



City of **Perth**

Minutes

Ordinary Council Meeting
29 August 2023

Michelle Reynolds
Chief Executive Officer
1 September 2023

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature _____

Date _____

Information

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

Question Time for the Public

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

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

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

Disclaimer

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

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1. Declaration of Opening

The Presiding Member declared the Ordinary Council Meeting for the City of Perth open at 5:01pm.

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	Liam Gobbert
Councillors	Sandy Anghie
	Clyde Bevan
	Rebecca Gordon
	Viktor Ko
	Catherine Lezer

Officers in Attendance

Chief Executive Officer	Michelle Reynolds
General Manager Commercial Services	Steve Holden (<i>retired at 6:25pm</i>)
General Manager Community Development	Kylie Johnson (<i>retired at 6:25pm</i>)
General Manager Infrastructure and Operations	Allan Mason (<i>retired at 6:25pm</i>)
General Manager Planning and Economic Development	Dale Page (<i>retired at 6:25pm</i>)
Chief Financial Officer	Michael Kent (<i>retired at 6:25pm</i>)
Alliance Manager Council Governance and Policy	Charlie Clarke
Manager Audit and Risk	Natasha Balderston (<i>retired at 5:20pm</i>)
Governance Officer	Ebony Mackey

Public Gallery

There were approximately 13 members of the public in the gallery.

3.1 Apologies

Nil.

3.2 Leave of Absence

Councillor Brent Fleeton.

3.3 Applications for Leave of Absence

Council Resolution (OCM-23/08-001)

Mover: Councillor Viktor Ko

Seconded: Councillor Catherine Lezer

That Council APPROVES Deputy Lord Mayor Liam Gobbert's leave of absence for the period 13 September 2023 to 18 September 2023.

CARRIED (7/0)

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

Against: Nil.

4. Announcements by the Lord Mayor

4.1 Caretaker Period

The Lord Mayor reminded Elected Members that it was the last meeting of this Council prior to the upcoming election before the council's 'caretaker period' begins on Thursday the 31 August 2023.

The Lord Mayor defined the caretaker period as the timeframe leading up to an Election where an incumbent council assumes a 'caretaker role' and avoids taking actions or making decisions that may bind an incoming Council while electors are deciding who the new Council should be.

4.2 Former Councillor Bain Resignation

The Lord Mayor stated that former Councillor Di Bain had resigned her position with the City of Perth Council on the 17 August 2023, effective immediately. He advised that in accordance with section 4.17 of the *Local Government Act 1995*, this vacancy on Council would remain unfilled until the next Ordinary Election to be held in October.

5. Disclosures of Interests

Name	Councillor Catherine Lezer
Item number and title	12.3 – Major Events and Festivals Sponsorship - Perth Festival 2024
Nature of interest	Proximity Interest
Interest description	<i>“My Apartment at 22 St Georges Terrace, Perth is directly adjoining Perth Concert Hall, a venue named in this item”</i>

Name	Councillor Catherine Lezer
Item number and title	11.2 – Final adoption of Amendment No. 47 to City Planning Scheme No. 2 and Amendment No. 5 to Local Planning Scheme No. 26 (Normalised Redevelopment Areas) - Royal Perth Hospital Flight Path Protection Special Control Area
Nature of interest	Proximity Interest
Interest description	<i>“My Apartment at 22 St Georges Terrace, Perth is directly on the helicopter flight path as proposed”</i>

Name	Councillor Catherine Lezer
Item number and title	12.4 – Arts and Culture Sponsorship 2023/24
Nature of interest	Proximity Interest
Interest description	<i>“My apartment is adjoining this venue, Government House Ballroom, mentioned in i) Opera in the City of Perth”</i>

Name	Councillor Catherine Lezer
Item number and title	12.4 – Arts and Culture Sponsorship 2023/24
Nature of interest	Impartiality Interest
Interest description	<i>“I have attended an event at Barking Gecko, got a declared gift value of \$300”</i>

Name	Lord Mayor Basil Zempilas
Item number and title	14.1 – Altona Laneway (Part 100 on P1419), West Perth - Property Disposal - Outcome of Local Public Notice
Nature of interest	Indirect Financial Interest
Interest description	<i>“I am an employee of 7West Media – of which Australian Capital Equity is a major Shareholder.”</i>

Name	General Manager Community Development Kylie Johnson
Item number and title	12.4 – Arts and Culture Sponsorship 2023/24
Nature of interest	Impartiality Interest
Interest description	<i>“Tabitha did work at the City of Perth reporting to myself – she left in mid 2021. I do not socialise with her but have met her a couple of times at events/ for coffee since she left.”</i>

Name	General Manager Planning and Economic Development Dale Page
Item number and title	11.3 - Preparation of Amendment No.51 to City Planning Scheme No.2 to introduce an Additional Use 'Healthcare 2' to 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth
Nature of interest	Impartiality Interest
Interest description	<i>“Paul McQueen from Lavan Legal, who is making a deputation in relation to item 11.3, is known to me personally. I have had no engagement or interaction with Mr McQueen in the assessment of this application or preparation and review of the report. “</i>

Name	Chief Executive Officer Michelle Reynolds
Item number and title	12.3 – Major Events and Festivals Sponsorship - Perth Festival 2024
Nature of interest	Impartiality Interest
Interest description	<i>“I have invited Nathan Bennet, Executive Director of Perth Festival to participate as a panel member for a role the City has advertised and I am the Chair. Nathan brings expertise and insight to the panel to assist in making a good appointment.”</i>

Name	Councillor Clyde Bevan
Item number and title	11.3 - Preparation of Amendment No.51 to City Planning Scheme No.2 to introduce an Additional Use 'Healthcare 2' to 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth
Nature of interest	Impartiality Interest
Interest description	<i>“Grand Hotel Management were our landlords at the Hyatt Centre for 22.5 years (Friends Restaurant).”</i>

Name	Councillor Sandy Anghie
Item number and title	11.1 - Preparation of Amendment No. 50 to City Planning Scheme No. 2 (New Special Control Area)
Nature of interest	Impartiality Interest
Interest description	<i>"Hames Sharley and Humich Group are both known to me and I have met with representatives of each on several occasions over the past three years however not in relation to the matter before us."</i>

Name	Councillor Sandy Anghie
Item number and title	11.4 -Sustainable City Report
Nature of interest	Impartiality Interest
Interest description	<i>"I was introduced to representatives of Cundall while on the campaign trail in recent weeks and they invited me to an event last week which I attended."</i>

Name	Councillor Sandy Anghie
Item number and title	12.2 - Review of Council Policies 4.8 - Public Art and 4.9 - Commemorative Works
Nature of interest	Impartiality Interest
Interest description	<i>"I am part of a team behind the statue of Edith Cowan to be installed in the City. This has already been approved by the City but just flagging the impartiality."</i>

Name	Councillor Sandy Anghie
Item number and title	12.3 – Major Events and Festivals Sponsorship - Perth Festival 2024
Nature of interest	Impartiality Interest
Interest description	<i>"I have met with Iain Grandage on several occasions over the last three years. I have also attended Perth Festival events over the last 3 years, both in my capacity as a Councillor and in my personal capacity, having purchased tickets."</i>

Name	Councillor Sandy Anghie
Item number and title	12.4 – Arts and Culture Sponsorship 2023/24
Nature of interest	Impartiality Interest
Interest description	<p><i>“FORM and Tabitha McMullen were involved in the Perth Design Week which I organised this year.</i></p> <p><i>I am a current donor of Barking Gecko Theatre Company.</i></p> <p><i>I have recently received an invitation to attend the Lester Prize event and I have attended this event over the past couple of years in my capacity as a Councillor.”</i></p>

Name	Councillor Sandy Anghie
Item number and title	12.5 -2023/24 Economic Development Sponsorship - West Tech Fest and SingularityU Perth
Nature of interest	Impartiality Interest
Interest description	<p><i>“Attended a WestTech event to represent the City and deliver a speech. In subsequent events I purchased my own tickets and attended.”</i></p>

Name	Councillor Sandy Anghie
Item number and title	12.5 -2023/24 Economic Development Sponsorship - West Tech Fest and SingularityU Perth
Nature of interest	Impartiality Interest
Interest description	<p><i>“I was introduced to Marion Burchell while on the campaign trail in recent weeks and met with her for a coffee. I did not know she was involved in SingularityU and we did not discuss this.”</i></p>

Name	Councillor Sandy Anghie
Item number and title	19.1 - 25 (Lot 306) Riverside Drive, Point Fraser, East Perth - Leasing - Approval of Lease Proposal
Nature of interest	Impartiality Interest
Interest description	<p><i>“I’ve met with the leaseholder and other tenants over the last couple of years”</i></p>

Name	Deputy Lord Mayor Liam Gobbert
Item number and title	12.3 – Major Events and Festivals Sponsorship - Perth Festival 2024
Nature of interest	Impartiality Interest
Interest description	<i>"I attended events held by Perth Festival as the City's representative in accordance with the attendance at events policy – no association has been formed and this represents an impartiality interest only."</i>

Name	Deputy Lord Mayor Liam Gobbert
Item number and title	12.4 – Arts and Culture Sponsorship 2023/24
Nature of interest	Impartiality Interest
Interest description	<i>"I attended events held by FORM, STRUT, PICF, WA Opera as the City's representative in accordance with the attendance at events policy – no association has been formed and this represents an impartiality interest only. I am a member of the Blue Room Theatre. Employees of WASO are known to me. I met with representatives of the PICF to understand their operations prior to lodgement of the application."</i>

Name	Deputy Lord Mayor Liam Gobbert
Item number and title	11.1 Preparation of Amendment No. 50 to City Planning Scheme No. 2 (New Special Control Area)
Nature of interest	Impartiality Interest
Interest description	<i>"I met with Mr Humich prior to the DA being lodged and determined."</i>

Name	Councillor Sandy Anghie
Item number and title	11.2 -Final adoption of Amendment No. 47 to City Planning Scheme No. 2 and Amendment No. 5 to Local Planning Scheme No. 26 (Normalised Redevelopment Areas) - Royal Perth Hospital Flight Path Protection Special Control Area
Nature of interest	Impartiality Interest
Interest description	<i>"I recently met with representatives of Element but not in relation to this matter."</i>

Name	Councillor Rebecca Gordon
Item number and title	11.3 - Preparation of Amendment No.51 to City Planning Scheme No.2 to introduce an Additional Use 'Healthcare 2' to 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth
Nature of interest	Indirect Financial Interest
Interest description	<i>"I am an Officer of the Fortescue Subsidiaries domiciled at 87 Adelaide Terrace, which is co-located with the subject site."</i>

Name	Councillor Rebecca Gordon
Item number and title	12.3 – Major Events and Festivals Sponsorship - Perth Festival 2024
Nature of interest	Indirect Financial Interest
Interest description	<i>"I accepted tickets to Perth Festival Events in excess of the gift threshold"</i>

Name	Councillor Viktor Ko
Item number and title	11.2 -Final adoption of Amendment No. 47 to City Planning Scheme No. 2 and Amendment No. 5 to Local Planning Scheme No. 26 (Normalised Redevelopment Areas) - Royal Perth Hospital Flight Path Protection Special Control Area
Nature of interest	Indirect Financial Interest
Interest description	<i>"Currently employed at Royal Perth Hospital under the State Trauma Unit"</i>

Name	Councillor Viktor Ko
Item number and title	11.3 - Preparation of Amendment No.51 to City Planning Scheme No.2 to introduce an Additional Use 'Healthcare 2' to 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth
Nature of interest	Proximity Interest
Interest description	<i>"Residence is on Terrace Road along Langley Park"</i>

Name	Councillor Viktor Ko
Item number and title	12.3 – Major Events and Festivals Sponsorship - Perth Festival 2024
Nature of interest	Proximity Interest*
Interest description	<i>"Residence is on Terrace Road along Langley Park"</i>

*Withdrawn – See Page 777.

Name	Councillor Viktor Ko
Item number and title	18.1 – Notice of Motion – Supporting Bricks & Mortar
Nature of interest	Proximity Interest
Interest description	<i>“Residence is on Terrace Road along Langley Park”</i>

Name	Councillor Rebecca Gordon
Item number and title	18.1 – Notice of Motion – Supporting Bricks & Mortar
Nature of interest	Proximity Interest
Interest description	<i>“I am an Officer of the Fortescue Subsidiaries domiciled at 87 Adelaide Terrace, which is co-located with the subject site.”</i>

6. Public Participation

6.1 Public Questions

The following member of the public asked a question in relation to matters not on the agenda.

	Luke Patterson – Northbridge WA 6003
Q1	<p>The Lord Mayor has form for enthusiastically encouraging engagement from the Local Residents.</p> <p>At the Ordinary Council Meeting on 25th July on Level 9. I witnessed a meeting attended by 12 members of the Public (in my experience this is a more-than healthy turnout).</p> <p>Section 5.7 (2)(b) in “Standing Orders Local Law 2009 Part 5 - Public Participation” states:- “(b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally.”</p> <p>Although generous time was allocated for representative of the local community Daniel Godoy to read out important questions put in writing earlier in the day, unfortunately, no opportunity was afforded to the other 11 persons in the chamber to pose any questions relating to the agenda, or otherwise.</p> <p>I am certain this is an un usual oversight. However, if this was to become regular practice it does raise concerns such as:-</p> <ul style="list-style-type: none"> • Elderly residents that don’t feel comfortable using online services. • Residents with learning disabilities that find it hard to formulate written questions. • Foreign ratepayers who may find written English more difficult. • Or residents who have been moved by a pressing issue to attend a council meeting for the first time to ask a question, whom then have to wait a further month until the next Ordinary Meeting to raise a question in writing. <p>As a person who is active in the local area myself, I understand the value that City of Perth places on building rapport and active participation, with the community and making sure our processes for Ordinary Meetings stay as inclusive and open as possible.</p> <p>To re-iterate, I’m sure that the failure to take verbal questions from the public on this occasion (25/07/23) in keeping with “Part 5 – Public Participation” was simply an unusual omission. However, I would like to ask the council to confirm for the record that they intend to keep Ordinary meetings as a forum for the public of all demographics to engage with their elected Council in the format most appropriate for each ratepayer’s circumstance which may include questions being asked in person and taken on notice as required.</p>
A1	<p>Provided by Michelle Reynolds – Chief Executive Officer</p> <p>Background:</p> <p>Public Question Time at Council Meetings are and will always be a forum for communication and exchange between Elected Members and the Community. Public Question Time at the City of Perth is coordinated in accordance with the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and the City of Perth Standing Order Local Law 2009.</p>

Section 5.24(1) of the Local Government Act 1995 (the Act) states that time is to be allocated for question to be raised by members of the public and responded to at:

- a) Every ordinary meeting of a council.

A period of 15 minutes is provided for public question time at City of Perth Ordinary Council Meetings.

Section 5.24(2) of the Act states procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

The Local Government (Administration) Regulations 1996 prescribe at Regulation 7(1) that the procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in Regulation 6(1) are to be determined:

- a) By the person presiding at the meeting.

The Lord Mayor, as the presiding member, is not required to invite public questions from the gallery where prior notice has not been provided.

The City of Perth Website provides the process for members of the public to ask public questions at an Ordinary Council Meeting.

Questions provided in writing 24 hours prior to an Ordinary Council Meeting will have a response provided at the Ordinary Council Meeting. Those provided after the prescribed timeframe are taken on notice and provided in the Minutes of the Ordinary Council Meeting.

As always, the community are welcome to forward any questions they have to the City Administration at any time. Whether that be at Council or directly to the administration via Infocity on 08 9461 3333 or by email at info@cityofperth.wa.gov.au.

The following members of the public submitted questions in writing at the meeting. These questions have been taken on notice and responses will be included in the Agenda for the Ordinary Council Meeting on 26 September 2023.

	Aldyn Hayes – Suburb not provided
Q1	What is the current and ongoing relationship between this Council and the activist organisation Rabbit Books and Games?
Q2	Given the recent public outcry and backlash surrounding DQST, will these events continue using publicly funded venues or will they be continued at private venues?
Q3	What was this Council’s total expenditure during the fiscal year 2022-2023 for DQST?
Q1	Amy Sturgeon – Wanneroo, Gnangara WA 6065
	What specific educational or pedagogical qualifications or training does the City of Perth require a drag performer to have in order to read at Drag Queen Story Time?
Q2	Drag Queen Story Time is often promoted on a premise of encouraging early literacy. What specific literacy value/benefit is added by a drag performer reading at a childrens story time?
Q3	Can Council advise what the total number of attendees to the May 2023 Drag Queen Story Time event at Perth Library was and how many of the attendees were children?

7. Confirmation of Minutes

Council Resolution (OCM-23/08-002)

Mover: Deputy Lord Mayor Liam Gobbert

Secunder: Councillor Clyde Bevan

That Council CONFIRMS the minutes of the Ordinary Council Meeting held on 25 July 2023 as a true and correct record.

CARRIED (6/1)

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

Against: Councillor Rebecca Gordon

8. Questions by Members which due Notice has been Given

8.1 Councillor Brent Fleeton

In accordance with cl. 4.7 of the City's *Standing Orders Local Law 2009* Councillor Brent Fleeton submitted Questions for which due Notice has been Given. The responses are detailed below:

Question 1	<p>For the 2022/2023 financial year, how much did the City of Perth spend on event ticket purchases, memberships (corporate for the City or any staff member as an individual) and any other services provided by (please list expenditure and type per organisation):</p> <ul style="list-style-type: none"> • WALGA • Local Government Professionals WA • Chamber of Commerce and Industry • Committee for Perth • Property Council • UDIA
Answer 1	<p>The total expenditure for 2022/23 was 181,205.57. A detailed list showing the breakdown of expenditure as provided as an Attachment 1 (provided under separate cover) to these responses.</p>
Question 2	<p>How does the City judge if the event, membership or service provides value for money for ratepayers while also judging if these organisations are in strategic alignment for Council's goals?</p>
Answer 2	<p>In accordance with Council Policy 2.2 – Purchasing, and in consideration of good governance, the approval of any purchase is approved by the Alliance Manager, or above. Careful consideration is given to the strategic alignment and value to the City in delivering outcomes to the community.</p>
Question 3	<p>What level of delegation is required to enter into memberships or to buy event tickets/services from industry associations such as those mentioned above?</p>
Answer 3	<p>Financial authority limits are specified in Council Policy 2.2 – Purchasing. Alliance Manager limit is up to \$250,000 and General Manager is \$500,000 and above.</p>

9. Correspondence

Nil.

10. Petitions

Nil.

Council Resolution (OCM-23/08-003)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That the officer recommendation for items 11.6, 11.7, 12.1, 15.1, 15.2, 15.3, 16.1 and 16.2 be adopted en bloc, and the remaining items be dealt with separately.

CARRIED UNOPPOSED (7/0)

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

Against : Nil

11. Planning and Economic Development Alliance Reports

Councillor Sandy Anghie disclosed an Impartiality Interest in Item 11.1 (detailed in Item 5).

The Deputy Lord Mayor disclosed an Impartiality Interest in Item 11.1 (detailed in Item 5).

5:20pm The Manager Audit and Risk retired from the meeting prior to Item 11.1.

11.1 Preparation of Amendment No. 50 to City Planning Scheme No. 2 (New Special Control Area)

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.1A – Scheme Amendment No.50 Report Attachment 11.1B – Proposed CPS2 Precincts Plan Map - City Centre

Purpose

For Council to consider the preparation of Amendment No. 50 to City Planning Scheme No. 2 (CPS2) to introduce a Special Control Area (SCA) over Lot 2 (618), Lot 3 (612-616) Hay Street Mall, Lot 4 (69-75), Lot 5 (77-85), Lot 6 (87-93), and Lot 7 (95-99) Barrack Street, Perth (the site).

Recommendation

That Council:

1. **RESOLVES** to prepare Amendment No. 50 to City Planning Scheme No. 2 as detailed in Attachment 11.1A – Scheme Amendment Report, pursuant to Section 75(b) of the *Planning and Development Act 2005*;
 2. **RESOLVES** that Amendment No. 50 to City Planning Scheme No. 2 is a standard amendment for the following reasons, pursuant to Regulation 34 and 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. The amendment is consistent with the objectives of the ‘City Centre’ scheme use area and ‘Citiplace Precinct’.
 - b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Western Australian Planning Commission.
-

Background

1. The City has received a request from Hames Sharley (WA) Pty Ltd on behalf of Humich Group to amend CPS2 to create a SCA over the site.
2. The SCA will allow the site to be treated as one site for the purposes of allocating plot ratio and tenant car parking. It will also allow the calculation and sharing of bonus plot ratio across the entire site and will introduce provisions to guide future redevelopment.
3. The site is bound by Barrack Street to the east, Murray Street Mall to the north, and Hay Street Mall to the south.
4. The site is located within the Barrack Street Heritage Area, with Lot 3 listed on the State Register of Heritage Places and the City of Perth CPS2 Heritage List, and Lot 2 listed on the City of Perth CPS2 Heritage List.
5. The SCA has been requested in response to a condition of the development approval issued for the site, by the Local Development Assessment Panel (LDAP), on 9 September 2022. Approval was granted for the following:
 - Demolition, conservation, and adaptive re-use of the existing heritage buildings
 - Construction of a 23-level office tower with 40 commercial tenant car parking bays, and
 - Construction of a new public laneway and a pocket park.
6. Advice Note 3 on the development approval states:

“The applicant is advised that the approved development will require all sites to be amalgamated or an amendment to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2 and Perth Parking Policy 2014.”
7. The Scheme Amendment Report (Attachment 11.1A) includes details of the proposed SCA provisions, the site context, and technical analysis.
8. To integrate the SCA into the existing planning framework, minor amendments to the City Centre Precinct 1-8 Plan Map are required, as detailed in Attachment 11.1B.

Discussion

9. New Council Policy 3.5 (CP 3.5) provides a framework to assess the appropriateness of initiating scheme amendments ahead of the new Local Planning Scheme No.3 (LPS3). Amendment No. 50 satisfies the provisions of CP 3.5 and is suitable for progression ahead of LPS3 on the following basis:
 - a. The SCA will facilitate the redevelopment of the site, which will assist in delivering the outcomes envisioned for Central Perth under the Local Planning Strategy, including:
 - i. Delivering additional commercial floorspace that will support the vision and neighbourhood priority for Central Perth, and assist in meeting the commercial floorspace and workers forecasts/targets
 - ii. Support the Capital City Retail Area through conserving and enhancing the existing ground floor tenancies located on the Hay Street and Murray Street Malls and Barrack Street
 - iii. Deliver integrated heritage outcomes through the conservation and adaptive reuse of buildings located within the Barrack Street Heritage Area, and

- iv. Improve the pedestrian environment along Barrack Street which is identified as an Improved Connectivity Area and Pedestrian Priority Area under the Local Planning Strategy.
 - b. The site has a current development approval, therefore, significant planning for the development has progressed and a tangible outcome as a result of the scheme amendment is more likely.
 - c. The amendment does not propose any significant changes to the existing development controls or result in any significant change to the development potential of the subject site.
10. Should the current development approval not be acted upon, the SCA will remain and provide greater opportunities for the consolidated redevelopment of the subject site in the future. This will facilitate better built form outcomes, as the bulk and scale of the development and car parking can be managed across the SCA, rather than allocated to individual lots.
11. The *Planning and Development (Local Planning Schemes) Regulations 2015* includes three categories for amending local planning schemes - basic, standard, and complex. Amendment No. 50 is classified as a Standard Amendment as:
 - a. The amendment is consistent with the objectives of the 'City Centre' scheme use area and 'Citiplace Precinct'.
 - b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Western Australian Planning Commission.

Consultation

12. Following Council's decision to prepare Amendment No. 50 (as recommended), the City is required to refer the scheme amendment to the Environmental Protection Authority (EPA) to determine whether formal environmental assessment is required. The EPA has 30 days to make this determination.
13. Changes to the Planning and Development Act 2005 came into effect on 1 August 2023 that require the City to obtain approval from the Minister for Planning to commence formal consultation. If approval is granted, the City is required to advertise the scheme amendment for public comment for a period of 42 days. The amendment will be advertised online via Engage Perth, via letters in the mail to adjoining landowners, a notice displayed in the Council House foyer, and in the local newspaper.
14. The outcomes of consultation and a recommendation on progressing the amendment will be put back to Council, following consultation.

Decision Implications

15. The decision to prepare Amendment No. 50 rests with Council. The final decision on the Amendment rests with the Minister for Planning.
16. Should Council choose not to prepare Amendment No. 50, there is no review pathway of this decision through the State Administrative Tribunal. However, the applicant may approach the Minister for Planning who has the power to invoke Part 5, Division 2 Section 76 of the *Planning and Development Act 2005* and order the local government, within such time specified in the order, to prepare and submit for the approval of the Minister an amendment to the local planning scheme.
17. Should Council not prepare the scheme amendment, in order to act upon the development approval issued for the site, the applicant would be required to amalgamate the lots.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable, Prosperous
Related Documents (Issue Specific Strategies and Plans):	<p>Strategic Community Plan 2022-2032</p> <p>The proposed scheme amendment aligns with the ‘Liveable’ and ‘Prosperous’ pillars of the Strategic Community Plan 2022-2032, as the creation of the special control area (SCA) provides opportunities for a coordinated redevelopment of the lots. The redevelopment of Barrack Street will revitalise provide opportunities for beautification and increased activity along the street.</p> <p>Local Planning Strategy 2023</p> <p>The vision of the Central Perth Area is to be the heart of the city and the busiest day time area with the highest economic output and greatest development intensity. It has a diverse mix of uses, including Perth city’s Capital City Office Area and Capital City Retail Area, making it a thriving capital city environment. This land use mix continues to diversify, with increasing residential and visitor accommodation and businesses such as small bars and restaurants, shared working spaces, entertainment, and event venues. The proposed SCA will facilitate a coordinated redevelopment of Barrack Street, which is consistent with the vision of the Strategy.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Planning and Development Act 2005</p> <ul style="list-style-type: none"> • Section 75 provides legislative power to the Council to prepare changes to its local planning scheme. • Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising. • Section 84 sets out advertising requirements. <p>City of Perth Act 2016</p> <p>4 (a) to recognise, promote and enhance -</p> <ol style="list-style-type: none"> i. The special, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and ii. The important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level. <p>8(1)(f) - Ensuring Perth’s role as a thriving business, cultural and entertainment centre.</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <ul style="list-style-type: none"> • Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex.

	<ul style="list-style-type: none"> • Regulation 47 specifies requirements for advertising a Standard Amendment. • Regulation 76A specifies requirements for making documents available to public. • Regulation 4(1) specifies the requirements for advertising local planning policy amendments. <p>City Planning Scheme No. 2</p> <ul style="list-style-type: none"> • Clauses 3A of Schedule A (Supplemental Provisions) refers to amending Precinct Plans. • Clause 39 refers to Special Control Areas.
<p>Authority of Council/CEO:</p>	<p>The <i>Planning and Development Act 2005</i> gives local governments powers in relation to Local Planning Schemes and Local Planning Policies.</p> <p>The above provisions of the <i>Planning and Development Act 2005</i> requires a decision to amend a Local Planning Scheme by Council resolution.</p> <p>Section 81 of the <i>Planning and Development Act 2005</i> requires the referral to the Environmental Protection Agency to include the local government’s resolution.</p>
<p>Policy:</p>	<p>City Planning Scheme No.2 Planning Policy Manual Part 1 - Section 4.10 – Heritage</p> <p>The proposed scheme amendment incorporates provisions to ensure the heritage considerations of the site are respected and appropriately conserved through the redevelopment of the area.</p> <p>City of Perth City Planning Scheme No.2 Precinct Plan 5 (P5) – Citiplace Precinct</p> <p>Amendment No.50 is consistent with the statement of intent for Precinct No.5 - Citiplace Precinct as the SCA will facilitate a coordinated redevelopment of the subject site, supporting the continued development focus of business, administration, commerce, retail, tourist, civic, cultural and entertainment activities.</p> <p>Council Policy 3.5 (CP 3.5)</p> <p>CP 3.5 provides a framework to assess the appropriateness of initiating scheme amendments ahead of the new local planning scheme.</p>

Financial Implications

16. In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2005* local governments costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

Further Information

Nil.

Council Resolution (OCM-23/08-004)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Viktor Ko

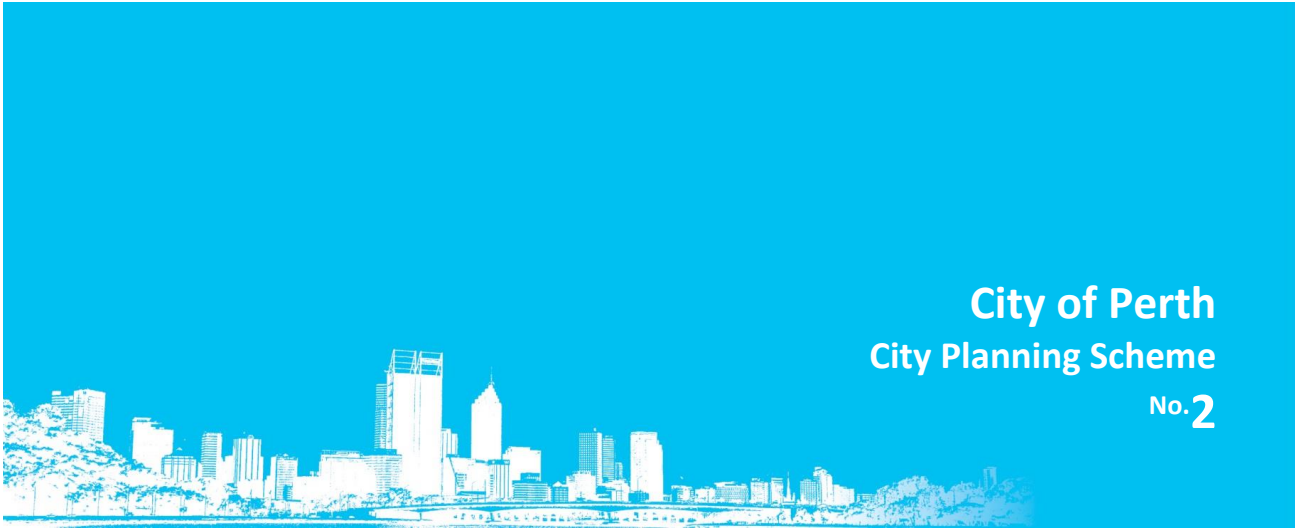
That Council:

1. **RESOLVES** to prepare Amendment No. 50 to City Planning Scheme No. 2 as detailed in Attachment 11.1A – Scheme Amendment Report, pursuant to Section 75(b) of the *Planning and Development Act 2005*;
2. **RESOLVES** that Amendment No. 50 to City Planning Scheme No. 2 is a standard amendment for the following reasons, pursuant to Regulation 34 and 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. The amendment is consistent with the objectives of the ‘City Centre’ scheme use area and ‘Citiplace Precinct’.
 - b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Western Australian Planning Commission.

CARRIED UNOPPOSED (7/0)

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

Against: Nil



Amendment No. 50

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City of Perth
City Planning Scheme No. 2
Amendment No. 50

To insert Special Control Area 34 over Lots 2 – 3 Hay Street Mall, and Lots 4-7 Barrack Street.

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FORM 2A

Planning and Development Act 2005
RESOLUTION TO PREPARE AMENDMENT TO
LOCAL PLANNING SCHEME
City of Perth
CITY PLANNING SCHEME NO.2
AMENDMENT NO.50

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

1. Inserting a new Special Control Area under clause 39(1) as follows:

(Hoh) Barrack Street Special Control Area

2. Inserting the following as Special Control Area 34 in Schedule 8:

34.0 Barrack Street Special Control Area

34.1 Special Control Area

The following provisions apply to the land marked as Figure 34 – Barrack Street Special Control Area:

34.2 Objectives

- a) Facilitate development in a coordinated manner and to enable applicable development standards and requirements to be applied to the site as though it was a single lot.
- b) Ensure future development respects the cultural heritage of the Barrack Street Heritage Area, which includes the Moana Buildings and the Connor Quinlan Building.
- c) To coordinate vehicle access to the Special Control Area to minimise the impact on pedestrians, cyclists, and public transport.

34.3 Heritage

- a) The State listed heritage building (Lot 3) shall have all work undertaken in a manner guided by a Heritage Retention and Conservation Plan prepared in accordance with State Heritage Office Guidelines.
- b) Conservation works being undertaken on Lots 2 to 5 in accordance with current Conservation Management Plans.
- c) Conservation works shall enable the reinstatement of use of the heritage buildings, including the reinstatement of access to any upper or lower levels which have been removed.

34.4 Plot Ratio

- a) For the purpose of determining plot ratio, the total area of Lot 2 (618) and Lot 3 (612-616) Hay Street Mall, and Lots 4 (69-75), Lot 5 (77-85), Lot 6 (87-93), and Lot 7 (95-99) Barrack Street Special Control Area shall be treated as one lot.
- b) For the purpose of calculating bonus plot ratio, the Special Control Area shall be treated as one site and in accordance with the Maximum Bonus Plot Ratio Plan.
- c) All development applications that propose to utilise bonus plot ratio shall provide the City with a draft Heritage Agreement between the landowner and the City (and the Heritage Council for State heritage listed places).
- d) The Heritage Agreement shall require the landowner to complete the conservation works detailed in the Conservation Management Plan prior to the issue of an occupancy permit.

34.5 Car Parking

- a) For the purpose of determining the tenant car parking allowance under the Perth Parking Policy for any redevelopment as may be identified in the Perth Parking Policy, the Barrack Street Special Control Area shall be treated as one lot.
- b) The tenant parking facilities in one building within the Special Control Area may be leased or used by tenants of other buildings within the Special Control Area.



Figure 34 – Barrack Street Special Control Area Map

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

- (i) The amendment is consistent with the objectives of the 'City Centre' scheme use area and 'Citiplace Precinct'.
- (ii) The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Commission.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

SCHEME AMENDMENT REPORT

1. INTRODUCTION

This scheme amendment report (report) has been prepared by Hames Sharley (WA) Pty Ltd on behalf of Humich Group, the registered proprietor of Lot 2 (618) Hay Street Mall, Lot 3 (612-616) Hay Street Mall, Lot 4 (69-75) Barrack Street, Lot 5 (77-85) Barrack Street, Lot 6 (87-93) Barrack Street, Lot 7 (95-99) Barrack Street, Perth (subject site). Refer to Figure 1 for the site plan and Table 1 for further details on ownership.

Hames Sharley has prepared the following report in support of a request to amend the City of Perth City Planning Scheme No. 2 (CPS2), to enable the applicable development standards and requirements to be applied to the site as though it was a single lot. This is in response to Advice Note 3 imposed as part of the Local Development Assessment Panel (LDAP) approval received on 9 September 2022. The purpose of Scheme Amendment No. 50 is to allow sharing of plot ratio and car parking across the subject site through creation of a new Special Control Area (SCA).

This report will discuss various issues pertinent to the proposal, including:

- Site details and amendment area.
- Town Planning and Heritage Considerations.
- Proposed scheme amendment.



Figure 1: Site Plan

2. SITE DETAILS & AMENDMENT AREA

The amendment area is proposed over six lots, primarily located on Barrack Street between Hay Street and Murray Street Mall, with a total combined site area of 3,352m². The subject site is included in the 'City Centre' scheme use area and is within the 'P5 – Citiplace Precinct', which generally covers the existing CBD retail core and the west end.

The intent of the Citiplace Precinct is to be the retail focus of WA, providing a range of general and specialised retail uses, as well as to accommodate a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry, and office.

The following parcels of land as shown in Figure 1 are to be included with Amendment No. 50 of CPS2:

LOT	LOT ID	SITE AREA	STREET ADDRESS	OWNERSHIP
2	P003847 Vol:4000 Folio: 318	443 m ²	618 Hay Street Mall	Far Super Pty Ltd
3	P003847 Vol: 4000 Folio:320	503 m ²	612 – 616 Hay Street Mall	Supa Server Pty Ltd
4	P003847 Vol: 4000 Folio: 321	497 m ²	69-75 Barrack Street	Navi Investments WA Pty Ltd

5	P003847 Vol:4000 Folio:304	680 m ²	77-85 Barrack Street	Souther Cross Properties WA Pty Ltd
6	P003847 Vol:4000 Folio: 322	526 m ²	87-93 Barrack Street	Race-Wina Pty Ltd
7	P003847 Vol:4000 Folio323	703 m ²	95-99 Barrack Street	Race-Wina Pty Ltd and Southern Cross Properties WA Pty Ltd

Table 1: Site Ownership

Note: The subject site is owned in freehold by the Humich Group. Appendix 1 includes the Certificates of Title for all lots and a letter of consent which demonstrates that each lot is owned by the same group of company directors.

2.1 HERITAGE STATUS

The properties within the proposed Special Control Area have Heritage value. The Heritage listing status of these properties are included below in descending order of importance in terms of listing:

State Register of Heritage Places

- Connor Quinlan Building, formerly Swan Buildings and Swan Chambers (1891; 1988) 612-616 (Lot 3) Hay Street Mall, Perth, Heritage Place Number 01991.

City of Perth City Planning Scheme No.2 Planning Policy Manual - Part 1 - Heritage List

- Connor Quinlan Building - 612-616 (Lot 3) Hay Street Mall
- Moana Building - 618 (Lot 2) Hay Street Mall

Barrack Street Heritage Conservation Area

- 69-75 (Lot 4) Barrack Street,
- 77-85 (Lot 5) Barrack Street - Liberty Cinema,
- 87-93 (Lot 6) Barrack Street - fmr. Albany Bell Tea Rooms,
- 95-99 (Lot 7) Barrack Street,
- 612-616 (Lot 3) Hay Street Mall – Quinlan Swan Building, and
- 618 (Lot 2) Hay Street Mall - Moana Building.

City of Perth Local Heritage Survey

Street Address	Place Name	Inherit Place
69-75 Barrack Street Perth	Commercial Buildings	26671
77-85 Barrack Street Perth	Liberty Cinema	15975
87-93 Barrack Street Perth	Commercial Buildings	1955
95-99 Barrack Street Perth	Hotel Perth (fmr)	14889
612-616 Hay Street Mall Perth	Connor Quinlan Building	01991
618 Hay Street Mall Perth	Moana Building	25958

3. BACKGROUND

Conditional development approval was granted by the City of Perth LDAP on 9 September 2022 for the proposed demolition, conservation, and adaptive reuse of the existing heritage buildings, the construction of a 23 level office tower with 40 basement tenant car parking bays, and new public laneway including a pocket park.

The subject site has a base maximum plot ratio of 5:1 with the possibility for a bonus plot ratio of up to 20% based on the City's nominated categories of public facilities, residential and heritage. The development received a maximum plot ratio of 6:1 (20,112m² of plot ratio floor area) inclusive of 20% bonus plot ratio (3,352m² plot ratio floor area) for the retention, enhancement and maintenance of places of cultural heritage significance. Additional plot ratio was granted in accordance with Clause 28 of City Planning Scheme No. 2 and the requirements of the Bonus Plot Ratio Policy 4.5.1.

To ensure applicability of the sharing of plot ratio and parking between Lots 2-7 Barrack Street mentioned above, the advice note provided with the aforementioned conditional approval set out the following, which necessitated the need for this amendment:

"The applicant is advised that the approved development will require all sites to be amalgamated or an amendment to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2 and Perth Parking Policy 2014".

This scheme amendment has been lodged by Hames Sharley to satisfy a requirement of the development approval. The following sections of this report consider the strategic and statutory planning frameworks as relevant to the subject site, and their alignment with the proposed scheme amendment.

4. STATE & REGIONAL PLANNING CONTEXT

This section focuses on the State planning framework's planning and development requirements, as they relate to the City, and this amendment.

4.1 PERTH AND PEEL @ 3.5 MILLION

Perth and Peel @ 3.5 million (Perth and Peel) is a strategic land use planning document, which sets the vision to guide future growth in the Perth and Peel Metropolitan Area, with a focus on increased urban consolidation, better connectivity, and development of employment areas.

The scheme amendment area is located within the Central Business District (CBD) as defined under Perth and Peel. The future vision, objectives, and principles for the development of the CBD is captured within the Central Sub-regional Planning Framework and the Capital City Planning Framework.

The scheme amendment supports the vision for the CBD by facilitating the redevelopment of the subject site. It will achieve direct and indirect employment opportunities and provide entertainment options to revitalise a part of the CBD that is currently underutilised, has high vacancy rates, low levels of activation, and does not positively contribute to the CBD despite its strategic location.

4.2 CENTRAL SUB REGIONAL PLANNING FRAMEWORK

The Central Sub-regional Planning Framework aims to establish a long term integrated planning framework for land use and infrastructure, with a focus on guiding future infill growth in the Central sub-region.

The scheme amendment supports the aim of the Central Sub-regional Planning Framework by facilitating a redevelopment of the subject site. The creation of the SCA will provide an opportunity for a coordinated redevelopment of the subject site.

4.3 CAPITAL CITY PLANNING FRAMEWORK

The Capital City Planning Framework, sets out a vision, key objectives, and principles to support the development and growth of Perth as the State's capital city. The Framework aims to support the development of a capital city which is *'a world class liveable central city; green, vibrant, compact and accessible with a unique sense of place.'*

The scheme amendment supports the vision set out in the Capital City Planning Framework by facilitating a redevelopment of the subject site that provides employment and entertainment opportunities.

4.4 MRS CLASSIFICATION

The approved development seeks a range of uses inclusive of office, entertainment, and cultural land uses which are consistent with the Metropolitan Region Scheme's 'Central City Area' zone.

The proposed Special Control Area is consistent with the MRS and does not propose any land use requirements.

4.5 STATE PLANNING POLICY 4.2 – ACTIVITY CENTRES FOR PERTH AND PEEL

State Planning Policy 4.2 identifies Perth as the Capital City Activity Centre, which is the highest order activity centre in the State's hierarchy.

"Perth Capital City is the largest of the activity centres, providing the most intensely concentrated development in the region. It has the greatest range of high order services and jobs, and the largest commercial component of any activity centre."

A SCA which enables the applicable development standards to apply will catalyse economic growth and activation in the City of Perth, and will provide enhanced opportunities to support growth of the performing arts industry in the CBD.

The approved development on the subject site will activate Barrack Street to support businesses and reduce the number of vacancies in the area through increased foot traffic and capture of expenditure.

4.6 STATE PLANNING POLICY 3.5 – HISTORIC HERITAGE CONSERVATION

State Planning Policy 3.5 sets out the principles of sound and reasonable planning of the conservation and protection of Western Australia's historic heritage.

The objectives of the policy are:

- To conserve places and areas of historic heritage significance.

- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the state and local levels is given weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

A SCA which enables the applicable development standards to apply will ensure the conservation of areas identified of heritage significance within the Barrack Street Precinct. The scheme amendment will ensure that future development will not adversely affect the significance of areas identified and that proper due-dillienace and consideration will be undertaken to provide certianity to landowners and key stakeholders about the planning processes for hertiage identification, conservation and protection.

5 LOCAL PLANNING CONTEXT

The City's local planning framework comprises all strategic, statutory, and policy planning documents which collectively outline the planning requirements for the subject site.

5.1 CITY OF PERTH ACT 2016

The *City of Perth Act 2016* (Act) came into effect on 1 July 2016. The objectives of the Act relevant to this report are outlined below:

4. (a) *to recognise, promote and enhance:*
- (i) *The special, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and*
 - (ii) *The important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level.*

Clause 8 of the Act outlines further objectives namely:

- To initiate and promote the continued growth and environmentally sustainable development of the City of Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area.
- To maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone.
- To nurture and support the initiatives of the diverse precincts of the City of Perth.
- To develop and maintain collaborative inter-governmental relationships at regional, state, national and international levels with a view to develop and implement strategies for the continued improvement of Perth city.

It is considered that the proposed SCA will assist to facilitate the role of the city as an 'innovative, sustainable and a vibrant global city' with 'cultural and entertainment precincts'.

5.2 CITY OF PERTH LOCAL PLANNING STRATEGY

The City's Local Planning Strategy (the Strategy) was approved by the WAPC in May 2023 and is a key strategic urban planning document for the growth of the City over the next 15 years. It will provide the strategic basis for the preparation of Local Planning Scheme No. 3 and subsequent supporting local planning policies.

The Strategy sets the vision of Perth becoming a place of commerce and enterprise, culture and artistic endeavour, recreation and entertainment. In the Central Perth neighbourhood, the priority is to support the capital city commercial, retail, entertainment, cultural, and civic functions of Central Perth and increase the residential population to encourage a stronger weekend and night time economy.

The Strategy identifies the following planning directions for the Central Perth Neighbourhood:

- Ensure the primacy of the Capity City Office Area.
- Reinvigorate the Captial City Retail Area with life during the day and night and on weekends.
- Strengthen creative, cultural and tourism activities.
- Create a thriving residential community in the heart of the City.
- Improve connections to and use of the Swan River.
- Protect and integrate the unique heritage and character elements of the area into urban renewal.
- Develop an appropriate planning framework and plans for transit orientated development catchments, rail line and rail station interfaces.
- Increase the supply of public open space.
- Deliver neighbourhood priorities.

The SCA is located within the 'Barrack Street Heritage Area' and an 'Improved Connectivity Area.'

This scheme amendment supports the directions of the Strategy by facilitating the redevelopment of the subject site which shall:

- Provide modern and strategically located office space.
- Activate the Barrack Street Precinct with a combination of different uses.
- Reactivate and strenghten the City's creative, cultural and tourism activities through adaptive re-use of currently vacant spaces.

- Protect and enhance the unique heritage and character elements of the Barrack Street Precinct through appropriate heritage upgrades.

5.3 CITY OF PERTH CITY PLANNING SCHEME NO. 2

CPS2 was gazetted on 9 January 2004, predating the LPS Regulations. Over 46 amendments to CPS2 have been adopted to keep the scheme current and to guide land use and development.

ZONING AND OTHER CLASSIFICATIONS

The subject site is currently zoned City Centre under CPS2.

The objectives within the 'Precinct Plan No.5 – Citiplace' under CPS2 are:

- Building heights should be tailored to ensure adequate levels of sunlight into key pedestrian areas.
- New development shall also have regard to the height and scale of buildings within the street.
- The restoration and maintenance of buildings, groups of buildings and other places which have substantial historical or other significance will be encouraged
- Building facades will incorporate interesting architectural elements thereby contributing to a lively, colourful and stimulating environment.
- A continuous, safe, attractive and clearly identified network of pedestrian paths, spaces and facilities, linking adjacent precincts, will be provided throughout the precinct.

The proposed scheme amendment will facilitate the outcomes of the development approval, which will deliver outcomes sought by the Precinct Plan No.5 – Citiplace through:

- Carefully considering the bulk and scale of the development and how it relates to surrounding buildings.
- Facilitating the restoration of heritage buildings to encourage activation and tenancies in the vacant and underutilised upper levels of the Special Control Area, which will bring new life into the precinct.
- The Precinct will offer a wide range of general and specialised retail uses as well as a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry and office. Uses at street and pedestrian level will mainly be shops, restaurants (including cafes), taverns and other uses, that have attractive shop fronts and provide activity, interest and direct customer service.
- Through conservation of heritage facades, it promotes a human scale environment.

LAND USE PERMISSIBILITY

The City Centre is the State’s primary location for business and administration, commercial, civic, cultural, entertainment and retail activity. As such, land uses that support this intent should be promoted.

Table 2 demonstrates the land uses that were approved under the LDAP approval and their land use permissibility classification under Precinct Plan No.5 – Citiplace.

APPROVED LAND USE	P5 PERMISSIBILITY	CONSISTENT - Y/N?
ENTERTAINMENT	Preferred	Yes
COMMUNITY AND CULTURAL	Contemplated	Yes
APPROVED OFFICE	Contemplated (not permitted at pedestrian level)	Yes
RECREATION AND LEISURE	Contemplated	Yes

Table 2: Approved Land Use Permissibility and Consistency with Precinct Plan No.5

Office is classified under Precinct Plan No.5 – Citiplace as a ‘C’ or ‘Contemplated’ use, with a note that it is:

“prohibited where it fronts the street at pedestrian level in the main “retail core” (centred on Hay and Murray Street Malls)”.

The LDAP approved office land use on Lot 7. This is consistent with the strategic intent as the building provides an interactive interface with Barrack Street / Murray Street Mall at ground level. It keeps office functions off the ground level, with the ground plane on Murray Street Mall / Barrack Street encompassing a fine grain, with retail tenancies, entrance lobby, and a cafe.

The scheme amendment will facilitate the outcome of the development approval, which will deliver land use outcomes consistent with the Citiplace Precinct.

DEVELOPMENT STANDARDS

There are no proposed modifications to applicable development standards.

6 PROPOSED SCHEME AMENDMENT

The purpose of Amendment No. 50 is to establish a SCA over the subject site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City’s CPS2 and the Perth Parking Policy 2014. Specifically, to facilitate the sharing of future car parking bays within the SCA and the plot ratio bonus for heritage purposes.

6.1 BACKGROUND AND KEY ISSUES

PLOT RATIO

Under the City’s Planning Policy Manual Section 4.5.1 - Bonus Plot Ratio 1, the City may consider varying any site or development requirements for heritage purposes.

To achieve a plot ratio bonus for heritage purposes, any proposed development is required to exhibit architectural design excellence to achieve a built form, height and scale that is

appropriate to the amenity, streetscape, and locality, whilst retaining the intent of the variation clause to facilitate good heritage outcomes.

CAR PARKING

Under the Perth Parking Policy 2014 (the Policy), the approved development is classified as Category 1 street in the Policy.

Table 1 of the Policy identifies the site with a maximum tenant parking allowance of 120 bays per ha or replacement of existing tenant bays, whichever is the lesser. The subject site, given its age, has no existing tenant bays and as such the tenant parking is zero.

Therefore, while the number of existing licenced tenant parking bays is effectively zero, this should not reasonably limit the future on-site supply of future supply to a nil provision. This was the position of the City during the assessment of the development application and was hence supported by the LDAP with the development being approved with 40 car parking bays.

6.2 PLANNING JUSTIFICATION

PLOT RATIO

The City's Planning Policy Manual Section 4.5.1 - Bonus Plot Ratio sets out performance requirements that must be met. The site area for the subject site is 3,352m² with a base permissible plot ratio of 5:1 and a base permissible floor area of 16,760m² or 20,112m², if a 20% heritage bonus is achieved and applied to the entire site. An amendment to the Scheme or an amalgamation of the subject site is therefore required to enable 'full use' of the 20% heritage plot ratio bonus.

CAR PARKING

In order to be achieve integrated access under the Policy, vehicle access to parking on or in two or more lots or buildings utilises a shared vehicle crossover. Car parking for the approved development is accessed through a single two-way crossover off Barrack Street, providing car parking for all lots across the subject site.

6.3 AMENDMENT TYPE

The *Planning and Development (Local Planning Schemes) Regulations 2015* include three categories for amending local planning schemes which are; basic, standard and complex.

It is considered that the proposed amendment is 'standard amendment' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- i. The amendment is consistent with the objectives of the 'City Centre' scheme use area and 'Citiplace Precinct'.
- ii. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Commission.

7 CONCLUSION

The City has received a request to amend CPS2 to create a SCA over Lot 2 (618) and Lot 3 (612-616) Hay Street Mall, Lot 4 (69-75), Lot 5 (77-85), Lot 6 (87-93) and Lot 7 (95-99) Barrack Street, Perth.

The proposed scheme amendment has been requested by Hames Sharley in response to Advice Note 3 imposed on a conditional development approval for a redevelopment of the subject site.

The SCA would facilitate the coordinated redevelopment of the subject site by allowing the calculation and sharing of base and bonus plot ratio, and vehicle access and egress across the SCA. The scheme amendment introduces provisions to address the heritage and land use planning considerations over the subject site.

The scheme amendment would facilitate the landowner to deliver the strategic outcomes envisioned for Central Perth under the Local Planning Strategy. The subject site has development approval for the demolition, conservation and adaptive reuse of the heritage buildings and construction of a new office tower, public laneway, and pocket park. Therefore, the proposed scheme amendment is likely to result in a tangible outcome.

APPENDIX 1 – Letter of Consent

5:21pm Councillor Catherine Lezer disclosed a Proximity Interest in Item 11.2 (detailed in Item 5) and departed the meeting accordingly.

5:21pm Councillor Viktor Ko disclosed a Proximity Interest in Item 11.2 (detailed in Item 5) and departed the meeting accordingly.

Councillor Sandy Anghie disclosed an Impartiality Interest in Item 11.2 (detailed in Item 5).

11.2 Final adoption of Amendment No. 47 to City Planning Scheme No. 2 and Amendment No. 5 to Local Planning Scheme No. 26 (Normalised Redevelopment Areas) - Royal Perth Hospital Flight Path Protection Special Control Area

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.2A – Scheme Amendment No. 47 Report Attachment 11.2B – Scheme Amendment No. 5 Report Attachment 11.2C – Local Planning Policy and Precinct Plan Modifications Attachment 11.2D – Schedule of Submissions and modelling

Purpose

- For Council to consider the submissions received on Amendment No. 47 to City Planning Scheme No. 2 (CPS2) and Amendment No. 5 to Local Planning Scheme No. 26 (LPS26) and support the scheme amendments for submission to the Western Australian Planning Commission (WAPC) for a final decision by the Minister for Planning.
- For Council to adopt the amendments to the local planning policies and precinct plan maps.

Recommendation

That Council:

1. SUPPORTS Amendment No. 47 to City Planning Scheme No. 2 with modification, as per Attachment 11.2A, pursuant to Regulations 41(3)(b) of *the Planning and Development (Local Planning Schemes) Regulations 2015*.
2. SUPPORTS Amendment No. 5 to Local Planning Scheme No. 26 without modifications, as per Attachment 11.2B, pursuant to Regulations 41(3)(a) of *the Planning and Development (Local Planning Schemes) Regulations 2015*.
3. RECEIVES the submissions (including late submissions) received during the formal consultation period for Amendment No. 47 to City Planning Scheme No. 2 and Amendment No. 5 to Local Planning Scheme No. 26.
4. ADOPTS the amended Local Planning Policies and Precinct Plan Maps as per Attachment 11.2C, in accordance with the Deemed Provisions Clause 4 and Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and subject to the gazettal of Amendment No. 47 and Amendment No. 5.

Background

1. At its Ordinary Meeting held on 27 September 2022, Council resolved to initiate Amendment No. 47 to CPS2 and Amendment No. 5 to LPS26 (the amendments) and advertise the associated local planning policy and precinct plan map modifications.
2. The Environmental Protection Authority did not require any environmental assessment on the proposed amendments.
3. The Western Australian Planning Commission (WAPC) approved the amendments for advertising subject to minor administrative changes to Amendment No. 47 to CPS2 that have been reflected in Attachment 11.2A.
4. The amendments will establish a Special Control Area (SCA) to protect two emergency helicopter flight paths to Royal Perth Hospital. Currently, there are no set emergency flight paths for helicopter operations at the hospital. This creates a risk that future development could obstruct helicopter access to Royal Perth Hospital in emergency situations. The introduction of the SCA will not result in any intensification of existing operations and is formalising existing arrangements.
5. The SCA comprises of the following key elements:
 - Core Area – development within the core flight path area will be controlled by limiting the height of permanent structures. Temporary works and use of equipment, such as cranes, will be managed to ensure they do not present a hazard to helicopters
 - Frame Area – temporary works and the use of equipment will be managed to ensure no hazard is presented to helicopters
 - Consultation process – establishing a referral process with the East Metropolitan Health Service (EMHS) to allow EMHS to provide advice on development applications or temporary structures located within the emergency flight path protection area.
6. Whilst the SCA applies to both CPS2 and LPS26, the details of the SCA provisions are contained in Amendment No. 47 (Attachment 11.2A). Only minor amendments to LPS26 are required to update the scheme text to align the planning provisions in the SCA created under CPS2 (refer to Attachment 11.2B).
7. Minor changes to several local planning policies and precinct plan maps are required to integrate the provisions of the SCA into the local planning framework (see Attachment 11.2C).

Discussion

8. The location of the SCA and the alignment of the emergency flight paths has been carefully considered to minimise the impact on privately owned land. The SCA is predominantly located over existing road and rail infrastructure, the Swan River and publicly owned land parcels. Privately owned landholdings represent approximately 5.7% of the SCA.
9. Under CPS2, the scale of development for the land located below the SCA is generally controlled through maximum building heights and maximum plot ratio (plot ratio determining the maximum total floor area of a building). The area between Hay Street and Murray Street has no building height limit, with density of development solely controlled by plot ratio.
10. The SCA does not propose any changes to the existing permitted plot ratio. However, the maximum building height will be reduced for a portion of the private land parcels located in the Core Area of the southern flight path, which is discussed in further detail in later sections of this report.

11. The potential development impact of the SCA was modelled and presented to Council at the Ordinary Council Meeting held on 27 September 2022.
12. During the advertising period, two submissions were received objecting to the amendments. These submissions relate to 447 and 467 Hay Street, Perth - the primary concern being the perceived loss in development potential.
13. The City has not received any development applications for 447 or 467 Hay Street and is not aware of any upcoming development proposals.
14. Additional modelling has been undertaken to further examine the impact on development for 447 and 467 Hay Street, Perth. The built form modelling was used to assess whether it was possible for these lots to be redeveloped to the permitted maximum base plot ratios for residential, hotel and office developments.
15. The additional modelling prepared for 447 and 467 Hay Street is provided in Attachment 11.2D, along with the schedule of submissions and City's response.
16. Building heights can vary depending on how a developer chooses to configure a development. Buildings with larger floorplates will result in lower building heights. Buildings with smaller floorplates will result in higher buildings.
17. The modelling shows that 447 Hay Street can develop to the permitted maximum base plot ratio for residential, hotel and office development scenarios, notwithstanding the height limitations of the SCA.
18. Two subdivision scenarios were modelled for 467 Hay Street, as this is a large lot with dual frontages to Hay Street and St Georges Terrace. The first scenario looked at the site being developed as one building and the other looked at the site being developed with two buildings (one addressing Hay Street and the other addressing St Georges Terrace).
19. The modelling confirmed that 467 Hay Street can develop to the permitted maximum base plot ratios for residential, hotel and office development scenarios, notwithstanding the height limitations of the SCA.
20. The modelling undertaken is indicative only and cannot include all possible development scenarios, circumstances, or development ambitions of a private landholder wanting to develop or redevelop their land. Different tower configurations may result in different impacts in terms of plot ratio.

Consultation

21. The amendments and modifications to the local planning policies and precinct plan maps were advertised for a period of 60 days in accordance with Clause 38 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
22. The method of advertising included letters to landowners located below the SCA, a notice being placed in the newspaper, a notice being placed in the Council House foyer and information being displayed on the Engage Perth website.
23. A total of 10 submissions was received, including one late submission. Most submissions supported the amendments, however two submissions objected to the amendments.
24. The following issues were raised in the objections:
 - Concerns about reduced development potential

- Concerns the amendments would adversely affect project feasibility, due to cost increases because of construction complexities
 - Concerns about impacts on aesthetics of buildings
 - Noise concern and safety risk associated with flight path
 - Compensation for potential loss.
25. Minor text modifications were made to Attachment 11.2A and Attachment 11.2B to respond to a submission from the Civil Aviation Safety Authority (CASA).
26. Individual submissions and the City’s response is provided in Attachment 11.2D.

Decision Implications

27. Council has the option to support the amendments with or without modifications, or not support the amendments.
28. If Council supports the recommendations:
- a. the amendments will be forwarded to the WAPC for its consideration and recommendation to the Minister for Planning for a final decision.
 - b. the amended local planning policies and precinct plan maps will be updated following the Minister’s approval of the amendments.
29. If Council does not support the recommendations:
- a. the amendments will be forwarded to the WAPC for its consideration and recommendation to the Minister for Planning for a final decision.
 - b. The local planning policies and precinct plan maps will not be amended.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<p>Local Planning Strategy</p> <p>The Local Planning Strategy sets out the City’s strategic objectives for future land use and development within the city. The Strategy acknowledges the City will continue to collaborate with Royal Perth Hospital and State Government agencies on the future planning and development of the area.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Planning and Development Act 2005</p> <ul style="list-style-type: none"> • Section 75 provides legislative power to the Council to prepare changes to its local planning scheme. • Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising.

	<ul style="list-style-type: none"> • Section 84 sets out advertising requirements. • Section 87 outlines the Minister’s approval process for a local planning scheme amendment. <p>City of Perth Act 2016</p> <ul style="list-style-type: none"> • 8(1)(i) - to develop and maintain collaborative inter-governmental relationships at regional, State, national and international levels with a view to developing and implementing strategies for the continued improvement of the City of Perth. <p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <ul style="list-style-type: none"> • Regulations 41 and 44 outline the next steps for a complex amendment to a local planning scheme. <p>City Planning Scheme No. 2</p> <ul style="list-style-type: none"> • Clauses 3A of Schedule A (Supplemental Provisions) refers to amending Precinct Plans. • Clause 39 refers to Special Control Areas. <p>Local Planning Scheme No. 26 (Normalised Redevelopment Areas)</p> <ul style="list-style-type: none"> • Sets out the planning provisions for all normalised redevelopment areas within the City’s local government boundary (except Crawley-Nedlands).
<p>Authority of Council/CEO:</p>	<p>The <i>Planning and Development Act 2005</i> gives local governments powers in relation to Local Planning Schemes and Local Planning Policies. The above provisions of the <i>Planning and Development Act 2005</i> requires that a decision to amend be by Council resolution.</p>
<p>Policy:</p>	<p>Planning Policy Manual - Part 1</p> <p>2.1 Applications 4.4 Building Heights and Setbacks Policy 6.3 Goderich Design Policy 6.3 Goderich Design Policy 6.4 Terrace Road Design Policy</p> <p>Planning Policy Manual – Part 2</p> <p>2.3 Area 3 – Belvidere 2.4 Area 4 – Victory Terrace 2.5 Area 5 – Jewell Lane 2.14 Area 14 - Lord and Norbert Streets 2.15 Area 15 – Norbert and Clotilde Streets</p> <p>These local planning policies outline design requirements within areas that fall within the proposed SCA.</p>

Financial Implications

Account Number	1079-100-10-10568-7243	Operating
Account Description	Gazettal Costs for CPS2 and LPS26 Amendment	
Total Budget	\$12,500	
Budget – This report	\$400 (estimated cost of Government Gazette)	
Remaining Budget	\$12,100	
Budget Impact	\$400	

Further Information

Nil.

Council Resolution (OCM-23/08-005)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Rebecca Gordon

That Council:

1. SUPPORTS Amendment No. 47 to City Planning Scheme No. 2 with modification, as per Attachment 11.2A, pursuant to Regulations 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. SUPPORTS Amendment No. 5 to Local Planning Scheme No. 26 without modifications, as per Attachment 11.2B, pursuant to Regulations 41(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. RECEIVES the submissions (including late submissions) received during the formal consultation period for Amendment No. 47 to City Planning Scheme No. 2 and Amendment No. 5 to Local Planning Scheme No. 26.
4. ADOPTS the amended Local Planning Policies and Precinct Plan Maps as per Attachment 11.2C, in accordance with the Deemed Provisions Clause 4 and Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and subject to the gazettal of Amendment No. 47 and Amendment No. 5.

CARRIED UNOPPOSED (5/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Sandy Anghie, Clyde Bevan and Rebecca Gordon

Against: Nil

The General Manager Planning and Economic Development Dale Page disclosed an Impartiality Interest in Item 11.3 (detailed in Item 5).

Councillor Sandy Anghie disclosed an Impartiality Interest in Item 11.3 (detailed in Item 5).

Councillor Viktor Ko disclosed a Proximity Interest in Item 11.3 (detailed in Item 5) and did not return to the meeting prior to Item 11.3.

5:24pm Councillor Catherine Lezer returned to the meeting prior to Item 11.3.

5:24pm Councillor Rebecca Gordon disclosed an Indirect Financial Interest in Item 11.3 (detailed in Item 5) and departed the meeting accordingly.

11.3 Preparation of Amendment No.51 to City Planning Scheme No.2 to introduce an Additional Use 'Healthcare 2' to 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.3A – Scheme Amendment No.51 Report Attachment 11.3B – Proposed Modifications to Precinct Plan Policy - P13 Adelaide

Purpose

For Council to consider the preparation of Amendment No. 51 to City Planning Scheme No. 2 (CPS2) to allow 'Healthcare 2' as an additional land use group at 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth (the site).

Recommendation

That Council:

- RESOLVES to prepare Amendment No. 51 to City Planning Scheme No. 2 as detailed in Attachment 11.3A – Scheme Amendment Report pursuant to Section 75(b) of the *Planning and Development Act 2005*;
- RESOLVES that Amendment No. 51 to City Planning Scheme No. 2 is a Standard Amendment for the following reasons, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Western Australian Planning Commission.
- RESOLVES to amend Precinct Plan Policy No. 13 – Adelaide as detailed in Attachment 11.3B, in accordance with Schedule 2 - Deemed Provisions Clause 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

1. The City has received a request from PTS Planning on behalf of Grand Hotel Management Pty Ltd to prepare a scheme amendment to include 'Healthcare 2' land use category as an additional use on 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth (subject site).
2. To integrate the additional use into the existing planning framework, minor amendments to the Adelaide Precinct Plan 13 Policy is required, as detailed in Attachment 11.3B.
3. The site is bound by Plain Street to the east, residential apartments to the west, Adelaide Terrace to the north, and Terrace Road to the south. This scheme amendment only applies to the southern half of 99 (Lot 10), and all of 10 and 40 (Lots 11 and 12) Terrace Road.
4. The original planning approval for the site was for a hotel, retail, office, residential health club and squash courts. The original building remains and is known as the 'Hyatt Centre'.
5. In 2017, the site received planning approval for a mixed-use redevelopment. This approval comprised a supermarket, retail and restaurant tenancies, a community theatre, gallery, performance venues, child-care centre, health and wellness centre, and a medical centre.
6. The landowner now seeks to develop a specialist hospital and medical centre, replacing the existing squash courts and commercial floor area on level four on the southern half of the podium building. A copy of the Scheme Amendment Report is included in Attachment 11.3A, which includes further details of the proposal and site context.

Discussion

7. The site includes two scheme use areas under CPS2. The northern half of the site is located within the Office/Residential scheme use area and the southern half of the site is located within the Residential scheme use area.
8. The 'Healthcare 2' land use category means: *'Premises, other than those included in the Healthcare 1 use group category, used for general healthcare and associated facilities, including: hospital, medical centre, nursing home.'*
9. 'Healthcare 2' is classified as a Contemplated land use in the Office/Residential scheme use area and a Prohibited land use in the Residential scheme use area. Under the existing planning framework, there is no ability for the City to consider issuing planning approval for 'Healthcare 2' on the southern side of the site unless the proposal is for 'nursing homes', which can be considered subject to advertising.
10. Schedule 5 of CPS2 allows for additional land uses to be considered where the land use would otherwise be prohibited. Clause 19 (1)(c) specifies that an additional use that is listed in Schedule 5 in relation to a specific lot is taken as a contemplated land use for that lot, subject to any conditions set out in the Schedule).
11. Clause 19 (3) of CPS2 provides the criteria for when an amendment to Schedule 5 – Additional Uses can be considered. Amendment No. 51 satisfies the provisions of Clause 19 of CPS2 as outlined below:
 - a. **Orderly and proper planning:** The site is not a typical representation of the Residential scheme use area given the commercial development of the site. Schedule 1 of CPS2 provides the objectives for the Residential scheme use area and considers a limited range of complimentary non-residential land uses appropriate within the scheme use area, provided the residential amenity of the surrounding fabric is preserved.

'Healthcare 2' includes land uses that are often located within proximity to residential, and the development approval process provides an opportunity to consider the specific amenity impact of the proposal. It is therefore considered that 'Healthcare 2' located at the subject site is consistent with the objectives of CPS2.

The commercial land use precedent at the subject site is established, and the site has planning approval for a mixed-use redevelopment that previously included a medical centre. Having the ability to consider the expansion or relocation of this approved land use within the subject site is consistent with orderly and proper planning.

- b. **Conservation of local amenities:** There will be no loss of amenities for the area as the addition of 'Healthcare 2' will be offering greater options for services to be provided to the community.
 - c. **Precinct Plan:** The intent for the Adelaide Precinct is to develop the Precinct as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The proposal is consistent with the intent of the Precinct as the addition of 'Healthcare 2' land use category provides essential healthcare services that support an increased residential population and employment opportunities.
 - d. **Clause 67 of Deemed Provisions:** The 'Healthcare 2' use group is capable of being appropriately developed on the subject site. There is merit in allowing the 'Healthcare 2' use group to be considered through the development approval process. The development approval process will determine if a proposal is suitable for its setting in accordance with clause 67 of the Deemed Provisions.
 - e. **Undue adverse effect:** The proposed additional use would not have any undue adverse effect on occupiers of the development, properties within the locality or likely future development, as the site is already being utilised as a mixed-use commercial centre.
12. To ensure appropriate consideration for any future development for 'Healthcare 2', the following two modifications are proposed to the 'Residential Area' of the Precinct Plan Policy No.13 – Adelaide (refer to Attachment 11.3B):
- a. Insert the requirement for development applications for 'Healthcare 2' use groups to be advertised in accordance with clause 64 of the Deemed Provisions; and
 - b. Insert a new development standard requiring new mixed-use development to minimise conflict between non-residential and residential uses.
13. New Council Policy 3.5 (CP 3.5) provides a framework to assess the appropriateness of initiating scheme amendments ahead of the new Local Planning Scheme No.3 (LPS3). Amendment No. 51 satisfies the provisions of CP 3.5 and is suitable for progression ahead of LPS3 for the following key reasons:
- a. The addition of 'Healthcare 2' at the subject site was not directly anticipated by the Local Planning Strategy. Notwithstanding this, the proposal will assist in delivering the outcomes envisioned for the East Perth neighbourhood.

The addition of 'Healthcare 2' is consistent with the neighbourhood priority for East Perth, as the land use category will allow new medical services to be provided to support an increased residential population and broader community. The additional land use category increases land use diversity through the growth of the specialist medical sector which will further support business and employment.

Although the Local Planning Strategy seeks to maintain the residential nature of Terrace Road, the site has not been used for residential purposes historically and does not hold any current planning

approvals for residential development. The addition of 'Healthcare 2' will not compromise the integrity of the Residential scheme use area or reduce the existing or expected residential floorspace of the area, given the historical commercial use of the site and existing planning approval for a mixed-use commercial redevelopment of the site.

- b. The applicant intends to modify the layout of level 4 of the redevelopment by locating the 'Healthcare 2' land uses within the existing squash courts and areas designated for retail, restaurant, and office under the planning approval. Should the amendment be approved, the landowner intends to expedite the additional use by undertaking the finance and development of the works required for the change in land use. Therefore, a tangible outcome is likely to be delivered.
 - c. The proposal forms part of the redevelopment of the site and is considered unique and site specific. As the proposal is for the additional use to the site itself and not the greater Residential scheme use area, the proposal would not set an undesirable precedent for the Residential scheme use area ahead of the new scheme.
 - d. The amendment does not propose any significant changes to the existing development controls or result in any significant change to the development potential of the subject site.
14. The *Planning and Development (Local Planning Schemes) Regulations 2015* includes three categories for amending local planning schemes - basic, standard, and complex. Amendment No. 51 is classified as a Standard Amendment as:
- a. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Commission.

Consultation

15. Following Council's decision to prepare Amendment No. 51, the City is required to refer the scheme amendment to the Environmental Protection Authority (EPA) to determine whether formal assessment is required. The EPA has 30 days to make this determination.
16. Changes to the *Planning and Development Act 2005* came into effect on 1 August 2023 that require the City to obtain approval from the Minister for Planning to commence formal consultation. If approval is granted, the City is required to advertise the scheme amendment for public comment for a period of 42 days. The amendment will be advertised online via Engage Perth, via letters in the mail to adjoining landowners and a notice displayed in the Council House foyer and a local newspaper.
17. Following consultation, the consultation outcomes and recommendation on progression of the amendment will be put back to Council for a decision.

Decision Implications

18. The decision to prepare Amendment No. 51 rests with the Council. The final decision on the Amendments rests with the Minister for Planning.

19. Should Council choose not to prepare Amendment No. 51, there is no right of review of this decision through the State Administrative Tribunal. However, the applicant may approach the Minister for Planning who has the power to invoke Part 5, Division 2 Section 76 of the *Planning and Development Act 2005* and order the local government, within such time specified in the order, to prepare and submit for the approval of the Minister an amendment to the local planning scheme.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<p>Strategic Community Plan 2022-2032</p> <p>The proposed scheme amendment aligns with the ‘Liveable’ pillar of the Strategic Community Plan 2022-2032, as the addition of the ‘Healthcare 2’ land use category at the site allows for the provision of services that support a residential community.</p> <p>Local Planning Strategy 2023</p> <p>East Perth is situated on the doorstep of the Swan River. It is the eastern gateway to the Central Perth. East Perth is a vibrant neighbourhood with a bustling neighbourhood centre, community facilities and beautiful parks. East Perth offers diverse housing options and is well placed to accommodate a larger resident population. The proposed ‘Healthcare 2’ use group will support the increased residential population through offering new healthcare facilities in East Perth, which is consistent with the vision of the Local Planning Strategy.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p><i>Planning and Development Act 2005</i></p> <ul style="list-style-type: none"> • Section 75 provides legislative power to the Council to prepare changes to its local planning scheme. • Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising. • Section 84 sets out advertising requirements. <p><i>City of Perth Act 2016</i></p> <p>8(1)(d) - Ensuring Perth continuously improves the services and facilities that the City of Perth provides to the community and to local, interstate and international visitors and tourists.</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> • Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex. • Regulation 47 specifies requirements for advertising a Standard Amendment. • Regulation 76A specifies requirements for making documents available to public.

	<ul style="list-style-type: none"> • Schedule 2, Part 2, Cl 4(1) specifies the requirements for advertising local planning policy amendments. <p>City Planning Scheme No. 2 (CPS2)</p> <ul style="list-style-type: none"> • Clause 19 sets out the criteria for Additional Land Uses. • Schedule 1 refers to Scheme Use Areas. • Schedule 5 refers to Additional Land Uses. <p>Minor Town Planning Scheme No. 14 - Withernsea (MTPS14)</p> <p>The subject site is located within the MTPS14 area. MTPS14 allows a permissible plot ratio of 4.0:1.0 within the subject site to be shared across the lots. MTPS14 does not include any provisions that relate to land use. Therefore, Amendment No. 51 does not impact or require amendment to this scheme.</p>
<p>Authority of Council/CEO:</p>	<p>The <i>Planning and Development Act 2005</i> gives local governments powers in relation to Local Planning Schemes and Local Planning Policies.</p> <p>The above provisions of the <i>Planning and Development Act 2005</i> require a decision to amend by Council resolution.</p> <p>Section 81 of the <i>Planning and Development Act 2005</i> requires the referral to the Environmental Protection Agency to include the local government’s resolution.</p>
<p>Policy:</p>	<p>City of Perth City Planning Scheme No.2 Precinct Plan No. 13 (P13) – Adelaide Precinct</p> <p>The intent for the Adelaide Precinct is to develop the Precinct as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The proposal is consistent with the Statement of Intent as the addition of ‘Healthcare 2’ land use category provides essential healthcare services that support an increased residential population and employment opportunities.</p> <p>Terrace Road Design Policy</p> <p>The subject site is located within the Terrace Road Design Planning Policy Area which guides the built form outcomes of the area. Amendment No. 51 relates to land use and does not propose any built form modifications and therefore, the Terrace Road Design Policy is unaffected by the scheme amendment.</p> <p>Council Policy 3.5 (CP 3.5)</p> <p>CP 3.5 provides a framework to assess the appropriateness of initiating scheme amendments ahead of the new local planning scheme.</p>

Financial Implications

20. In accordance with the *Planning and Development (Local Planning Scheme) Regulation 2015* local government costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

Further Information

Nil.

Council Resolution (OCM-23/08-006)

Mover: Councillor Catherine Lezer

Seconded: Deputy Lord Mayor Liam Gobbert

That Council:

1. **RESOLVES** to prepare Amendment No. 51 to City Planning Scheme No. 2 as detailed in Attachment 11.3A – Scheme Amendment Report pursuant to Section 75(b) of the *Planning and Development Act 2005*;
2. **RESOLVES** that Amendment No. 51 to City Planning Scheme No. 2 is a Standard Amendment for the following reasons, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Western Australian Planning Commission.
3. **RESOLVES** to amend Precinct Plan Policy No. 13 – Adelaide as detailed in Attachment 11.3B, in accordance with Schedule 2 - Deemed Provisions Clause 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNOPPOSED (5/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Sandy Anghie, Clyde Bevan and Catherine Lezer

Against: Nil

5:26pm Councillor Rebecca Gordon and Councillor Viktor Ko returned to the meeting prior to Item 11.4. Councillor Sandy Anghie disclosed an Impartiality Interest in Item 11.4 (detailed in Item 5).

11.4 Sustainable City Report

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.4A – Sustainable Cities Assessment Attachment 11.4B – Quick wins grants Attachment 11.4C – Response to potential initiatives

Purpose

To present and seek Council approval for the recommendations of the Sustainable City Report.

Recommendation

That Council:

1. ACKNOWLEDGES that a planning approach for new developments and major refurbishments (Part One) will be delivered via the City's new Local Planning Scheme No. 3 (LPS3) that is currently under preparation and will be presented to Council in early 2024.
 2. APPROVES the recommendations proposed in this report to stimulate and accelerate incorporation of sustainability measures in existing buildings in the city (Part Two).
-

Background

1. On 28 June 2022 the Council requested preparation of a report outlining:
 - a. current barriers and disincentives to the incorporation of sustainability measures in both new developments and existing buildings in the city; and
 - b. recommendations on initiatives and incentives to stimulate and accelerate incorporation of sustainability measures in new developments and existing buildings in the city, which could be implemented by the city and others in the 2023/24 financial year.
2. Council also requested the City to engage with relevant industry bodies, State and Federal Government agencies and representatives from the design and construction industry to seek their views and feedback on 1a. and 1b. above, to inform the City's recommendations.
3. The project was included in the 2022/23 Corporate Business Plan with a deliverable to present a draft report to Elected Members for consideration. A draft report was presented at an Elected Member Engagement Session on 13 June 2023.
4. Council's request has been considered and responded to in two components:
 - a. **Part One** – planning approach for new development and major refurbishments.
 - b. **Part Two** – non-planning approach for existing buildings.

Part One

5. In accordance with the Local Planning Strategy, the City is currently investigating mandatory minimum development requirements as well as development incentives (bonus plot ratio) for environmentally sensitive design (ESD) in new developments and major refurbishments.
6. Information on the City's proposed approach to these development requirements was presented to Elected Members via a Briefing Note in April 2023 and at an Elected Member Engagement Session in May 2023.
7. These new development requirements and incentives will be delivered via the new Local Planning Scheme No. 3 (LPS3) that is currently under preparation and will be presented to Council in early 2024.

Part Two

8. In April 2022 the City adopted its *Sustainable Strategy 2022-2032*. The strategy identifies that the City has a leadership role to incorporate sustainability measures in areas under its direct control, and will also support the broader community to achieve net zero emissions, including improving the environmental performance of existing buildings.
9. The City engaged specialist consultant, Cundall, to undertake a Sustainable Cities Assessment (research) to identify potential initiatives and incentives the City could implement to accelerate the incorporation of sustainability measures into existing buildings, with a focus on reducing carbon emissions.
10. The research comprised a review of State and Federal mechanisms, capital city comparisons and draws upon the consultant's experience including working with portfolio owners, stakeholder organisations and local governments. The research identified potential barriers and disincentives, to inform appropriate and targeted interventions.

11. Cundall's Sustainable Cities Assessment (*Attachment 11.4A*) provides background discussion and outlines numerous sustainability initiatives ("long list") that could be drawn upon in the coming financial years. It should be noted **this is not a 'plan' with actions the City is to implement - it is a research paper with potential initiatives the City could consider and draw upon in the coming financial years.**
12. Cundall has also provided a document containing potential Quick Wins (*Attachment 11.4B*). This document contains a suggested list of potential grants the City could consider in the future.
13. *Attachment 11.4C* provides the City's response to Cundall's long list of suggestions. This response has informed the recommended initiatives (below) that the City could implement in the 2023/24 financial year.
14. At the Elected Member Engagement Session on 13 June 2023, an item was presented on the recommended initiatives and incentives to incorporate sustainability measures in existing buildings.

Discussion

15. Noting the City is limited in its ability to regulate existing buildings, the City has the ability and role to participate in the following areas:
 - a. **Educate** - Develop a community of practice to enhance knowledge, skills, and expertise amongst individuals and organisations to encourage behaviour and market change.
 - b. **Incentivise** - Provide financial incentives to encourage the uptake of sustainability measures that cater to the needs of the City's residents, businesses, building owners, facility managers and tenants.
 - c. **Deliver** - Lead by example in demonstrating the importance and benefits of incorporating sustainability measures in City owned existing buildings and facilitate sustainability initiatives at a macro scale that may not be deliverable from the private sector.
 - d. **Advocate** - to State and Federal Governments for initiatives to support the cause.
16. Part Two recommendations are, therefore, as follows:

Educate

- a. Events and workshops – sponsor NetZero workshops to support building owners and facility managers on how to transition their assets. This will include arranging venue hire, refreshments, and engaging guest presenters to deliver workshops.

This recommendation aligns with Initiative 1.2 in the City's Sustainability Strategy and is included in the associated Sustainability Implementation Plan. An amount of \$50,000 has been set aside for this initiative and the initiative at point 16f as part of the \$300,000 approved by Council for Sustainability Strategy Implementation Plan Initiatives.

- b. Sustainability hub on City of Perth website – continue to develop content for the City's website and social media platforms including resources, learnings from demonstration projects and information on available grants, internal and external.

This recommendation aligns with Initiatives 1.2, 1.7 and 3.5 in the City's Sustainability Strategy; and is included in the associated Sustainability Implementation Plan. An amount of \$20,000 for this action has been set aside as part of the \$300,000 approved by Council for Sustainability Strategy Implementation Plan Initiatives.

Incentivise and Deliver

- c. Sustainable Buildings Grants: Residential (**existing**) – continue the current grant program for residential apartment buildings to provide support for strata management to conduct environmental ratings, certifications, audits, assessments, and NetZero action plans.

This recommendation aligns with Initiatives 1.2 and 4.3 in the City’s Sustainability Strategy and is included in the associated Sustainability Implementation Plan. An amount of \$100,000 for this initiative is included in the approved 2023/24 Grants and Sponsorships budget.

- d. Sustainable Buildings Upgrade Grants: Residential (**proposed**) – develop a grant program to support residential apartments to incorporate sustainability upgrades, with a focus on common areas. Attachment 11.4C – Quick Wins Grants (residential strata management only) provides examples of initiatives the City could consider, with several initiatives eligible within the one application.

This recommendation aligns with Initiatives 1.2 and 4.3 in the City’s Sustainability Strategy and is included in the associated Sustainability Implementation Plan. An amount of \$100,000 has been set aside as part of the \$300,000 approved by Council for Sustainability Strategy Implementation Plan Initiatives.

- e. Sustainability Rebates – **investigate** the potential for a rebate or reimbursement program to support individual residents, businesses and not-for-profit organisations to incorporate sustainability upgrades, with a focus on private areas. *Attachment 11.4B - Quick Wins Grants* provides an example of initiatives the City could consider.

A rebate, or reimbursements, of funds already spent by the applicant is not currently supported under Council’s Sponsorship and Grants Policy (Policy 4.3). It has also not yet been determined whether the City’s systems can support small rebates or reimbursements in a cost-effective manner.

Therefore, this recommendation relates only to further investigating one of Cundall’s suggestions that the City considers to have some merit. The outcomes of this investigation will be reported to Elected Members via a Current Issues Briefing Note. If it is determined there is merit in implementing a rate / reimbursement program following the City’s investigations, the action to do so would be included in the Sustainability Implementation Plan and funding to implement the initiative would need to be considered by Council as part of annual budget considerations.

This recommendation aligns with Initiatives 1.2 and 4.3 in the City’s Sustainability Strategy and will not require any budget allocation as the investigations will be done by City staff.

- f. Leadership demonstration projects – lead by example on City owned properties. This could include a NetZero roadmap for Council House and feasibility advice on the potential future adoption of Green Star Performance and WELL ratings.

This recommendation aligns with Initiatives 1.1, 3.1 and 4.1 in the City’s Sustainability Strategy; and is included in the associated Sustainability Implementation Plan. An amount of \$50,000 has been set aside for this initiative and the initiative at point 16a as part of the \$300,000 approved by Council for Sustainability Strategy Implementation Plan Initiatives.

- g. Electricity capacity review – investigate issues in the grid network (utility and building capacity) that may prevent the uptake of electrification, particularly in regard to electrification of buildings (i.e., removal of gas) and EV chargers within existing buildings.

This recommendation aligns with Initiative 1.2, 1.3 and 4.3 in the City’s Sustainability Strategy and is included in the associated Sustainability Implementation Plan. An amount of \$40,000 has been

set aside as part of the \$300,000 approved by Council for Sustainability Strategy Implementation Plan Initiatives.

Advocate

- h. Building upgrade finance (BUF) – continue to advocate to the state government to provide the legislative amendments to the Local Government Act 1995 to enable BUF to be available to local governments.

Previous Council support for BUF was provided at the Ordinary Council Meeting on 26 March 2019. This advocacy position could be actioned via written communications directly to the relevant Minister, and as an item for discussion at a future City of Perth Committee meeting.

- i. Residential efficiency scorecard – advocate to the state government to mandate the disclosure of residential ratings at point of sale or lease and establish minimum requirements for rental properties.

This advocacy position could be actioned via written communications directly to the relevant Minister, and as an item for discussion at a future City of Perth Committee meeting.

Consultation

- 17. Specialist consultants (Cundall) were engaged to draw upon their industry experience including working with portfolio owners, stakeholder organisations and local governments.
- 18. In addition, interviews were undertaken with peer organisations including City of Melbourne and City of Sydney.

Decision Implications

- 19. If the Council approves the recommendations, the City will progress with implementation.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	<p>Sustainability Strategy 2022-2032</p> <p>Initiative 1.1 – Work towards net zero emissions as an organisation through a planned approach to emissions avoidance, reduction and off-setting</p> <p>Initiative 1.2 – Support the community to achieve net zero emissions</p> <p>Initiative – 4.3 Identify opportunities to upgrade existing buildings to improve their environmental performance</p> <p>Corporate Business Plan 2022/2023</p> <p>Sustainable City Report – Draft report presented to Elected Members for consideration</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995</i>
Authority of Council/CEO:	In accordance with Section 2.7(2) of the Local Government Act 1995, Council is responsible for overseeing the allocation of the City's finances and resources, and determination of Council policies.
Policy:	Nil.

Financial Implications

Part Two

20. The Council has already approved \$100,000 in the 2023/24 Grants and Sponsorships budget for the continuation of the current Sustainable Buildings grant program (point 16c above).
21. The Council has already approved \$300,000 in the 2023/24 budget for Sustainability Implementation Initiatives. This budget will be apportioned as follows:

Initiative / Action	Budget
Net Zero Workshops (point 16a above)	\$50,000
Net Zero Roadmap for Council House (point 16f above)	
Sustainability Hub on the City's website (point 16b above)	\$20,000
Sustainable Buildings Upgrade Grants (point 16d above)	\$100,000
Electricity Capacity Review (point 16g above)	\$40,000
Other initiatives not related to this report:	\$90,000
<ul style="list-style-type: none"> • Community battery study (\$50,000) – assess the viability of community batteries in the city. • Micro wind energy study (\$40,000) – assess the viability of using micro wind turbines to generate renewable energy in the city. 	
TOTAL	
	\$300,000

22. No additional budget is being sought to action the proposed initiatives in this report.

Further Information

23. Questions forming part of the Agenda Briefing Session on 22 August 2023 are as follows:

	Question	Response
1.	Throughout this report, there is no mention of metering, especially in regard to split incentives. As an example: residential strata buildings often have one water meter no matter how many apartments there are, resulting in all water usage (all apartments as well as common property usage) being on the one bill. This bill is paid by levies, not by occupant, hence the split incentive. Is it envisaged Educate and Incentivise initiatives metering will be included?	The issue of split metering, to better incentivise reduced energy/water use will be contemplated in future sustainability grants and educational programs.
2.	Throughout this report, there is no mention of mixed use residential and commercial buildings. The vast majority of apartment buildings in the City of Perth have offices on the lower floors. It is rare to find a 100% residential building. Is it envisaged Educate and Incentivise initiatives will include mixed use buildings?	Yes, it is the intention to support mixed use development.
3.	In regard to EV charging, a large disincentive for residential buildings is the cost to upgrade the base building electrical infrastructure, separate to an individual owner installation of EV charger. This can be costly, and often is the biggest barrier to EV charging. Is it envisaged Educate and Incentivise initiatives will be targeting the base building electrical infrastructure upgrades?	<p>The current grants (at point 16c on page 552 of the agenda) allow for an evaluation of base building electrical capacity.</p> <p>The City is also currently undertaking work to understand the Western Power electrical supply network to ensure the energy supply to buildings is sufficient to meet needs.</p> <p>By doing this first, building owners/managers can be confident the cost of electrical upgrades is confined to building specific upgrades and any education and incentives provided by the City would not come with unforeseen additional network expenses.</p>
4.	The report briefly mentions VSD's. There are several types of energy hungry motors in strata buildings that would benefit from being replaced with VSD's. For example, car park exhaust fans and laundry/bathroom ventilation systems. Is it envisaged in Educate and Incentivise initiatives these types of motors will be included?	The current grants (at point 16c on page 552 of the agenda) encourage NABERs ratings and Level 2 Energy Audits, therefore identifying high energy applications.

	Question	Response
		<p>The City will have access to these reports, which will be used to inform future education programs.</p> <p>It is envisaged that the grants proposed at point 16d on page 552 of the agenda could include the types of motors mentioned.</p>
5.	<p>Can I please have a copy of the City's "Sustainability Implementation Plan" referred to in the paper? I have searched the City's website, the hub and my emails and cannot find it.</p>	<p>The draft Sustainability Implementation Plan was presented to EMES on 2 May 2023. At this session, it was agreed that because the plan is an internal document that will be subject to regular change and updating, the plan would not be submitted to Council for endorsement.</p> <p>As the document is not an external-facing document, it should not be circulated or distributed externally.</p> <p>The plan that was presented to Elected Members at EMES on 2 May remains unchanged at this stage.</p>
6.	<p>The paper states that "\$300,000 approved by Council for Sustainability Strategy Implementation Plan Initiatives".</p> <p>I note however, that statements in relation to the City's budget refer to \$30 million on sustainability. Specifically, statements in media reports that "We're also committing more than \$30 million for sustainable initiatives, preserving our trees and parks, and improving the way we use energy and water, as well as deal with our waste." Can you please provide a breakdown / details of the \$30 million investment in sustainability initiatives? This should be readily available.</p>	<p>The initiatives that make up the \$300,000 were specific initiatives linked to the Sustainability Implementation Plan.</p> <p>Much of what the City delivers – either project or program related or business-as-usual – has a link to sustainability.</p> <p>The more than \$30M for sustainable initiatives - preserving our trees and parks, and improving the way we use energy and water, as well as deal with our waste includes:</p> <p>\$13.4M on the management of parks, gardens, street trees and natural areas.</p> <p>\$2.2M on urban greening and park upgrades</p> <p>\$17.7M on waste management and cleaning.</p>

	Question	Response
7.	<p>Did the City consider "recommendations on initiatives and incentives to stimulate and accelerate incorporation of sustainability measures in new developments ... in the city, which could be implemented by the city and others in the 2023/24 financial year" - beyond a planning approach and amendments to the LPS?</p>	<p>Yes.</p> <p>The City identified the need for wider education in the field of sustainability, particularly regarding electrification. The City is currently investigating establishing masterclasses to help industry understand the benefits.</p> <p>The City also identified the opportunity to incorporate the delivery of sustainability outcomes into residential rate reimbursement incentives. The City Living/ Accelerating Residential Development report was approved by the Council on 30 May 2023 and included a requirement that whole building owners (i.e. Build-to-Rent, Co-Living and Student Housing) seeking the 3-year residential rate reimbursement need to demonstrate achievement of 5-star Green Star building rating in year 1 and a 5-star NABERS rating in years 2 and 3.</p>
8.	<p>Did the City consider "Strengthening valuable partnerships including re-joining City Switch", as recommended by Cundall?</p>	<p>The City continues to monitor the evolution of City Switch to understand recent changes to the program and how effective these may be. It is not proposed to rejoin this financial year.</p>

Council Resolution (OCM-23/08-007)

Mover: Councillor Catherine Lezer

Seconded: Councillor Sandy Anghie

That Council:

1. ACKNOWLEDGES that a planning approach for new developments and major refurbishments (Part One) will be delivered via the City's new Local Planning Scheme No. 3 (LPS3) that is currently under preparation and will be presented to Council in early 2024.
2. APPROVES the recommendations proposed in this report to stimulate and accelerate incorporation of sustainability measures in existing buildings in the city (Part Two).

CARRIED UNOPPOSED (7/0)

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

Against: Nil

11.5 Forgotten Spaces: Revitalising Perth's Laneways (Episode 2)

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.5A – Forgotten Spaces: Revitalising Perth's Laneways - Episode 2 Attachment 11.5B – Background and Analysis document

Purpose

To seek Council's approval of *Forgotten Spaces: Revitalising Perth's Laneways – Episode 2 - 2023-2033*.

Recommendation

That Council APPROVES *Forgotten Spaces: Revitalising Perth's Laneways – Episode 2 - 2023-2033*, as provided in Attachment 11.5A*.

**Noting that a draft version of *Forgotten Spaces: Revitalising Perth's Laneways – Episode 2 – 2023 - 2033* is attached to this report which will be formatted (including structurally) and graphically designed following acceptance before it is made available. Minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.*

Background

1. The *Forgotten Spaces: Revitalising Perth's Laneways* strategy was adopted by Council in 2008. The strategy prioritised City-owned laneways for revitalisation with new lighting, public art, and surface treatments.
2. Wolf, Howard, Grand, Prince, McLean Lanes and Lion Walk have since been upgraded.
3. On 6 July 2021, Council requested the Chief Executive Officer to investigate development of the next stage of the Forgotten Spaces project.
4. A potential scope and timeline for this project was presented to an Elected Member Engagement Session (EMES) on 5 October 2021. At this session a request was made to seek legal advice on the City's ability to undertake enhancement of privately owned laneways.
5. This legal advice was summarised and presented at an EMES on 7 June 2022. It was agreed that City owned laneways offered the greatest opportunity for enhancement and that work on prioritisation should commence.
6. Budget was allocated in 2022/23 to start the investigation on updating the previous Forgotten Spaces document including the prioritisation of laneways for future upgrades, and the project was included as a deliverable in the 2022/23 Corporate Business Plan.
7. Work completed by a consultant on an analysis of all laneways in Central Perth and Northbridge, including recommendations for future enhancement, was presented at an EMES on 14 March 2023.
8. The draft *Forgotten Spaces: Revitalising Perth's Laneways – Episode 2 - 2023-2033* (Episode 2) was presented to an EMES on 6 June 2023. At this meeting it was agreed that the draft be released for community feedback to inform the development of the final strategy and that this document would be presented to Council for approval.

Discussion

9. Episode 2 provides high level strategic direction to guide the City's laneways for the next 10 years.
10. The revised document (at Attachment 11.5A) has been informed by:
 - a. Forgotten Spaces: Revitalising Perth's Laneways – Episode 1
 - b. Laneways Central Perth and Northbridge Study - 2022
 - c. A review of plans from other Australian local governments and capital cities and international examples.
11. Episode 2 includes an analysis document that has informed the review as well as some key benchmarks from across the world to demonstrate what opportunities are possible. This analysis document is at Attachment 11.5B.
12. To ensure investment is targeted, the review found that most laneways in Central Perth and Northbridge should remain focussed on providing a space for service (e.g., rubbish bin storage and collection); and access - assisting with connection through the city and ensuring safe circulation for everyone. The importance of laneways is highlighted by the recommendation to protect their existing form and primary function.

13. However, the identified Class A laneways have the greatest opportunity to transform into activated spaces and investment in the public realm would help support this transformation. These laneways could also:
 - a. Be part of a city-wide art trail.
 - b. Host annual temporary art installation programs.
 - c. Support existing festivals and provide gathering places for small-scale events.
14. Episode 2 recommends initiatives that will support the continued revitalisation of key laneways in Central Perth and Northbridge including:
 - a. Enhancing safety in privately owned laneways by encouraging the installation of lighting
 - b. Continuing to upgrade (or refresh) the public realm in City owned laneways
 - c. Ensuring new developments in laneways positively contribute to the space
 - d. Supporting small-scale events and business through grants and sponsorship
 - e. Commissioning additional public art in laneways as part of a wider art trail
 - f. Protecting the existing physical form and function of laneways
 - g. Developing a Public Art Framework to guide our future public art programs including temporary works
 - h. Enhancing wayfinding by giving laneways official names
 - i. Using laneways to showcase the 'City of Light'
 - j. Sign posting laneways as slow speed shared spaces that everyone can enjoy
 - k. Investigating the feasibility of permit walls to allow local artist to express themselves for free.
15. The following three City owned laneways are recommended for prioritisation for future upgrades or refreshes:
 - a. Wolf Lane, Central Perth - refresh
 - b. Grand Lane, Central Perth – refresh
 - c. Mountain Terrace, Northbridge – major upgrade
16. Other future works proposed include:
 - a. Investigating a solution for bin storage in Prince Lane
 - b. Mural and public art programs for additional works in Prince, Howard, and McLean Lane
17. Over time these laneways can help to attract greater occupation by the wider community and can also include additional activation by the private sector.

Consultation

18. In June 2023, the City hosted an online survey on Engage Perth to seek feedback on Episode 2. A total of 108 survey responses was received.
19. There was a 100% support for the City's overall commitment to the revitalisation of laneways in Central Perth and Northbridge, as set out in the draft document.

20. 78.8% of respondents agreed that the recommendations set out in the draft document should be treated equally.
21. 21.3% of respondents preferred to rank the recommendations in order of preference with lighting, public realm upgrades and the contribution of new developments being the most important.
22. The following key themes also emerged from feedback received through the consultation:
 - a. Perception that there was a lack of commitment to ongoing maintenance in City owned laneways
 - b. Lack of ongoing investment including mural art programs
 - c. Respondents would like to see more opportunities for outdoor dining in laneways which balance the needs of servicing
 - d. The need to address lighting and overall perceptions of safety.
23. The results of the consultation have informed minor changes to the final document to reinforce some of this feedback.

Decision Implications

24. If Council supports the recommendation, then delivery of key projects identified in Episode 2 will commence.
25. If Council does not support the recommendation, this may delay the delivery of the projects like the proposed Wolf Lane refresh.
26. Upon approval, Episode 2 will supersede the previous Episode 1 document.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Local Planning Strategy Economic Development Strategy Forgotten Spaces: Revitalising Perth's Laneways – Episode 1 Public Lighting Framework – 2019 - 2029 Urban Greening Strategy

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

Financial Implications

27. A budget of \$500,000 has been allocated in 2023-24 for a refresh of Wolf Lane.

Further Information

28. Questions and Responses in relation to this item are as follows:

	Question	Response
1.	Did the City consider whether it should sell any laneways in the context of this report?	No. The aim of Episode 2 was to look at revitalising laneways. The strategy recommends protecting laneways within Northbridge and the city.

Council Resolution (OCM-23/08-008)

Mover: Councillor Sandy Anghie

Seconded: Councillor Catherine Lezer

That Council APPROVES *Forgotten Spaces: Revitalising Perth's Laneways – Episode 2 - 2023-2033*, as provided in Attachment 11.5A*.

**Noting that a draft version of *Forgotten Spaces: Revitalising Perth's Laneways – Episode 2 – 2023 - 2033* is attached to this report which will be formatted (including structurally) and graphically designed following acceptance before it is made available. Minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.*

CARRIED UNOPPOSED (7/0)

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

Against: Nil

11.6 Urban Greening Strategy - 2023-2036

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.6A – Urban Greening Strategy Attachment 11.6B – Urban Greening Strategy - Tracked changes

Purpose

To seek Council approval for the Urban Greening Strategy.

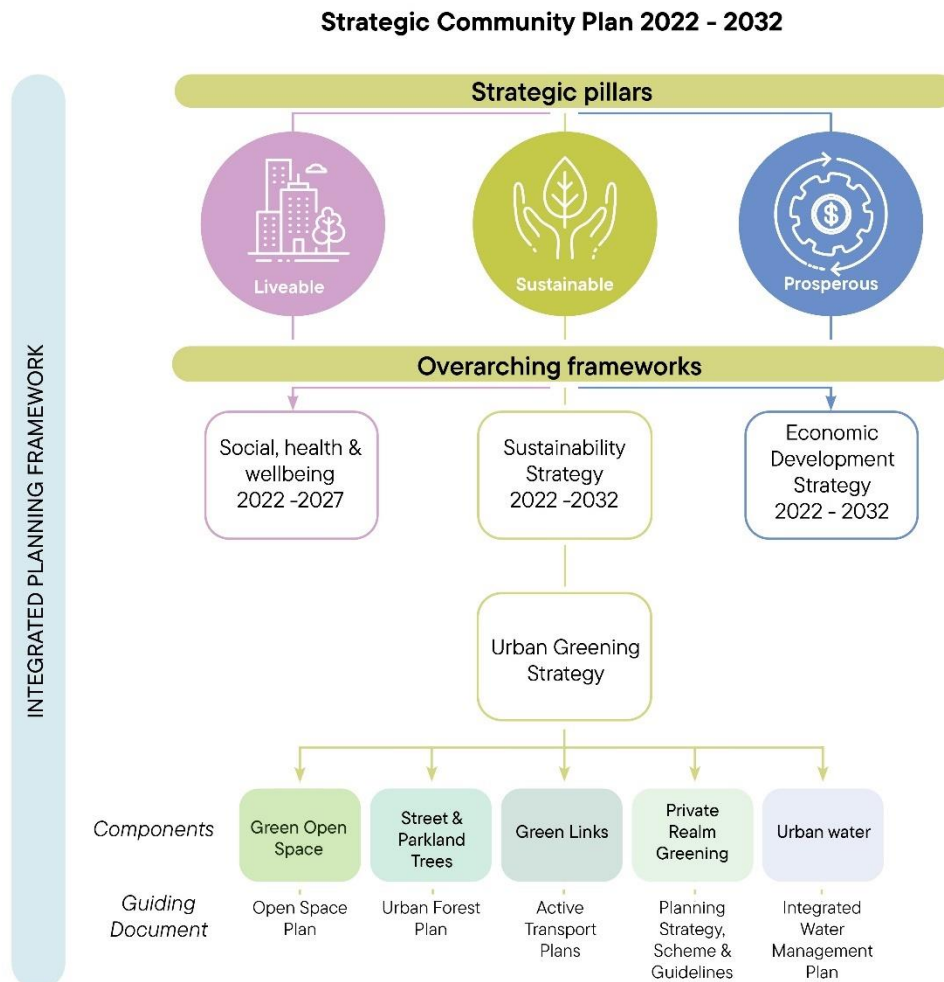
Recommendation

That Council APPROVES the *Urban Greening Strategy 2023-2036*, as provided in Attachment 11.6A*.

**Noting that a draft version of Urban Greening Strategy is attached to this report which will be formatted (including structurally) and graphically designed following acceptance before it is made available. Minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.*

Background

1. Urban greening (green infrastructure) is a fundamental part of the city because of the widely recognised range of social, environmental, and economic benefits it provides.
2. There is a growing acknowledgement of the need to protect and expand green infrastructure within the urban environment by integrating urban greening into the City's strategies, policies, and development outcomes.
3. An approach to development of an integrated suite of urban greening documents was presented to an Elected Member Engagement Session on 4 October 2022. This suite of documents is shown below and includes:
 - a. the Urban Greening Strategy - an overarching document which captures the City's role, aspirations, and commitment to a wide range of greening initiatives; and
 - b. these greening initiatives being guided via corresponding guiding documents (supporting plans), as follows:



4. A draft of the Urban Greening Strategy was presented at an Elected Member Engagement Session on 2 May 2023.

5. On 30 May 2023, the Council endorsed a draft of the Urban Greening Strategy for the purposes of community consultation.
6. Consultation closed on 30 June 2023, with a total of 81 submissions received. Feedback has informed the final Urban Greening Strategy (Attachment 11.6A), which is now being presented to Council for approval.

Discussion

7. The Urban Greening Strategy (UGS) sets out the City's high-level aspirations for urban greening at a range of spatial scales, with a focus on maximising its contribution to Perth's ongoing development as a highly liveable, prosperous and sustainable city.
8. The UGS has been structured around six key moves with a range of supporting initiatives:
 - a. Creating a greener street network - integrated pedestrian links and biodiversity corridors
 - b. Greening buildings - green roofs, living walls and gardens
 - c. Enhancing our green open spaces - parks and gardens
 - d. Making the blue-green connection - sustainable water management for greening
 - e. Setting targets - to monitor and measure progress
 - f. Greening together - community participation.

Consultation

9. In June 2023 the City hosted an online survey on Engage Perth to seek feedback on the draft Urban Greening Strategy.
10. The survey closed on 30 June with a total of 81 responses received - 80 completed survey forms and one written submission.
11. The City's commitment to Urban Greening received 96% support.
12. Two thirds of the survey respondents agreed that the range of urban greening benefits (7) set out in the draft strategy were equally important. The remaining third ranked climate change adaptation, enhancing biodiversity and mental wellbeing as the top three benefits.
13. Some additional social, environmental, and economic community benefits of urban greening were suggested by the community, and these have been included under the *Why is urban greening important* section of the UGS.
14. Survey respondents ranked the strategy's key moves in the following order of importance. This ranking will assist in setting priorities for the implementation of the UGS.
 - a. Creating a greener street network
 - b. Enhancing our green open space
 - c. Making the blue-green connection
 - d. Greening buildings
 - e. Setting targets
 - f. Greening together.

15. The key themes emerging from community engagement are summarised in the table below, along with a description of how these have been addressed in the final Urban Greening Strategy. The version of the draft strategy that was advertised, including tracked changes for ease of reference, is at Attachment 11.6B.

Draft strategy - Feedback	Final UGS – Proposed changes
<p>A number of submissions raised specific issues relating to:</p> <ul style="list-style-type: none"> • canopy cover targets and new street tree planting, maintenance and protection • suggestions for the design and maintenance of the City's green open spaces • suggestions for the creation of car free streets and spaces and the provision of bike lanes. <p>This points to lack of awareness of guiding documents and how they support implementation of the UGS.</p>	<p>The issues raised are addressed in the suite of existing supporting documents/plans for key components of the City's green infrastructure including the Urban Forest Plan (in place since 2016), the recently completed Open Space Plan, and active transport plans (currently in development).</p> <p>The UGS has been amended to provide additional information on the scope of the UGS and to clarify the role of the guiding documents in supporting its implementation.</p>
<p>Greater commitment needed to community involvement in urban greening. Suggestions included:</p> <ul style="list-style-type: none"> • collaborating with a wider range of stakeholders on urban greening initiatives • incorporating indigenous knowledge • more events and educational opportunities to raise community awareness of the importance of urban greening • promoting community gardens and encouraging greening for food production. 	<p>The strategy's <i>Urban Greening Commitment</i> has been amended to include reference to the City's community greening initiatives.</p> <p><i>The City's Role</i> has been amended to include its promotion of community driven design and engagement processes for major urban greening initiatives.</p> <p>The <i>Greening together</i> key move has been amended to reference a greater range of stakeholders and provide more information on the City's existing program of community greening initiatives.</p> <p>Some new initiatives have been added including:</p> <ul style="list-style-type: none"> • Update to the micro greening guide to include new sections on caring for native planting and growing edible plants. • Investigate the potential for an annual micro greening competition with prizes awarded in the categories of best balcony planting,

	<p>landscaped courtyard and shopfront/window displays.</p>
<p>Greater commitment needed to implementation of the strategy's initiatives and reporting progress to the community.</p>	<p>Two new sections have been added to the final strategy:</p> <ul style="list-style-type: none"> • <i>What have we achieved?</i> - summary of recent urban greening initiatives undertaken by the City to raise awareness of the range of work already undertaken to increase urban greening. • <i>Implementing the Strategy</i> - information on how the City intends to implement the initiatives in the Urban Greening Strategy and proposed mechanisms to keep the community informed of progress. <p>The Strategy's <i>Urban Greening Commitment</i> has been amended to include communicating key project milestones to the community.</p>
<p>Stronger focus needed on the importance of urban greening in supporting biodiversity.</p> <p>Suggestions included nominating biodiversity a key move, placing a greater emphasis on native planting, along with a range of improvements to the proposed biodiversity corridors set out in the draft strategy.</p>	<p>Improved biodiversity is an important benefit and key outcome of high-quality urban greening across a range of spatial scales (streets, spaces, and buildings). As such, the issue of biodiversity is threaded through all sections of the UGS rather than being a stand-alone move and this approach has been clarified in the final document.</p> <p>The <i>Urban Greening Commitment and Key Moves</i> sections of the UGS have been amended to provide a greater emphasis on the importance of urban greening, and the role of native planting in supporting biodiversity in appropriate locations.</p> <p>The importance of native vegetation in supporting biodiversity has been included in the 'Expand' <i>Urban Greening Principle</i>.</p> <p>Initiative 9.1.4 (5-Year Street Greening Plan) has been amended to include a review of the proposed biodiversity corridors set out in the UGS, to take account of more recent research and State Government initiatives.</p>

<p>Greater commitment to improve greening in the private realm. Comments focused on:</p> <ul style="list-style-type: none"> • protecting existing trees • mechanisms to promote increased levels of vegetation (particularly in ground planting, new trees, and green roofs) through planning policy, building regulations, mandatory design principles and guidance • introducing incentives for urban greening including grants and rates rebates. 	<p>The UGS includes high-level initiatives to promote improved urban greening in the private realm.</p> <p>Specific policy approaches for improved urban greening in the private realm will be developed and presented to Council as part of the current review of the City’s planning scheme and associated planning policies.</p> <p>The scheme and policies form part of the suite of guiding documents for the UGS. Where relevant they will inform future reviews of the UGS.</p>
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Decision Implications

16. If Council supports the recommendation, then delivery of the urban greening initiatives identified in the Urban Greening Strategy will commence.
17. If Council does not support the recommendation this may delay the delivery of projects set out in the UGS.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan Sustainability Strategy Local Planning Strategy Urban Forest Plan Open Space Plan Integrated Water Plan

Legislation, Delegation of Authority and Policy	
Legislation:	Nil
Authority of Council/CEO:	Council has authority to adopt the Strategy
Policy:	Nil.

Financial Implications

18. Initiatives set out in the Urban Greening Strategy will generally be delivered as part of ongoing City work programs (business-as-usual).

Further Information

Nil.

Council Resolution (OCM-23/08-009)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council APPROVES the *Urban Greening Strategy 2023-2036*, as provided in Attachment 11.6A*.

**Noting that a draft version of Urban Greening Strategy is attached to this report which will be formatted (including structurally) and graphically designed following acceptance before it is made available. Minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections.*

CARRIED EN BLOC (7/0)

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

Against : Nil

11.7 Wellington Street Clearway

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

Purpose

To Seek Council approval for a clearway proposal on Wellington Street.

Recommendation

That Council APPROVES the AM peak clearway proposed for Wellington Street between Hill Street and Bennett Street, to be operational from November 2023.

Background

1. 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. The key purpose of the 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.
2. At the Ordinary Council Meeting on 31 May 2022, Council considered three options for implementation of clearways on Wellington Street:
 - a. **Option 1** - Conversion of the entire section of Wellington Street, between Hill Street and Plain Street, to clearways in both directions in peak traffic periods.
 - b. **Option 2** - Tailoring the clearways to critical sections, peak time periods, directional traffic demands, and specific conditions along Wellington Street, including:
 - i. Westbound AM peak clearway, between Hill Street and Bennett Street
 - ii. Eastbound PM peak clearway, between Hill Street and Bennett Street.
 - c. **Option 3** - Westbound AM peak clearway only, between Hill Street and Bennett Street.
3. Council approved commencing public consultation on a preferred clearway proposal (Option 3); and noted that following public consultation, a further report would be prepared seeking Council's authorisation of the clearways in accordance with the City's Parking Local Law 2017.
4. The proposal to introduce a clearway on Wellington Street in the westbound direction between Hill Street and Bennett Street is designed to manage the parking and stopping of vehicles in the existing on-street bays during the AM peak period only.

Discussion

5. Wellington Street has been identified by the Public Transport Authority as the preferred route for the rail replacement buses during the Armadale Line shutdown from late November 2023.
6. The establishment of the clearway is intended to provide additional network capacity during the morning peak period and improve travel time along Wellington Street into the city.
7. A total of 19 bays on the southern side of Wellington Street will be affected by this proposed AM peak clearway.
8. Installing a clearway along this short section of Wellington Street between 7:30 and 9:00am will limit the kerbside parking impacts and inconvenience to the community to the AM peak only.

Consultation

9. 150 community engagement letters were delivered to property and business owners on Wellington Street, between Hill and Bennett Streets, on 5 July 2023, followed by a distribution of 46 emails to the registered residents within the catchment area.
10. The Wellington Street clearway was also advertised on Engage Perth on 5 July 2023.
11. Three comments were received on the Engage Perth platform. The main concerns were the potential impact on parking and the lack of congestion to warrant the clearway.

12. Given that the existing parking on the northern side of Wellington Street will remain unaffected, the clearway should have minimal impact on residents or visitors to Wellington Square.
13. Following the completion of the Armadale Line works the clearway will be reviewed to see if it is still required.

Decision Implications

14. If Council supports the recommendation, the clearway restriction will be operational from November 2023.
15. If Council does not support the recommendation, the project will not be delivered in November 2023 and may impact rail replacement bus services proposed for the Armadale Line shutdown.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	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 Law 2017</i> <i>Thoroughfares and Public Places Local Law 2017</i>
Authority of Council/CEO:	Both clause 2.1 and clause 2.2 of the Parking Local Law 2017 require a Council resolution prior to determining to commence any additional regulation. Seeking Council approval of the clearway proposal is considered consistent with this. In addition, the report is being presented to Council given the project was listed as a High Priority Initiative in the Perth Greater CBD Transport Plan (Phase One).
Policy:	<i>CP3.1 Kerbside Parking</i>

Financial Implications

16. Nil.

Further Information

Nil.

Council Resolution (OCM-23/08-010)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council APPROVES the AM peak clearway proposed for Wellington Street between Hill Street and Bennett Street, to be operational from November 2023.

CARRIED EN BLOC (7/0)

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

Against : Nil

12. Community Development Alliance Reports

12.1 Review of Council Policy 4.7 - Cultural Collections

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.1A – Amended Policy 4.7 - Cultural Collections Attachment 12.1B – Table of Proposed Policy Amendments

Purpose

To present the review of Council Policy 4.7 – Cultural Collections.

Recommendation

That Council APPROVES amended Council Policy 4.7 – Cultural Collections.

Background

1. Council Policy 4.7 – Cultural Collections was adopted in July 2021, with a review date of July 2023.
2. The Policy sets out the parameters and priorities for the management and development of the City’s Cultural Collections in accordance with relevant industry standards and laws and supports public access to the collections.
3. The Policy scope encompasses the City’s Art Collection, Public Art Collection, Memorabilia and Local History Collection.

Discussion

4. A review of Council Policy 4.7 – Cultural Collections has been undertaken. A number of amendments are proposed to ensure the currency of the Policy and to facilitate the City’s eligibility to establish a Cultural Gifts Program, which requires Deductible Gift Recipient Status (DGR Status).
5. The Cultural Gifts Program was established in 1978 to encourage Australians to donate items of cultural significance from private collections to public organisations and institutions. Donations can include visual and decorative arts, Indigenous cultural material, social history and scientific material, public art and books and archival material.
6. Under the program donors are eligible for a number of tax incentives including the market value of the donation as a tax deduction, and exemptions from capital gains tax. The Program is administered by the Ministry for the Arts in accordance with the gift provisions of the income tax law.
7. To proceed the City must be endorsed as a DGR on the basis of managing a public library, gallery or archive by the Australian Tax Office (ATO) for the purposes of subsection 30-15(1), item 4 of the *Income Tax Assessment Act 1997*.
8. Discussions with the ATO have confirmed requirements, and these centre on:
 - a. Inclusion of key information regarding the public library, gallery or archive (collection) being managed for the purposes of DGR status. This information needs to be included in the relevant governing documents and in this instance it has been confirmed it can be encompassed as an update to Council Policy 4.7 - Cultural Collections.
 - b. Establishment of a separate internal gift fund – this is a new account that may only receive gifts and deductible contributions and no other funds of the organisation. It must be a separate account from the normal operating accounts of the organisation. Information regarding the gift fund, including a compulsory revocation clause also needs to be included in the governing documents.
9. It is noted gifts will be mainly made in the form of artworks, and it is unlikely the City would receive a cash donation. However, as a requirement the City must provide an internal gift fund account to ensure that in the event money is donated, it is not used for other City purchases that do not relate specifically to the Cultural Collection.
10. The Cultural Gifts Program is managed by the Australian Government’s Office for the Arts, under the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department).

11. The City of Perth will be responsible for the following in relation to a donation. There is no other reporting required to the Department or ATO:
 - a. Ensuring the donation meets the City's Cultural Collections policy.
 - b. Accepting the donation into the City's permanent collection.
 - c. Assisting donors in obtaining at least two valuations for the donation from the Cultural Gifts Program list of approved valuers (it is expected the donor funds the valuations as part of their donation).
 - d. Submitting the required documentation to the Office for the Arts using the online system. Once the submission is approved and finalised the Office for the Arts will issue documentation to the donor in order to claim their tax deduction.
 - e. Once the donation has been ratified and the item physically transferred to the City, it will be added to the City's collection records.
 - f. Any assets donated or acquired by the City of Perth are registered with the Assets team who will update the Asset register and notify the Insurance team of the new acquisition.
12. All artworks donated are given free from encumbrances and legally become part of the City of Perth Cultural Collection. The only stipulations by the Cultural Gifts Program is that the City acknowledge them when referring to donated items on materials including but not limited to promotional materials, websites, invitations and signage. The standard acknowledgement for a donation is: *Donated through the Australian Government's Cultural Gifts Program or Donated through the Australian Government's Cultural Gifts Program by [donor's name]*.
13. The City could benefit greatly as a registered organisation for Cultural Gifts. Donations would augment areas currently under-represented in the Cultural Collections and greatly enhance the breadth of stories the City shares with the people of Perth and beyond. Key areas under-represented in the collection include:
 - a. representations of Perth and the Swan River, including Aboriginal, colonial and contemporary
 - b. representations of the city at night to enhance the 'City of Light' identity
 - c. works by Whadjuk Nyoongar and Western Australian Aboriginal artists
 - d. social history items relating to the lives and stories of people, communities and businesses of Perth
 - e. portraits of interesting or influential individuals relating to the life of the City of Perth
 - f. items relating to the Perth's heritage buildings.
14. In addition, donations may contribute to the potential for new exhibitions in Council House Foyer and display at the Library and Town Hall.
15. Offers of donation are discussed at length with the potential donor and the participating organisation always has the right to decline if the offer is not a good fit or can't be managed due to excessive storage or conservation requirements. The City would assess all offers of donations to ensure they align with Policy 4.7 – Cultural Collections and can be accommodated within current storage, display and conservation parameters.
16. In line with these requirements Council Policy 4.7 - Cultural Collections has been updated to include the required clauses and information. Proposed amendments to the Policy are provided in Attachment 12.1A in mark up and as table with explanatory notes in Attachment 12.1B.

Consultation

17. Requirements and wording to meet DGR registration requirements has been discussed with the ATO.

Decision Implications

18. If Council supports the recommendation then the Cultural Collections Policy will be updated to enable DGR registration and the City will be able to accept donations of cultural material under a Cultural Gifts Program.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan – Goal L1: A safe, active, vibrant and connected community Equity, Diversity and Inclusion Framework – Theme 1: Actively embrace and celebrate diversity

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Income Tax Assessment Act 1997</i> Endorsement of DGR status must satisfy requirements under subsection 30-15(1), item 4 of the <i>Income Tax Assessment Act 1997</i> .
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:	Council Policy 4.7 – Cultural Collections

Financial Implications

Establishing the program will not require any alteration to the Cultural Collections budget for display or storage. Establishing an internal gift fund is not expected to result in cash donations as the intent of the program is for the donation of cultural gifts.

Further Information

Nil.

Council Resolution (OCM-23/08-011)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council APPROVES amended Council Policy 4.7 – Cultural Collections.

CARRIED EN BLOC (7/0)

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

Against : Nil

Councillor Sandy Anghie disclosed an Impartiality Interest in Item 12.2 (detailed in Item 5).

12.2 Review of Council Policies 4.8 - Public Art and 4.9 - Commemorative Works

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.2A – Amended Council Policy 4.8 - Public Art Attachment 12.2B – Amended Council Policy 4.9 - Commemorative Works Attachment 12.2C – Table of Proposed Policy Amendments

Purpose

To present the review of Council Policies 4.8 – Public Art and 4.9 – Commemorative Works.

Recommendation

That Council APPROVES amended Council Policies 4.8 – Public Art and 4.9 – Commemorative Works.

Background

1. Council Policies 4.8 – Public Art and 4.9 – Commemorative Works were adopted in July 2021, with a review date of July 2023.
2. The Policies set out the parameters and priorities for the management and development of the City’s public and commemorative works in accordance with relevant industry standards and laws.
3. The scope for Council Policy 4.8 – Public Art encompasses the City’s public art projects and programs and informs public art projects and programs delivered by others within the City of Perth boundaries.
4. The scope for Council Policy 4.9 – Commemorative Works includes all proposed and existing commemorative works, including memorials, monuments, plaques, digital commemorations and the naming of reserves and buildings.

Discussion

5. A review of Council Policies 4.8 – Public Art and 4.9 – Commemorative Works has been undertaken.
6. No major amendments are identified or recommended for the Policies. Minor amendments only have been identified to ensure the Policies is up to date and reflects current processes and approaches.
7. Proposed updates to the Commemorative Works Policy include further clarification on required consultation with the City for third-party proposals for new commemorative works, and funding by the third party for costs associated with a proposal.
8. Proposed amendments to the Policy are provided in Attachment 12.2A and Attachment 12.2B in mark up and as table with explanatory notes in Attachment 12.2C.

Consultation

9. As no major amendments are proposed no external stakeholder engagement has been undertaken.

Decision Implications

10. If Council supports the recommendation then the Council Policies 4.8 – Public Art and 4.9 – Commemorative Works will be adopted.

Strategic, Legislative and Policy Implications

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

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:	Council Policy 4.8 – Public Art Council Policy 4.9 – Commemorative Works.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (OCM-23/08-012)

Mover: Councillor Catherine Lezer

Seconded: Councillor Rebecca Gordon

That Council APPROVES amended Council Policies 4.8 – Public Art and 4.9 – Commemorative Works.

CARRIED UNOPPOSED (7/0)

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

Against: Nil.

- 5:37pm Councillor Catherine Lezer disclosed a Proximity Interest in Item 12.3 (detailed in Item 5) and departed the meeting accordingly.
- 5:37pm Councillor Rebecca Gordon disclosed an Indirect Financial Interest in Item 12.3 (detailed in Item 5) and departed the meeting accordingly.
- 5:37pm Councillor Viktor Ko disclosed a Proximity Interest in Item 12.3 (detailed in Item 5) and departed the meeting accordingly.
- Chief Executive Officer Michelle Reynolds disclosed an Impartiality Interest in Item 12.3 (detailed in Item 5).
- Councillor Sandy Anghie disclosed an Impartiality Interest in Item 12.3 (detailed in Item 5).
- The Deputy Lord Mayor disclosed an Impartiality Interest in Item 12.3 (detailed in Item 5).

12.3 Major Events and Festivals Sponsorship - Perth Festival 2024

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 12.3A – Confidential Attachment A - Summary of Application and Recommendation Rationale - Perth Festival 2024

Purpose

To provide a sponsorship recommendation to Council under the Major Events and Festivals Sponsorship program.

Recommendation

That Council APPROVES* the following Major Events and Festivals Sponsorship totalling \$400,000 excluding GST for a one-year term:

Ref.	Applicant/Project	Recommendation Amount
a.	Perth International Arts Festival Ltd / Perth Festival 2024	\$400,000 ex GST cash contribution (FY 2023/24)

*Approval subject to a suitable sponsorship agreement being entered into by the City of Perth and the Applicant on terms acceptable to the City within three months.

Background

1. Through the Major Events and Festivals sponsorship program, the City seeks to attract major cultural events, sporting events and festivals which enhance Perth's reputation as an event friendly destination with a unique cultural identity. Support is available for organisations delivering large-scale events of national and international significance which generate significant return on investment, economic impact, and visitation outcomes.
2. The City of Perth will accept applications for Major Events and Festivals Sponsorship at any time throughout the year following an expression of interest (EOI) to ensure the event is aligned to the program. The Sponsorship team support applicants through the application process, outlining the program outcomes and expectations.
3. Funding levels recommended are based on the scale, impact and significance of the event and can include cash and/or in-kind support for the City's fees and charges. The maximum contribution of sponsorship provided by the City of Perth cannot exceed 30% of the total event or project budget.
4. Applications received under the Major Events and Festivals Sponsorship need to demonstrate they will achieve the following outcomes, which are linked to the City's goals of Liveable, Sustainable and Prosperous:
 - a. Attract international visitation by offering modern, creative and innovative experiences to enhance the city's reputation as the events capital of Western Australia.
 - b. Enliven the city with prestigious and significant events and festivals, which create vibrant activity and connect people in the community
 - c. Attract high-profile personalities, partners, sponsors and media organisations.
 - d. Celebrate the diversity of Perth, it's unique Aboriginal culture, community and identify and demonstrate an inclusive and accessible approach.
 - e. Support the City's Events Plan in delivery of a year-round calendar of events that has broad appeal, ensuring there is something for everyone.
 - f. Support the City's vision of being a sustainable city by advocating sustainable event and festival models that champion environmental sustainability.
 - g. Stimulate the local economy and provide opportunities for local business engagement in hospitality and retail sectors. Champion the use of local businesses and suppliers.
 - h. Applicants are also assessed against their capacity to deliver the event and the proposed sponsorship benefits to the City.
5. Applications are assessed by a minimum three-person funding panel, which may recommend full, part or no funding to Council as the decision-making authority.
6. The assessment criteria are aligned to the program outcomes and provide clear descriptions and a rating scale to guide the assessors when considering an appropriate score. The scores from panel members are averaged and considered as part of the recommendation.
7. Other organisations recently supported through the Major Events and Festivals Sponsorship include Artrage for Fringe World (\$400,000) and Pride WA for PrideFEST (\$210,000).

Discussion

8. An application has been received from Perth International Arts Festival Ltd (Perth Festival) for a one-year sponsorship of \$400,000 (ex GST) cash contribution towards Perth Festival 2024.
9. Perth Festival is the longest-running curated arts and cultural festival in Australia, offering a wide-range and size of creative work presented through film, theatre, dance, contemporary and classic music, visual arts, opera, literature, and large-scale community events.
10. It has been supported through the Major Events and Festivals program previously and demonstrates a proven record of generating significant economic, social and cultural benefit for Perth.
11. The 2024 festival will include unique activation of City spaces, free and accessible community events and headline programming to appeal to a broad audience, with almost 80% of planned activity located within the City of Perth.
12. The festival is expected to attract 170,000 visitors and provide \$15M direct economic impact (audience spend) into the city.
13. Perth Festival have requested a one-year sponsorship for 2024 which is the final festival of the ongoing Artistic Director, Iain Grandage. The level of request is the same as the previous year (2022/23).
14. In-kind support has not been requested in the application and the total request is for cash contribution.
15. The application was assessed by a three-person assessment panel, consisting of a General Manager, Acting Alliance Manager and an external representative with relevant experience.
16. This application scored 87.9% which demonstrated very strong alignment with the objectives of the program.
17. A summary of the application and assessment panel rationale is contained in the Confidential Attachment. The attachment contains program information that has yet to be publicly announced and is considered commercial-in-confidence.

Consultation

18. Nil

Decision Implications

19. A City representative will negotiate sponsorship benefits with the applicant in line with sponsorship funding amount once approved by Council. The applicant will be required to provide significant benefits in recognition of the City's support.
20. Successful applicants will be required to submit an acquittal report within three months of project completion. Acquittal reports must demonstrate how the City's sponsorship funding supported projects or initiatives within the City 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)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Major Events and Festivals Sponsorship 23/24 Guidelines 2025 Events Strategy Events Plan 2023/24

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 12 of the Local Government (Financial Management) Regulations 1996 - payments from municipal fund or trust fund, restrictions on.
Authority of Council/CEO:	Council Policy 4.3 Outgoing Sponsorship and Grants directs that any sponsorship application for more than \$15,000 or from a funding round be considered by Council.
Policy:	Council Policy 4.3 Outgoing Sponsorship and Grants 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

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

Account Number	1066-100-50-10349-7901	Operating
Account Description	Major Events and Festivals	
Total Budget	\$1,600,000	
Budget – This report	\$400,000	
Total Allocated to Date	\$400,000	
Remaining Budget	\$800,000	
Budget Impact	Accommodated within approved 2023/24 budget	

Further Information

Nil.

Procedural Motion

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Sandy Anghie

That the Council Meeting be adjourned for 5 minutes due to loss of quorum during the meeting.

CARRIED UNANIMOUSLY (4/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Sandy Anghie and Clyde Bevan

Against: Nil.

5:41pm *The meeting was suspended.*

5:46pm *The meeting recommenced.*

Present:

Members

Lord Mayor	Basil Zempilas (Presiding Member)
Deputy Lord Mayor	Liam Gobbert
Councillors	Sandy Anghie
	Clyde Bevan
	Viktor Ko*

Officers in Attendance

Chief Executive Officer	Michelle Reynolds
General Manager Commercial Services	Steve Holden
General Manager Community Development	Kylie Johnson
General Manager Infrastructure and Operations	Allan Mason
General Manager Planning and Economic Development	Dale Page
Chief Financial Officer	Michael Kent
Executive Director Governance and Strategy	Peta Mabbs
Alliance Manager Council Governance and Policy	Charlie Clarke
Manager Audit and Risk	Natasha Balderston
Governance Officer	Ebony Mackey

**Councillor Viktor Ko returned to the meeting and withdrew his Proximity Interest disclosure in relation to Item 12.3, prior to resumption of debate.*

Council Resolution (OCM-23/08-013)

Mover: Councillor Sandy Anghie

Seconded: Councillor Clyde Bevan

That Council APPROVES* the following Major Events and Festivals Sponsorship totalling \$400,000 excluding GST for a one-year term:

Ref.	Applicant/Project	Recommendation Amount
a.	Perth International Arts Festival Ltd / Perth Festival 2024	\$400,000 ex GST cash contribution (FY 2023/24)

**Approval subject to a suitable sponsorship agreement being entered into by the City of Perth and the Applicant on terms acceptable to the City within three months.*

CARRIED UNANIMOUSLY (5/0)

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

Against: Nil.

5:48pm Councillor Rebecca Gordon returned to the meeting prior to Item 12.4.

Councillor Catherine Lezer disclosed a Proximity Interest in Item 12.4 (detailed in Item 5) and did not return to the meeting prior to Item 12.4.

Councillor Catherine Lezer disclosed an Impartiality Interest in Item 12.4 (detailed in Item 5).

The General Manager Community Development Kylie Johnson disclosed an Impartiality Interest in Item 12.4 (detailed in Item 5).

Councillor Sandy Anghie disclosed an Impartiality Interest in Item 12.4 (detailed in Item 5).

The Deputy Lord Mayor disclosed an Impartiality Interest in Item 12.4 (detailed in Item 5).

12.4 Arts and Culture Sponsorship 2023/24

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.4A – Attachment A: Summary and Recommendation Rationale - Arts and Culture Sponsorship 2023/24

Purpose

To provide recommendations to Council, under the Arts and Culture Sponsorship Program Financial Year 2023/24.

Recommendation

That Council APPROVES* the following Arts and Culture Sponsorships totalling \$660,000 excluding GST:

Noting \$660,000 consists of \$600,000 (2023/24) and \$60,000 (2024/25)

Ref	Applicant/Project	2023/24 Commitment	2024/25 Commitment
a	FORM Building a State of Creativity Inc. / Scribblers Festival	\$60,000 contribution (\$50,000 cash \$10,000 in-kind)	\$60,000 contribution (\$50,000 cash \$10,000 in-kind)
b	Performing Arts Centre Society Inc t/as The Blue Room / The Blue Room Theatre's 2024 Annual Program	\$60,000 cash one-year agreement	N/A
c	Barking Gecko Theatre Company Ltd. / The Great Word Factory	\$50,000 cash one-year agreement	N/A
d	STRUT Dance Incorporated / Perth Moves 2024	\$50,000 cash one-year agreement	N/A
e	West Australian Ballet Company / Join us in the Spotlight and increasing Swan Lake Access	\$60,000 cash one-year agreement	N/A

f	Black Swan State Theatre Company Ltd / Black Swan 2024 Season and City Activations	\$65,000 contribution (\$60,500 cash \$4,500 in-kind) one-year agreement	N/A
g	Perth International Cabaret Festival Limited / Perth International Cabaret Festival 2024	\$40,000 cash one-year agreement	N/A
h	West Australian Symphony Orchestra Pty Ltd / WASO's Family Christmas Spectacular	\$80,000 cash one-year agreement	N/A
i	The Western Australian Opera Co Inc / Opera in the City of Perth	\$50,000 cash one-year agreement	N/A
j	The Lester Prize / The Lester Prize Exhibition 2023/24	\$60,000 contribution (\$56,000 cash \$4,000 in-kind) one-year agreement	N/A
k	The Contemporary Dance Company of Western Australia Limited t/as Co3 / Pathways Program	\$25,000 cash one-year agreement	N/A

*Approval subject to a suitable sponsorship agreement being entered into by the City and all approved applicants listed above on terms acceptable to the City within three months. Without limitation, such agreement for FORM Building a State of Creativity Inc. Limited must include the following term:

Funding for each successive year of the program is to be contingent on receipt of an acquittal within three months of project completion, and the City being satisfied that the previous year of the program generated, or is expected to generate in future years, benefits to the City commensurate with the amount funded.

Background

1. Arts and culture are vital elements of city life which engage, challenge, surprise and inspire people, helping us to reflect on our unique cultural identity. Through Arts and Culture Sponsorship, the City supports projects that represent a broad range of high-quality arts activity and creative cultural practice which assist the City in achieving its broader strategic aims.
2. A budget of \$800,000 was allocated to the 2023/24 Arts and Culture Sponsorship program. There are two pre-existing commitments in this financial year budget to organisations which achieved multi-year funding in the previous round (Awesome Arts \$120,000 for 2023/24, PICA \$80,000 for 2023/24) which reduces the funding pool available for this round to \$600,000.
3. The Arts and Culture Sponsorship program accepted applications from 1 – 29 May 2023 and supports activity between 1 October 2023 to 31 December 2024. The City received twelve applications in total, one of which was not able to meet eligibility requirements and was deemed ineligible to progress to assessment.
4. The total amount requested by the eleven eligible applicants for activity within the 2023/24 year is \$828,424 (ex GST), exceeding the total budget available. The panel has determined a recommendation in-line with the budget, and recommendation rationale is outlined within Attachment 12.4A: Application and Recommendation Rationale.
5. The funding level recommended is based on the impact and significance of the event and its ability to raise the artistic and cultural profile of Perth. The Arts and Culture Sponsorship program guidelines stipulate the City can provide a maximum contribution of 30% to the total project cost.

Discussion

6. A three-person panel, consisting of one external representative and two City of Perth Officers from the City's Community Development Alliance assessed eleven applications. Additionally, the General Manager Community Development had an oversight role.
7. The assessment criteria are aligned to the key priority outcomes; visitation, vibrancy, engaging a diverse community, sustainability and economic growth and provide clear descriptions and a rating scale to guide the assessors when considering an appropriate score. The scores from panel members for each assessment criteria are averaged and ranked from highest to lowest.
8. Of the eleven applications, eleven are recommended to be approved and nil to be declined. More detail can be found in Attachment 12.4A: Summary and Recommendation Rationale – Arts and Culture Sponsorship 2023/24.
9. Where applicable, in-kind support has a value equal to cash and is considered within the total available budget.

Consultation

10. Nil.

Decision Implications

11. The recommendations within this report commit \$600,000 from the 2023/24 Arts and Culture Sponsorship budget.
12. One application is being recommended for multi-year funding that, if approved will reduce the future available budget for Arts and Culture Sponsorship 2024/25 by \$60,000 (ex GST) (\$50,000 cash; \$10,000 in-kind).
13. 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 poor-quality applications. This may result in unavoidable dissatisfaction from some applicants.
14. A City representative will negotiate sponsorship benefits with applicants in line with sponsorship funding amounts once approved by Council. The applicant will be required to provide significant benefits in recognition of the City's support.
15. The applicant will be required to submit an acquittal report within three months of project completion. Acquittal reports must demonstrate how the City's sponsorship funding supported projects or initiatives within the City's district and demonstrate direct impact on the City of Perth meeting its aspirations of Liveable, Sustainable and Prosperous.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan 2022 - 2032 Cultural Development Plan 2019-2029 Events Plan 2023-24

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 12 of the Local Government (Financial Management) Regulations 1996 – payments from municipal fund or trust fund, restrictions on.
Authority of Council/CEO:	Council Policy 4.3 Outgoing Sponsorship and Grants directs that any sponsorship application for more than \$15,000 or from a funding round be considered by Council.
Policy:	Council Policy 4.3 Outgoing 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

Financial Year 2023/24

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

Account Number	1066 100 50 10008 7901	Operating
Account Description	Arts and Culture Sponsorship	
Total Budget	\$800,000	
Budget – This report	\$600,000	
Budget – Pre-committed (prior multi-year sponsorships)	\$200,000	
Remaining Budget	\$0	
Budget Impact	Accommodated within approved 2023/24 budget	

Financial Year 2024/25

Account Number	TBC	Operating
Account Description	Arts and Culture Sponsorship	
Total Budget	TBC	
Budget – This report	\$60,000	
Budget – Pre-committed (prior multi-year sponsorships)	\$140,000	
Budget Impact	2024/25 Budget will be reduced by \$200,000	

Further Information

Nil.

Council Resolution (OCM-23/08-014)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Rebecca Gordon

That Council APPROVES* the following Arts and Culture Sponsorships totalling \$660,000 excluding GST:
Noting \$660,000 consists of \$600,000 (2023/24) and \$60,000 (2024/25)

Ref	Applicant/Project	2023/24 Commitment	2024/25 Commitment
a	FORM Building a State of Creativity Inc. / Scribblers Festival	\$60,000 contribution (\$50,000 cash \$10,000 in-kind)	\$60,000 contribution (\$50,000 cash \$10,000 in-kind)
b	Performing Arts Centre Society Inc t/as The Blue Room / The Blue Room Theatre's 2024 Annual Program	\$60,000 cash one-year agreement	N/A
c	Barking Gecko Theatre Company Ltd. / The Great Word Factory	\$50,000 cash one-year agreement	N/A
d	STRUT Dance Incorporated / Perth Moves 2024	\$50,000 cash one-year agreement	N/A
e	West Australian Ballet Company / Join us in the Spotlight and increasing Swan Lake Access	\$60,000 cash one-year agreement	N/A
f	Black Swan State Theatre Company Ltd / Black Swan 2024 Season and City Activations	\$65,000 contribution (\$60,500 cash \$4,500 in-kind) one-year agreement	N/A
g	Perth International Cabaret Festival Limited / Perth International Cabaret Festival 2024	\$40,000 cash one-year agreement	N/A
h	West Australian Symphony Orchestra Pty Ltd / WASO's Family Christmas Spectacular	\$80,000 cash one-year agreement	N/A
i	The Western Australian Opera Co Inc / Opera in the City of Perth	\$50,000 cash one-year agreement	N/A

j	The Lester Prize / The Lester Prize Exhibition 2023/24	\$60,000 contribution (\$56,000 cash \$4,000 in-kind) one-year agreement	N/A
k	The Contemporary Dance Company of Western Australia Limited t/as Co3 / Pathways Program	\$25,000 cash one-year agreement	N/A

**Approval subject to a suitable sponsorship agreement being entered into by the City and all approved applicants listed above on terms acceptable to the City within three months. Without limitation, such agreement for FORM Building a State of Creativity Inc. Limited must include the following term:*

Funding for each successive year of the program is to be contingent on receipt of an acquittal within three months of project completion, and the City being satisfied that the previous year of the program generated, or is expected to generate in future years, benefits to the City commensurate with the amount funded.

CARRIED UNOPPOSED (6/0)

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

Against: Nil

5:54pm Councillor Catherine Lezer returned to the meeting prior to Item 12.5.

Councillor Sandy Anghie disclosed an Impartiality Interest in Item 12.5 (detailed in Item 5).

12.5 2023/24 Economic Development Sponsorship - West Tech Fest and SingularityU Perth

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.5A – Attachment A: West Tech Fest Summary and Recommendation Rationale Attachment 12.5B – Attachment B: SingularityU Summary and Recommendation Rationale

Purpose

To provide sponsorship recommendations to Council, under the Economic Development Sponsorship 2023|24 program.

Recommendation

That Council APPROVES* the following Economic Development Sponsorships totalling \$245,000 (excluding GST):

Noting that \$245,000 consists of \$95,000 (2023/24), \$75,000 (2024/25), \$75,000 (2025/26)

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
A	Curtin University West Tech Fest 2023 West Tech Fest 2024 West Tech Fest 2025	\$75,000 (excluding GST) cash contribution in FY2023 24 \$75,000 (excluding GST) cash contribution in FY2024 25 \$75,000 (excluding GST) cash contribution in FY2025 26 Multi-Year Agreement
B	Azolla Holdings Pty Ltd SingularityU Perth	\$20,000 (excluding GST) cash contribution in FY2023 24 One-Year Agreement

**Approval subject to a suitable sponsorship agreement being entered into by the City and all approved Applicants listed above on terms acceptable to the City within three months. Without limitations, such agreement for Curtin University must include the following term: Funding for each successive year of the program to be contingent on receipt of an acquittal within three months of project completion, and the City being satisfied that the previous year program generated, or is expected to generate in future years, benefits to the City commensurate with the amount funded.*

Background

1. The City is committed to supporting the growth and ongoing development of key industry sectors that represent strategic importance to the City of Perth's economy.
2. The City's Economic Development Sponsorship Program is designed to provide strategic support to businesses and sectors that position the City as a thriving centre for commerce, boost investment flows, generate employment, facilitate economic growth, profile local industries and promote thought leadership.
3. There are three tiers of funding available under the Economic Development sponsorship:
 - a. Tier 1 - \$0 - \$15,000 (decision to be made by the Chief Executive Officer);
 - b. Tier 2 - \$15,001 - \$50,000 (decision to be made by Council); and
 - c. Tier 3 - \$50,001+ (decision to be made by Council).
4. Applications opened for Economic Development Sponsorship on 1 June 2023 and operates until the budget is exhausted.

Discussion

5. The applications were assessed separately, each with a three-person panel, consisting of Executive Director, Acting General Manager, and either Alliance Manager or Officer from the City's Planning and Economic Development Alliance.
6. The General Manager Community Development had oversight of the assessment and evaluation process but was not a voting member.
7. The assessment criteria have clear descriptions and a rating scale which guide the assessors when considering an appropriate score. The scores from panel members for each assessment criteria are averaged.
8. A summary of the applications, the assessment panel's recommendation rationale, and the total value of request versus the total value recommended is attached.

Consultation

Nil.

Decision Implications

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 three months 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)	
Related Documents (Issue Specific Strategies and Plans):	Economic Development Sponsorship FY2023 24 Guidelines Economic Development Strategy Tech Action Plan

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 12 of the Local Government (Financial Management) Regulations 1996 – payments from municipal fund or trust fund, restrictions on.
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 recommendation(s) are accommodated within the existing budget.
2023 | 24

Account Number	1066-100-50-10095-7901	Operating
Account Description	Economic Development Sponsorship	
Total Budget		
Pre-committed budget - (from previously awarded multi-year sponsorships)	\$316,000	
Total Allocated to Approved 2023/24 Applicants	\$37,000	
Budget – This report	\$95,000	
Remaining Budget	\$202,000	
Budget Impact	Accommodated in approved budget 2023 24.	

2024|25

Account Number	TBC	Operating
Account Description	Economic Development Sponsorship	
Total Budget		
Budget – This report	\$75,000	
Budget Impact	2024 25 Budget will be reduced by \$75,000	

2025|26

Account Number	TBC	Operating
Account Description	Economic Development Sponsorship	
Total Budget		
Budget – This report	\$75,000	
Budget Impact	2025 26 Budget will be reduced by \$75,000	

Further Information

Nil.

Council Resolution (OCM-23/08-015)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Viktor Ko

That Council APPROVES* the following Economic Development Sponsorships totalling \$245,000 (excluding GST):

Noting that \$245,000 consists of \$95,000 (2023/24), \$75,000 (2024/25), \$75,000 (2025/26)

Ref	Applicant / Project	Recommendation Total Amount (ex GST cash contribution)
A	Curtin University West Tech Fest 2023 West Tech Fest 2024 West Tech Fest 2025	\$75,000 (excluding GST) cash contribution in FY2023 24 \$75,000 (excluding GST) cash contribution in FY2024 25 \$75,000 (excluding GST) cash contribution in FY2025 26 Multi-Year Agreement
B	Azolla Holdings Pty Ltd SingularityU Perth	\$20,000 (excluding GST) cash contribution in FY2023 24 One-Year Agreement

**Approval subject to a suitable sponsorship agreement being entered into by the City and all approved Applicants listed above on terms acceptable to the City within three months. Without limitations, such agreement for Curtin University must include the following term: Funding for each successive year of the program to be contingent on receipt of an acquittal within three months of project completion, and the City being satisfied that the previous year program generated, or is expected to generate in future years, benefits to the City commensurate with the amount funded.*

CARRIED UNOPPOSED (7/0)

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

Against : Nil

13. Infrastructure and Operations Alliance Reports

Nil.

14. Commercial Services Alliance Reports

5:55pm Lord Mayor Basil Zempilas disclosed an Indirect Financial Interest in Item 14.1 (detailed in Item 5) and departed the meeting.

5:55pm Deputy Lord Mayor Liam Gobbert assumed the Chair.

14.1 Altona Laneway (Part 100 on P1419), West Perth - Property Disposal - Outcome of Local Public Notice

Responsible Officer	Steve Holden – General Manager Commercial Services
Voting Requirements	Simple Majority
Attachments	Attachment 14.1A – Local Public Notice - List of Submissions

Purpose

To present to Council the outcome of the Local Public Notice related to the proposed disposition (sale) of 177 square meters of Lot 100 on Plan 001419 (Altona Laneway), West Perth in accordance with Section 3.58(3)(b) of the *Local Government Act 1995*.

Recommendation

That Council:

1. CONSIDERS the nineteen (19) submissions made in response to the Local Public Notice and the responses provided by the administration addressing each submission.
 2. APPROVES the disposal of Altona Laneway (Part 100 on P1419), West Perth on the Terms previously approved by Council at the Ordinary Council Meeting held on 27 June 2023.
-

Background

1. At the Ordinary Council Meeting held on 27 June 2023, Council approved the proposed key commercial terms for the disposal (sale) of 177 square meters of Lot 100 on Plan 001419 (Altona Laneway), West Perth to Comserv (No 1698) Pty Ltd. The purchase price is \$675,000 excluding GST.
2. In accordance with Section 5.23(2)(c) of the Local Government Act 1995 the Council decided to consider the 27 June 2023 report behind closed doors (confidential) as it was related to a contract entered into, or which may be entered into, by the local government.
3. At the 27 June 2023 meeting, Council also authorised the Chief Executive Officer to give local public notice of the proposed disposition in accordance with Section 3.58(3)(a) of the *Local Government Act 1995*.
4. The local public notice was published on 30 June 2023 and closed on 14 July 2023.
5. The local public notice was published in:
 - a. The Local Government Notices section of the West Australian,
 - b. The City of Perth corporate website (public notices),
 - c. The City of Perth Public Notices, Tenders & EOI LinkedIn channel, and;
 - d. Hard copy notices on the Council House and City Library public notice boards.
6. Council also requested that the CEO refer for Council determination, including to consider any submissions made, in response to local public notice of the proposed disposition to dispose of the property in accordance with Section 3.58(3)(b) of the *Local Government Act 1995*.

Discussion

7. At the closure of the local public notice advertising period **nineteen (19)** submissions have been received by the Administration. Attachment A.
8. The submissions focus on concerns from the community related to maintaining public access to the laneway, maintaining the existing level of maintenance of the laneway as well as potential impacts on the amenity provided by the laneway.
9. Whilst the submissions raise concerns the proposed Access Easement over the subject site will allow the City's Waste and Cleansing vehicles to access rubbish bins in the Access Easement Area and members of the public to enter from or exit Altona Street. The Access Easement will also include obligations on the Proponent to maintain the subject site.
10. During the 23/24 financial year the City will undertake a laneway study for laneways in West Perth. This study will guide the City's future decision making on the laneway system in West Perth.
11. On completion of the proposed West Perth laneway study, the CEO will refer for Council to determine the requirement to retain the Access Easement over the disposed portion of Altona Laneway.

Consultation

12. Nil.

Decision Implications

13. If Council supports the recommendation then:

- a. the City will progress the delivery of the Conditions Precedent as set out in the Council approved Terms Sheet; and
 - b. the CEO will execute the contract of sale as approved by Council in accordance with delegation 11.2. Execution of documents to implement decisions of Council and other bodies.
14. If Council does not approve the recommendation, the proposed purchaser will be advised accordingly, and the disposal will not progress at this time.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan 2022-2032.

Legislation, Delegation of Authority and Policy	
Legislation:	Section 3.58 of the Local Government Act 1995.
Authority of Council/CEO:	Under Section 2.13 Register of Delegations and Authorisations, the CEO has the authority to dispose of land to an adjoining owner where the land has a market value of less than \$5,000. As this disposal has a market value of over \$5,000, Council must resolve upon the disposal of land in these circumstances.
Policy:	CP2.7 Property Performance, Investment and Disposal

Financial Implications

15. The sale of the subject site will generate a one-off commercial income for the City. It is proposed that the sale proceeds be deposited in a Community Infrastructure Reserve.
16. The timing of the income will be subject to satisfaction of the Conditions Precedent as set out in the Terms Sheet.

Further Information

17. Questions and Responses forming part of the Agenda Briefing Session held 22 August 2023 are as follows:

	Question	Response
1.	<p>There were 19 public submissions made in relation to this matter. I note however that the City's response to the matters raised in the public submissions is very brief. The administration has simply stated: "The submissions focus on concerns from the community related to maintaining public access to the laneway, maintaining the existing level of maintenance of the laneway as well as potential impacts on the amenity provided by the laneway. Whilst the submissions raise concerns the proposed Access Easement over the subject site will allow the City's Waste and Cleansing vehicles to access rubbish bins in the Access Easement Area and members of the public to enter from or exit Altona Street. The Access Easement will also include obligations on the Proponent to maintain the subject site." Did the City administration adequately consider the matters raised in the submissions?</p>	<p>Yes, the City considers it has provided an appropriate response where possible.</p>
2.	<p>In relation to many of the matters raised in the public submissions the City administration's response is simply "Noted". Did the City administration adequately consider the matters raised in the submissions?</p>	<p>The City has responded with 'Noted' where the submitter has provided a statement or an opinion noting that the City will consider these as part of the future laneway study.</p>
3.	<p>The fact that the matter was initially presented to Council as a confidential item was raised in submissions. Why did the City administration choose to bring this item to Council under confidential cover in the first instance?</p>	<p>In accordance with Section 5.23(2)(of the Local Government Act 1995 this matter was held behind closed doors as it related to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed as the meeting.</p> <p>This is a consistent with other property transaction matters considered by Council.</p>

	Question	Response
4.	<p>The administration initially proposed that the matter be dealt with by the CEO, without coming back to Council following public submissions. The Council then moved an amendment at the last meeting to bring the matter back to Council for consideration following public submissions. What was the administration's initial rationale for the matter to be dealt with by the CEO?</p>	<p>This is consistent with other property transaction matters considered by Council.</p> <p>The rationale is that it reduces the burden on Council and increases efficiency by not having to revisit the same matter on multiple occasions, and allows the City's administration to expedite the transaction in a more commercial and timely manner.</p>
5.	<p>What would be the process if another City landowner approached the City to buy a laneway or part of a laneway?</p>	<p>Each proposal is considered on its merits and the City would examine the issues and opportunities associated with any laneway or part laneway disposal before providing a recommendation to Council.</p>
6.	<p>Has the City ever sold a laneway or part of a laneway before?</p>	<p>As far as can be reasonably ascertained from our digital records, the City hasn't sold a laneway or part of a laneway in the last 20 years.</p>
	<p>Which surrounding residential and business properties will be directly impacted by this property disposal, and how would they potentially be impacted in the (1) immediate and (2) longer term?</p>	<p>As the portion of laneway is directly located between the proponent's adjacent landholdings it will have minimal impact on the surrounding owners either in the near or longer term.</p> <p>However, the laneway study will examine the use of the laneway and its importance as part of the network.</p>
	<p>It's been brought to my attention that in response to the question by a ratepayer "Has the Council been made aware of any proposal, any intent or any consideration by Comserv to combine its three properties surrounding Altona Laneway for the purpose of any redevelopment or to redevelop adjacent properties at this location?" - the admin's answer was "Yes. Included within the original OCM paper."</p>	<p>No, the potential development plans of the proponent didn't form part of the public notice.</p>

	Question	Response
	<p>Ratepayers do not know what “OCM paper” stands for, nor are these papers publicly available.</p> <p>Were people made aware of future plans in relation to the site in calling for submissions?</p>	
	<p>In consideration of the history of the site, why does Council no longer consider it appropriate or important to retain Altona Laneway as a public right of way? Has the the administration considered whether it’s a significant right-of-way? Has the administration considered whether it can legally dispose of the land given it was vested in Council by the WA Government under a taking order and designated for use as a right-of-way?</p>	<p>As the portion of the laneway being considered for disposal is directly located between the proponent’s adjacent landholdings, the remainder of the laneway is not affected and therefore does not comprise rear access for any surrounding property owners and occupiers.</p> <p>Legal opinion advises that the City is able to dispose of the portion of laneway subject to approval from the Minister.</p>

Council Resolution (OCM-23/08-016)

Mover: Councillor Catherine Lezer

Seconded: Councillor Rebecca Gordon

That Council:

1. CONSIDERS the nineteen (19) submissions made in response to the Local Public Notice and the responses provided by the administration addressing each submission.
2. APPROVES the disposal of Altona Laneway (Part 100 on P1419), West Perth on the Terms previously approved by Council at the Ordinary Council Meeting held on 27 June 2023.

CARRIED (4/2)

For: Deputy Lord Mayor Liam Gobbert; Councillors Clyde Bevan, Rebecca Gordon and Catherine Lezer

Against: Councillors Sandy Anghie and Viktor Ko

15. Corporate Services Reports

6:07pm *The Lord Mayor returned to the meeting prior to Item 15.1 and resumed the Chair.*

15.1 (Interim) Monthly Financial Statements - June 2023

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.1A – Statement of Financial Activity and Notes P12 Attachment 15.1B – Net Current Position P12 Attachment 15.1C – Investment Register P12 Attachment 15.1D – Rates Monthly Report - June 2023

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:

1. RECEIVES the following (Interim) financial reports for the period ended 30 June 2023:
 - a) Financial Activity Statement (FAS) and Notes to the FAS - Attachment 15.1A.
 - b) Net Current Position - Attachment 15.1B.
 - c) Investment Report - Attachment 15.1C.
 - d) Rates Monthly Debtors Report - Attachment 15.1D.

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 15.1A) provides commentary on whether the nature of the variance is savings related, timing related or otherwise.
12. If a realised favourable or unfavourable variance is material in value (of significant size), it will be amended through a formal budget review process.

Discussion

13. This suite of financial reports for June 2023 is an 'Interim' financial report reflecting account balances at report date; but acknowledging that further year-end financial transactions and adjustments are being made before the annual accounts are finalised and submitted to the auditors by 30 September.
14. Therefore, it should be recognised that these balances are not final, and the ultimate financial variances may differ from those included in this report.
15. It is, however, a statutory requirement to present a set of Monthly Management Accounts within two months of the end of the month to which they refer.
16. The FAS by Nature & Type - Attachment 15.1A presents a whole of organisation perspective on the attainment of revenue and expenditure targets overall - classified by nature and type.
17. The headline data from the FAS is shown in Table 1 below.

Table 1:

Item Details	Budget	Projection	Actual 22/23	Variance	F/ U
Operating Revenue	\$ 102.30 M	\$ 110.22 M	\$ 109.55 M	\$ 7.25 M	F
Rates Revenue	\$ 100.93 M	\$ 100.93 M	\$ 100.88M	\$ 0.05M	U
Cash Operating Exp.	\$ 161.50 M	\$ 159.43 M	\$ 157.06 M	\$ 4.44 M	F
Non-Operating Revenue	\$ 15.48 M	\$ 12.40 M	\$ 14.09 M	\$ 1.39 M	U
Capital - Infrastructure	\$ 41.76 M	\$ 42.36 M	\$ 34.86 M	\$ 6.90 M	F
Property, Plant & Equip.	\$ 17.55 M	\$ 14.40 M	\$ 12.60 M	\$ 4.95 M	F

18. Material operating revenue and expenditure variances from Attachment 15.1A are detailed (with explanatory comments) in the Notes to the FAS (also contained within Attachment 15.1A).
19. Each line item listed in the FAS by Nature & Type Attachment 15.1A can be cross referenced (using the Note reference) back to the relevant note.
20. Examining the FAS (Attachment 15.1A) in more detail; the aggregation of operating revenues and operating expenses reflects a year-to-date Net Cash Position from Operations of \$53.38M compared to a year-to-date budgeted Deficit of \$41.74M). This is a favourable variance of \$11.64M at the end of the month.
21. Investing activities reflect a result of (\$33.39M) compared to a year-to-date budget of (\$45.08M). This is a favourable variance of \$11.68M. This is largely related to a favourable timing difference on non-operating grants, initial recognition of contributed drainage assets and timing variances in relation to the capital program.

22. Construction of infrastructure to month end is at 84% of year-to-date budget expectations at \$34.86M, against \$41.76M budget as noted at paragraph 17.
23. Acquisition of non-infrastructure to month end is \$12.60M and is 72% of the year-to-date budget.
24. 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.
25. The FAS for the period to 30 June shows that a rate yield of \$100.88M has been levied compared to the revised budget of \$100.93M after adjusting for interim rates for a newly rated buildings and heritage rebates.
26. The disclosed year to date FAS Closing Position of \$26.90M compares favourably to the projected budget closing position of \$14.54M - reflecting the combined impact of the favourable variances noted in this report for revenues, expenses and financing activity.
27. Contributing to this difference are higher than budgeted carry forward works, additional revenues received late in the financial year, project contingencies no longer required and now released.
28. The Net Current Position Report (Attachment 15.1B) indicates a year-to-date adjusted Net Current Position value of \$19.97M versus the year end projection of \$14.54M. This is primarily attributable to better than anticipated revenue performance and slower than anticipated cash outflows.
29. Headline data from this month's Net Current Position report is shown in Table 2 below.

Table 2:

Item Details	June 2023 Annual Budget	June 2023 Projection	June 2023 Actual
Current Assets	\$ 189.72 M	\$ 208.70 M	\$ 210.01 M
Current Liabilities	(\$ 37.01 M)	(\$ 45.32 M)	(\$ 34.56 M)
Unadjusted Net Assets	\$ 152.70 M	\$ 163.38 M	\$ 175.45 M
Less Restricted Items	(\$ 140.85 M)	(\$ 148.84 M)	(\$ 155.48 M)
Adjusted Net Current Position	\$ 11.85 M	\$ 14.54 M	\$ 19.97 M

30. The comparative numbers from the Net Current Position report for June 2023 reflect the impact of a higher value of reserve funds and delayed cash outflows.
31. As noted above, there is currently a higher value of reserve funds (restricted assets) in 2023 than in 2022, and this difference will remain until drawn down to make the capital contributions for the WACA Aquatic Facility and Perth Concert Hall when required.
32. Attachment 15.1C - Investment Report for June 2023 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.
33. 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.
34. It also shows the impact of the recent uplift in investment rates and performance is now well ahead of the upward revision to the interest revenue budget at the October OCM. Future projections in the Long-Term Financial Plan have also been revised upwards based on current investment performance.

35. Attachment 15.1D - Rates Debtors provides a monthly update and analysis of rates collections by differential property rating category and overall. The 2022/23 rates notices were issued on 28 July. At month end, (after the due date for the fourth and final instalment) collections represented 98.5% of the collectible amount.

Consultation

Nil.

Decision Implications

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

Financial Implications

37. 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

38. Employee related costs are disclosed at the end of June as being 1.3% (or \$1.04M) over budget - compared to 5.7% (or \$1.0M) below at the end of September. This is because the earlier apparent favourable variance was due largely to the timing of registering the outside workers EBA agreement and the resultant lag in paying both the back pay and the increment, the timing of the additional 0.25% increase from 2.75% to 3.0% for the staff covered by the inside workers EBA and the final employee entitlement payouts to the childcare centre staff.
39. All those factors are now incorporated into the management accounts, along with the reclassification of costs relating to agency (temporary) staff as employee costs rather than materials and contacts.

Council Resolution (OCM-23/08-017)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council:

1. RECEIVES the following (Interim) financial reports for the period ended 30 June 2023:
 - a) Financial Activity Statement (FAS) and Notes to the FAS - Attachment 15.1A.
 - b) Net Current Position - Attachment 15.1B.
 - c) Investment Report - Attachment 15.1C.
 - d) Rates Monthly Debtors Report - Attachment 15.1D.

CARRIED EN BLOC (7/0)

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

Against : Nil

15.2 Schedule of Accounts Paid - June 2023

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.2A – Schedule of Accounts Paid - June 2023

Purpose

For Council to note details of payments made under delegated authority for the month of June 2023.

Recommendation

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 30 June 2023 as attached as Appendix 15.2A.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$23,402,404.38
Trust Fund	0
Total - All Funds	\$23,402,404.38

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 an attachment to this report.
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 15.2A) contains the following payments made under Delegated Authority 2.14 - Payments from the Municipal & Trust Fund:

Schedule of Accounts Paid - June 2023		
Municipal Fund		
EFT & Cheque Payments	Direct Creditor Payments	19,678,928.13
Sub Total - EFT & Cheques		19,678,928.13
Direct Debits	Bank Charges and Merchant Fees	64,584.12
Sub Total - Direct Debits		64,584.12
Payroll	02/06/2023	1,810,408.88
	16/06/2023	1,831,417.84
Sub Total - Payroll		3,641,826.72
Corporate Cards		17,065.41
Sub Total - Cards		17,065.41
Total per Attachment 15.2A		23,402,404.38
Total Payments from Municipal Fund		
Investments in Term Deposits		0
Trust Fund		
Trust EFT & Cheques		0
Total - Trust Funds		

Consultation

Nil.

Decision Implications

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

Strategic, Legislative and Policy Implications

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

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

Financial Implications

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

Further Information

Nil.

Council Resolution (OCM-23/08-018)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 30 June 2023 as attached as Appendix 15.2A.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$23,402,404.38
Trust Fund	0
Total - All Funds	\$23,402,404.38

CARRIED EN BLOC (7/0)

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

Against : Nil

15.3 Review of Financial Policies CP 2.1, CP 2.3, CP 2.4, CP 2.5, CP 2.6, CP 2.9 and CP 2.10

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.3A – CP 2.1 - Management of Investments Attachment 15.3B – CP 2.3 - Strategic Financial Planning and Budgeting Attachment 15.3C – CP 2.4 - Cash Backed Reserves Attachment 15.3D – CP 2.5 - Use of Debt as a Funding Option Attachment 15.3E – CP 2.6 - Budget Variations Attachment 15.3F – CP 2.9 - Rate Exemptions Attachment 15.3G – CP 2.10 - Financial Hardship

Purpose

To consider the review of the following Council Policies:

- CP 2.1 – Management of Investments
- CP 2.3 – Strategic Financial Planning and Budgeting
- CP 2.4 – Cash Backed Reserves
- CP 2.5 – Use of Debt as a Funding Option
- CP 2.6 – Budget Variations
- CP 2.9 – Rate Exemptions
- CP 2.10 – Financial Hardship

Recommendation

That Council:

1. ADOPTS the following reviewed Council Policies.
 - 1.1 CP 2.1 – Management of Investments (**Attachment 15.3A**)
 - 1.2 CP 2.3 – Strategic Financial Planning and Budgeting (**Attachment 15.3B**)
 - 1.3 CP 2.4 – Cash Backed Reserves (**Attachment 15.3C**)
 - 1.4 CP 2.5 – Use of Debt as a Funding Option (**Attachment 15.3D**)
 - 1.5 CP 2.6 – Budget Variations (**Attachment 15.3E**)
 - 1.6 CP 2.9 – Rate Exemptions (**Attachment 15.3F**)
2. REVOKES Policy CP 2.10 – Financial Hardship (**Attachment 15.3G**)

Background

1. Council's financial policies are designed to work as an integrated suite of financial guidance documents rather than stand-alone documents, which leads for a preference for simultaneous review of all financial policies.
2. The suite of Council's financial management policies came due for review in February 2023.
3. The administration was aware that the three yearly Financial Management Review (which considers Financial Policies as well as other financial management matters) was due to be completed in May 2023.
4. It was considered prudent to wait until Council received the results of that review to ensure that any recommendations from the review were captured in the review of the City's financial policies.
5. The results of the Financial Management Review were considered by Council in June 2023.
6. The suite of Council financial policies has now been reviewed and, where appropriate, have been modified.
7. The Policy review identified that the policies remain contemporary - but with some areas for minor enhancement, as discussed below.

Discussion

8. Changes to the Policies have changes tracked in **Attachments 15.3A - F**.
9. Commentary on the changes incorporated in the revised policies are described below.

a. CP 2.1 – Management of Investments

Modifications have been made to the policy in response to findings from the Financial Management Review (FMR). Clause 10 - Investment Guidelines has been enhanced to provide clarity around the criteria used to determine where to place invested funds (FMR Recommendation 3).

Clause 12 - Investment Advisor has been modified to the clarify specific circumstances where an external investment advisor / valuer may be engaged. Clause 13 - Benchmarking has been removed in line with FMR Recommendation 1 as the \$40K plus per year service was not delivering value given the investment ethos is preservation of capital, rather than 'outperforming the market'.

b. CP 2.3 – Strategic Financial Planning and Budgeting

Minor administrative change to reference the updated policy number and title of the sponsorships and grants policy.

c. CP 2.4 – Cash Backed Reserves

This policy has been updated to reflect in the policy document itself, Council decisions already made to create new reserves and to record their purpose statements.

It also acknowledges decisions made when adopting the 2023/24 Annual Budget to close six inactive and redundant reserves.

The purpose statements associated with the Provisional Capital Program Reserve, Technology Upgrade Reserve and Employee Entitlement Reserve have been clarified - without any change in the intended purpose of the respective reserves.

The purpose of the Waste Management Reserve has been modified to remove an inconsistency with the principles of use of reserve funds in that they should not be used to subsidise full cost recovery operational services.

The purpose of the Major Event Activations Reserve has been modified to extend its purpose to include major state government supported / funded cultural events as well as sporting events.

The category 'Other Special Purpose Reserves' has now been more meaningfully titled as Tactical Reserves - which better reflects the manner in which these reserve funds are used.

The reserve funds detailed in the policy have also been re-sequenced to consistently align with the classification categories used in the Long-Term Financial Plan, Annual Budget, and Annual Financial Statements.

The policy now also acknowledges the Master Schedule of Reserve Movements (created since the initial policy was initiated) that shows the timing and purpose of proposed transfers into and out of reserve funds across the ten year time horizon to ensure adequate cash flow to support the Long Term Financial Plan.

The inactive / closed reserve funds (along with a streamlined purpose statement) are still required to be acknowledged in the Cash Backed Reserve Policy for the current year although they can no longer be transacted upon. This is because they will still have one transaction recorded against them in the 2023/24 year to transfer the residual balance out - and thus will have to be disclosed in the Annual Financial Statements for that year.

d. CP 2.5 – Use of Debt as a Funding Option

No changes required.

e. CP 2.6 – Budget Variations

Change to the materiality limits for cost-neutral budget amendments between line items in the already approved budget to separately state limits for General Managers versus the CEO.

To improve the timeliness of reflecting minor budget amendments (those under the materiality threshold), such adjustments are to be reflected in the next month's Management Accounts presented to Council for adoption rather than waiting until the next budget review report.

The policy has been modified to provide greater clarity around a change to an existing budget line item versus 'an additional purpose'.

f. CP 2.9 – Rate Exemptions

No changes required - the policy largely reflects legislative requirements.

g. CP 2.10 – Financial Hardship

This policy was superimposed on top of the City's long standing administrative procedure for responding to requests for special payment arrangements for ratepayers experiencing financial hardship by the March 2020 Local Government (Covid -19 Response) Ministerial Order.

The policy specifically related only to Covid-19 related financial hardship impacts and was applied on just five occasions.

The City did, and continues to, compassionately support ratepayers experiencing general financial hardship (not Covid-19 related), through its administrative processes relating to special payment arrangements.

The March 2020 Local Government (Covid - 19 Response) Ministerial Order has been lifted, meaning that Policy 2.10 as adopted is now irrelevant.

As noted above, the City has long-standing administrative procedures in place to ensure fair, equitable and consistent support to ratepayers experiencing financial difficulty.

Consultation

10. The policies have been benchmarked against those metropolitan Tier 1 and 2 local governments that have equivalent contemporary policies.

Decision Implications

11. If Council adopts the reviewed Policies, they will be updated on the City's website and the review date extended by a further 3 years.
12. Policy CP 2.10 – Financial Hardship will be revoked, and the administration will continue to apply the existing administration procedures relating to requests for special payment arrangements for ratepayers experiencing financial hardship.
13. If Council does not adopt the reviewed Policies, the current Policies will continue to apply.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Well-governed.
Related Documents (Issue Specific Strategies and Plans):	Corporate Business Plan

Legislation, Delegation of Authority and Policy	
Legislation:	Section 2.7(2)(b) of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	In accordance with Section 2.7(2)(b) Council is to determine the local government's policies.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (OCM-23/08-019)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council:

1. ADOPTS the following reviewed Council Policies.
 - 1.1 CP 2.1 – Management of Investments (**Attachment 15.3A**)
 - 1.2 CP 2.3 – Strategic Financial Planning and Budgeting (**Attachment 15.3B**)
 - 1.3 CP 2.4 – Cash Backed Reserves (**Attachment 15.3C**)
 - 1.4 CP 2.5 – Use of Debt as a Funding Option (**Attachment 15.3D**)
 - 1.5 CP 2.6 – Budget Variations (**Attachment 15.3E**)
 - 1.6 CP 2.9 – Rate Exemptions (**Attachment 15.3F**)
2. REVOKES Policy CP 2.10 – Financial Hardship (**Attachment 15.3G**)

CARRIED EN BLOC (7/0)

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

Against : Nil

15.4 Review of Council Policy 2.16 Complaints Management

Responsible Officer	Melissa Murphy – General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 15.4A – Council Policy 2.16 Complaints Management

Purpose

To consider the review of Council Policy 2.16 Complaints Management.

Recommendation

That Council ADOPTS reviewed Council Policy 2.16 Complaints Management (Attachment 15.4A).

Amended Officers Recommendation

That Council ADOPTS reviewed Council Policy 2.16 Complaints Management (Attachment 15.4A), with the following amendments in addition to those shown in Attachment 15.4A:

1. Deletion of the words: “and to all Council members and employees” from the first line of the Scope; and
 2. Replacement of the words “Elected Members” with “Council Members” in the third paragraph of the Scope.
-

Background

1. Council Policy 2.16 Complaints Management (the Policy) is being presented to Council as:
 - a. The document control section of the Policy identifies its review due date as August 2023.
 - b. The last policy review workplan considered by Council in May 2022 identified the Policy as also being due for review by August 2023.
2. The Policy provides for the management of general complaints related to the City's products, services, employees or handling of a complaint. The *Local Government Act 1995* (the Act) does not expressly provide for the management of general complaints of the type within the scope of the Policy. However, in accordance with section 3.1(1) of the Act, the adoption of a policy of this nature is considered to be within the general function of a local government to provide for the good government of persons in the district.
3. Accordingly, there are no express legislative requirements that apply to the Policy and it is within the City's policy discretion to set out an appropriate procedure for the management of complaints.

Discussion

4. The reviewed Policy is track-changed in Attachment 15.4A. The changes are:
 - a. An addition of a one month complaint submission deadline and clarification that anonymous complaints are not accepted, to align with [Council Policy 1.8 Code of Conduct Behavioural Complaints Management](#).
 - b. An increase in the review cycle from two to three years in line with Council Governance's review approach.
 - c. A few minor corrections.
5. The draft audit report on Internal Grievance and Complaints Handling (scheduled to be considered at the November 2023 Audit and Risk Committee meeting) identified no major required changes to the Policy.

Consultation

Nil.

Decision Implications

6. If Council adopts the reviewed Policy it will be updated on the City's website and the review date will have been achieved.
7. If Council does not adopt the reviewed Policy, the current Policy will continue to apply.

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	Section 2.7(2)(b) of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	In accordance with Section 2.7(2)(b) Council is to determine the local government's policies.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (OCM-23/08-020)

Mover: Councillor Catherine Lezer

Seconded: Deputy Lord Mayor Liam Gobbert

That Council ADOPTS reviewed Council Policy 2.16 Complaints Management (Attachment 15.4A), with the following amendments in addition to those shown in Attachment 15.4A:

1. Deletion of the words: "and to all Council members and employees" from the first line of the Scope; and
2. Replacement of the words "Elected Members" with "Council Members" in the third paragraph of the Scope.

CARRIED (5/2)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Clyde Bevan, Viktor Ko and Catherine Lezer

Against: Councillors Sandy Anghie and Rebecca Gordon

16. Chief Executive Officer Reports

16.1 Council Resolutions Reporting

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.1A – Status report on Council Resolutions

Purpose

To:

1. Provide a status update on the decisions made by the current Council, commencing from 16 October 2021; and
2. Seek Council endorsement for a new process for reporting on the implementation of Council resolutions initiated by elected members through notices of motion.

Recommendation

That Council:

1. RECEIVES the status report on Council resolutions, as contained in Attachment 16.1A.
 2. ACKNOWLEDGES the new process for the Council Resolutions Register:
 - a. being provided to Council in a quarterly information report via a Current Issues Briefing Note (CIBN); and
 - b. published on the City of Perth website.
 3. APPROVES Notice of Motion progress reporting being included in the Resolutions Register quarterly reporting process.
-

Background

1. At its Ordinary Council Meeting held on 23 February 2021, Council resolved as follows:
“That Council directs the Chief Executive Officer to implement the following changes to improve accountability and transparency of the City Administration:
 1. *AMENDS the Notice of Motion form to introduce a category of either 1 (to be implemented, or substantially commenced, immediately), 2 (to be implemented, or substantially commenced, within the next three months, or 3 (to be implemented, or substantially commenced, within 12 months),*
 2. *A report detailing each endorsed motion must be publicly available on the City of Perth website and updated after each Ordinary Council Meeting, which includes the following information:*
 - a. *Motion*
 - b. *Due date as per category*
 - c. *Progress notes from the City alliance responsible on work done to date*
 - d. *Budget information (total amount spent due to the motion)*

All motions endorsed since the October 2020 COP Council Election must be included in this report. These changes must be in effect by May 2021 Ordinary Council Meeting.”
2. Pursuant to this resolution, the City of Perth currently reports monthly on the progress of notices of motions carried by Council since the 17 October 2020 Council Election.
3. However, it is considered better practice to report on the status of all Council resolutions, ensuring that both Council and the community are aware of the status of decisions made by Council.

Discussion

2. A Council Resolutions Register has been developed, which captures all resolutions of Council dating back to the beginning of the current Council (from 16 October 2021).
3. The attached status report on Council resolutions provides the status of all resolutions of Council. The report has been organised into separate parts for ease of reference.
 - a. **Part 1. Resolutions incomplete and ongoing in the reporting period**
 - decisions of Council that have not yet been fully actioned.
 - b. **Part 2. Resolutions completed in the reporting period**
 - decisions of Council that have been fully actioned.
 - c. **Part 3. Resolutions initiated by elected members**
 - decisions of Council originating from Notices of Motions.
 - d. **Part 4. Resolutions where no action was required in the reporting period**
 - reports that were provided to Council for information only (i.e., monthly financial reports).

4. The register will not capture ongoing progress of projects and related activities, only that the initial decision has been actioned. For example, when Council adopts a policy, the resolution will be recorded as complete when the policy is in place.
5. It is recommended that this report be provided to Council via a quarterly Current Issues Briefing Note (CIBN) and replace the current process for the Notice of Motion Progress Report. An updated Council Resolutions Register will be attached to each CIBN and will also be uploaded to the City of Perth website.
6. Once resolutions are reported as complete, those resolutions will not be included in future status reports. However, they will remain on the register for administrative purposes.

Consultation

Nil.

Decision Implications

7. Reporting on the status of all Council Resolutions will further improve accountability and transparency for the City of Perth and provide Council with reassurance that its decisions are being implemented.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Well-Governed
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan 2022-2032 Reporting on Council resolutions supports objective G2.1: <i>"The City of Perth local government is a high performing organisation."</i>

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995</i> Section 5.41(c) states that one of the CEO's functions is to: <i>"cause Council decisions to be implemented."</i>
Authority of Council/CEO:	Council:
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

Council Resolution (OCM-23/08-021)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council:

1. RECEIVES the status report on Council resolutions, as contained in Attachment 16.1A.
2. ACKNOWLEDGES the new process for the Council Resolutions Register:
 - a. being provided to Council in a quarterly information report via a Current Issues Briefing Note (CIBN); and
 - b. published on the City of Perth website.
3. APPROVES Notice of Motion progress reporting being included in the Resolutions Register quarterly reporting process.

CARRIED EN BLOC (7/0)

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

Against : Nil

17. Committee Reports

17.1 ARC Report - Review of the Audit and Risk Committee Terms of Reference

Responsible Officer	Natasha Balderston – Audit and Risk Manager
Presentation Required	No
Attachments	Attachment 17.1A – Revised Audit and Risk Committee Terms of Reference (August 2023) Attachment 17.1B – Audit and Risk Committee Terms of Reference (August 2021)

Purpose

To provide the ARC with an overview of the revisions made to the Audit and Risk Committee Terms of Reference to consider it for recommendation to the Council for approval at the Ordinary Council Meeting on 29 August 2023.

Recommendation

That Council APPROVES the revised Audit and Risk Committee Terms of Reference, subject to:

1. The removal of the following wording:
 - a. *“To ensure continuity of knowledge and smooth transition between appointments, independent members will be appointed for different periods of four (4) years and three (3) years. They are eligible for reappointment for a maximum of two (2) term.”*
 - b. *“The presiding member may invite a deputy to attend meetings on behalf of an ARC member if quorum is not met, in pursuant to Part 5, Division 2, Section 5.11A of the Act.”* In the table referenced ‘4.3 Meetings’.
 - c. *“The Council may choose to nominate a Deputy to act on behalf of an ARC member if quorum is not met, in pursuant to Part 5, Division 2, Section 5.11A of the Act”* under Section 4.1.
2. The addition of the following wording:
 - a. Provision for the Audit and Risk Committee Members to have an in-camera session with the Manager Audit and Risk before the conclusion of an Audit and Risk Committee meeting.
 - b. Provision for a member of the Audit and Risk Committee to meet with the Manager Audit and Risk on request.
 - c. *‘including administration’* in dot point 2 under Section 3.
 - d. Include a statement that the Lord Mayor cannot be the Presiding Member of the Audit and Risk Committee.
3. The administration investigating guidelines for skills matrix/attributes relating to prospective members.

Background

1. The Audit and Risk Committee (“ARC”) is a formally appointed committee of the City of Perth (“the City”) Council, pursuant to section 7.1A of the *Local Government Act 1995*.
2. The ARC Terms of Reference (“TOR”) was last reviewed in March 2021 (Attachment 17.1B), and approved by Council on 31 August 2021, on the recommendation of the ARC.
3. The current ARC TOR was formulated using a standard model (the Office of the Auditor General – Public Sector Audit Committees Better Practice Guide) and was not tailored to the City’s specific purpose and needs.
4. Findings from the Performance of ARC Audit (May 2023) identified several issues with the current TOR and noted that for the City and the ARC to effectively operate, its Terms of Reference needs to be relevant, appropriate, accurate, complete, and in compliance with legislation.
5. One of the key findings was that the current ARC Terms of Reference did not clearly outline the ARCs role and responsibilities, and what was included was not fit for the City’s purposes.

Discussion

1. In developing the revised ARC Terms of Reference, the Internal Audit Team (“Team”) benchmarked against guidelines from the Office of the Auditor General and the Department of Local Government, the ARC Terms of Reference of other local governments, and standards from the Institute of Internal Auditors (IIA).
2. The Team considered the current operations of the ARC and reconciled it to the roles and responsibilities listed in the current ARC Terms of Reference. This revealed several discrepancies which have been addressed in the revised ARC Terms of Reference.
3. The Team also considered the results of the Performance of ARC Audit (March 2023).
4. The relevant findings and recommendations from the Performance of ARC Audit to the ARC TOR are listed in the table below:

No.	Finding	Recommendation	Relevant Section
12	Meeting Governance	Amend ARC Terms of Reference to include details for expectations for meeting attendances and the appropriate course of action should Members not regularly attend.	Addressed in Section “Appointment and Membership Terms”
13	Meeting Governance	Ensure ARC Agenda Papers are distributed in accordance with the Terms of Reference and in sufficient time for ARC Members to read the Agenda Papers.	Addressed in Section “Meetings – Agenda”
14	Meeting Governance	Ensure ARC has agreement in principle on future meeting Agenda Papers for their collective benefit and not individual ARC Members interests. The City could consider amending the Terms of Reference to ensure Agenda Papers are within scope of the ARC	Addressed in Section “Authority and Independence”

No.	Finding	Recommendation	Relevant Section
		and any exceptions are recorded within the minutes.	
17	Compliance with the Approved Terms of Reference	Update the ARC Terms of Reference to correct position titles.	Addressed throughout
18	Compliance with the Approved Terms of Reference	Update ARC Terms of Reference to correct Committee titles.	Addressed throughout
19	Compliance with the Approved Terms of Reference	Consider the payment of ARC Independent Members to ensure it complied with the ARC Terms of Reference and legislation.	Addressed in Section "Committee Sitting Fees and Reimbursements"
22	Compliance with the Approved Terms of Reference	Consider the format and timing of the reporting to Council on the activities of the ARC to meet the ARC Terms of Reference and better practice when the Terms of Reference are revised.	Addressed in Section "Reporting"
31	Contemporary Terms of Reference in Line with Better Practice	Review the ARC Terms of Reference to achieve a contemporary version which meets legislative compliance requirements and aligned to better practice principles after consideration of the above-mentioned elements.	Each of the better practice principles identified in the audit were considered and included in the ARC TOR as appropriate.

5. Several inclusions were made to address relevant gaps in the Terms of Reference, and to align with better practice, including, more information and clarity around:
 - a. Meeting Governance.
 - b. Membership to the ARC.
 - c. Membership terms.
 - d. Sitting fees and reimbursements.
 - e. Minuting and Agenda distribution and review periods.
6. The updated TOR is more reflective of a Local Government ARC and aligns the Department's model guidelines.

Consultation

7. In developing the Terms of Reference, the Internal Audit Team consulted with the Manager Audit and Risk, the Alliance Manager Council Governance and Policy and the Executive Director Governance and Strategy.

Decision Implications

8. Failure of the ARC to recommend the revised Terms of Reference for approval to Council will result in the ARC operating according to a TOR which is not fit for purpose.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Internal Audit Charter, Audit and Risk Committee Terms of Reference

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995, Local Government (Audit) Regulations 1996, Local Government (Administration) Regulations 1996.</i>
Authority of Council/CEO:	Council.
Policy:	Nil.

Financial Implications

Nil.

Council Resolution (OCM-23/08-022)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council APPROVES the revised Audit and Risk Committee Terms of Reference, subject to:

1. The removal of the following wording:
 - a. *“To ensure continuity of knowledge and smooth transition between appointments, independent members will be appointed for different periods of four (4) years and three (3) years. They are eligible for reappointment for a maximum of two (2) term.”*
 - b. *“The presiding member may invite a deputy to attend meetings on behalf of an ARC member if quorum is not met, in pursuant to Part 5, Division 2, Section 5.11A of the Act.”* In the table referenced ‘4.3 Meetings’.
 - c. *“The Council may choose to nominate a Deputy to act on behalf of an ARC member if quorum is not met, in pursuant to Part 5, Division 2, Section 5.11A of the Act”* under Section 4.1.
2. The addition of the following wording:
 - a. Provision for the Audit and Risk Committee Members to have an in-camera session with the Manager Audit and Risk before the conclusion of an Audit and Risk Committee meeting.
 - b. Provision for a member of the Audit and Risk Committee to meet with the Manager Audit and Risk on request.
 - c. *‘including administration’* in dot point 2 under Section 3.
 - d. Include a statement that the Lord Mayor cannot be the Presiding Member of the Audit and Risk Committee.
3. The administration investigating guidelines for skills matrix/attributes relating to prospective members.

CARRIED EN BLOC (7/0)

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

Against : Nil

18. Motions of which Previous Notice has been Given

6:20pm Councillor Rebecca Gordon disclosed a Proximity Interest in Item 18.1 (detailed in Item 5) and departed the meeting accordingly.

6:20pm Councillor Viktor Ko disclosed a Proximity Interest in Item 18.1 (detailed in Item 5) and departed the meeting accordingly.

18.1 Notice of Motion – Supporting Bricks & Mortar

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

Councillor	Councillor Sandy Anghie
Date Received	21 August 2023
Motion	That Council <u>REQUEST</u> the CEO use best endeavours to arrange paid parking on Langley Park for the Pop-Up Ozone Reserve events in December 2023 to minimize impacts on nearby bricks and mortar businesses at On the Point.
Reasons Provided	<p>Having a diverse range of events is important to activate our City and create vibrancy, and part of this program is pop up events.</p> <p>However, in curating the City’s events program, we need to take care to support our bricks and mortar businesses – our City’s restaurants, cafes, bars and other – to ensure that they benefit from the City’s events program.</p> <p>Times are tough at the moment. In recent months I have had a number of conversations with businesses whose turnover hasn’t recovered post COVID, and just last week I went to last drinks for a lounge bar in West Perth.</p> <p>In relation to Point Fraser in particular, about a decade ago the City of Perth invested considerable resources (around \$13 million) into transforming Point Fraser into an environmentally sustainable public recreation space and children’s playground area. It’s my understanding that the commercial development there, On the Point, was part of the City's overall plan.</p> <p>The On The Point complex is in fact the City’s tenant, paying rent to the City in addition to rates. The success and vibrancy of this complex is important – we don’t want more vacant space in our City.</p> <p>Craig Hicks from the Art of Seafood restaurant at On the Point wrote to all Elected Members last year expressing concern about loss of parking, and therefore customers and revenue for his venue, due to the Pop-Up Ozone Reserve events in 2022 held at Christmas, his busiest time. He again wrote to Elected Members this year on the same matter.</p>

So let's mitigate the impacts on bricks and mortar business like Craig's by setting up temporary event parking on Langley Park for the Pop-Up Ozone Reserve events in December 2023. This has been done before. One example is the Perth Garden Show. I parked in the City's temporary parking myself when attending that event. I understand the total parking revenue raised by the City from the Perth Garden Show was \$32,130.

Based on advice from the City's administration prior to putting forward this Notice of Motion, I understand that the City requires approval from the Department of Transport to use reserves for parking; and that for the City to receive this approval all car parks in the area must be expected to be full. Based on anecdotal evidence from On the Point, the parking adjacent to their business was full in 2022.

So, it would be great to see the City use its best efforts to seek approval from the Department of Transport to set up additional parking.

Let's support pop up activation and bricks and mortar at the same time. We've done it before.

Noting also that we've had a number of Notices of Motion in relation to parking from different Elected Members over the past 3 years – the Lord Mayor, Cr Fleeton and myself.

Administration Response to Notice of Motion

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

Discussion

1. Parking on a reserve is by application and approval only through Department of Transport. The City in its application is required to demonstrate to the Department that general parking, including car parking operated by others, within 1km of the intended reserve will likely be full at the time of the event.
2. Department of Transport have only approved two events in recent years to allow on reserve parking. The first was for the use of the open grass area at the Terrace Rd carpark to support a series of Thursday morning WASO events at the Concert Hall due to the high number of attendees and the lack of alternative available car parks.
3. The second is the Perth Garden and Outdoor Expo due to the significant additional daytime traffic generated on a weekday from the 1,000 plus daily attendees when surrounding car parks are at or near to capacity. The circa \$32k revenue raised was due to the high volume of vehicles parking during an on-peak period.
4. The Perth Parking Levy is not applicable to parking on a reserve and therefore the City cannot be seen to be gaining an advantage for its parking activities over its competition. The City is required to maintain competitive neutrality in this respect and users will be required to pay a competitive parking fee based on surrounding commercially operated car parks.
5. The event times are predominantly at night. The event runs in parallel to the City's continuing Free Night Parking initiative which operates from 6pm to 6am. On this basis it is anticipated that the free bays at Point Fraser and Plain St carparks will still reach capacity first ahead of the paid parking at the Langley Park Reserve. As approximately 80 overflow bays are now unavailable at Point Fraser due to the construction of the new Causeway Pedestrian and Cyclist Bridge, this issue will be exacerbated.
6. Availability of Langley Park Reserve for extension of parking provisions maybe limited due to other events being held. City Events have advised that event bookings on Langley East, Mid and West have been secured on some of the same dates of the Pop-Up Ozone Reserve Event. This will translate to intermittent availability for parking on Langley Park and could cause confusion during the event period.
7. Furthermore, In December there are 17 days listed as a rest period prior to events commencing on Sunday 17th. During this time the turf would be subject to replacement/repair post the irrigation being turned off for 13 days. Additional vehicle traffic, compaction and damage would be problematic in returning the park to a state suitable to host further events.
8. The City recently met with the Operator at On the Point on 13 July 2023, to discuss issues raised by event popups on Ozone Reserve.
9. An outcome from the meeting was for Parking Services to investigate parking options within the area that will assist with the additional traffic of the event on Ozone Reserve.

10. The Hyatt was identified as an option for event holders to partner with to provide parking access near Ozone Reserve. Discussion has indicated that the venue has adequate availability to support the event which takes up existing parking bays within the network. The Hyatt parking team have indicated a willingness to partner with the event coordinator. This can be managed between the City's Events team, the event coordinator, and the Hyatt.

Decision Implications

11. If this motion is approved by Council, it will require written application to the Department of Transport that may or may not approve the use of on reserve parking. The introduction of paid reserve parking will unlikely reduce the demand for free parking at Point Fraser Car Park.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	City of Perth Strategic Community Plan 2022-2032

Legislation, Delegation of Authority and Policy	
Legislation:	Competitive Neutrality Policy. <i>The essence of competitive neutrality is that Government businesses should not enjoy a net competitive advantage simply because of their public sector ownership.</i>
Authority of Council/CEO:	Council
Policy:	Nil.

Financial Implications

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

Account Number	1116-100-10-100001-7128	Operating
Account Description	Agency Staff	
Current Budget	\$357,000	
Amendment to Budget	\$10,000	
Revised Budget	\$367,000	
Budget Impact	\$10,000	

Further Information

Nil.

Council Resolution (OCM-23/08-023)

Mover: Councillor Sandy Anghie

Secunder: Nil.

That Council REQUEST the CEO use best endeavours to arrange paid parking on Langley Park for the Pop-Up Ozone Reserve events in December 2023 to minimize impacts on nearby bricks and mortar businesses at On the Point.

LAPSED FOR WANT OF A SECONDER

19. Matters for which the meeting may be closed

6:21pm *Councillor Rebecca Gordon and Councillor Viktor Ko returned to the meeting prior to Item 19.*

Council Resolution (OCM-23/08-024)

Mover: Lord Mayor Basil Zempilas

Seconded: Deputy Lord Mayor Liam Gobbert

That Council CLOSE the meeting to the public.

19.1 25 (Lot 306) Riverside Drive, Point Fraser, East Perth - Leasing - Approval of Lease Proposal

19.2 2022/23 CEO Annual Performance Review

CARRIED UNOPPOSED (7/0)

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

Against : Nil

6:22pm *The Meeting was closed to the public and the live stream paused.*

In accordance with Section 5.23(2)(c) of the Local Government Act 1995, the following Item 19.1 and its attachments are confidential.

19.1 25 (Lot 306) Riverside Drive, Point Fraser, East Perth - Leasing - Approval of Lease Proposal

Responsible Officer	Steve Holden – General Manager Commercial Services
Voting Requirements	Absolute Majority
Attachments	Attachment 19.1A – Lease Proposal Attachment 19.1B – Survey Plan

Council Resolution (OCM-23/08-025)

Mover: Deputy Lord Mayor Liam Gobbert

Seconded: Councillor Catherine Lezer

That Council:

1. APPROVES the proposed Key Commercial Terms to sub-lease 25 (Lot 306), Riverside Drive, Point Fraser, East Perth.
2. AUTHORISES the Chief Executive Officer to give local public notice of the proposed disposition in accordance with Section 3.58(3)(a) of the *Local Government Act 1995*.
3. DELEGATES authority to the Chief Executive Officer to consider any submissions made in response to local public notice of the proposed disposition and to agree to dispose of the property in accordance with Section 3.58(3)(b) of the *Local Government Act 1995*.
4. Subject to the Chief Executive Officer agreeing to dispose of the property in the exercise of authority delegated under Item 3, AUTHORISES the Chief Executive Officer to execute the new sub-lease on behalf of the City.
5. REQUESTS the Minister for Lands to excise those portions of Class 'A' Reserve 13375 (affecting Lots 305 and 307 and Reserve 48462 (affecting Lot 303) as shown in the attached survey plan, for the purposes of resolving the encroachments issues.
6. DELEGATES to the CEO the authority to surrender the head lease and enter into a new head lease with the State Government on substantially the same terms and conditions as the existing head lease.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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

Against : Nil

In accordance with Section 5.23(2)(a) of the Local Government Act 1995, the following Item 19.2 and its attachments are confidential.

19.2 2022/23 CEO Annual Performance Review

Responsible Officer	Peta Mabbs – Executive Director Governance and Strategy
Voting Requirements	Absolute Majority
Attachments	Attachment 19.2A – CEO Performance Review Process 2023/24 - showing amendments to previous process Attachment 19.2B – CEO Performance Review Process 2023/24 - Final Draft Attachment 19.2C – Annual CEO Performance Review Report 2022/23 - Civic Legal

Council Resolution (OCM-23/08-026)

Mover: Councillor Catherine Lezer

Seconded: Deputy Lord Mayor Liam Gobbert

That Council:

1. ENDORSES the performance of the CEO for the 2022/23 period, in accordance with results identified in the *Annual Chief Executive Officer Performance Review Report 2022/23 (Attachment 19.2C)*.
2. APPROVES in accordance with the Salaries and Allowances Tribunal Determination No 1 of 2023, effective 1 July 2023, a 3.5% increase of the total reward package of the CEO, effective 1 July 2023.
3. REMOVES the professional development allowance from the CEO's Total Reward Package and endorses the CEO's continuing annual professional development.
4. ENDORSES the Draft, CEO's Performance Criteria for the 2023/24 Financial Year as set out in attachment 2 of the *Annual Chief Executive Officer Performance Review Report 2023/24 (Attachment 19.2C)*.
5. APPROVES the CEO performance review process for 2023/24 (Attachment 19.2B) with the minor highlighted amendments to the 2022/23 process

CARRIED BY ABSOLUTE MAJORITY (5/2)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Liam Gobbert; Councillors Sandy Anghie, Clyde Bevan and Catherine Lezer

Against: Councillors Rebecca Gordon and Viktor Ko

Council Resolution (OCM-23/08-027)

Mover: Councillor Catherine Lezer

Seconded: Councillor Rebecca Gordon

That Council OPEN the meeting to the public.

CARRIED UNOPPOSED (7/0)

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

Against : Nil

6:38pm *The meeting was reopened to the public and the live stream resumed.*

20. Urgent Business

Nil.

21. Closure

There being no further business, the Presiding Member declared the meeting closed at 6:38pm.