Local government reform and unforeseen changes may require amendments to the workplan, on this basis the workplan will be reviewed annually and presented to the Committee for consideration.

Consultation

Nil.

Decision Implications

8. If the Committee does not endorse the workplan, Council will remain without a policy review workplan and the Committee will be unable to fulfil one of its roles and functions.
9. If the Committee endorses the workplan, Council will have policy review workplan that will be reviewed annually and result in the Committee being able to achieve one of its key roles and functions.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	Section 2.7(2)(b) of the <i>Local Government Act 1995</i> , which states that Council is to determine the City's policies.
Authority of Council/CEO:	Section 2.7(2)(b) of the <i>Local Government Act 1995</i> , which states that Council is to determine the City's policies.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (Committee Recommendation) (OCM-22/05-082)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council ENDORSES the Policy Review Workplan (Attachment 16.1A).

CARRIED EN BLOC (9/0)

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

Against: Nil

16.2 Review of Council Policy 1.3 Council Member Communications

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.2A – Council Policy 1.3 Council Member Communications

Purpose

To present the review of Council Policy 1.3 Council Member Communications.

Committee Recommendation

That Council REVOKES Council Policy 1.3 Council Member Communications.

Background

1. At its meeting held 27 April 2021, Council adopted a Code of Conduct for Council Members, Committee Members and Candidates (the Code) under section 5.104 of the *Local Government Act 1995*.
2. The content of Council Policy 1.3 Council Member Communications (the Policy), last reviewed in February 2021, is duplicated in the Code. It is therefore recommended that the Policy be revoked.

Discussion

3. The following table summarises the duplication between the Policy and the Code:

Policy	Code
<p>Paragraph 2</p> <p>‘The Lord Mayor is the official spokesperson for the City of Perth, representing the local government in official communications including speeches, comment, print and social media. Where the Lord Mayor is unavailable, the Deputy Lord Mayor may act as the spokesperson. The CEO may speak on behalf of the City of Perth where authorised to do so by the Lord Mayor.’</p>	<p>Page 9</p> <p>‘I understand that the Lord Mayor is the authorised spokesperson for the City, and do not make unauthorised public representations about the City, its activities or its views.’</p> <p>‘I only make public comment or representation on behalf of the City with appropriate prior approval.’</p> <p>‘Acting in accordance with the Communications Protocol, and respecting that the Lord Mayor is the authorised spokesperson for the City.’</p>
<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:</p> <p>a. Clearly state that the comment or context is a personal view only, which does not necessarily represent the view of the City of Perth.</p>	<p>Page 8 – Behavioural Requirement 2.4(a)</p> <p>‘As a council member or committee member for the City of Perth, I must clearly preface any personal opinions or views I express publicly as my own and not the City’s including when using social media.’</p>
<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:</p> <p>b. Be made with reasonable care and diligence.</p>	<p>Page 2</p> <p>‘As a City of Perth council member, committee member or candidate, I should act with reasonable care and diligence.’</p>

<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:</p> <p>c. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws.</p>	<p>Page 2</p> <p>‘As a City of Perth council member, committee member or candidate, I should act lawfully.’</p> <p>Page 4</p> <p>‘I recognise that there is no place for unlawful discrimination, harassment (sexual or otherwise) racial and religious vilification and victimisation of and individual.’</p>
<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:</p> <p>d. Be factually correct.</p>	<p>Page 8 - Behavioural Requirement 2.3(b)</p> <p>‘As a council member, committee member or candidate for the City of Perth, I must only publish material that is factually correct.’</p>
<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:</p> <p>e. Avoid damage to the reputation of the local government.</p>	<p>Page 9</p> <p>‘Any comments or representations I make publicly will be factually correct and not cause detriment to my fellow council members, committee members, candidates, the CEO, the City administration, the City as an entity or any other person.’</p> <p>‘Ensuring any communications I make are not offensive, derogatory, insulting or otherwise damage the reputation of Council.’</p>
<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:</p> <p>f. Not reflect adversely on a decision of the Council.</p>	<p>Page 8 - Behavioural Requirement 2.4(b)</p> <p>‘As a council member or committee member for the City of Perth I must not make any adverse reflection on council members, committee members, the CEO, employees, or decisions of Council and committees, including when publicly expressing my own personal opinions or views.’</p>
<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether</p>	<p>Page 7 - Behavioural Requirement 2.1(a)</p> <p>‘As a council member, committee members or candidate for the City of Perth I must not disparage the character of another council member, committee member or candidate or a</p>

<p>made in a personal capacity of in their Local Government representative capacity, must:</p> <p>g. Not reflect adversely on the character or actions of another Council Member, Employee or other person.</p>	<p>local government employee in connection with the performance of their official duties.'</p>
<p>Paragraph 3</p> <p>A Council Member may choose to make a personal statement publicly on a matter related to the business of the City of Perth. Any public statement made by a Council Member, whether made in a personal capacity of in their Local Government representative capacity, must:</p> <p>h. Maintain a respectful and positive tone and not use offensive or objectional expressions in reference to any Council Member, Employee or community member.</p>	<p>Page 5 - Behavioural Requirement 1.3(b)</p> <p>'As a council member, committee member, or candidate for the City of Perth, I must not use offensive or derogatory language when referring to another person.'</p>
<p>Paragraph 4</p> <p>'The <i>State Records Act 2000</i> requires that all correspondence, including email and social media posts and comments relating to the business of the City and the Council must be retained in the official records of the City. Therefore, all applicable communications is to be provided to the CEO's office for retention in the City's document management system.'</p>	<p>Page 12</p> <p>'All public officers, including council members and committee members, are responsible under the <i>State Records Act 2000</i> for creating and managing government records appropriately. Correspondence and documents created or received in the course of official business are official records.</p> <p>The State Records Commission requires that records of council member communications and transactions which constitute evidence affecting the accountability of the Council and the discharge of its business be created and retained, regardless of the record's format or where received. The includes messages send via text, or applications such as WhatsApp, Messenger, or WeChat.'</p> <p>'Ensuring that records I create of receive that relate to official City business be captured in the City's record keeping systems in accordance with the City's Recordkeeping Plan.'</p>

Consultation

Nil.

Decision Implications

4. If Council supports the revocation of the Policy, it will remove the duplication of Council Members' responsibilities in the Policy and the Code. If Council does not support the recommendation, the current policy would continue to apply.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Integrity at the City of Perth, Code of Conduct for Council Members, Committee Members and Candidates.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government (Model Code of Conduct) Regulations 2021</i>
Authority of Council/CEO:	It is the role of Council to determine its policies under section 2.7(2)(b) of the <i>Local Government Act 1995</i> .
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (Committee Recommendation) (OCM-22/05-083)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That Council REVOKES Council Policy 1.3 Council Member Communications.

CARRIED EN BLOC (9/0)

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

Against: Nil

6.50pm Councillor Gordon disclosed a Financial Interest in Item 16.3 (as detailed in Item 6) and accordingly departed the Chamber.

16.3 Review of Council Policy 2.11 Heritage Rate Concession

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 16.3A – Amended Council Policy 2.11 Heritage Rate Concession

Purpose

To present the review of Council Policy 2.11 Heritage Rate Concession.

Committee Recommendation

That Council:

1. ADOPTS amended Council Policy 2.11 Heritage Rate Concession (Attachment 16.3A);
 2. AGREES to the continuation of the Heritage Rate Concession Program for a further one year for existing 2021/2022 Heritage Rate Concession recipients located outside the Adaptive Reuse Zone; and
 3. NOTES that alternative schemes will be investigated to support the conservation, revitalisation and enhancement of Heritage-Protected Places outside the Adaptive Reuse Zone.
-

Background

- At its Ordinary meeting held 25 May 2021, Council resolved:

That Council:

- ADOPTS Council Policy 2.11 Heritage Rate Concession, as at Attachment 16.4A.*
 - REVOKES Council Policy 9.2 Heritage Rate Concession, as at Attachment 16.4B.*
 - ENDORSES a further comprehensive review of Policy 2.11 Heritage Rate Concession (Attachment 16.4A) be conducted in February 2022, in line with the close of the current five-year Heritage Rate Concession Program.*
- Pursuant to this resolution, a comprehensive review of Policy 2.11 has been conducted and it is recommended that the Policy be amended.
 - The Heritage Rate Concession policy was initiated in 2002, with five-year reviews.
 - The latest Concession Program was established in 2017 and is set to operate until 30 June 2022, as noted in the Policy.
 - At its Ordinary meeting held 21 December 2021, Council approved a Heritage Adaptive Reuse Grant Program to assist in the revitalisation of Heritage-Protected commercial/retail buildings within the CBD Retail Core (Malls) and adjacent Places on St Georges Terrace, William Street, Wellington Street and Barrack Street, to the value of \$4M over four years. This is due to commence in Q3 2022.
 - There are currently 368 places on the State and Local Heritage lists, with 189 places eligible for concession under the specified criteria. Sixty eligible Heritage-Protected Places have received a concession in 2021/2022. Of the remaining places, 21 previously received concessions but let them expire, 11 were suspended from receiving concessions due to non-compliance and 97 have not applied.
 - The types of properties that received heritage rate concessions in 2021/2022 is detailed in the following table:

TYPE	NUMBER 2021/2022	VALUE 2021/2022
Commercial/Retail Heritage Protected Places in Council's adopted Adaptive Reuse Zone*	15	\$47,522
Commercial/Retail Heritage Protected Places outside Council's adopted Adaptive Reuse Zone	30	\$52,365
Strata Residential Heritage Protected Places	7 (125 individual strata unit owners)	\$91,781
Individual Residential Heritage Protected Places	8	\$5,809
Total	60 (178 ratepayers)	\$197,477
Max total of all eligible places		\$564,000

* Places eligible for new Heritage Adaptive Reuse Grants (capped at \$4M over four years from Q3 2022).

- Strata managed heritage residential properties generally receive the minimum \$750 concession. Commercial properties in the Central Perth business district around Hay Street Mall, King Street and Barrack Street, receive a 10% average rate concession of \$2,889 with a maximum of \$13,085 paid to one commercial/retail property within the Adaptive Reuse Zone.
- A current review of the Local Heritage Survey is due to be completed in June 2022 and is expected to increase the number of heritage properties.

Discussion

10. Heritage rate concessions are not taken up by all eligible property owners and are focused on compliance with maintenance standards and schedules as stipulated by the City of Perth.
11. The increase in available funding for properties within the Adaptive Reuse Zone via grants aims to create a higher uptake of applications for support for heritage places, and revitalisation of those places within the CBD. These grants do not extend to Heritage-Protected residential properties outside the eligible zone.
12. Considering the increase in heritage grant funding approved for properties in the Adaptive Reuse Zone (CBD) it is recommended the Policy is amended to:
 - a. Extend the Heritage Rate Concession Program for eligible ratepayers of Heritage-Protected Places until 30 June 2023 where:
 - i. The Heritage-Protect Place is located outside of the Adaptive Reuse Zone identified by the City; and
 - ii. The applicant has received a Heritage Rate Concession in the 2021/2022 year (excludes applicants who were suspended for non-compliance and expired applicants or those who did not apply under the current Concession Period).
 - b. Exclude Heritage-Protected Places within the Adaptive Reuse Zone from eligibility for a Heritage Rate Concession.
 - c. Include clarifications for key definitions, ineligibility and cancellation and formatting.
13. The following table summarises the proposed changes to the Policy and provides a brief reason for each amendment:

Existing policy text	Proposed policy text	Reason
<p>DEFINITIONS</p> <p><i>Fabric:</i> Means the physical element or finish which is part of the heritage value of a heritage-protected place.</p> <p><i>Financial Justification:</i> Is a statement that includes the cost of works undertaken to maintain heritage fabric and is used to inform Council’s decision on whether or not to grant the Heritage Rate Concession.</p> <p><i>Maintenance:</i> Means the continuous protective care of a place so as to retain its cultural heritage significance.</p>	<p>DEFINITIONS</p> <p><i>Adaptive Reuse Zone:</i> The term relates to State and Local Heritage Listed Places within the CBD Retail Core (Malls) and adjacent Places on St Georges Terrace, William Street, Wellington Street and Barrack Street.</p> <p><i>Fabric:</i> Means the physical element or finish which is part of the heritage value of a heritage-protected place.</p> <p><i>Financial Justification:</i></p>	<p>Amended to align with proposal to limit eligibility for concessions to places outside the Adaptive Reuse Zone and update definitions to align with Policy Objective.</p>

Existing policy text	Proposed policy text	Reason
<p><i>Heritage-Protected Place:</i> The term as defined under Schedule 2, Part 1, Clause 1A of the Planning and Development (Local Planning Scheme) Regulations 2015.</p>	<p>Is a statement that includes the cost of works undertaken to maintain heritage fabric and is used to inform Council’s decision on whether or not to grant the Heritage Rate Concession.</p> <p><i>Heritage Conservation Notice:</i> The term as defined under Schedule 2, Part 3, Clause 13 of the <i>Planning & Development (Local Planning Scheme) Regulations (2015)</i>.</p> <p><i>Heritage-Protected Place:</i> The term as defined under Schedule 2, Part 1, Clause 1A of the <i>Planning & Development (Local Planning Scheme) Regulations (2015)</i>.</p> <p><i>Maintenance:</i> Means the continuous protective care of a place so as to retain its cultural heritage significance.</p> <p><i>Property Maintenance Agreement for Receipt of Heritage Rate Concession:</i> Is an agreement with the City of Perth, that is signed by the <i>Owner or Body Corporate</i> as part of applying for a heritage rate concession, to agree to the <i>Maintenance Schedule for Heritage-Protected Places</i>.</p> <p><i>Maintenance Schedule for Heritage-Protected Places:</i> Is a schedule of weekly, monthly and annual routines and checks to support the protective care of a heritage-protected place, so as to retain</p>	

Existing policy text	Proposed policy text	Reason
	its cultural heritage significance	
<p>The Heritage Rate Concession</p> <p>8. Expire on 30 June 2022, subject to compliance with this policy and subject to review at any time by the City.</p> <p>10. Not apply retrospectively to previous financial years, including applications previously approved under Policy 9.2 Heritage Rate Concession adopted by the Council on 26/06/2012.</p>	<p>The Heritage Rate Concession</p> <p>8. Expire on 30 June 2023, subject to compliance with this policy and subject to review at any time by the City.</p>	<p>Amended to reflect the recommendation for the extension of the Heritage Rates Concession Program by one year.</p>
<p>Eligibility Criteria</p> <p>12. The City of Perth will provide the Heritage Rate Concession if the applicant meets all of the following criteria:</p> <p>13. The applicant is the registered ratepayer of the Heritage-Protected Place.</p>	<p>Eligibility Criteria</p> <p>11. The City of Perth will provide the Heritage Rate Concession if the applicant meets all of the following criteria:</p> <p>(a) The applicant is the registered ratepayer of the Heritage-Protected Place located outside the City of Perth Adaptive Reuse Zone and is a recipient of an approved Heritage Rate Concession between 1 July 2021 and 30 June 2022.</p>	<p>Amended to reflect the recommendation for the Heritage Rates Concession Program to be available only to existing recipients with Heritage-Protected Places located outside the Adaptive Reuse Zone.</p>
<p>Ineligibility</p> <p>22. The City of Perth will not provide the Heritage Rate Concession in any of the following instances:</p> <p>24. There is an overdue rate debt to the City; (etc)</p>	<p>Ineligibility</p> <p>12. The City of Perth will not provide the Heritage Rate Concession in any of the following instances:</p> <p>(b) There is an overdue rate debt to the City on the property and/or the property owner is in legal conflict with the City;</p>	<p>Amended for clarity and consistency.</p>

Existing policy text	Proposed policy text	Reason
<p>Cancellation of the Heritage Rate Concession</p> <p>The City of Perth will cancel the Heritage Rate Concession in any of the following instances etc.</p>	<p>Cancellation of the Heritage Rate Concession</p> <p>13. The City of Perth will cancel the Heritage Rate Concession in any of the following instances-</p> <p>(e) The owner or occupier of the heritage place has been issued with a written <i>Conservation Notice</i> by the City;</p>	<p>Not currently included in Policy.</p>
<p>General</p> <p>Policy numbering and cross-referencing</p>	<p>General</p> <p>Update to Policy numbering and cross-referencing</p>	

17. The Administration will undertake further investigation over Q3/Q4 2022 into alternative schemes or approaches to encourage the conservation, revitalisation and enhancement of Heritage-Protected Places outside of the Adaptive Reuse Zone in advance of the amended Heritage Rate Concession Policy ending on 30 June 2023.

Consultation

Nil.

Decision Implications

18. If Council supports the recommendation to cease the Heritage Rate Concession Program at the 30 June 2022 for places within the Adaptive Reuse Zone, 15 heritage place owners will need to be advised the end date of their current rate concession agreement will not be extended, and the Adaptive Reuse Grant Program is being developed.
19. The proposal to extend the Heritage Rate Concession Policy by one year for eligible properties will be communicated to recipients in line with the conclusion of the current Concession Program on 30 June 2022 and advice on extension.
20. A communications plan for owners of Heritage-Protected Places will be developed based on eligibility under the proposed Policy, alternative available funding for places within the Adaptive Reuse Zone and future assessment of schemes to best support Heritage-Protected Places.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Heritage Strategy 2020-2024 The Strategy sets out the heritage vision and objectives of the City. This includes the City's statutory heritage work and community engagement initiatives.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development (Local Planning Scheme) Regulations (2015)</i> and <i>Heritage Act 2018</i> provide definitions of terms and guidance for the Policy.
Authority of Council/CEO:	Section 2.7(2)(b) of the <i>Local Government Act 1995</i> provides it is the role of Council to determine the local government's policies.
Policy:	Nil.

Financial Implications

21. Extension of the Heritage Rate Concession Program by one year will need to be considered in the 2022/2023 budget.
22. Limitation of the Heritage Concession Program to existing approved recipients outside the Adaptive Reuse Zone will limit the budget impact of the Concessions to approximately \$150,000 over 2022/2023 and contain the potential impact of additional eligible places for rate concessions that may arise from the new Local Heritage Survey in June 2022.

Further Information

23. **Questions and responses received prior to the Policy and Legislation Committee meeting held 16 May 2022 were as follows:**

	Questions	Response
1.	The proposed policy has a suggested inclusion of not granting this concession to anyone who might be in legal conflict with the City. What does this mean exactly? Is this a standard clause?	This was included as an additional level of risk control and it is envisaged this would apply to circumstances of any ongoing dispute with the City. A clause disqualifying applicants from receiving grants and sponsorships when in legal conflict with the City is included in all Grant and Sponsorship Guidelines. This has been included in the proposed Policy for consistency across City-supported schemes.
2.	What is a Conservation Notice?	A Heritage Conservation Notice may be issued to a property owner or occupier if the City forms the view that a heritage place is not being properly maintained. This is a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given. This is linked to any

		non-compliance with maintenance expectations and agreements.
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Council Resolution (Committee Recommendation) (OCM-22/05-084)

Mover: Councillor Brent Fleeton

Seconded: Councillor Viktor Ko

That Council:

1. ADOPTS amended Council Policy 2.11 Heritage Rate Concession (Attachment 16.3A);
2. AGREES to the continuation of the Heritage Rate Concession Program for a further one year for existing 2021/2022 Heritage Rate Concession recipients located outside the Adaptive Reuse Zone; and
3. NOTES that alternative schemes will be investigated to support the conservation, revitalisation and enhancement of Heritage-Protected Places outside the Adaptive Reuse Zone.

CARRIED UNOPPOSED (8/0)

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

Against: Nil

6.52pm Councillor Gordon returned to the meeting prior to Item 16.4.

6.52pm Governance Consultant Chris Liversage disclosed a Financial Interest in Item 16.4 (as detailed in Item 6) and accordingly departed the meeting.

16.4 Local Law Review (Repeals)

Responsible Officer	Michelle Antonio – General Counsel
Voting Requirements	Simple Majority
Attachments	Nil.

Purpose

To provide an update on the status of the City's Local Laws Review, confirm the local laws intended to be formally reviewed as part the first tranche of this Review, and confirm the proposed way forward for those local laws that will not be reviewed as part of Tranche 1.

Committee Recommendation

That Council SUPPORTS the immediate commencement of the review and possible repeal of the:

1. *Air-Conditioning Units Local Law 2004,*
2. *Special Events Local Law 2007,*
3. *Repeal Local Law 2004, and*
4. *Repeal Local Law 2009*

in accordance with the *Local Government Act 1995* (WA).

Background

1. The City is currently working through a process of reviewing the City's local laws (the Local Law Review) in accordance with its statutory obligations. The CEO has provided direction that:
 - a. the repeal of redundant local laws to be progressed;
 - b. review of the *Parking Local Law 2017* and *Health Local Law 2000* to be 2022/23 operating projects with appropriate projects plans and budget within the respective alliances; and
 - c. the review of the *Standing Orders Local Law 2009* and other local laws to be put on hold so the City can first consider the impact of the State's proposed local government reforms on these existing local laws.
2. On 16 November 2021, the General Counsel presented a local law prioritisation and proposed timeline to Elected Members at an EMES. This included identification of those local laws that may be suitable for repeal either immediately due to operational redundancy or following further review.
3. The local laws potentially operationally redundant and suitable for immediate repeal included the *Special Events Local Law 2007* and two historical 'repeal' local laws.
4. The local laws identified as potentially legislatively redundant included the *Activities on Land Local Law 2001*, *Air-Conditioning Units Local Law 2004* and *New Street Alignment Local Law 2005*.
5. The repeal process can now be considered further and progressed as Tranche 1 of the Local Law Review.
6. For completeness, it is noted that:
 - a. a formal review of the *Amendment Local Law 2007* is to be deferred, pending formal review of the local laws directly affected by that law (i.e., *Health Local Law 2000*, *Local Government Property Local Law 2005* and *Public Trading Local Law 2005*). The *Amendment Local Law 2007* should not be repealed until a review of those local laws has been undertaken; and
 - b. a formal review and potential repeal of *Standings Order Local Law 2009* was also considered at the 16 November 2021 EMES. However, the preferred approach instructed by the CEO is to maintain this local law. At the 25 January 2022 EMES, Elected Members confirmed a formal review of this local law would not be progressed, pending consideration of the State Government's proposed local government reform agenda.

Discussion

7. Having regard to factors including legislative considerations and feedback from relevant internal stakeholders regarding the City's operational requirements the following local laws have been identified as suitable for immediate review (and possible repeal):
 - a. *Air-Conditioning Units Local Law 2004*;
 - b. *Special Events Local Law 2007*;
 - c. *Repeal Local Law 2004*; and
 - d. *Repeal Local Law 2009*.
8. Specifically, these local laws have been identified as operationally redundant, with limited exceptions. To the extent there is any limited operational utility within these laws, this is identified below.
9. As discussed below, and subject to the formal review to be undertaken strictly in accordance with the *Local Government Act 1995* (LGA), these local laws are likely to be suitable for repeal.

Air-Conditioning Units Local Law 2004

10. The *Air-Conditioning Units Local Law 2004* allows the City to regulate the installation of air-conditioning units which overhang streets or footpaths. This local law was considered as one which may overlap with and/or contain inconsistencies with the *Local Government (Uniform Local Provisions) Regulations 1996* (WA) (Uniform Provisions) and / or the *City of Perth Planning Scheme No 2* (CPS2).
11. The provisions in the *Air-Conditioning Units Local Law 2004* are almost entirely replicated in other instruments, specifically the *Planning and Development Act 2005* (WA) and the CPS2. Additionally, the Uniform Provisions in combination with the *Thoroughfares and Public Places Local Law 2007* largely overlap with the field of operation of the *Air-Conditioning Units Local Law 2004*. Consequently, the local law is redundant, except for a very narrow set of circumstances, which may potentially be addressed by CPS2.
12. Repeal of the *Air-Conditioning Units Local Law 2004* will result in a minor and technical loss of regulatory power, this loss is not considered to have operational consequences.
13. This local law appears suitable for repeal and repeal is recommended, subject to the formal review process.

Special Events Local Law 2007

14. The *Special Events Local Law 2007* was originally introduced to respond to anti-social behaviour on Australia Day however it has not been enforced since 2010.
15. The *Local Government Property Local Law 2005*, which provides a framework for the regulation of activities and facilities on the City's property, is considered adequate for management of any events on City property on Australia Day.
16. Consequently, the *Special Events Local Law 2007* is operationally redundant, and is recommended for repeal, subject to the formal review process.

Repeal Local Law 2004 and Repeal Local Law 2009

17. The *Repeal Local Law 2004* and *Repeal Local Law 2009* (together the Repeal Local Laws) repealed a number of by-laws and local laws which were considered to be redundant at the relevant time. The Repeal Local Laws have no impact on the day-to-day operations of the City.
18. Given that repealing legislation has no ongoing utility, WALGA has advised that standard practice is for such laws to be excluded from the statutory review process carried out by local governments under the LGA.
19. However, the City intends, as part of the 2022 review and intended repeal of the *Air-Conditioning Units Local Law 2004*, *Special Events Local Law 2007*, to also repeal the *Repeal Local Law 2004*, and *Repeal Local Law 2009*.

Local laws not immediately open for review

20. Having regard to legislative and strategic consideration and feedback from relevant internal stakeholders regarding the City's operational requirements, the following local laws are not considered suitable for immediate review:
 - a. *New Street Alignments Local Law 2005*;

- b. *Activities on Land Local Law 2001*; and
- c. *Amendment Local Law 2007*.

New Street Alignment Local Law 2005

- 21. The *New Street Alignment Local Law 2005* allows for the facilitation of the development of streets into pedestrian and vehicular thoroughfares (by realigning Hay Street and Wellington Street). Potential alternatives to this local law were investigated further.
- 22. The regulatory powers and bespoke compensation process the *New Street Alignment Local Law 2005* creates is not suitably replicated by other relevant legislation.
- 23. It is ultimately a planning and policy decision on whether the current street alignment should be maintained. The City is considering this as part of its review of CPS2. If the street alignment is no longer desired from a planning perspective, the *New Street Alignment Local Law 2005* may be suitable for repeal on that basis. However, the *New Street Alignment Local Law 2005* review should not pre-empt the planning process.
- 24. The review of the CPS2 is unlikely to be finalised before 2025 so it is recommended the repeal of the *New Street Alignment Local Law 2005* should be deferred until CPS2 has been reviewed.

Activities on Land Local Law 2001

- 25. The *Activities on Land Local Law 2001* allows for the prevention of nuisances on private land. In summary, the object of this local law is to ensure owners and occupiers manage their land in a manner to avoid nuisances through the creation of offences in relation to private land, in addition to those provided under the LGA. This local law was identified as one which may overlap with and/or contain inconsistencies with the LGA.
- 26. While redundancies and potential inconsistencies have been identified in the *Activities on Land Local Law 2001*, the remaining portions of the *Activities on Land Local Law 2001* (which are not redundant or inconsistent) are regularly used operationally for enforcement. The loss of these components would create a reduction in operational effectiveness in addressing compliance issued. The local law is not suitable for immediate repeal but instead future amalgamation of the operational components.

Amendment Local Law 2007

- 27. The *Amendment Local Law 2007* amended various aspects of 7 local laws in force at that time.
- 28. Three local laws affected by the *Amendment Local Law 2007* are still currently in force, namely:
 - a. *Health Local Law 2000*;
 - b. *Local Government Property Local Law 2005*; and
 - c. *Public Trading Local Law 2005*.
- 29. Accordingly, to avoid the risk of unforeseen operational issues, a review of *Amendment Local Law 2007* will occur concurrently with the City's review of the above local laws. The *Amendment Local Law 2007* may be suitable for repeal following the review of these local laws. Therefore, the review and repeal of the *Amendment Local Law 2007* ought not occur in 2022.

Reform considerations

- 30. One of the changes in the State Government's proposed local government reforms set out in the materials published on the Department of Local Government, Sport and Cultural Industries' website is to increase the period in which local governments have to review a local law from 8 years, to 15 years. However, unlike the current position in the LGA, if a local law is not reviewed within the time period specified by the LGA, it will automatically expire and cease to be in force. The Department has not indicated if this provision will apply retrospectively, or if there will be any transitional provisions.
- 31. A number of the City's local laws have not been reviewed for over 15 years. These are:
 - a. *Activities on Land Local Law 2001*;
 - b. *Air Conditioning Units Local Law 2004*;
 - c. *Health Local Law 2000*;
 - d. *New Street Alignment Local Law 2005*; and
 - e. *Repeal Local Law 2004*.
- 32. Additionally, the following local laws will reach this 15 year mark within the next 12 months:
 - a. *Amendment Local Law 2007*; and
 - b. *Special Events Local Law 2007*.
- 33. Some of the above local laws are being dealt with through this current tranche of the Local Law Review (underlined above). The City should continue to monitor the progress of the State Government's reforms to ensure that the City's existing local laws are preserved pending future review under the LGA.

Consultation

- 34. External stakeholder engagement has not occurred in relation to this item.
- 35. Due to the identified redundancies of these local laws, the City primarily only intends to follow the statutory public notice process outlined in section 3.12 and 3.16 of the LGA in relation to these local laws.

Decision Implications

- 36. If Council does not support the commencement of the review of the identified local laws, the review will not occur.
- 37. As each local law identified for repeal is over eight years old the City will remain non-compliant with its legislative responsibilities for these local laws.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 3.12 and 3.16 of the <i>Local Government Act 1995</i> (WA)
Authority of Council/CEO:	Section 3.16(2)(a) of the <i>Local Government Act 1995</i> provides that the notice to the public of the review is to include that the local government proposes to review the local law. Council support for the proposal to review is sought.
Policy:	Nil.

Financial Implications

38. External lawyers Allens have provided a revised quote at a maximum \$33,200 capped fee for the repeal of four local laws which includes costs for drafting new repeal legislation by Counsel. In addition, \$2,500 is estimated for gazetting fees and advertising costs. These costs are accommodated within the existing budget.

Further Information

39. **Questions and responses received prior to and at the Policy and Legislation Committee meeting held 16 May 2022 were as follows:**

1.	Regarding the <i>Air Conditioning Units Local Law 2004</i> , paragraph 11 states the City could have these issues covered "potentially" in planning documents so it should be okay to delete this law. Will the review determine this or is this a risk being taken?	The General Counsel and the General Manager Planning and Economic Development both agree that a local law is not required. The review will consider any public feedback but is unlikely to alter the position that the City is able to deal with significant issues sufficiently without local law.
2.	Overall, how much is being spent on external legal advice on this project?	<p>The original fee proposal from Allens was an estimate (capped) of \$43,200 (including counsel drafting fees - estimate of 1 day). This was based on three local laws and two repeal local laws:</p> <ol style="list-style-type: none"> 1. <i>Special Events Local Law 2007</i>; 2. <i>Air-Conditioning Local Law 2004</i>; 3. <i>Activities on Land Local Law 2001</i>; 4. <i>Repeal Local Law 2004</i>; and 5. <i>Repeal Local Law 2009</i>. <p>Regarding the <i>Activities on Land Local Law 2001</i> (refer paragraphs 25 and 26), this Local Law was initially included as it contains significant redundancies. However upon further internal consultation, operationally the Local Law is still required to carry out certain functions (particularly Clause 3.3).</p> <p>Consequently, the repeal of this Local Law is not recommended to be included in Tranche 1, and therefore does not form part of the recommendation. Removing this Local Law reduced Allens' proposed fee estimate by \$10,000.</p>

With the removal of the *Activities on Land Local Law 2001* from Tranche 1, Allens' proposed fee was reduced to a capped \$33,200 (subject to limiting counsel drafting costs to 1 days work) which equates to approximately \$8,300 per local law. If work conducted is less than estimated, only the hours completed would be charged to the City. In addition, they estimated \$2,500 for gazetting fees and advertising costs.

The \$33,200 (equating to \$8,300 per local law) has not been further broken down as it is a capped fee however the scope of work would specifically comprise:

1. Supporting the review process including liaising with the City of Perth in relation to proposed local law reviews, including reviewing counsel advice on the potential for repeal of the local laws and providing further advice as required.
2. Preparation and review of various reports and discussion papers to be provided to the Executive Leadership Team, the Policy and Legislative Committee and the Council in relation to the:
 - a. commencement of the review process; and
 - b. the proposed repeal local law.
3. Preparation including drafting of local public notices for each phase and reviewing submissions provided in response, for the:
 - a. commencement of the review process;
 - b. publication of the proposed repeal local law; and
 - c. publication of the newly adopted local law.
4. Assistance with drafting a new repeal local law that will be the first of its nature to repeal both two substantial local laws and also repeal two existing repeal local laws including: briefing and liaising with Counsel, considering issues relating to the repeal of local laws, reviewing the local law drafted by Counsel and obtaining instructions from City.
5. Liaising with / providing and drafting correspondence to the Minister's office including provision of a copy of the proposed local law and the newly adopted repeal local law as provided for under the *Local Government Act 1995* (WA); and
6. Coordinating and administering the statutory process for the adoption of the repeal local law including: assisting the City to publish the repeal local law in the government gazette, drafting explanatory memorandum documents, drafting correspondence which includes copies of the repeal local law to Parliament and the JSCDL.

The City has since considered an alternate approach and has identified the competency required to undertake this

		work exists in a current engagement of a governance specialist.
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40. Questions and responses received prior to and at the Agenda Briefing Session held 24 May 2022 were as follows:

	Questions	Response
1.	Notwithstanding the fact that this item pertains to legal advice, I understand that the Council can choose not to consider it behind closed doors. If the Council elect not to close the meeting to the public in the interests of transparency, does the Administration foresee any issues?	The General Counsel had no objection to the item being made public if the legal advice was removed.
2.	Why is this a confidential item?	The report contained legal advice. In order to preserve legal professional privilege of such legal advice it was determined to be confidential. The legal advice has been removed and the report is now public.

Council Resolution (Committee Recommendation) (OCM-22/05-085)

Mover: Deputy Lord Mayor Di Bain

Seconded: Councillor Brent Fleeton

That Council SUPPORTS the immediate commencement of the review and possible repeal of the:

1. *Air-Conditioning Units Local Law 2004,*
2. *Special Events Local Law 2007,*
3. *Repeal Local Law 2004, and*
4. *Repeal Local Law 2009*

in accordance with the *Local Government Act 1995* (WA).

CARRIED UNOPPOSED (9/0)

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

Against: Nil

6.58pm *Chris Liversage returned to the meeting prior to Item 17.*

17. Motions of which Previous Notice has been Given

Nil.

18. Matters for which the meeting may be closed

Nil.

19. Urgent Business

Nil.

20. Closure

There being no further business, the Presiding Member declared the meeting closed at 6.58pm.