



CITY of PERTH

COUNCIL MINUTES

17 MARCH 2015

THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED

PRESIDING MEMBER'S

SIGNATURE

[Handwritten signature]

DATE:-----

7 April 2015

INDEX

Item	Description	Page
67/15	PRAYER	1
68/15	DECLARATION OF OPENING	1
69/15	APOLOGIES	1
70/15	QUESTION TIME FOR THE PUBLIC	1
71/15	MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE	2
72/15	CONFIRMATION OF MINUTES	2
73/15	ANNOUNCEMENTS BY THE LORD MAYOR	3
74/15	DISCLOSURE OF MEMBERS' INTERESTS	3
75/15	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	3
76/15	CORRESPONDENCE	3
77/15	PETITIONS	3
78/15	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
PLANNING COMMITTEE REPORTS		
79/15	63 (LOT 2) FORREST AVENUE, EAST PERTH – PROPOSED TEN LEVEL RESIDENTIAL DEVELOPMENT CONTAINING 17 MULTIPLE DWELLINGS AND 17 CAR PARKING BAYS	4
80/15	HAY AND MURRAY STREET MALLS, ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH – PROPOSED TEMPORARY THIRD PARTY ADVERTISING TO EXISTING TELSTRA PAY PHONES	15
81/15	989 (LOT 8) WELLINGTON STREET, WEST PERTH – PROPOSED MIXED-USE DEVELOPMENT COMPRISING 12 MULTIPLE DWELLINGS, AN OFFICE TENANCY AND 13 CAR PARKING BAYS	25
82/15	PROPOSED ADOPTION CP 8.0 – ENVIRONMENT POLICY	37
83/15	PROPOSED PRINCIPLES OF NEW CITY PLANNING SCHEME NO. 2 PLANNING PROVISIONS AND POLICY – HERITAGE ASSESSMENTS AND REGISTRATIONS	41

Item	Description	Page
MARKETING, SPONSORSHIP AND INTERNATIONAL RELATIONS COMMITTEE REPORTS		
84/15	SPONSORSHIP – WOMEN IN SUPER MOTHER’S DAY CLASSIC 2015	49
85/15	COMMONWEALTH WALKWAY, PERTH	53
FINANCE AND ADMINISTRATION COMMITTEE REPORTS		
86/15	FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2015	56
87/15	FEBRUARY BUDGET REVIEW 2014/15 – FORECAST OF THE OPERATING AND CAPITAL BUDGET FOR THE YEAR ENDING 30 JUNE 2015	57
88/15	REVIEW OF COUNCIL POLICY CP9.13 – NOT RATEABLE PROPERTIES (RATE EXEMPTIONS) AND PARTIAL RATE EXEMPTIONS	62
89/15	2015 LOCAL GOVERNMENT ELECTIONS	66
90/15	PROPOSED VARIATION OF LEASE – LUCKY CHARM NEWSAGENCY – SHOP 7, CITY STATION CONCOURSE	69
91/15	POINT FRASER DEVELOPMENT – REQUEST FOR EXTENSION OF PRACTICAL COMPLETION DATE	71
92/15	REVIEW COMPLETED – CITY OF PERTH THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007 AND REPEAL OF THE CITY OF PERTH SIGNS LOCAL LAW 2005	74
AUDIT AND RISK COMMITTEE REPORTS		
93/15	2014 COMPLIANCE AUDIT RETURN	79
94/15	CITY OF PERTH INTERNAL AUDIT CHARTER	87
95/15	CITY OF PERTH INTERNAL AUDIT 2014/15 – PURCHASING REVIEW	89
96/15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	91
97/15	URGENT BUSINESS	91
98/15	CLOSE OF MEETING	91

Minutes of the **Ordinary Meeting** of the Council of the City of Perth held in the Council Chamber, Ninth Floor, Council House, 27 St Georges Terrace, Perth, on **Tuesday, 17 March 2015.**

Presiding: The Rt Hon Lord Mayor, Ms Lisa-M. Scaffidi

Councillors Present: Davidson, Harley, Limnios, McEvoy and Yong

In Attendance:

Gary Stevenson PSM	-	Chief Executive Officer
Robert Mianich	-	Director Corporate Services
Doug Forster	-	Director City Infrastructure and Enterprises
Martin Mileham	-	Director City Planning and Development
Garry Dunne	-	Director City Services
Margaret Smith	-	Manager Approval Services
Chris Noble	-	Acting Manager Governance
Paul Anastas	-	Personal Aide to the Lord Mayor
Cathryn Clayton	-	Governance Electoral Officer

Observers:

Two members of the public.
Two members of the press.
Five members of the staff.

67/15 PRAYER

The Lord Mayor took the Chair and the prayer was read by the Chief Executive Officer.

68/15 DECLARATION OF OPENING

6.01pm The Lord Mayor declared the meeting open.

69/15 APOLOGIES

Nil

70/15 QUESTION TIME FOR THE PUBLIC

Nil

**71/15 MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS
FOR LEAVE OF ABSENCE**

The Chief Executive Officer advised that the following leaves of absence had previously been granted:

- Cr Chen for the period 8 to 18 March 2015, inclusive;
- Cr Butler for the period 14 to 21 March 2015, inclusive;
- Cr Adamos for the period 16 to 20 March 2015, inclusive.

The following requests for leave of absence were received:

- Cr Limnios for the period 22 to 29 March 2015, inclusive;
- Cr Yong for the 31 March 2015.

Moved by Cr McEvoy, seconded by Cr Davidson

That the following requests for leave of absence be approved:

- 1. Cr Limnios for the period 22 to 29 March 2015, inclusive;***
- 2. Cr Yong for 31 March 2015.***

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

72/15 CONFIRMATION OF MINUTES

The minutes of the Ordinary Meeting of the Council held on 24 February 2015 were submitted for consideration.

Moved by Cr Limnios, seconded by Cr Davidson

That the minutes of the Ordinary Meeting of the Council held on 24 February 2015, be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

73/15 ANNOUNCEMENTS BY THE LORD MAYOR

Nil

74/15 DISCLOSURE OF MEMBERS' INTERESTS

The following Members disclosed an interest:

Member Officer	Minute No.	Item Title.	Nature / Extent of Interest
The Lord Mayor	83/15	Proposed Principles of New City Planning Scheme No. 2 Planning Provisions and Policy – Heritage Assessments and Registrations	Financial Interest

75/15 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

76/15 CORRESPONDENCE

Nil

77/15 PETITIONS

Nil

78/15 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Chief Executive Officer advised that Schedules 11 and 26 associated with Items 83/15 and 95/15 are CONFIDENTIAL in accordance with Sections 5.23(2)(a) and (e)(ii) of the *Local Government Act 1995*.

Therefore, should a Member wish to discuss the content of the Schedules relevant to these Items, it is recommended that Council resolve to close the meeting to members of the public before discussion of the Item.

PLANNING COMMITTEE REPORTS

79/15 63 (LOT 2) FORREST AVENUE, EAST PERTH – PROPOSED TEN LEVEL RESIDENTIAL DEVELOPMENT CONTAINING 17 MULTIPLE DWELLINGS AND 17 CAR PARKING BAYS

BACKGROUND:

SUBURB/LOCATION:	63 Forrest Avenue, East Perth
FILE REFERENCE:	2014/5275
REPORTING UNIT:	Approval Services
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	24 February 2015
MAP / SCHEDULE:	Schedule 1 – Map and coloured perspectives for 63 Forrest Avenue, East Perth
LANDOWNER:	Woodro Holdings Pty Ltd
APPLICANT:	Aztec Architects
ZONING:	(MRS Zone) Urban (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Residential (R160)
APPROXIMATE COST:	\$4 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

SITE HISTORY:

The subject site has a total area of 412m² and has frontages to both Forrest Avenue and Wellington Street. The site is currently occupied by a single storey residence and associated outbuildings. The site is bordered by residential development to the west and a Western Power substation to the east.

DETAILS:

Approval is sought to demolish the existing building on the site and to construct a ten level residential development containing 17 multiple dwellings and 17 car parking bays on the subject site. The details of the proposed development are as follows:

Basement Level	This level contains six car stacker pits, 17 residential store rooms, lift and lift lobby, pumps and tanks, mechanical plant room and fire exit stairwells.
Ground Floor Level	This level contains six car parking stackers and driveway accessed via Forrest Avenue, separate entry lobbies from Wellington Street and Forrest Avenue, six bicycle bays, landscaped areas, bin store, fire exit stairwells, lift and lift lobby.
First to Third Floor Levels	These levels each contain two 2-bedroom/1-bathroom apartments (69m ² and 73m ²) with balconies (10m ² and 11m ²), one 1-bedroom/1-bathroom apartment (46m ²) with a balcony (10m ²), passageway, air conditioning plant room, fire exit stairwell, lift and lift lobby.
Fourth to Sixth Floor Levels	These levels each contain one 2-bedroom/2-bathroom apartment (76m ²) with balconies (10m ² to 38m ²), one 2-bedroom/1-bathroom apartment (73m ²) with a balcony (10m ²), passageway, air conditioning plant room, fire exit stairwell, lift and lift lobby.
Seventh and Eighth Floor Levels	These levels each contain one 2-bedroom/2-bathroom apartment (114m ²) with two balconies (30m ² and 42m ²), passageway, air conditioning plant room, fire exit stairwell, lift and lift lobby
Roof Level	This level contains a lift over-run.

The development is proposed to be constructed and finished using a mix of rendered and painted concrete, timber cladding, aluminium framed clear and obscure glazing and metal louvres.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
City Planning Scheme No. 2

Policy

Policy No and Name: 3.1 – Design of Residential Development
4.1 – City Development Design Guidelines
4.10 – Residential Design Policy
5.1 – Parking Policy
5.4 – Bicycle Parking and End of Journey Facilities
6.3 – Goderich Design Policy

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The Goderich Precinct (P14) will be further developed as a residential neighbourhood accommodating a wide range of residential and employment opportunities. The

proposed 'Residential' use is a preferred ('P') use within the Residential R160 use area. It is considered that the use would be consistent with the intent of the precinct and will be compatible with the surrounding land uses.

Development Requirements

The building design requirements of the Goderich Design Policy encourage innovative and high quality design, which, while cognisant of the traditional patterns present in the existing context, will make a contemporary contribution to fulfilling the 'Built Form' objectives.

The proposal has been assessed against the City Planning Scheme No. 2 (CPS2), Goderich Design Policy (6.3) and relevant Residential Design Codes requirements as summarised below, with non-compliances highlighted in bold:-

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:	3.0:1 (1,236m ²)	3.0:1 (1,236m ²)
Maximum Street Building Height:		
Forrest Avenue	14.7 metres	14 metres
Wellington Street	21.7 metres	21 metres
Maximum Building Height:	29.5 metres	No prescribed limit
Setbacks:		
Front (Forrest Avenue)	4 to 4.5 metre setback up to 14.7 metres in height then a 7 to 10.7 metre setback to a height of 29.5 metres	4.5 metre setback up to the maximum street building height (14 metres) followed by a 9.5 metre setback up to a height of 65 metres and then a 14.5 metre setback with no prescribed maximum building height limit
Secondary Street (Wellington Street)	Nil setback up to 21.7 metres in height then a nil to 5 metre setback to a height of 29.5 metres	Nil setback up to the maximum street building height (21 metres) followed by a 5 metre setback up to a height of 65 metres and then a 10 metre setback with no prescribed maximum

Development Standard	Proposed	Required / Permitted
Side (west)	Nil (no openings) to 2 metres (with openings and balconies)	building height limit 3 metres (no openings/balconies) up to 65 metres in height 4 metres (with openings/balconies) up to 65 metres in height
Side (east)		3 metres (no openings/balconies) up to 65 metres in height 4 metres (with openings/balconies) up to 65 metres in height
Car Parking:		
Residential	17 bays	15 bays (minimum)
Visitor	Nil	4 bays
Bicycle Parking:		
Bicycle Bays	6 bays	6 bays (minimum)

Variations to the street building height, setback and car parking provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the CPS2 and provided that Council is satisfied that:

'47(3)(d)(i) if approval were to be granted, the development would be consistent with:

- (A) the orderly and proper planning of the locality;*
- (B) the conservation of the amenities of the locality; and*
- (C) the statement of intent set out in the relevant precinct plan; and*

(ii) the non-compliance would not have any undue adverse effect on:

- (A) the occupiers or users of the development;*
- (B) the property in, or the inhabitants of, the locality; or*
- (C) the likely future development of the locality'.*

COMMENTS:

Consultation

The proposal was advertised to the owners of the adjacent properties for a period of 14 days, closing on 25 February 2015. One submission was received from an owner

within the apartment complex at 60 – 64 Forrest Avenue, which is located to the south east of the subject site. The submission stated:

“Our building (60-64 Forrest Avenue) is located on the southern side of 63 Forrest Avenue, the increased height of the new apartment from 14m to 15m and reducing the setback distance will cause overshadow issues for our building, in particular on the lower level units. Thus, as a member of the Council of Owners of 60-64 Forrest Avenue, I am strongly against the variations to the height and setback requirements of 63 Forrest Avenue.”

A review of the proposal’s overshadowing extent has confirmed that the overall height of the proposed development will lead to some overshadowing of the existing building located at 60-64 Forrest Avenue, but this will be restricted to some of the ground floor units and will only occur for a limited time during mid-winter. The one metre increase in the street building height will not have an impact on the existing residential development. This is therefore considered minor and requiring a minor reduction in height and greater setbacks for the development will not reduce its overshadowing impacts on the existing residential complex.

Design Advisory Committee

The proposal was considered by the Design Advisory Committee (DAC) at its meeting held on 29 January 2015. The DAC advised that it:

- “1. acknowledges the design response to the constrained site, but notes that the Goderich Design Policy calls for innovative and high quality design solutions and considers that further consideration needs to be given to the composition of the building, noting its context and prominent visibility from Wellington/Plain Streets, in order to warrant support for the setback and street building height variations;*
- 2. suggests that the applicant continues to refine the design in consultation with the City’s officers, to improve the general design and aesthetic quality of the development with particular attention to the eastern façade and the layout of the apartments.”*

The applicant subsequently met with Officers and submitted revised plans that aim to address the abovementioned issues. The planning assessment section below details the extent to which the revised plans respond to the design matters raised by the DAC.

Building Design, Materials and Finishes

The proposed design of the development has been modified to address the specific concerns of the DAC. In particular, increased setbacks to the south-western portion of the site, the addition of contrasting materials and finishes and refinement of the types and location of glazing have assisted in breaking up the expanse of the development and adding interest to its design. Through the process of revising the design the applicant has been able to incorporate additional floor area. This has

resulted in a net increase of one unit but the maximum plot ratio for the site has not been exceeded. The additional floor area to the top of the building, incorporating increased southern setbacks, has resulted in a more slender building composition.

The proposed development is contemporary in design with a variety of materials, finishes and colours being used to accentuate features and minimise the impact of different elements of the building. The façades of the building have been articulated with vertical elements, varied window typologies and angled horizontal features to reduce the overall bulk of the building. A mix of contrasting render/precast and painted concrete finishes, glass, aluminium glazing systems, timber cladding and metal louvres have been used to articulate the facades to Forrest Avenue and Wellington Streets. The proposed use of materials, colours and finishes is considered to be consistent with the Goderich Design Policy.

In accordance with DAC's comments, the applicant has also revised the internal layouts of the apartments to improve their efficiency and amenity for future occupants. This has been achieved by increasing the dimensions of living areas, modifying all balconies to be a minimum of 10 square metres, reducing the amount of internal walls to 'open' the apartment spaces and internalising bathroom and laundry areas to ensure habitable areas gain better access to natural light and ventilation.

Building Height and Setbacks

In accordance with the Goderich Street Design Policy (6.3), the site has no prescribed maximum height limit however maximum street building heights are applicable. The Policy prescribes a maximum street building height of 29 metres along Forrest Avenue, however where side setback variations are sought, the maximum street building height is reduced to a maximum of 14 metres. Given the proposed development is seeking side setback variations, the latter 14 metre maximum street building height applies. For the Wellington Street frontage, a maximum street building height of 21 metres is permissible. The proposed development includes minor variations of 0.7 metre above the prescribed maximum street building heights. The minor variations are considered to be consistent with the existing (and future) streetscape and will not be dominant or imposing within the streetscape. The variations can therefore, be supported based on the design satisfying the requirements of Clause 47 of the CPS2.

Whilst a small portion of the building encroaches to four metres from the front boundary, the majority achieves the 4.5 metre setback requirement. The upper levels are setback between seven to 10.7 metres from the front boundary which is also a variation to the 9.5 metre setback requirement of the Policy. The objectives of the Policy have generally been satisfied given the encroachments are balanced by greater setbacks in some areas of the frontage which therefore reduces the impact on the adjacent street environment.

The nil setback for the podium levels of the development along the Wellington Street frontage is consistent with the requirements of the Policy. However the upper levels are setback between nil and five metres, which represents a variation to the Policy requirement of a five metre minimum setback from the front boundary above the

prescribed maximum street building height. The variation is considered to be acceptable in terms of the Policy requirements in this case as the combination of the angled frontage of the site and the encroachments not being uniform in shape effectively lessens the impact of the reduced setback. The variation would also not detract from the existing streetscape noting the inconsistent building setbacks along this portion of Wellington Street.

Variations are proposed to the east and west three metre and four metre side setback requirements of the Policy. It is noted however, that given the width of the subject lot, a compliant development could only achieve a building width of five metres which would be impractical. Therefore the variations to the side setbacks prescribed by the Policy can be considered subject to the appropriate objectives of the Policy being met.

In this instance the proposed eastern side setback variation is considered to generate less of an impact than the western setback variation as a Western Power substation neighbours the property to the east. Whilst the substation is unlikely to be redeveloped in the short to medium term, consideration still needs to be given to appropriately responding to this boundary. Openings and balconies have been provided on the eastern elevation to maximise views, solar access and ventilation given the low scale of the substation site and the prominence of the subject site on the Forrest Avenue and Wellington Street intersection. The two metre setback to the eastern boundary can therefore be supported in accordance with Clause 47 of CPS2 given the objectives of the Policy will not be compromised by the reduction.

The proposed western side setback of nil to two metres is, by contrast, a more significant variation. The adjacent residential building located to the west at 61 Forrest Avenue has an existing four level parapet on the northern portion of the site which abuts the subject site for approximately a third of its length. The nil setback of the proposed development within this area of the site is therefore considered acceptable given it will not have an impact on the adjoining site. The setback variations to the remainder of the site are not considered to impact on the visual privacy of the adjoining property given that all apartments have been designed to front in either a northerly, easterly or southerly direction. Given the irregular shape and narrowness of the subject lot, the proposed development will not impact on the visual privacy of adjoining properties and the existing nil setback of the residential building to the west, it is recommended that the proposed setback variations be supported in accordance with Clause 47 of CPS2.

Car Parking

The development is compliant with respect to resident car parking bay provision as prescribed by the Residential Design Codes (R-Codes). However, the R-Codes also require visitor parking bays be provided and for a development of this scale four visitor bays are required. It is considered that given the dimensions of the subject lot and noting the proposal exceeds the minimum resident car parking bay requirement via the use of car stackers, the requirement for visitor bays to be provided on site would be onerous. It is also considered that the expected demand for visitor parking from the development can be adequately provided for by the presence of on-street

bays adjacent to the site. There is also a high level of public transport availability in the area including high frequency public transport services.

Heritage

The property is on the State Heritage Office's (SHO) assessment program (Place Number – 01974). As such the application was referred to the SHO for their review in regards to the heritage aspects of the development proposal. The Heritage Council's Register Committee considered the proposal and determined that:

“While the place may have some cultural heritage significance, it was unlikely that the place would meet the threshold for entry on the State Register of Heritage Places. If further information becomes available in the future, the Register Committee may reconsider this decision.”

In accordance with the above it is recommended that a photographic record of the existing development on site be submitted prior to demolition. This is based on the age, design quality and condition of the existing buildings. This can be included as a condition of approval.

Conclusion

In response to the concerns of the DAC, the applicant has provided revised plans and elevations to improve the overall presentation and quality of the development.

The proposed ten level residential development is consistent with the Statement of Intent for the Goderich Precinct which is to be further developed as a residential neighbourhood. The proposed development is in keeping with the scale of development recently approved along Wellington Street and in accordance with the built form guidelines and principles of the City's Development and Design Guidelines Policy (4.1) and Goderich Street Design Policy (6.3).

The proposal is seeking variations to the street building height and setback requirements of the CPS2 however there are not considered to result in any adverse impact on adjoining properties or occupants and are therefore supported in accordance with Clause 47 of the CPS2.

Moved by Cr Harley, seconded by Cr McEvoy

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES BY AN ABSOLUTE MAJORITY the application for the demolition of the existing building and the construction of a ten level residential development containing 17 multiple dwellings and 17 car parking bays at 63 (Lot 2) Forrest Avenue, East Perth, as indicated on the Metropolitan Region Scheme Form One dated 18 August 2014, and as shown on the plans received on 25 February 2015, subject to:

- 1. the development being constructed with high quality and durable materials and finishes and to a level of detailing that is consistent with the elevations and perspectives received on 25 February 2015, with the final details of the design and a sample board of the materials, colours and finishes being submitted to the City for approval prior to applying for a building permit;*
- 2. air conditioner condensers not being permitted on the residential balconies where they affect the use or enjoyment of the balcony and being located or screened so they can not be viewed from the street or surrounding properties;*
- 3. any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, and fire booster cabinets being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted and approved prior to applying for a building permit;*
- 4. the proposed development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 – Residential Design Policy. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and shall be submitted for approval prior to applying for the relevant building permit;*

(Cont'd)

5. *a Waste Management Plan satisfying the City's waste collection requirements being submitted and approved prior to applying for the relevant building permit;*
6. *the dimensions of all car parking bays, aisle widths, ramps and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;*
7. *a minimum of one car bay being allocated to each multiple dwelling within the development, with all on-site residential car bays being for the exclusive use of the residents of the development and their visitors;*
8. *a minimum of six secure bicycle parking facilities being provided designed and located in accordance with the requirements of the City Planning Scheme No. 2 – Policy 5.4 Bicycle Parking and End of Journey Facilities, with details of the design and location of these facilities being submitted and approved prior to applying for a building permit;*
9. *all stormwater being contained on-site with details of the stormwater drainage being submitted to the City for approval prior to applying for a building permit;*
10. *the proposed vehicle and pedestrian entry levels being consistent with the existing footpath levels with final details of the existing and proposed levels being submitted and approved prior to the submission of an application for a building permit;*
11. *an archival record of the existing building being submitted to the City in A4 format including plans, elevations, sections, a written description and colour photographs of all internal and external architectural features, prior to applying for a demolition permit;*
12. *in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped to the satisfaction of the City in order to preserve the amenity of the area; to prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state;*

(Cont'd)

- 13. a detailed landscaping and reticulation plan being submitted and approved prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;**
- 14. a construction management plan for the proposal being submitted prior to applying for a building permit, detailing how it is proposed to manage:**
 - 14.1 delivery of materials and equipment to the site;**
 - 14.2 storage of materials and equipment on the site;**
 - 14.3 parking arrangements for contractors and subcontractors;**
 - 14.4 other matters likely to impact on the surrounding properties.**

The motion was put and carried by an absolute majority

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

80/15 HAY AND MURRAY STREET MALLS, ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH – PROPOSED TEMPORARY THIRD PARTY ADVERTISING TO EXISTING TELSTRA PAY PHONES

BACKGROUND:

SUBURB/LOCATION:	Hay and Murray Street Malls and the Road Reserve in front of 815 Hay Street and 300 Murray Street, Perth
FILE REFERENCE:	DA2014/5404
REPORTING UNIT:	Approval Services
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	6 January 2015
MAP / SCHEDULE:	Schedule 2 – Map of locations of proposed signage Schedule 3 – Images of current phones booths (Locations 1 to 9) Schedule 4 – Proposed signage and mock ups (Locations 5 and 7) Schedule 5 – Examples of proposed signage Schedule 6 – Signage specifications Schedule 7– Example of proposed signage with Telstra logo and colourful hoods
LANDOWNER:	City of Perth
APPLICANT:	Urbis Pty Ltd
ZONING:	(MRS Zone) Central City Area Zone (City Planning Scheme Precinct) – Precinct 5 Citiplace (City Planning Scheme Use Area) – Central City Area Zone
APPROXIMATE COST:	\$16,000

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

An application for third party advertising on 54 telephone booths in 41 locations in the city was submitted to the City on 31 July 2006. The application was not processed by the City beyond a preliminary assessment of the proposal as the application form was unsigned and a legal issue arose over who could sign the application as the 'owner' of the affected land. As Council did not determine the application, the applicant submitted the application to the State Administrative Tribunal (SAT) on 31 August 2006 to review both the preliminary matter of the signing of the application form and the application for the third party signage.

For the purpose of stating the Council's position to the SAT, the application was considered by the Council at its meeting held on **31 October 2006**. Council advised that it did not support the third party advertising for the following reasons:

- “1. *the proposed signage would add to the visual clutter of the locality;*
2. *the proposed signage would add to the proliferation of phone booths and advertising;*
3. *the proposed signage would create maintenance concerns.”*

Following a SAT mediation session, the applicant submitted revised details for a number of the proposed sign locations. At its meeting held on **12 December 2006**, Council considered this revised proposal and resolved to advise the SAT that it did not support the application for third party advertising on the existing and new telephone pedestals in the Perth Central Area for the reason that the proposed signage was in contradiction of the City's Sign Policy.

As a consequence of the Council's rejection of the revised proposal, the SAT heard an appeal on 27 – 29 February 2007 and delivered its decision on 2 April 2007 dismissing the applicant's application for review. The SAT was of the opinion that the application would involve a form of development which is uncharacteristic of each locality and which would diminish the character and amenity of each area. The applicant subsequently appealed this decision to the Supreme Court which was also dismissed.

The installation or replacement of phone booths and the display of signs on phone booths that are limited to advertising telecommunication carriers and services are permissible under the *Telecommunications (Low-impact Facilities) Determination 1997* (made under the *Telecommunications Act 1997*) and are exempt from requiring the Council's planning approval.

At the Planning Committee meeting held on 27 January 2015, the Committee determined to amend condition 2 of the recommendation of approval as follows:

- “2. ~~the advertising signs being positioned on the telephone booths to allow for the Telstra 'hood' to be visible from all directions; each telephone booth remaining clearly identifiable as a public pay telephone when viewed from any direction;”~~

The Planning Committee considered that the amendment provides clarity for the applicant. The applicant subsequently requested to withdraw the application from Council consideration to submit additional information to adequately address issues discussed at the Planning Committee meeting. The applicant has since submitted additional information regarding how it will ensure that the phone booths will be identifiable from all directions. This will be discussed further within the comments section of this report.

DETAILS:

Approval is sought for temporary approval for six months for sixteen signs in nine locations displaying third party advertising which will be located on existing Telstra

pay phone booths. Four of these phone booths have existing telecommunication signs affixed to them and as such only require approval for the display of third party content.

In some locations where there are currently four pay phones arranged in back-to-back pairs, two of the phone booths will be removed to provide an opportunity to affix the signs to the backs of the remaining phone booths.

The advertising will have two to three messages (static) that are proposed to rotate every seven seconds. The size of the advertisement will be 1600mm in height, 800mm in width and 160mm in depth. Each sign will be internally illuminated and housed within an aluminium frame with toughened glass. The signage panels do not extend beyond the extent of the existing pay phone structures.

The nine locations (16 telephones), numbered in accordance with the plan submitted by the applicant indicating the locations of existing Telstra public telephones, are listed below:

No.	Location Description	Existing	Proposed	Signs Proposed
1	612 Hay Street Mall, near Barrack Street (Outside Man to Man) (South side of mall)	4 payphones, 2 east, 2 west. No signage.	2 payphones (1 west, 1 east), with sign behind each. Westbound sign closer to mall. Eastbound sign to footpath.	2
2	701 Hay St Mall (Outside Witchery Enex 100, opposite Carillon City) (South side of mall)	2 payphones, facing east. 2 signs, facing west.	2 payphones (1 east, 1 west), with sign behind each. Westbound sign closer to mall. Eastbound sign to footpath.	2
3	729 Hay Street Mall, near William Street. (Outside Flight Centre, Opposite Solid Gold) (South side of mall)	4 payphones, 2 east, 2 west. No signage.	2 payphones (1 west, 1 east), with sign behind each. Westbound sign closer to mall. Eastbound sign to footpath.	2
4	815 Hay Street, near King Street (Outside CBD bar / restaurant) (South side of street)	1 payphone, facing west 1 sign facing east.	As per existing, and replace existing static sign with scrolling sign.	1
5	300 Murray Street, near William Street. (Outside Moon and Sixpence) (North side of street)	1 payphone, facing east. 1 large Telstra sign/logo, facing west.	As per existing, affix scrolling sign (to face west)	1
6	246 Murray Street Mall, near William Street. (Outside	4 payphones, 2 east, 2 west.	2 payphones, facing east. 2 signs, facing west (oriented toward Perth	2

No.	Location Description	Existing	Proposed	Signs Proposed
	Forever New, near Perth Underground) (North side of mall)		Underground)	
7	223 Murray Street Mall, near Forrest Place. (Outside Zara) (South side of mall)	4 payphones, 2 east, 2 west.	2 payphones, facing west. 2 signs, facing east	2
8	183 Murray Street Mall. (Outside David Jones, western side) (South side of mall)	4 payphones, 2 east, 2 west.	2 payphones (1 west, 1 east), with sign behind each. Westbound sign closer to footpath. Eastbound sign to mall.	2
9	177 Murray Street Mall. (Outside David Jones, eastern) (South side of mall)	4 payphones, 2 east, 2 west.	2 payphones (1 west, 1 east), with sign behind each. Westbound sign closer to footpath. Eastbound sign to mall.	2

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Telecommunications (Low-impact Facilities) Determination 1997 as amended, made under subclause 6(3) of Schedule 3 of the Telecommunications Act 1997

Policy

Policy No and Name: Policy 4.7 – Signs

COMPLIANCE WITH PLANNING SCHEME:

The Telstra public payphones are considered to be low impact facilities under the *Telecommunications Act 1997*. Under the Act, low impact infrastructure facilities and advertising relating to the facilities do not require planning approval however, the proposed third party advertising does require approval under the City Planning Scheme No. 2 (CPS2).

The subject sites are located within the City Centre Use Area of the Citiplace Precinct (P5). The Citiplace Precinct will be enhanced as the retail focus of the State offering 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 minor office. The area centred on Hay and Murray Street malls will remain the retail and pedestrian core of the city.

The CPS2 Policy 4.7 – Signs sets out the City’s requirements for the erection and management of signs on or adjacent to buildings within the city. Policy 4.7 defines different types of signs and provides guidelines for their acceptable design and

location. The signs are to be assessed in accordance with clause 9.9 of Policy 4.7 which considers the design excellence of the proposed sign and the degree to which it meets the policy's objectives.

Third party advertising is defined under Policy 4.7 as:

- displaying the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the advertisement is located; or
- for a product or service not provided on the site on which the advertisement is located; or
- for a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupies the site or building on which the advertisement is located; or
- for an activity or event not occurring on the site on which the advertisement is located.

Under the provisions of Policy 4.7, signs for general advertising purposes will be considered only where, having regard to the character of the area in which the sign is to be situated, Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, not diminished. No sign may be erected so as to obstruct a view of traffic from a street or other public place such that it may cause a hazard to pedestrians or vehicles and hinder or obstruct pedestrian movement in any street or thoroughfare.

Policy 4.7 states that signs which contribute to the creation of a lively, colourful and stimulating pedestrian and retailing environment are appropriate in the Citiplace Precinct. Additionally the policy states that:

- signage should reflect the character of the area and its function as the retail core of the city;
- signs should be of high quality, visually interesting, and respond to the significant role of Hay and Murray Streets as major retail areas and public gathering spaces.

The Council, pursuant to Clause 43 of the CPS2, is to have regard to the strategic and statutory planning framework when making determinations. Variations to Policy 4.7 can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the CPS2 and provided the Council is satisfied that:

- '47(3)(d)(i) if approval were to be granted, the development would be consistent with:-*
- (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:-*
- (A) the occupiers or users of the development;*
 - (B) the property in, or the inhabitants of, the locality; or*

(C) *the likely future development of the locality*'.

COMMENTS:

The applicant is aware of Council's and SAT's previous decisions in relation to third party advertising on phone booths in the city. This application seeks only a temporary, six month, approval for general advertising on pay phones within a targeted area of the city, being the retail core, where advertising, including third party advertising, is more prevalent than in some other city precincts. Locations adjacent to heritage places or within prestigious business areas and residential precincts have been avoided.

The temporary nature of the proposal is to enable Council to gauge public acceptance of the additional signs in addition to assessing the impact on the amenity of the locality, prior to seeking approval for any permanent installation of the advertising.

Signs Policy

Policy 4.7 requires that signs should reflect the character of the area and its function as the retail core of the city. The proposed signs will have a net increase of 12 signs which could add visual interest within the Mall areas and assist in promoting the area as a major retail precinct while taking advantage of the public gathering spaces within the Malls. The number of additional signs within the Malls is not considered to have a negative impact on the area, given the phone booths already exist.

In accordance with the Policy, signs are required to be assessed against the general (relevant) criteria below:

Response to location

Signs are required to be appropriate to their setting. In this regard, the signs will be positioned at pedestrian level and are of a pedestrian scale. The principal view of the signs will be by pedestrians walking on the street or in the Malls. The proportions of the sign appropriately replicate those of the payphone booth and will not add to congestion of the spaces.

Contribution to Local Character

It is considered that the signs will be compatible with the character of the area being a pedestrian retail focus area where advertising is prevalent. The signs will provide interest within the public realm whilst not detracting from the amenity of the area. There could be opportunity for local retailers to advertise at these locations and it is considered that the signs are consistent with the quality of the general locality and will not result in any detrimental impacts to views or to local amenity.

Variety and Interest

The Policy requires a sign to provide variety and interest while being appropriate to the building or site and to attract attention in a way that is well thought out and designed. In this regard, the signage will be either on the back of existing payphones or replacing existing payphones, none of which currently provide visual interest. The signs will be rotating to regularly vary the message, and will be frequently replaced with new advertising.

Community Expectations

While the Council previously did not support third party advertising on phone booths in the city on the basis that the signage would add to the visual clutter throughout the city, opinion has been changing to recognise that signage can contribute to city vibrancy. Both the Council and the community has demonstrated a greater acceptance of third party advertising. Given that the locations for the signs will be restricted and that advertising is regarded an integral part of any retail precinct or activity it is considered that the signs will be consistent with public expectations. Given the small number of additional signs they will not result in visual clutter, visual pollution or prevent any access to views.

It is recognised, however, that any sign content that might advertise suburban retail outlets or on-line shopping alternatives might raise objections from local retailers. The six month trial will provide the opportunity for any objections to be considered prior to any application for permanent third party signage being determined.

Safety

The proposed signage will not endanger the safety of the public by causing any obstruction to either pedestrians or drivers. However, it is considered that the signs that are located outside the Mall should be limited in the speed of rotations to reduce the impact the signs may have on distracting motorists. Furthermore it is recommended that these signs should not display any images that may be confused with traffic control or warnings, incident, traffic management or road safety or driver information messages. This could be addressed as a condition of any approval.

Design, Construction and Maintenance

The signs will be simple, clear and efficient with the content of the sign controlled by a signage management plan. All electrical components will be concealed and ongoing maintenance of the signs will be undertaken by Adbooth including weekly cleaning and a 24 hour service to register any complaints or maintenance issues, in accordance with Adbooth's current contractual obligations applicable to 160 advertising panels that they already have on phone booths across the metropolitan area.

Third party advertising

Third party advertising will only be permitted where the Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, ensures that it is not diminished. In this regard, sensitively designed and placed advertising is a common characteristic of any modern international city pursuing a visually interesting and vibrant built environment. The applicant has advised that the content of the advertising will be in accordance with the standards applicable to outdoor advertising to ensure it is not offensive or otherwise inappropriate and all signs will be regularly maintained and replaced to ensure the visual quality and amenity is maintained. It is considered the proposed third party signage meets the intent of the Policy.

Citiplace Precinct

It is considered the proposed signs meet the objectives of the Policy within the Citiplace Precinct by contributing signage at a pedestrian scale that will be engaging and stimulating to passers-by.

To ensure the pay phones are still visible from all angles, and not just perceived as advertising structures when viewed from the back, it is recommended that a condition be required on any approval stating that the signs be affixed so that the 'hood' of the Telstra phone booths, that displays the Telstra logo, be able to be seen from all directions.

Commercial Use of Public Space

Attracting revenue from the installation of the proposed signs helps Telstra to offset the maintenance costs of the public telephones and can lead to the retention of public phones in locations where they might otherwise be removed. While not a relevant planning consideration, the proposal to add commercial advertising to telecommunications infrastructure for the purpose of generating a revenue stream raises questions regarding the leasing of the public space by the City and opportunities for revenue sharing or alternative revenue sources for the City. These matters will be further investigated during the trial period.

Visibility of Phone booths

A concern has been raised that the phone booths will not be visible when viewed directly from the rear. This is specifically of concern for the phone booths at locations 4, 5, 6 and 7 given that the phone booths will not be facing in both directions.

To address the City's concerns to ensure easy identification of the phone booths from all directions the applicant has proposed that the Telstra "T" logo will be placed at the top of each advertising panel (refer to schedule 6). The applicant has advised that the provision of this logo will ensure pedestrians are aware that payphones are located behind the signage panels. It is recommended that a condition be imposed on the approval requiring the logo to be enlarged to a minimum of 0.2m² to increase the visibility of the phones from a reasonable distance.

The applicant has also advised that Telstra's payphones across Perth, starting with the Perth CBD will soon be installed with new 'hoods' to reflect Telstra's vibrant colour branding. The variety of pink, green, orange and aqua hoods will reinforce to pedestrians that the facility is associated with Telstra and therefore with telecommunications. This will be in addition to the highly visible pink wi-fi boxes which are already present on a number of payphones in the CBD, and will continue to be rolled out. These wi-fi boxes are appearing across the metropolitan area, and will increasingly be associated with payphones. The wi-fi boxes are placed well above the advertising panels and are visible from all angles.

Conclusion

Subject to the condition of the Telstra logo being increased in size, the revised proposal is considered to address Council's concern relating to the identification of the phone booths. The proposed third party advertising signage is considered to be compatible with the surrounding developments and the character of the city's retail core and is unlikely to have an adverse impact on the amenity of the locality. It is therefore recommended that the application be approved subject to appropriate conditions.

Moved by Cr Harley, seconded by Cr Yong

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES by an ABSOLUTE MAJORITY an application for sixteen temporary third party advertising signs affixed to the existing Telstra pay phones within Hay and Murray Street Malls, and the road reserve adjacent to 815 Hay Street and 300 Murray Street, as detailed on the Metropolitan Region Scheme Form One dated 4 December 2014, and as shown on the plans received on 5 December 2014 subject to:

- 1. the approval being valid for six months from the date of installation of third party advertising, after which all advertising, other than that related to telecommunication carriers and services, is to be removed until such time as the applicant obtains planning approval for the permanent display of third party advertising;***
- 2. the telephone booths at locations 4, 5, 6 and 7 being provided with a Telstra logo with a minimum dimension of 0.2m² to the top of the advertising panel with detail of the logo being submitted for approval prior to installation of the signs;***
- 3. a sign management strategy, detailing the on-going management of the signs including the control of advertising content and maintenance of the signs, being submitted for approval prior to installation of the signs;***

(Cont'd)

- 4. a low level of illumination being used, and no part of the illuminated signs being flashing; and**
- 5. the signs located outside the Hay and Murray Street Malls having a minimum 'dwell' duration of 20 seconds and not displaying advertising in a format that is normally used for traffic control or warning, incident or traffic management, or road safety or driver information messages, including red, green or yellow circles, octagons, crosses, triangles or arrows, red green or yellow lighting, or any other colours, shapes or lighting that could be mistaken for a traffic sign or traffic control signal.**

The motion was put and carried by an absolute majority

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios and Yong

Against: Cr McEvoy

**81/15 989 (LOT 8) WELLINGTON STREET, WEST PERTH –
PROPOSED MIXED-USE DEVELOPMENT COMPRISING 12
MULTIPLE DWELLINGS, AN OFFICE TENANCY AND 13
CAR PARKING BAYS**

BACKGROUND:

SUBURB/LOCATION: 989 Wellington Street, West Perth
FILE REFERENCE: 2014/5344
REPORTING UNIT: Approval Services
RESPONSIBLE DIRECTORATE: City Planning and Development
DATE: 20 February 2015
MAP / SCHEDULE: Schedule 8 – Map and coloured perspectives for
989 Wellington Street, West Perth

LANDOWNER: PD and CE Riva
APPLICANT: Doepel Marsh Architects and Planners
ZONING: (MRS Zone) Urban
(City Planning Scheme Precinct) West Perth
(P10)
(City Planning Scheme Use Area)
Office/Residential
APPROXIMATE COST: \$2.5 million

At the Planning Committee meeting held on 10 March 2015 the Committee agreed to amend the Officer Recommendation by including a new part 2 and subsequent consequential renumbering as follows:

2. the applicant being requested to consider the inclusion of rooftop gardens into the final design of the proposed development as the current proposal is considered to be a lost opportunity to provide more green space in the city;

Reason: The Planning Committee agreed that it was appropriate that the applicant be requested to consider the inclusion of rooftop gardens into the final design of the proposed development as the current proposal is considered to be a lost opportunity to provide more green space in the city.

SITE HISTORY:

The subject site is located on the southern side of Wellington Street, between Colin and Outram Streets, in West Perth with a right of way at the rear. It has a site area of 463m² and a frontage of 11.5 metres to Wellington Street. It is currently occupied by a single storey former dwelling that has been converted to an office.

DETAILS:

The applicant seeks planning approval to demolish the existing building on the site and to construct a nine storey building to accommodate an office tenancy and 12 multiple dwellings with car parking provided in car stackers to the rear. The details of the development are as follows:

Ground Floor Level	This level contains the primary residential entry to the building and an office tenancy (115m ²). The front setback area is landscaped and also accommodates a visitor bicycle rack and a bicycle rack for the occupants of the building. Six residential stores are located to the rear along with car stacker pits.
Upper Ground Floor Level	This level contains the vehicular access to the car stacker and one at grade car bay via the right of way to the rear. The car stacker is to accommodate 12 vehicles. A further 6 residential stores and a bin store are also located at this level as well as a 13m ² terrace garden.
First Floor Level	A two bedroom dwelling (73m ²) is located at this level.
Second to Sixth Floor Levels	A one bedroom and a two bedroom dwelling (58 and 73m ² respectively) are located on each of these levels.
Seventh Floor Level	A two bedroom dwelling (73m ²) is located at this level.

LEGISLATION / STRATEGIC PLAN / POLICY

Legislation

Planning and Development Act 2005
City of Perth City Planning Scheme No. 2

Policy

West Perth Precinct Plan
4.1 City Development Design Guidelines
4.10 Residential Design Policy
5.1 Parking Policy
5.4 Bicycle Parking and End of Journey Facilities

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject site is located within the Office/Residential area of the West Perth Precinct (P10) under City Planning Scheme No. 2 (CPS2). This area will provide for a wide range of office and residential activities together with restaurants (including cafes) and other uses which serve the immediate needs of the work force and residents and add to the area's vitality and attraction. The development of independent residential uses will be strongly encouraged.

Multiple dwellings ('Residential') and offices are preferred ('P') uses within the Office/Residential use area of the West Perth Precinct (P10). It is considered that the proposed uses are consistent with the intent of the Precinct and will be compatible with the surrounding land uses.

Development Requirements

Buildings within the Office/Residential use area shall be set in landscaped surrounds to create an open spacious character quite distinct from the continuous built edge of the primary office district in the city centre. Buildings shall be well set back from boundaries and evoke a sense of prestige, which should be further enhanced by permanent, in ground landscaping.

The proposal's compliance with the CPS2 development standards is summarised below, with non-compliances highlighted in bold:

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:	1.99:1.0 (921m ²)	2.0 :1.0 (maximum 1.33 : 1.0 for use groups other than Residential or Special Residential)
Building Height:	28.3 metres	29 metres
Setbacks:		
<u>Front:</u>	3.7m (sunshades), 4.5 metres (main building)	4.5 metres
<u>Side (east):</u> Ground Floor	Nil	2 metres
Upper Ground Floor	Nil (car stacker and stairwell) and 2.25m (main building)	
First Floor	Nil (car stacker and stairwell), 1.5m (balcony) and 2.25m (main building)	
Second to Sixth Floor	Nil (stairwell), 1.5m (balcony), 2.25m to 3.0m (main building)	
Seventh Floor	Nil (stairwell), 1.5m (balcony), 3.0m (main building)	

<u>Side (west):</u> Ground Floor	Nil (main building) and 1.5m (stores)	2 metres
Upper Ground Floor	3m (stores) and 6m (car stacker)	
First Floor	1.3m to 4.5m (main building), 5.75m (car stacker)	
Second to Seventh Floor	1.3m to 3.5m (main building)	
<u>Rear (right of way):</u>		
Ground to First Floor	Nil (car stacker).	3 metres
Second to Sixth Floor	6 metres (main building).	
Landscaping:	18.5% (86m²)	25% (116m ²)
Car Parking:		
Residential	12 bays	12 bays (minimum) 24 bays (maximum)
Commercial Tenant	1 bay	11 bays (maximum)
Bicycle Parking:		
Bicycle Bays	5 tenant bays 1 visitor bay	5 tenant bays (minimum)

Variations to the setback and landscaping provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the CPS2 and provided the Council is satisfied that:

'47(3)(d)(i) if approval were to be granted, the development would be consistent with:

- (A) the orderly and proper planning of the locality;*
- (B) the conservation of the amenities of the locality; and*
- (C) the statement of intent set out in the relevant precinct plan; and*

(ii) the non-compliance would not have any undue adverse effect on:

- (A) the occupiers or users of the development;*
- (B) the property in, or the inhabitants of, the locality; or*

(C) *the likely future development of the locality*'.

COMMENTS:

Consultation

As the proposed development is seeking variations to the setback and landscaping standards of the CPS2 it was advertised to surrounding landowners from 15 November to 3 December 2014. These included the landowners of the following properties: 985 to 993 Wellington Streets, 2 Douro Place and 18 Clive Street, West Perth.

Two submissions were received from the owners of 991 and 993 Wellington Street, West Perth. These properties are located immediately to the west of the subject site.

These submissions are summarised as follows:

- The nil setback of the ground floor level office tenancy from the western side boundary will result in loss of natural light to the building at 991 Wellington Street. The courtyard above this tenancy will add to the height of the wall on the boundary and cause privacy concerns as a result of overlooking.
- The residential apartments are setback only 2.25m from the western side boundary and will add to the overshadowing of 991 Wellington Street.
- The development does not meet the 25% landscaping requirement.
- The proposal does not indicate if any boundary fencing is proposed between the subject site and 991 Wellington Street.
- Objection is raised to any overshadowing that will affect 993 Wellington Street.

In response to the issues raised, the applicant has advised the following:

- *'The building on 991 (Wellington Street) has a finished floor level 2m higher than the commercial tenancy on 989 (Wellington Street), and furthermore is set back from the western boundary allowing natural light to penetrate.'*
- *'The finished height of the wall to the landscaped area is no higher than the eaves line of the existing building on 991 (Wellington Street). The landscaped area is for aesthetic purposes only and is not accessible by tenants (only maintenance), therefore there is no overlooking issue.'*
- *'991 (Wellington Street) is north facing and the front glazing (the bulk of the building's glazing) will never be overshadowed. Furthermore the building on 991 (Wellington Street) is set back from western boundary far less than 2.25m, in the order of 900mm.'*

- *'The front setback has been increased from 4.5m to 8m to create extra landscaping which is 86m² instead of the required 115m². The landscape will be at footpath level and of a high standard which will make a positive contribution to the streetscape.'*
- *'There will be a colorbond fence to the boundary' between the subject site and 991 Wellington Street.*
- *'The glazing to 993 (Wellington Street) is north facing and west facing and will never be overshadowed by 989 (Wellington Street).'*

Design Advisory Committee

The application was considered by the Design Advisory Committee (DAC) at its meeting held on 29 January 2015. The DAC advised that it:

1. *"supports the design, noting that the proposed setback variations are an appropriate response to the narrow lot and are unlikely to impact on the intended character of the locality;*
2. *considers that the success of the development will depend on the quality of the materials and finishes and requests that details be submitted to ensure that a durable and high quality aesthetic result is delivered."*

A standard condition of development approval can be imposed requiring the submission of a schedule of material, colours and finishes for approval prior to the submission of the building application.

Building Setbacks

The proposed development involves a number of variations to the prescribed setbacks under the CPS2 as follows:

Street Setback:

The proposed development complies with the required 4.5 metre street setback under the CPS2, with the exception of sun shades at the first to seventh floor levels. These sun shades extend 800mm into the street setback area to provide protection to the master bedrooms of seven of the dwellings. As the sunshades are minor structures which will assist with the energy efficiency of the building and will not notably add to the bulk and scale of the building or impact on the streetscape, the proposed setback variation can be supported.

Side Setbacks:

The subject lot is 11.5 metres in width. On lots which are 12 metres or less in width, the CPS2 allows for side setbacks to be reduced from the standard four metres to two metres. The proposed development involves setbacks to the eastern and western side boundaries which are less than two metres in certain locations.

On the eastern side at ground floor level the main building will have a nil setback and for the eight floor levels above this, the stairwell will have a nil setback. A balcony towards the front of the building for the first to seventh floors is to have a 1.5 metre setback. The car stacker to the rear of the site is also to have a nil setback at the upper ground floor and first floor levels. The remainder of the building will be setback between 2.25 and three metres in compliance with the requirements.

On the western side at the ground floor level, the main building is to have a nil setback. Above this, at the first floor to seventh floor levels, an angled fin wall will have a 1.3 metre setback while the remainder of the building will be setback between two and three metres.

The applicant has provided the following justification for the side setback variations:

- *“The setback variations ensure that both the development on the subject site and the adjoining neighbours are not impacted upon with respect to restricting adequate daylight, direct sun and ventilation. Nor does the variation impact upon the subject site or adjoining neighbour’s amenity, as explained in more detail below.*
- *The design of the development has allowed for compliant to greater setbacks from the western boundary so as to orientate the building north. However, to allow for this and the fact the site is narrow, has resulted in reduced setbacks to the eastern boundary.*
- *The subject site is one of the first blocks of four to be developed to the current higher density provisions. The existing blocks either side are single residential homes. However, the building footprint that the subject site is proposing to be developed to will set good precedence for future development of similar bulk and scale. Whilst it is acknowledged that there are nil setbacks to the eastern boundary, particularly the entire height of the stairwell wall, the development abutting the eastern boundary can follow a similar building footprint as the subject site, stepping the building back from their western boundary so it can orientate openings north.*
- *The majority of the rear boundary walls on the ground floor are below natural ground level to cater for the car stacker pits.*
- *The reduced setbacks to the east elevation have been articulated by the staggering of setbacks and the building materials used which creates interest by breaking up the elevations bulk and dominance as viewed by the adjoining property to the east. Instead of the use of long blank walls which create dominance.”*

The proposed setback variations are largely at ground floor level with the variations above this being for minor sections of the building only, with limited impact on privacy, daylight and ventilation. The proposed side setback variations are considered to be a reasonable response to the 11.5 metre width of the lot. While the proposed side setbacks are less than the two metre minimum in some areas to

achieve a functional building, they are also in excess of the two metres for significant portions of the building.

The setback variations proposed to the car stacker are necessary to accommodate parking for 13 cars on this narrow site which has a sewer line running across it 9.5 metres from the rear boundary. The impact is not likely to be significant as the stacker is to the rear of the site adjacent to car parking and blank walls on the adjoining sites and it will be aesthetically screened. Details of this screening can be required as a condition of development approval to ensure that it will appropriately obscure the stacker and cars from view from the adjoining properties.

As indicated earlier in the report, one of the submissions received raised concern over the reduced setbacks of the development to the western boundary and the impact in terms of loss of natural light, privacy and overshadowing for the adjoining property at 991 Wellington Street. The other submission raised concern about any overshadowing to 993 Wellington Street.

The ground floor level has a nil setback to the western boundary with additional height above this to provide soil depth to a roof garden. As the site slopes up to the rear, the rear section of the ground floor level is below natural ground level although a 12 metre long section of wall will have a height ranging between two and 3.2 metres above natural ground level at the boundary. This height is close to the height of the gutter line on the single storey building on the adjoining property, which is setback approximately one metre. As a consequence, it is considered that reasonable access to natural light for the building at 991 Wellington Street will be maintained.

The roof garden is only intended to contribute to landscaping on site and will only be accessible for maintenance, so the privacy of the neighbouring property (No. 991) is not likely to be impacted. Above this, windows have been located and treated to provide a level of privacy which is appropriate to the inner city location of the site, with the non-compliance relating to an angled blank wall screening a bedroom window.

The extent of overshadowing which will be created by the proposed building is a product of its height, which is compliant with the maximum 29 metre height limit, rather than its proposed setbacks. A level of overshadowing is inevitable, particularly in winter, when sites are redeveloped to accommodate medium scale development as permitted in West Perth. The overshadowing created by the proposed developed is considered to be reasonable. It will largely impact the side and rear of adjacent properties for only a part of the day from August to April. It will not extend to 993 Wellington Street between 10.00am and 2.00pm from August to April.

Given all of the above, the proposed variations to the side setbacks are supported.

Rear Setbacks:

A three metre setback is required to the rear boundary under the CPS2 while the two levels of the car stacker above natural ground level are proposed to have a nil

setback for a distance of 5.75 metres. This variation is considered to be reasonable given the difficulties in providing parking on this small site which is impacted by a sewer line. As the site adjoins a right of way to the rear the car stacker will be well separated from the building to the south and it will be screened with a feature metal material. Details of this material can be required as a condition of planning approval to ensure its appearance is appropriate and will adequately screen the stacker and cars.

Landscaping

Under the CPS2, a minimum of 25% landscaping is required on-site and must include a predominant portion of the street setback area. Only 18.5% (86m²) landscaping is proposed, all of which is to be located in the Wellington Street setback area with the majority being in ground soft landscaping. It is noted that while the proposed 13m² roof garden does not meet the definition of landscaping under the CPS2, it will be visible from the street to some extent and contribute to the greening of the site.

The proposed shortfall of landscaping was raised in one of the submissions received. In response the applicant explained that the front setback has been increased from 4.5m to 8m to create extra landscaped area and that it will be of a high standard to contribute to the streetscape. As the entire 86m² of landscaping will be in ground and at footpath level facing Wellington Street, it has the potential to make a significant contribution to the streetscape, which will be further supplemented by the roof garden. Given this and the small size of the site the proposed shortfall can be supported subject to a condition requiring the submission of a detailed landscape plan for approval.

Heritage

While the existing building on the site is not listed on the CPS2 Register of Places of Cultural Heritage Significance, it is on the City's database of places of possible heritage significance and has a construction date of 1903. For this reason it is proposed that a condition of approval be imposed requiring the submission of an archival record of the building to the City prior to demolition.

Conclusion

The proposed development will contribute to the residential and commercial activities in the West Perth Precinct. Although there are a number of setback variations and a variation to the landscaping provisions, the proposal generally satisfies the design intent for the West Perth Precinct and is considered to be an appropriate design solution for the small site which will not unreasonably impact on the amenity of the surrounding properties. It is therefore recommended that the proposal be supported subject to appropriate conditions.

Moved by Cr Harley, seconded by Cr McEvoy

That, in accordance with the provisions of City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES BY AN ABSOLUTE MAJORITY the application for the demolition of the existing building and the construction of a nine level mixed-use development containing 12 multiple dwellings, an office and 13 car parking bays at 989 (Lot 8) Wellington Street, West Perth, as detailed on the Metropolitan Region Scheme Form One dated 27 October 2014, and as shown on the plans received 25 February 2015 subject to:

- 1. final details including a sample board of the high quality and durable materials, colours and finishes for the proposed building being submitted and approved by the City prior to applying for a building permit;*
- 2. the applicant being requested to consider the inclusion of rooftop gardens into the final design of the proposed development as the current proposal is considered to be a lost opportunity to provide more green space in the city;*
- 3. an archival record of the existing building being submitted to the City in A4 format including plans, elevations, sections, a written description and colour photographs of all internal and external architectural features, prior to applying for a demolition licence;*
- 4. in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped to the satisfaction of the City in order to preserve the amenity of the area; to prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state;*
- 5. each dwelling being provided with a 4m² store room with a minimum internal dimension of 1.5m;*
- 6. the recommendations and other noise management measures (including the completion of further reports) contained in the Acoustic Report prepared for the mixed-use development by Lloyd George Acoustics on 26 February 2015, being implemented in full with details and plans of any required design modifications being submitted for approval by the City prior to undertaking the works;*

(Cont'd)

7. *a maximum of 13 car parking bays being provided on-site, comprised of one commercial tenant car parking bay and 12 residential car parking bays, with one car bay being allocated to each multiple dwelling within the development and with all bays being for the exclusive use of tenants or occupants of the development and not being leased or otherwise reserved for use of tenants or occupants of other buildings or sites;*
8. *the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;*
9. *the existing vehicle crossover not required to provide access to this development being removed and the verge areas being reinstated by the developer to the City's specifications and at the owner's expense prior to occupation of the building;*
10. *the car stacker being aesthetically screened to ensure that the stacker and cars will be screened from view from the adjoining properties, with details of the design and materials of the screen being submitted and approved by the City prior to applying for a building permit;*
11. *a minimum of six secure bicycle parking bays being provided within the development in accordance with the requirements of the City Planning Scheme No. 2 Policy 5.4 Bicycle Parking and End of Journey Facilities, with details of the design and location of these facilities being submitted and approved by the City prior to applying for a building permit;*
12. *the levels of the proposed pedestrian entry adjoining Wellington Street being consistent with the existing footpath levels with final details of the existing and proposed levels being submitted and approved by the City prior to applying for a building permit;*
13. *air conditioner condensers not being permitted on the residential balconies where they affect the use or enjoyment of the balcony and being located or screened so they can not be viewed from the street or surrounding properties;*

(Cont'd)

- 14. any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, and fire booster cabinets being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted and approved by the City prior to applying for a building permit;**
- 15. any signage for the proposed office tenancy being designed as an integral part of the development with details of all signage being subject to a separate application to the City for approval;**
- 16. all stormwater being contained on-site with details of the stormwater drainage being submitted to the City for approval prior to applying for a building permit;**
- 17. a detailed landscaping and reticulation plan being submitted and approved prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;**
- 18. a Waste Management Plan satisfying the City's waste collection requirements being submitted and approved prior to applying for the relevant building permit;**
- 19. a construction management plan for the proposal being submitted prior to applying for a building permit, detailing how it is proposed to manage:**
 - 19.1 the delivery of materials and equipment to the site;**
 - 19.2 the storage of materials and equipment on the site;**
 - 19.3 the parking arrangements for the contractors and subcontractors; and**
 - 19.4 other matters likely to impact on the surrounding properties.**

The motion was put and carried by an absolute majority

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

82/15 PROPOSED ADOPTION CP 8.0 – ENVIRONMENT POLICY

BACKGROUND:

FILE REFERENCE:	P1013010-6
REPORTING UNIT:	Sustainable City Development
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	19 February 2015
MAP / SCHEDULE:	Schedule 9 – City of Perth Environment Snapshot 2015 Schedule 10 – Proposed CP 8.0 – Environment Policy

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **22 September 1998**, Council approved Council Policy 8.2 – Environment Management. The policy was developed in response to community concern about the environment and increasing regulatory standards.

The policy statement was developed as a component of the Environment Management Plan 1998 – 2001 (EMP 1998) and directly referred to the EMP 1998 for its policy direction.

The City developed a City Environment Plan 2005-2008 (CEP 2005) to replace the EMP 1998. The Environment Management Policy was then updated to refer to the CEP for its policy direction.

When the CEP 2005 was out of date, the relevance of the policy diminished. At its meeting held on **11 December 2012**, Council approved the revocation of Council Policy 8.2 – Environment Management Policy.

Framework Development

A Strategic Environment Framework is currently being developed by the City, which will support and guide decision making to embed environmental considerations into City activities.

The framework is being developed to strengthen the impact and align the City's current and proposed activities towards common environmental objectives. The framework aims to:

- Provide clear connections on how the City's current and planned activities align to achieve environmental aspirations outlined in the Strategic Community Plan, Vision 2029+;

- Improve resource efficiency through alignment of objectives with human resources;
- Outline a clear direction and support for employee decision making;
- Maximise opportunities for collaboration;
- Clearly articulate to employees and the community what the City of Perth's position is regarding the environment; and
- Provide clear guidance on how the city is working towards achieving this.

The Framework will consist of three main components as follows:

Document		Description
1	Environment Policy	The policy will be the overarching mandate for the inclusion of environmental considerations into work practices.
2	Environment Strategy	The strategy will identify the strategic pathways the City will focus on which will provide the greatest benefit to the environment, city and the community.
3	Implementation Plan	The implementation plan will outline what actions the City will undertake within each of the strategic pathways to achieve the objectives of the policy and the Strategic Community Plan, Vision 2029+.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 1.3 of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
 Council Four Year Priorities: Living in Perth
 S11 Increase community awareness of environmentally sustainable ways of living

Council Four Year Priorities: Capable and Responsive Organisation
 S18 Strengthen the capacity of the organisation

Organisational Development Plan:
 S9 Environment – Lead on developing and managing the City's approach to strategic environment matters impacting the city and community.

DETAILS:

Evidence Base

To inform the development of a Strategic Environment Framework (the framework), the City undertook research on the City's current environmental performance, strengths and opportunities for improvement. Performance was assessed against the City's roles, and local, national and global best practice.

The research identified that the City is undertaking a number of activities and projects that aim to improve the environmental performance of the City. Refer to Schedule 9 for some of the key highlights.

The research has informed the development of the first component of the framework, being the Environment Policy. The strengths and opportunities identified in the research will be used to inform the development of the second and third components of the framework, the Environment Strategy and the Implementation Plan.

Policy

The proposed Environment Policy was developed in response to a recognised need for a clearly defined vision, dedicated leadership, innovative action and effective collaboration to ensure the city integrates environment consideration with social advancement and economic prosperity.

The purpose of the Environment Policy is to outline the high level aspirations for the environment, provide an overarching mandate that can assist City employees to embed environmental considerations into work practices and demonstrate the City's position on the environment to the community.

The key objective of the policy is that the City of Perth achieves environmental improvement while supporting its social and economic needs through equity and integration. Negative environmental impacts will be prevented, minimised and managed in city activities while creating and maintaining a resilient, diverse and attractive environment. The Perth environment will evoke pride, connection and a sense of place with its community.

An Environment Strategy will be developed in the next component of the framework which will assist the City to implement the aspirations of the Policy into activities. The Strategy will be an element of the City's Integrated Planning Framework.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 16260000
BUDGET ITEM:	Community Amenities – Protection of Environment – Other Environment Protection
BUDGET PAGE NUMBER:	9
BUDGETED AMOUNT:	\$968,945 (this component is \$63,160)
AMOUNT SPENT TO DATE:	\$348,980 (this component is \$6,053)
PROPOSED COST:	N/A
BALANCE:	N/A
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE OF LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

To date expenditure on this project has been \$6,053 for consultancy services to assist the City develop a robust environmental framework. \$70,000 has been approved in the 2014/15 financial year to progress the development of the framework.

COMMENTS:

The Environment Policy is the first step in developing an organisation wide approach to environmental sustainability. It will provide the mandate for employees to embed environmental considerations into City activities where it may not already be considered.

Moved by Cr Harley, seconded by Cr McEvoy

That Council:

- 1. endorses the City of Perth Environment Snapshot 2015, as detailed in Schedule 9, for public release to communicate key highlights of the City's work to date in improving the city's environment;***
- 2. notes the City's progress towards developing a Strategic Environment Framework for the City; and***
- 3. adopts CP 8.0 – Environment Policy, as detailed in Schedule 10.***

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

6.13pm The Lord Mayor previously disclosed a Financial Interest in Item 83/15 (detailed at Item 74/15) and departed the meeting.

In accordance with Section 5.6 of the *Local Government Act 1995*, the Chief Executive Officer sought nominations for a member to preside over the meeting.

Cr Limnios nominated Cr Davidson to preside over the meeting.

There being no further nominations, Cr Davidson accepted the nomination and assumed the Chair.

83/15 PROPOSED PRINCIPLES OF NEW CITY PLANNING SCHEME NO. 2 PLANNING PROVISIONS AND POLICY – HERITAGE ASSESSMENTS AND REGISTRATIONS

BACKGROUND:

FILE REFERENCE:	P1030731
REPORTING UNIT:	Sustainable City Development
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	25 February 2015
MAP / SCHEDULE:	Confidential Schedule 11 – List and photos of places – Distributed to Elected Members under Separate cover

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The City Planning Scheme No. 2 (CPS2) includes Clauses 30, 31 and 32 which enable the Council to declare places and areas to be significant and worthy of conservation, and include them in the Register of Places of Cultural Heritage Significance (CPS2 Heritage Register). This power also includes the power to amend or revoke such declarations. The CPS2 Heritage Register currently contains 294 individual places and three Conservation Areas.

Under Section 45 of the *Heritage Act of Western Australia*, the City shall also maintain a Municipal Heritage Inventory (MHI) of buildings within the City which are, or may become, of cultural heritage significance. Whilst MHIs do not usually have statutory protection, the City's MHI is fully incorporated into the CPS2 Heritage Register, to create one register.

In addition to the CPS2 Heritage Register, the City also maintains a database of approximately 500 places that have been previously identified in existing surveys and studies as has having potential heritage significance. The surveys and studies which informed the database included the Anglican Church Inventory, the Catholic Church

Inventory, Classified by the National Trust, HWCA Assessment (Below Threshold for State Registration), Register of the National Estate and the Mount and Goderich Street Precinct Built Form Urban Design Studies. These places have not been assessed for inclusion in the CPS2 Heritage Register and do not have any statutory protection.

Whilst the CPS2 allows for planning policies to be made to support the CPS2 provisions there is currently no planning policy to guide Clauses 30, 31 and 32 in relation to the CPS2 Heritage Register, or Clause 43 and 48 which enable the Council to have regard to the cultural heritage significance of any land or building affected by proposed development. Given this, the current heritage assessment practice focuses on landowner nominations only.

An Elected Member briefing session held on 28 October 2014 highlighted a need for a new planning policy to formalise the City's heritage assessment and registration process. The proposed approach to the policy was aimed addressing this gap in planning policy, particularly in relation nominations and demolition of potential heritage places. It was indicated that changes to the CPS2 would also be required to support a more transparent, rigorous and efficient heritage and assessments process. The City advised that it would report back to the Council on the matter in early 2015.

At its meeting held on **3 February 2015**, Council considered changes proposed to the *Planning And Development (Local Planning Schemes) Regulations 2014*. The changes include new deemed provisions which will require amendments and review of the existing CPS2 heritage provisions. Given this, it is considered premature to finalise the new assessments and registrations planning policy prior to the gazettal of the new regulations (expected 1 July 2015).

To ensure that the new policy is consistent with the revised and updated CPS2, there will be a delay in presenting the draft policy to the Council for approval. Whilst the policy is currently being drafted, the City proposes progressing assessments and registrations if nominated by the landowner, where a potential heritage building is the subject of a demolition application or where information already exists that suggests that a place may be of cultural heritage significance to the City.

This report expands on the information presented at the Elected Member briefing session held on 28 October 2014, considers possible changes to the CPS2 and identifies possible places for future heritage assessment and registration.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning & Development Act 2005 (WA)
State Planning Policy 3.5 Historic Heritage Conservation
Town Planning Regulations 1967
Heritage of Western Australia Act 1990
City Planning Scheme No. 2

**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Healthy and Active in Perth

S15 Reflect and celebrate the diversity of Perth.

15.3 Review and further develop the City's approach to the conservation, management and celebration of its cultural heritage.

Strategic Community Plan

Council Four Year Priorities: Community Outcome

Healthy and Active in Perth

A city with a well-integrated built and green environment in which people and close families chose a lifestyle that enhances their physical and mental health and take part in arts, cultural and local community events.

DETAILS

The new heritage assessments and registrations planning policy will contain information and guidance applicable to the assessment and registration of heritage places and areas within the City, with specific reference to relevant CPS2 heritage provisions. Specifically, it will standardise the process to ensure that decisions are informed, rigorous, consistent and transparent.

The proposed objectives of the new planning policy will be to:

- To recognise and protect places and areas of cultural heritage significance within the City of Perth.
- Support clauses 30, 31 and 32 of the City Planning Scheme No. 2 which enable the Council to include heritage places and areas in the Register of Places of Cultural Heritage Significance.
- Support clauses 43 and 48 which enable the Council to have regard to the cultural heritage significance of any land or building affected by a proposed development, including those involving demolition.
- To provide clear procedural guidelines for adding, deleting or amending places on the Register of Places of Cultural Heritage Significance.
- To provide a framework and format for heritage assessments

Methodology

Identifying heritage places

The new policy will specify nomination requirements for any owner, community member or interested party wishing to nominate a place or area to be added to the CPS2 Heritage Register. If the landowner is not the applicant the landowner will be notified when a nomination has been received and when an assessment is progressed.

The policy will also provide a process for landowners wishing to apply for heritage registrations to be amended or deleted.

To enable the Council to consider the cultural heritage significance of any land or building affected by a Development Application involving demolition it is intended to include a requirement for a heritage assessment where demolition of a potential heritage place is proposed.

Currently the CPS2 gives Council the power to have regard to the cultural heritage significance of any land or building affected by a proposed development involving demolition. If however the Deemed Regulations come into effect as proposed then this power could be removed unless otherwise agreed with the Department of Planning.

Progressing Assessments

Receipt of a nomination will not automatically mean that an assessment will be undertaken. Priority assessments will include those places nominated by the landowner, potential heritage places which are the subject of a demolition application and those where existing information suggests that a place is likely to be of cultural heritage significance to the City.

It is proposed that assessment priorities will also be set by the Council and may include places that are included on another heritage list or survey which has been prepared by a professional heritage agency (such as the State Heritage Office or the National Trust) and/or have a construction date that indicates possible heritage significance.

Heritage Assessment Criteria and Levels of Significance

To be considered for entry into the Scheme Register the cultural heritage significance of a place must be demonstrated. The following process for determining significance will be adopted:

- Assess against standard assessment criteria established by the State Heritage Office;
- Recognise condition, integrity and authenticity;
- Prepare statement of significance (summary of values);
- Assign level of significance and associated management category.

An assessment documentation template will standardise assessments in accordance with the above and results of the assessment will be used to inform consistent recommendations to the Council.

The City is also investigating options for including a peer review as part of the assessment process, to provide independent technical advice and recommendations to the Council in respect to heritage assessments.

Adding, Deleting and Amending Register Entries

The CPS2 enables the Council to declare heritage places and areas and revoke any declarations. The new policy will provide specific guidance around this, particularly given that places could be nominated and subsequently declared without owner support. In this regard the City is investigating if an appeal mechanism for landowners to appeal Council decisions exists or can be introduced.

The assessment criteria will guide the Council to ensure that only those places with identified cultural heritage significance are included in the Heritage Register. In cases where the landowner is not the nominee, landowners will have sufficient opportunity to make a submission on a proposed registration which will be considered by the Council when it determines the matter.

The new policy will also enable only the landowner or the Council to propose removal of or amendment to a registration. Such proposals must demonstrate that the registration no longer adequately satisfies the criteria or that amendment is appropriate.

The Council may consider deleting a place from the register where:

- A place has been demolished or substantially destroyed to the extent that its cultural heritage significance is significantly diminished or lost;
- It has been adequately demonstrated by a qualified heritage consultant that the cultural heritage significance of a place has changed to the extent that it no longer meets the threshold for inclusion in the Heritage Register.

The Council may consider amending a heritage assessment where a qualified heritage consultant identifies proven errors in existing assessment documentation.

Associated CPS2 Amendments

The following possible amendments to the CPS2 are being investigated as part of the preparation of the new planning policy:

Possible Amendments	Rationale
Include a definition for heritage place	Whilst the CPS2 includes a definition for conservation area, there is currently no definition in the CPS2 for a heritage place.
Requirement for heritage assessment where a development application involves demolition of a potential heritage place.	Enables to the Council to consider the cultural heritage significance of a place prior to demolition.
Independent Peer Review	Provide the Council with high level independent technical advice on heritage assessments.

Possible Amendments	Rationale
Enable the Council to defer (or consider concurrently) an application involving demolition until where a heritage assessment is required.	Enable the Council to have regard to the cultural heritage significance of any land or building affected by a proposed application that involves demolition.
Delete requirement for owner consultation where owner has made nomination for place to be included in the Heritage Register	Owner submission is not necessary where owner has already indicated support for the proposed heritage registration.
Remove requirement for special planning policy where existing heritage planning policy is considered adequate.	Where no additional policy is required for new conservation areas do not create new planning policy (avoids duplication).

Draft Planning and Development (Local Planning Schemes) Regulations 2014

At its meeting held on **3 February 2015**, Council considered a report regarding the proposed draft *Planning and Development (Local Planning Schemes) Regulations 2014*. The regulations include new deemed provisions which will automatically apply on gazettal of the Regulations (expected 1 July 2015).

The deemed provisions are generally administrative in nature, however include the following changes to the CPS2 in relation to heritage assessment matters:

- Require a heritage list to set out a description of each place and the reason for its entry;
- Replace term ‘Conservation Area’ with ‘Heritage Area’;
- Require a sign giving notice of a proposed heritage area to be erected in the subject heritage area;
- Enable the Council to require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place;
- Delete requirement for Development Application approval prior to demolition. Demolition to be exempt from requirement for Development Application prior to approval (unless a heritage place or within heritage area).

It is not yet clear whether the existing CPS2 heritage provisions will remain or be replaced by the deemed provisions.

New Planning Policy

Given that the new policy may require amendments to the CPS2 as part of finalising the new policy, and the proposed deemed provisions remains unresolved, it is considered premature to finalise the new heritage planning policy.

It is therefore proposed to delay finalisation of the draft Heritage Assessments and Registrations Policy to ensure that any new policy and associated CPS2 Amendments are consistent with the revised and updated CPS2, particularly the required deemed provisions.

Interim Heritage Assessments

Given the above, in the interim the City proposes to progress heritage assessments and registrations in accordance with the above methodology where:

- A Landowner nomination is received;
- A development application involving demolition is received for a potential heritage place. Potential heritage places in this context includes those places included in the database of potential heritage places and any other places that have a construction date that indicates possible heritage significance; and
- Information exists to suggest that place may be of cultural heritage significance to the City.

At this stage the City will not progress heritage assessments where a non-landowner nomination is received.

In accordance with the above, the City has prepared a list of heritage places that have been identified for further investigation on the basis that they are have a construction date prior to 1940 and have been classified by the National Trust and/or where the Heritage Council has determined that the place does not meet the threshold for entry into the State Register (refer to Confidential Schedule 11).

The City wishes to compile assessment documentation of these places in the context of the State Heritage Office's assessment criteria and consult with the owners with respect to the possibility of listing the properties in the City's Heritage Register. The assessments and results of consultation will be presented to the Council for a decision on whether the possible registration should progress to formal owner consultation in accordance with the CPS2 requirements or not.

FINANCIAL IMPLICATIONS:

The financial implications of this report relate to officer time to compile documentation, consultant with owners and report to Council, and postal stationary associated with owner consultation.

COMMENTS:

A new heritage and assessments planning policy will provide guidance and support to the CPS2 which enables the Council to register places and areas of cultural heritage significance. The new policy will:

- Demonstrate best practice and commitment to heritage management;
- Informed, rigorous, consistent and transparent approach;

- Compliance with heritage legislation; and
- Meet the City's Corporate Business Plan objective 15.3.

Once the Western Australian Planning Commission has finalised the draft *Planning and Development (Local Planning Schemes) Regulations 2014* the City will be informed of what changes will be required to the CPS2. Given this, and that possible CPS2 Amendments are also being investigated as part of finalising the new policy, it is considered premature to finalise the new heritage planning policy.

In the interim the City will only progress heritage assessments where a landowner nomination or development application involving demolition has been received, or where information suggests that a place may be of cultural heritage significance to the City. In each instance the Council will determine when an assessment will progress to the formal owner consultation stage prior to a declaration being made, which is a current CPS2 requirement.

PLANNING COMMITTEE RECOMMENDATION:

That Council;

1. notes that the draft Heritage and Registrations Planning Policy will be presented to Council after the Western Australian Planning Commission finalises the draft Planning and Development (Local Planning Schemes) Regulations 2014;
2. approves further assessment, and consultation with affected landowners, of those properties detailed in the attached Confidential Schedule 11 for the purposes of possible inclusions in the City Planning Scheme No.2 Register of Places of Cultural Heritage Significance.

Motion to refer back to the Planning Committee

Moved by Cr Limnios, seconded by Cr McEvoy

That Council refer consideration of the report titled "Proposed Principles of New City Planning Scheme No. 2 Planning Provisions and Policy – Heritage Assessments and Registrations", back to the Planning Committee.

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Limnios, McEvoy and Yong

Against: Cr Harley

Reason: Council were concerned that consultation with the people affected or potentially affected had not taken place and therefore agreed that the Item should be referred back to the Planning Committee for further consideration.

6.15pm The Lord Mayor returned to the meeting and resumed the Chair.

MARKETING, SPONSORSHIP AND INTERNATIONAL RELATIONS COMMITTEE REPORTS

84/15 SPONSORSHIP – WOMEN IN SUPER MOTHER’S DAY CLASSIC 2015

BACKGROUND:

FILE REFERENCE: P1010627-28
REPORTING UNIT: Community Services
RESPONSIBLE DIRECTORATE: City Services
DATE: 5 February 2015
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 3 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The Mother’s Day Classic was established in 1998 by the organisation Women in Super. The event is a 4km or 8km walk or run held nationally to raise funds for the National Breast Cancer Foundation research programs as well as raising awareness of breast cancer in the community. The event is held on Mother’s Day every year and according to the event organisers is the largest nationally held fun-run event.

Women in Super (WIS) is a national advocacy and networking group for women employed in the superannuation and financial services industries.

In 2014, Mother’s Day Classic events were held in all of the Australian capital cities, as well as 88 regional Australian centres. Participant numbers nationwide have increased to 130,000.

From 2007 to 2010 the Mother’s Day Classic in Western Australia was held at Lake Monger. During that time the event grew to more than 3,600 participants ranging

from the ages of 9 years to over 70 years. Due to increasing numbers, the organisers relocated the event to Langley Park in 2011.

Year	Participants	Support From City of Perth
2011	3,680	\$5,000
2012	4,100	\$10,000
2013	4,900	\$12,000
2014	4,178	\$12,000

The organisers have requested sponsorship of up to \$20,000 from the City to fund the operational component of the event. Due to the limited funds available in the Donations Budget, the number of requests received, and the diverse range of services supported, the amount of \$12,000 is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:**Integrated Planning
and Reporting
Framework
Implications****Corporate Business Plan**

Council Four Year Priorities: Capable and Responsive Organisation

- S20 Meaningful and contemporary community engagement and communications
- 20.2 Increase focus on promoting and marketing City services and achievements

Policy

Policy No and Name: 18.8 – Provision of Sponsorship and Donations

DETAILS:

The Mother's Day Classic will be held on Sunday, 10 May 2015. The event will commence at 7.00am and participants will run or walk a course beginning and ending at Langley Park. Participants have the option of running or walking a 4km or 8km course. The event will include a carnival style village on Langley Park with entertainment for participants and spectators, including:

- group warm-up aerobics;
- sponsor product samples and medallions for participants;
- musical entertainment;
- entertainment on the stage and start line;
- food and beverage stalls;
- massage tents;
- jumping castles;
- face painting;
- dance recitals;
- sporting apparel fashion parade;
- live music performances; and
- information on breast cancer research.

Entertainment provided at the event is proposed to include celebrities and Mother's Day Classic Ambassadors speaking and signing autographs.

Based on the number of participants in 2014, event organisers anticipate the events continued growth will result in an estimated 4,500 participants, 1,000 spectators and 170 volunteers.

Participants will be raising money for the National Breast Cancer Foundation. Any additional funds raised by the organisation are also donated towards the National Breast Cancer Foundation. Event organisers aim to raise at least \$6 million across all national events.

Funding

The City has been requested to assist with costs associated with traffic management (\$12,007); banner installation and hire fees (\$2,865); paper notification and posters and flyers (\$2,911).

The estimated cost of the event is \$165,000 and income, \$235,000. The cost to participants in entry fees ranges from \$10.00 to \$55.00.

Every dollar that is donated or raised through individual fundraising, and more than two thirds of the ticket registration fee, is directed to the National Breast Cancer Foundation (NBCF). This is used for research projects aimed at improving the detection, treatment and outcomes for those who are affected by breast cancer.

The costs associated with managing and staging the Perth event is covered by part of the ticket price together with support from corporate sponsors and merchandise sales.

In 2014 \$148,392 was donated to the National Breast Cancer Foundation from the Perth event but nationally \$4.5million was raised to support research projects.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	29B26000
BUDGET ITEM:	Other Properties and Services – Unclassified – Other Unclassified
BUDGET PAGE NUMBER:	5
BUDGETED AMOUNT:	\$118,704
AMOUNT SPENT TO DATE:	\$123,911
PROPOSED COST:	\$12,000
BALANCE:	(17,207)

All figures quoted in this report are exclusive of GST.

The budget item *Other Property and Services - Unclassified – Other Unclassified* has been adjusted in the February Budget Review to accommodate the recommended expenditure.

COMMENTS:

The event will increase visitation to the city and add vibrancy to the foreshore, in addition to supporting an important community service. The event organisers advise that feedback from the 2014 event indicates that at least 29.83% of event attendees surveyed visited cafes, retailers and attractions in the area post event, resulting in potential additional economic spend for city retailers on Mother's Day.

In addition to the community fun-run, the event also includes significant entertainment for participants and spectators.

Moved by Cr Davidson, seconded by Cr Limnios

That Council:

- 1. approves sponsorship of \$12,000 (excluding GST), to Women in Super to assist with costs associated with the Mother's Day Classic fundraising event to be held on Sunday, 10 May 2015 at Langley Park, noting that \$4,491 of this amount will be recouped by the City for fees and charges;***
- 2. notes event organisers to provide the following sponsorship benefits;***
 - 2.1 the City of Perth crest to be included on all press advertising and promotional material;***
 - 2.2 a hyperlink from the event website to the City of Perth website;***
 - 2.3 the City of Perth to be acknowledged in all radio and television interviews;***
 - 2.4 City of Perth signage to be positioned at the event and the City of Perth crest to be included on Channel 9 advertisement of the event;***
 - 2.5 an opportunity for City of Perth promotional material to be included in the participant packs and a pre-recorded statement about the City to be played at intervals during the event; and***
 - 2.7 the Lord Mayor, or representative, to be invited to make a speech or start the event.***

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

85/15 COMMONWEALTH WALKWAY, PERTH

BACKGROUND:

FILE REFERENCE:	P1009967
REPORTING UNIT:	City Infrastructure & Enterprises and City Services
RESPONSIBLE DIRECTORATE:	City Infrastructure & Enterprises and City Services
DATE:	19 February 2015
MAP / SCHEDULE:	Schedule 12 – Letter from Hugo Vickers, Chairman DL Outdoor Trust TRIM reference 27911/15 Schedule 13 – Information Sheet – Commonwealth Walkways (TRIM reference 7136/15)

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 3 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

An approach has been made to the City by an organisation known as the Outdoor Trust. The Trust has been set-up in the United Kingdom to facilitate the generation of 100 walkways in 100 cities with the walkways in the main cities of the Commonwealth's 71 nations and territories over the next four years. Her Majesty the Queen has given the Outdoor Trust permission to create the walkways in Cities throughout the Commonwealth marked with her personal Royal cypher.

The proposal in the City of Perth is a 10km walkway on existing footpaths and trails which starts at Government House St Georges Terrace and connects many of the City's highlights.

The purpose of this report is to seek tacit support for the concept which would be further developed in detail and reported on at the appropriate future date.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Local Government Act 1995*

**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Healthy and Active in Perth
S15 Reflect and celebrate the diversity of Perth.

15.3 Review and further develop the City's approach to the conversation, management and celebration of its cultural heritage.

DETAILS:

The concept is to use existing trails and footpaths which cumulatively result in an approximate 10km walk. The inclusion of Indigenous history, the needs of different people with different abilities and the values and principles of the Commonwealth will be an important consideration informing the final walkway route and story that is to be shared.

It is proposed that the 100 walkways to be created across the 71 countries will thread together 10,000 of the most significant highlights of the Commonwealth. Each highlight will be marked permanently with a large bronze plaque which displays the Queen's personal EIRR Royal cypher.

An electronic beacon under each marker will interface with Smart Phones to pick-up images, text and video explaining the importance of the particular feature and promoting the principles and values of the Commonwealth.

At the start of each walk a permanent embossed metal interpretation panel, similar to those already installed by the Trust outside Buckingham Palace, Westminster Abbey, the Supreme Court and the Houses of Parliament London will be set in the ground illustrating the route, key points of interest and the relevance to the Commonwealth.

One example of the walk already created is the Jubilee walkway which was the first urban trail in the World, connecting many of London's key attractions and is a permanent memorial to the Queen's Silver Jubilee unveiled by Her Majesty on 9 June 1977.

In summary, once a route is agreed the role of the City would be to:

1. Consult locally on the route, agree the points of Commonwealth significance and provide relevant text and images.
2. Coordinate the installation of the Commonwealth walkway markers and integrated I-beacons in the pavement at each of the points of Commonwealth significance.
3. Install and launch the Commonwealth walkway Interpretive Panel, to be erected at a suitable location close to the first marker at Government House, to promote the route; Perth's Commonwealth significance; and the values and principles of the Commonwealth.

At this time the Outdoor Trust organisers are seeking consideration of the City of Perth's participation in the Commonwealth walkway project. It should be noted that the organisers of this Project have advised when meeting with City officers that they will not be seeking any cash funding from the City for the establishment of the Walkway.

FINANCIAL IMPLICATIONS:

The organisers are intending to seek funding through corporate donations and Lotterywest funding.

Given the infrastructure would be in the public domain then it is likely that future operational costs of maintenance would be the City's responsibility.

COMMENTS:

It will be recommended that tacit agreement to further discussions on the concept of the Commonwealth Walkway Perth be given however a further report be submitted to the Council at the appropriate time in the future.

Moved by Cr Limnios, seconded by Cr McEvoy

That Council agrees to authorise further discussions with Outdoor Trust UK on the Commonwealth Walkway, Perth proposal noting that a further report will be provided once more detail is confirmed.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

**FINANCE AND ADMINISTRATION COMMITTEE
REPORTS**

**86/15 FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY
STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2015**

BACKGROUND:

FILE REFERENCE:	P1031315
REPORTING UNIT:	Financial Services
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	26 February 2015
MAP / SCHEDULE:	Schedule 14 – Financial Statements and Financial Activity Statement for the period ended 31 January, 2015

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.4(1) and (2) of the *Local Government Act 1995*
Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities: Community Outcome Capable and Responsive Organisation
A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

DETAILS:

The Financial Activity Statement is presented together with a commentary on variances from the revised budget.

FINANCIAL IMPLICATIONS:

There are no direct financial implications arising from this report.

COMMENTS:

The Financial Activity Statement commentary compares the actual results for the seven months to 31 January 2015 with the revised budget approved by Council.

Moved by Cr Davidson, seconded by Cr Yong

That Council approves the Financial Statements and the Financial Activity Statement for the period ended 31 January 2015 as detailed in Schedule 14.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

**87/15 FEBRUARY BUDGET REVIEW 2014/15 – FORECAST OF
THE OPERATING AND CAPITAL BUDGET FOR THE YEAR
ENDING 30 JUNE 2015**

BACKGROUND:

FILE REFERENCE:	P1031135
REPORTING UNIT:	Financial Services
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	25 February 2015
MAP / SCHEDULE:	Schedule 15 – Operating Statement by Nature and Type Schedule 16 – Operating Statement by Directorate and Unit 2014/15 Schedule 17 – Capital Works – February Budget Review 2014/15 Schedule 18 – Revised Rate Setting Statement

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The City has conducted a budget review to forecast its results to the end of the financial year and to approve changes to the budget emerging from the review. The February Review is based on the actual results to 31 January 2015.

This review, completed by the Financial Services Unit, was signed off by the relevant Managers and Directors who are accountable and have taken responsibility for the forecasts.

The budget has the following objectives:

- To project the results to 30 June 2015.
- To identify surplus resources.
- To redeploy resources to new projects and projects that generates scope increments.
- To allocate surplus funds to reserves where they are identified.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.8 of *the Local Government Act 1995*
Regulation 33A of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation
IP31 Implement Organisational Development Plan

Organisational Development Plan:
G10 Establish structured efficiency continuing program

Policy
Policy No and Name: 9.6 – Budget Variations

DETAILS:

The net income of the City will fall by \$846,000 to \$14 million. Revenue is projected to fall by \$1.7 million to \$187.2 million as a result of a \$1.9 million reduction in parking income. Operating expenditure has fallen by \$3.3 million to \$172.4 million. Depreciation accounts for \$1.1 million of this. Significant items total \$1.6 million expense, includes \$2.4 million now recognised as the contribution to the Elizabeth Quay development. Losses on disposal of fixed assets are \$188,000 less than anticipated.

Revenue (by Nature and Type)

- Rates have been forecast to reduce by \$333,000. Interim rates are slowing as building completions are not as robust as originally forecast.

- Grants have decreased by \$505,000 nearly all as a result of reversing the State Government amalgamation grant previously anticipated.
- Fees and charges have reduced by \$1.4 million in total due to a \$1.87 million reduction in parking fees. This is in addition to a \$3.8 million reduction in the first budget review. Details of the reasons for this fall were provided in the commentary in the first budget review. They included a fall in the level of economic activity, construction activity causing congestion, and significant increases in the Parking Levy. Additionally, the levels of activity at some venues has reduced after hours revenue for some car parks.
- Additionally, some fees have risen in the revised budget through increased development activity, as reflected in planning and development fees increasing by \$300,000.
- Parking fines have not changed from the previous budget review.
- Community service fee revenue has been reduced by \$53,000 due to actual performance in the period between budget revisions.
- Investment income has been adjusted upwards by \$309,000 based mainly on performance to date due to stronger cash flow and a good return from the balanced funds investment.
- Other revenue is showing a \$456,000 improvement over the October 2014 budget. \$400,000 of this is as a result of an expectation that Channel 7 will progress their claim for reimbursement of the 2014 expenses of the Christmas pageant in time for the Lotterywest grant to be claimed this year. Planning fee revenue is up \$300,000 but are largely offset by building fees which are down \$203,000.

Operating Expenditure (by Nature and Type)

- Excluding loss on disposal of assets and the contribution of assets on the land taken up by the Elizabeth Quay project, total external expenditure has dropped by \$3.2 million between the October and February reviews.
- Excluding a small reduction of \$84,000 in employee costs capitalised, employee expenses have reduced by \$930,000. Salaries were \$1.8 million below budget offset partially by an unfavourable sick leave variance of \$454,000 and an employee vacancy budget reduction of \$492,000.
- Materials and contracts were \$1.3 million less than previously forecast with major reductions in discretionary expenditure of consultancy and professional fees (\$542,000). Property maintenance was down \$157,000, Infrastructure contractors \$176,000 and assets not capitalised \$100,000. External contractors were over budget by \$267,000.
- Utilities and insurance were both close to budget.

- Depreciation is \$1.1 million below the previous revision partially due to depreciation on revalued infrastructure now commencing from April.
- Interest expenses are \$150,000 less than forecast because of delays to completion of the Perth City Library which results in capitalisation of interest to the project instead of it being an operating expense.
- Other expenditure has increased by \$302,000 with a \$250,000 increase in donations and sponsorship and \$121,000 adjustment upwards for Albert Facey House.

Operating Expenditure (by Directorate and Unit)

In this breakdown the accompanying schedule includes a comments column which briefly explains the reason for increases and decreases from the October review.

Capital Expenditure

- The capital budget has reduced by a net \$560,000.
- Project savings of \$1.3 million have been identified and released where projects have been cancelled or are near complete and savings have emerged.
- Forecasts have also revealed the need for \$700,000 additional expenditure is required as a result of scope changes, increased costs or variations to contracts.
- A new project for audio equipment in the Council Chambers costing \$60,000 has been requested.
- These adjustments to the previously adopted October revised budget bring the total capital expenditure budget to \$78.1 million. An amount of \$5.9 million of this has emerged as a carry forward.
- The funding impact of the change arising from the review is:

Funding Impact	\$000's
Municipal Funds	(655)
Reserves impact	(9)
Contributions reduction	(10)
Operating transfer	114
Net reduction in funding for capital projects	(560)

Revised Rate Setting Budget Statement

This statement details the impact on the closing funds of the changes above. There is a net increase to \$1,728,000 in closing funds. These have arisen from the savings in operating expenditure of \$2,034,000 (excluding depreciation and disposals of assets) and a decrease in revenue of (\$1,386,000) to give a reduction in the

operating deficit of \$648,000 (excluding the change in depreciation). Additionally there are changes to capital and funding activities. Transfers to and from reserves reflect changes to capital spending.

FINANCIAL IMPLICATIONS:

The budget review has changed the overall financial position of the City. Net income has fallen by \$846,000 with non-cash operating adjustments generating \$1.15 million on an overall basis offsetting this, net capital expenditure requirements have reduced by \$560,000.

COMMENTS:

As with the previous budget review, the most significant factor in this budget is the reduction in parking revenue by a further \$1.9 million. Action is being taken to protect further erosion of this important revenue stream.

The City remains in a strong financial position.

Moved by Cr Davidson, seconded by Cr Yong

That Council:

- 1. in accordance with Regulation 33A(3) of the Local Government (Financial Management) Regulations 1996 (as amended) approves BY AN ABSOLUTE MAJORITY:***
 - 1.1 the February Budget Review 2014/15 as detailed in Schedules 15, 16, 17 and 18 noting the impact of reduced revenue and increased operating expense excluding depreciation;***
 - 1.2 capital expenditure of \$697,311 for work on projects as listed in Schedule 4 as "Ongoing Projects Requiring Additional Funds" and \$60,000 for "New Projects Requiring Funding" respectively, which will be provided out of the savings of \$1,317,086 on projects with surplus funds available;***
- 2. notes that:***
 - 2.1 the budgeted operating surplus has decreased by \$845,578 to \$14,021,946;***
 - 2.2 net savings of \$559,775 on capital projects reducing funding required from reserves of \$9,350 and from contributions of \$10,000;***

(Cont'd)

2.3 *the net cash surplus in accordance with the revised Budget has increased by \$1,299,747 and this will be added to the Accumulated Surplus.*

The motion was put and carried by an absolute majority

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

88/15 REVIEW OF COUNCIL POLICY CP9.13 – NOT RATEABLE PROPERTIES (RATE EXEMPTIONS) AND PARTIAL RATE EXEMPTIONS

BACKGROUND:

FILE REFERENCE: P1019031-2
REPORTING UNIT: Financial Services
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 25 February 2015
MAP / SCHEDULE: Schedule 19 – Proposed Amended Policy CP9.13 – Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The amendments to Policy CP9.13 – Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions will further establish the principles for determining a consistent approach when exercising the Council's powers for granting rate exemptions.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.26 of the *Local Government Act 1995*

**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Capable and responsive organisation

S19 Improve the customer focus of the organisation

IP34 Enhance customer service

Organisational Development Plan:

G3 Strategic Financial Management – Critically revise relevant policies

Policy

Policy No and Name: CP9.13 – Not-Rateable Properties (Rate Exemptions) and Partial Rate Exemptions

DETAILS:

The City derives its revenue from a number of sources of which rates are a major part. A total of \$76.2 million in rates revenue is expected to be raised in the 2014/15 financial year which is 40% of total budgeted operating revenue.

The City, as with other local governments, regularly receives applications from a variety of organisations seeking rate exemptions. Rate exemptions, when combined with exempt land held by State or Federal Governments diminishes the potential source of revenue from rates and detracts from the objective of maintaining a reasonable level of overall general rates.

The purpose of this report is to ensure the policy for assessing applications for Rate Exemptions is in accordance with the legal advice sought on the matter of Not Rateable properties. The policy will provide Officers with the ability to establish whether a property can be determined for a rates exemption or not based on a documented policy position. Legal advice for the policy was requested following appeal of a refused rates exemption.

The policy will be used to provide clear guidelines for reviewing all exemption applications received. The policy is framed around rating principles contained within the provisions of the *Local Government Act 1995*. In applying the policy therefore consideration will be given to the ‘commerciality’ aspect of the land use of the property in question.

The policy also includes provision to rate part only of a property which would otherwise be exempt from rates.

The significant amendments to this policy are as follows:

The Policy Objective was updated to include the determination of eligibility for partial rate exemptions.

Some terminology was amended according to the legal advice to align with the <i>Local Government Act 1995</i> .

Re-wording was required in some areas and redistribution of information between some categories was required to make the policy clearer and more defined for each of the sub sections.

The information under the Relevance of Land Use was removed and replaced with information that was formally under different sub sections of the policy.

Definitions were added to the policy.

Authority to determine applications for rates exemptions was removed from the policy.

FINANCIAL IMPLICATIONS:

BUDGET ITEM:	Rates Revenue
BUDGET PAGE NUMBER:	1
BUDGETED AMOUNT:	\$ - Offset in the Rates budget amount
AMOUNT SPENT TO DATE:	\$916,503

The current rates exemption register shows a reduction in revenue of \$1,050,370 for the current year, which includes State and Local Government owned properties. Land held by the Crown is generally exempted from the payment of rates under Section 6.26 (2)(a) of the *Local Government Act 1995* and a more relevant figure for processing of rate exemption applications that excludes these properties is \$916,503.

It must be noted that the revenue reduction burden is shifted to the remaining rateable properties within the City during the rate setting in the budget process and additional revenue reductions may be incurred during a financial year when new applications are received that are determined to be Not Rateable.

It is not expected that the review of this policy will result in any significant increase in rate exemption applications.

All figures quoted in this report are exclusive of GST.

COMMENTS:

Payment of rates is the main interaction that most ratepayers have with the City. It is therefore important that there be consistency in administration of the rate base to maintain the most equitable distribution of the rate burden as is practically possible.

The City imposes differential general rates as per Section 6.33 of the *Local Government Act 1995* on all rateable land within the City according to the predominant use for which land is held or used as determined by the City.

Section 6.26 (2) of the *Local Government Act 1995* provides the criteria under which a rates exemption may apply. The Act does not clearly define some areas of the criteria for exemption; for example section (6.26 (2) (g)) describes one criteria as "land held exclusively for charitable purposes".

The rating provisions of the Local Government Act 1995 together with the new policy itself will be used when determining the status of a property for approval of rates exemption under Section 6.26 (2) (g), i.e. land exclusively being used for charitable purposes.

This policy also provides for rating the commercial operations conducted on only part of a property where a rate exemption application has been received. Included in the determination process within the policy for these applications, reference will also be made to the materiality of the proportion of commercial use in the context of the overall property use. The approach used is based on the Australian Accounting Standard for Materiality (AASB 1031, paragraph 15) and will facilitate a resolution where applications are otherwise unclear by using an objective measurement which is consistently applied.

Properties where only a small portion of land is used for a purpose of a commercial nature, and which is not a separable land parcel, will nevertheless qualify for an exemption from rates if the area of land is immaterial.

Similarly where a separable portion of land has a mixed use, an exemption from rates will depend upon the frequency of its use for exempt purposes. Where the exempt purposes use exceeds 10%, as evidenced by a substantiated record of use, that portion of land will be exempt from rates.

The materiality provisions of the policy were inserted into the original policy following some issues that arose with properties requesting rate exemptions.

The amended Not Rateable Properties (Rate Exemptions) policy will provide a definitive guideline in determining applications for rate exemption.

Moved by Cr Davidson, seconded by Cr McEvoy

That Council approves the amended Council Policy CP9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions as detailed in Schedule 19.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

89/15 2015 LOCAL GOVERNMENT ELECTIONS

BACKGROUND:

FILE REFERENCE: P1029486
REPORTING UNIT: Governance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 26 February 2015
MAP / SCHEDULE: Schedule 20 – Correspondence from the Western Australian Electoral Commission

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Correspondence has been received from the Western Australian Electoral Commission (WAEC) advising that in accordance with Section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner agrees to conduct the City of Perth 2015 ordinary election subject to that election being undertaken as a postal election (refer to Schedule 20).

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Sections 4.20(4) and 4.61(2) of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities:
Capable and Responsive Organisation
A capable, flexible and sustainable organisation with a strong effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

DETAILS:

The 2015 local government elections will be held on Saturday, 17 October 2015.

Section 4.20(4) of the *Local Government Act 1995* enables a local government, having first obtained the written agreement of the WA Electoral Commissioner, to declare the WA Electoral Commissioner to be responsible for the conduct of an election.

Further, Section 4.61(2) of the *Local Government Act 1995* allows a local government to decide to conduct an election as a postal election.

The WA Electoral Commissioner has written to the Chief Executive Officer giving his written agreement to be responsible for the conduct of the City's ordinary election in 2015, as well as for any other elections or polls that may be required prior to that election. The WA Electoral Commissioner's agreement to be responsible for the City's 2015 election is contingent upon that election being conducted as a postal election.

The Governance Unit has been undertaking a number of initiatives to increase the number of electors contained within the Owners & Occupiers Roll, this has included direct mailouts to all property owners at the time of purchase of properties within the City of Perth. Advertisements and use of social media to encourage existing property owners and tenants to enrol continues to be undertaken.

Advocacy for change as part of the Capital City legislation also seeks to remove the requirement for certain enrolments to expire and have to reapply, but rather ensure that the CEO is satisfied that the enrolment still remains correct will assist in arresting the decline in enrolments that currently take place. As an example following on from the 2013 Local Government Elections 859 enrolments expired in accordance with Section 4.33(2A) of the *Local Government Act 1995*, which represented 28% of the total Owners & Occupiers Roll. Despite efforts of Officers only a small minority of reenrolments were received.

The City of Perth continues to pursue relevant legislative amendments within the proposed Capital City legislation that will allow for greater representation of critical stakeholders, being the business sector. Deeming Provisions like that contained within Electoral Provisions for the City of Melbourne has been considered.

Support for greater representation has been demonstrated by key industry groups including the Property Council and Chamber of Commerce & Industry WA.

In the absence of legislative change being introduced the City of Perth will continue to devise ways to increase electorate representation by various means including advertising both in general newspaper circulations as well as industry specific publications.

FINANCIAL IMPLICATIONS:

The WAEC has estimated the cost of conducting the City's 2015 election at \$46,000 (including GST). The cost of the 2015 election will be included in the Council's 2015/16 budget.

A recent announcement by the Federal Communications Minister Malcolm Turnbull said Australia Post would introduce a two-speed mail service, with a regular service operating two days slower than the current delivery speed, and a premium-rate priority service.

Services would likely be introduced in September 2015 and additional costs will be incurred. Given the limited timeframe from the time ballot papers are distributed and the close of polls, it will be imperative to utilise the premium rate priority service which

will likely see a doubling of existing costs for postage of ballot papers and reply paid envelopes.

COMMENTS:

The City of Perth has conducted its elections as postal elections since 1995 and evidence suggests that postal elections consistently achieve a higher voter participation rate than in person elections.

It is recommended that the Council declares the WA Electoral Commissioner to be responsible for the City's 2015 election and any other polls that may be required up to (but not including) the 2017 Ordinary Local Government elections.

Moved by Cr Davidson, seconded by Cr Yong

That Council, BY AN ABSOLUTE MAJORITY DECISION:

- 1. in accordance with section 4.20(4) of the Local Government Act 1995, declares the Electoral Commissioner responsible for the conduct of the 2015 City of Perth ordinary election together with any other elections or polls which may be required up to (but not including) the 2017 Ordinary Local Government elections;***
- 2. in accordance with section 4.61(2) of the Local Government Act 1995, decides to conduct the City of Perth's 2015 ordinary election as a postal election.***

The motion was put and carried by an absolute majority

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

**90/15 PROPOSED VARIATION OF LEASE – LUCKY CHARM
NEWSAGENCY – SHOP 7, CITY STATION CONCOURSE**

BACKGROUND:

FILE REFERENCE: P1026031
REPORTING UNIT: Property Management Services
RESPONSIBLE DIRECTORATE: City Services
DATE: 24 February 2015
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **3 August 2010**, Council agreed to vary the lease for Shop 7 at the City Station Concourse to allow the lessees to sell bottled still water. No other drinks or food lines (apart from potato chips and confectionery) are to be stored or sold.

Prior to this date the sale of all drinks was prohibited.

The Lucky Charm Newsagent has made several approaches to the City in an effort to have its lease varied to include the sale of all cold drinks.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 3.58 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities: Responsive and capable organisation. S19 Improve the customer focus on the organisation IP34 Enhance customer service

DETAILS:

The franchise operator of the Lucky Charm Newsagent has requested that Council consider an amendment to the usage clause of its lease. The usage clause currently states that:

“The sale of lottery tickets, football pools and other associated items, newspapers, magazines, news agency lines, potato crisps, cigarettes, confectionery and bottled still water. No other drinks or other food lines are to be stored or sold.”

The franchise operator has requested that this clause be amended to read:

“Retail Newsagency including all usual newsagency lines, lottery and all approved gambling lines, cigarettes, art and art lines, magazines, gifts, stationery, bill paying, confectionery and drinks, photocopying and laminating and image reproduction services, dry cleaning agency and any other item in conjunction with The Lucky Charm and its Rewards Promotions.”

This is a standard operating usage clause that the Lucky Charm Group has in its agreements.

In addition the Lucky Charm Group has recently entered into an agreement with Coca Cola Amatil to supply and promote its products in Lucky Charm stores across the nation. The store at City Station Concourse is not able to partake in these promotions.

Currently the following tenants stock and sell a range of cold drinks:

- Trackside Bakery;
- Priceline Pharmacy;
- Bocelli’s Coffee / Ice Cream Kiosk; and
- Mad Kitchen Sushi.

In the past, the Trackside Bakery has objected to the Lucky Charm Newsagency being permitted to sell cold drinks other than bottled water.

The owner of Trackside Bakery claims that representations were made to them stating that Lucky Charm was expressly forbidden to store and sell drinks and this is the basis of its objection.

The City has been unable to locate any written evidence or disclosure statement that supports Trackside Bakery claims.

The City allowed Lucky Charm to sell bottled water in August 2010.

Mad Kitchen Sushi was also permitted to sell a range of cold drinks when its lease commenced in February 2014.

Neither of these appear to have had a negative effect on the operation of Trackside Bakery.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

In the absence of any disclosure documentation by way of brochures, advertisements, pamphlets or other written information which might have been provided to Trackside Bakery prior to them entering into a lease, it is difficult to determine the extent of any liability to which the City may be exposed.

Given that both Priceline Pharmacy and Mad Sushi have been permitted to sell a range of cold drinks after the Trackside Bakery entered into its lease, it is considered that any risk to the City would be minimal if any.

The application to vary the lease for the Lucky Charm Newsagency, located at Shop 7 of the City Concourse is supported.

Moved by Cr Davidson, seconded by Cr Yong

That Council agrees to vary the usage clause of the lease over Shop 7, City Station Concourse, to include the storage and sale of cold drinks.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

91/15 POINT FRASER DEVELOPMENT – REQUEST FOR EXTENSION OF PRACTICAL COMPLETION DATE

BACKGROUND:

FILE REFERENCE:	P1027581
REPORTING UNIT:	Property Management Services
RESPONSIBLE DIRECTORATE:	City Services
DATE:	24 February 2015
MAP/SCHEDULE:	N/A

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

On 1 July 2012, the City entered into a sub-lease with City Foreshore Investments Pty Ltd over Lot 306 on Plan 47251 being the whole of the land shown on Crown Land Title Volume LR3140 Folio 966, for a development comprising of a café, kiosks, commercial offices, restaurants, function centre, cocktail lounge, boutique brewery, tavern, bars, retail outlets, jetty for mooring purposes, museum and any other zoned use as may be approved from time to time.

Under the terms of the Sub-Lease the date for practical completion of the project was 30 June 2014.

At its meeting held on **24 June 2014**, Council:

“agreed to extend the practical completion date as required under the terms of the sub-lease between the City of Perth and City Foreshore Investments Pty Ltd from 30 June 2014 to 30 November 2015.”

The City has received advice from City Foreshore Investments Pty Ltd that the extended practical completion date of 30 November 2015 will not be met.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 3.58 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities - Perth as a Capital City S5 Increased space activation and use of under-utilised space IP11 Contribute to and facilitate the activation and use of vacant private and public space.

DETAILS:

City Foreshore Investments Pty Ltd has submitted a further request for practical completion of the development to be extended from 30 November 2015 until 31 March 2016. In a letter to Council, the Sub Lessee writes:

“...it is necessary for us to revisit the agreed timetable for completion of the development and would appreciate your assistance in formalising this extension as required under our lease documentation. Your prompt action would be greatly appreciated as our financiers will require this extension formalised so that we can release the relevant progress payments to the builder.”

Additional challenges are being faced by the developer as Point Fraser is considered to be a very environmentally sensitive location, this development is being built on very unstable land and also, out into the river.

The ability for the developer to satisfy the environmental conditions put on the Development Application by the Swan River Trust (SRT) has taken longer than originally anticipated.

The ground conditions both on the land area and out into the river were more unstable than anticipated. This required extensive piling on which the development will sit, to be 25 metres deep, which is significantly deeper than initially envisaged.

The time delays in satisfying the SRT environmental conditions resulted in a delay to the commencement of drilling the piles into the riverbed and this was compounded by the unavailability of specialised barges and drilling rigs to undertake the works.

Due to demand and delays in meeting the SRT conditions, the drilling rig was unavailable as it was booked for other work in the north west of the state so the developer had to wait until a suitable barge and drilling rig became available.

The complicated piling and slab work, which forms the forward works, has been completed. The building licence was issued just prior to Christmas 2014 and the building contract was entered into with ADCO Constructions in January 2015. Currently there is a 54 week construction program to meet practical completion. City Foreshore Investments Pty Ltd is seeking to extend the practical completion date to 31 March 2016.

Clause 6.3 (a) (ii) of the sub-lease requires the Sub Lessee to -

“Use reasonable endeavours to achieve practical completion of the Sub Lessee's works by no later than 2 years after the commencement date.”

This date would have been 30 June 2014.

The City holds a Bank Guarantee to the value of \$99,000 which may be called upon in the event of default.

FINANCIAL IMPLICATIONS:

The Sub-Lessee is required to pay rent commencing from the day after the practical completion date. The rent is to be determined by a market rental valuation to be carried out by an independent valuer no later than six months prior to the rent commencement date. The valuation has not been undertaken.

There is no income budgeted for the 2014/15 financial year.

COMMENTS:

The application for the extended time is supported. It is also noted that the architects have been in discussion with Approval Services and will be submitting an amended development application in the near future.

Moved by Cr Davidson, seconded by Cr Yong

That Council agrees to extend the practical completion date as required under the terms of the Sub-Lease between the City of Perth and City Foreshore Investments Pty Ltd from 30 November 2015 to 31 March 2016.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

**92/15 REVIEW COMPLETED – CITY OF PERTH
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW
2007 AND REPEAL OF THE CITY OF PERTH SIGNS LOCAL
LAW 2005**

BACKGROUND:

FILE REFERENCE: P1015922-2
REPORTING UNIT: Governance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 23 February 2015
MAP / SCHEDULE: Schedule 21 – Table of Proposed Amendments
Schedule 22 – Proposed City of Perth Thoroughfares
and Public Places Amendment Local Law 2015
Schedule 23 – City of Perth Thoroughfares and Public
Places Local Law 2007 (Principal Local Law) with
tracked changes indicating proposed amendments

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 10 March 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **30 January 2007**, Council resolved to adopt the *City of Perth Thoroughfares and Public Places Local Law 2007*. The purpose of this local law was stated as being to “*provide for the regulation, management and control of activities in thoroughfares and public places throughout the district*”.

The effect of the local law was stated as being to “*establish the requirements with which any persons using or in thoroughfares and public property within the district, must comply*”.

At its meeting held on **27 August 2013**, Council resolved to make the *City of Perth Thoroughfares and Public Places Amendment Local Law 2013* which included various amendments to the *City of Perth Thoroughfares and Public Places Local Law 2007*. The original local law and its subsequent amendments within the 2013 Amendment Local Law constitute the Principal Local Law. The 2013 Amendment Local Law did not include a statutory review.

In accordance with Section 3.16 of the *Local Government Act 1995*, a statutory review of the *City of Perth Thoroughfares and Public Places Local Law 2007* has been undertaken. A State-wide public notice was published in *The West Australian* newspaper on 3 September 2014, and exhibited on the City's noticeboards, the City of Perth website and through the City's Facebook and Twitter social media accounts, seeking public submissions on the Principal Local Law.

Section 3.16 of the *Local Government Act 1995* states that Local Laws are required to be reviewed within eight years from the day they become operable. The statutory review process is initiated by State-wide public notice calling for submissions. On finalisation of the public submission period, Council is required to consider submissions received and to finalise the statutory review.

To finalise the statutory review, Council needs to determine whether or not it considers that the local law should be repealed or amended. If Council determines a local law is to be amended, an Amendment Local Law is to be made in accordance with Section 3.12 of the *Local Government Act 1995* and a further public notice and public submission period is required.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Sections 3.12 and 3.16 of the *Local Government Act 1995*
City of Perth Thoroughfares and Public Places Local Law 2007
City of Perth Signs Local Law 2005

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Community Outcome
Capable and Responsive Organisation
A capable, flexible and sustainable organisation with a strong effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

DETAILS:

Statutory Review

At the close of submissions on Wednesday, 22 October 2014, no external submissions had been received by the City.

As part of the City's continuous review and improvement of its local laws, Officers have identified a number of drafting issues within the Principal Local Law affecting its application and interpretation in the contemporary environment. Schedule 21 provides details of all proposed amendments and justification. Proposed amendments are marked as follows:

- Deleted text identified with a striketrough.
- New text identified with *italics*.

In summary, the amendments incorporate:

- New definitions to provide clarity to clauses;
- Amendments to existing definitions to ensure alignment between other City of Perth local laws;
- Proposed increases to penalties to reflect the seriousness of offenses and to act as deterrents against infringing behaviour;
- Administrative corrections (remove the previously included full definitions and replace with references to the source legislation, provided updated legislation references such as the *Building Act 2011*, and drafting corrections as recommended in legal advice obtained by Officers – TRIM 239968/14); and
- New signage clauses regulating signs in thoroughfares and public places.

Repeal of City of Perth Signs Local Law 2005

The purpose and intent of the City's *Signs Local Law 2005* is to provide for the regulation, control and management of signs within the City. However, advice received in 2010 from the Department of Local Government and Communities advised that the Parliament's Joint Standing Committee on Delegated Legislation had found that local governments do not have the power to regulate signs on private property under a local law, only those that are on a thoroughfare or public place.

Signs on private property are now regulated through development applications and building permits where required in accordance with the *Planning Development Act 2005* and the *Building Act 2011*.

As the City only has the power to regulate signs in public places, it is necessary to include new proposed clauses 2.16, 2.17, 2.18 and 2.19 in the *Thoroughfares and Public Places Amendment Local Law 2015* for this purpose. This would also require the City's current *Signs Local Law 2005* to be repealed.

FINANCIAL IMPLICATIONS:

Costs will be incurred in making the City of Perth *Thoroughfares and Public Places Amendment Local Law 2015* through the requirement to issue public notice of the adoption of the local law and its publication in the Western Australian Government Gazette. These administrative costs are estimated to total \$1,500 (excluding GST) and can be accommodated in Council's 2014/15 Budget.

It is noted that several penalties have been increased in order to reflect the seriousness of the offences and to further deter any infringing behaviour.

COMMENTS:

Minor issues identified during the internal review of the Principal Local Law have been addressed in the proposed Amendment Local Law. Investigations have been carried out regarding the City's smoking prohibition clause that is applicable to Hay

and Murray Street Malls and its possible application to other public places, such as those under the control of the Metropolitan Redevelopment Authority.

As some of these places may be handed back to the City's control in the future, it is necessary that consistent terminology should be utilised within any handover documentation to allow the local law to be applied. For example, Clause 2.1(k) of the local law states that there is no smoking permitted in any "mall reserve"; accordingly, the handover documentation is required to name the "mall reserve" to ensure that the local law is applicable.

It is noted that further investigation is required to clarify how the City may apply the local law to other places which the State Government may retain ownership.

The proposed change to Clause 2.1(i) of the local law will allow for cyclist movements in the Hay and Murray Street Malls as identified in the adopted City of Perth Cycle Plan 2029. Legal advice obtained (TRIM 239968/14) has indicated that the City is required to consult with owners and lessees of retail outlets, cafes and other businesses which are accessed via the Hay and Murray Street Malls regarding proposed changes to the intended use of the mall (allowing cyclist to ride through the malls). The City will undertake this stakeholder consultation during the public notice period and if gazette by Council will require to be referred to the Department of Lands for Ministerial Consent.

As the proposed amendments to the Principal Local Law are minor, generally administrative in nature, and no external submissions were received, it is recommended that Council resolve that an Amendment Local Law is to be made in accordance with Section 3.12 of the *Local Government Act 1995* with a further public notice and submission period. At the conclusion of the public submission period, a further report will be provided to Council for it to consider any submissions made and whether the Amendment Local Law should be made as proposed.

Moved by Cr Davidson, seconded by Cr Yong

That Council:

- 1. in accordance with Section 3.16(3) of the Local Government Act 1995, notes that no submissions were received during the public submission period in response to the statutory review of the City of Perth Thoroughfares and Public Places Local Law 2007;***
- 2. in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the statutory review of the City of Perth Thoroughfares and Public Places Local Law 2007 and determines, BY AN ABSOLUTE MAJORITY, to amend the local law;***

(Cont'd)

- 3. in accordance with Section 3.12 of the Local Government Act 1995, approves the giving of State-wide public notice of its intention to make the City of Perth Thoroughfares and Public Places Amendment Local Law 2015, as detailed in Schedules 22 and 23, the purpose and effect being:**
- 3.1 Purpose: To amend the City of Perth Thoroughfares and Public Places Local Law 2007;**
- 3.2 Effect: To implement amendments to the City of Perth Thoroughfares and Public Places Local Law 2007 that ensure the local law remains operable and to implement revised penalties as appropriate contemporary deterrents;**
- 4. in accordance with Section 3.17(4) of the Local Government Act 1995, by AN ABSOLUTE MAJORITY, repeals the City of Perth Signs Local Law 2005.**

The motion was put and carried by an absolute majority

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

AUDIT AND RISK COMMITTEE REPORTS

93/15 2014 COMPLIANCE AUDIT RETURN

BACKGROUND:

FILE REFERENCE:	P1013788-5
REPORTING UNIT:	Corporate Services Office
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	9 February 2015
MAP / SCHEDULE:	Schedule 24 – Completed 2014 Compliance Audit Return

The Committee recommendation to the Council for this report was resolved by the Audit and Risk Committee at its meeting held on 23 February 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Western Australian local governments are required to complete a Compliance Audit Return (CAR) annually to the Department of Local Government and Communities (DLGC) in accordance with the requirements of the *Local Government (Audit) Regulations 1996*.

The return is a checklist of a local government's compliance with the requirements of the *Local Government Act 1995* and its Regulations as approved by the Minister. The 2014 CAR content is unchanged from 2013 and focuses on areas considered high risk. It examines whether the City has complied with each action listed on the return under the following activities:

- Commercial Enterprises by Local Governments (5 audit questions);
- Delegation of Power / Duty (13 audit questions);
- Disclosures of Interest (16 audit questions);
- Disposal of Property (2 audit questions);
- Elections (Gift Register) (1 audit question);
- Finance (15 audit questions);
- Local Government Employees (5 audit questions);
- Official Conduct (6 audit questions); and
- Tenders for providing Goods and Services (15 audit questions).

This Compliance Audit covers the period 1 January to 31 December 2014. The completed 2014 CAR is required to be:

- Presented for review by the Audit and Risk Committee before being presented for consideration and endorsement by Council;
- Subsequently certified by the Lord Mayor and the Chief Executive Officer; and
- Returned to the DLGC with a copy of the relevant Council minutes by 31 March 2015.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 7.13(1)(i) of *the Local Government Act 1995*
Regulations 13, 14, 15 and 16 of the *Local Government (Audit) Regulations 1996*.

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation.
A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

Policy

Policy No and Name: 19.1- Enterprise Risk Management

DETAILS:

The Compliance Audit has been undertaken as an internal audit, sourcing evidence of compliance through the City's record keeping systems and where required, through additional information held within respective Units. Each activity has been examined either wholly or by sample, dependent on the volume of activity and known risk factors.

This approach has been employed over the past five Compliance Audits and has been successful in achieving a more rigorous assessment of the City's compliance whilst facilitating identification of opportunities for improvement. It is important to note that where a sample of activity has been examined the Audit results are based only on that sample.

Whilst the annual Compliance Audit is compulsory, the City benefits through the examination of compliance capacity through:

- gaining assurance that operations are reviewed, enhanced and compliant,
- staff increasing their knowledge and understanding of legislative frameworks and compliance obligations; and,
- demonstrating to the community that the City is working to deliver good governance.

This is the first instance whereby the annual Compliance Audit has been completed by Internal Audit. Previously this audit has been undertaken by the Governance Unit (formerly known as Corporate Support Unit). It was considered that due to the Governance Unit managing a number of activities being assessed on the CAR it would be more appropriate if the Compliance Audit was carried out by Internal Audit in order to provide additional independence and objectivity.

The completed 2014 Compliance Audit Return is provided as Schedule 24.

A summary of areas reviewed as part of the 2014 CAR is provided below:

Commercial Enterprises by Local Governments

There were no non-compliances identified during the audit period.

Delegation of Power / Duty

There were no non-compliances identified during the audit period.

Disclosures of Interest

Question 5: Section 5.75(1) of the *Local Government Act 1995*
Regulation 22 Form 2 of the *Local Government*
(Administration) Regulations 1996

Was a primary return lodged by all newly designated employees within three months of their start day?

Audit Findings

One designated employee lodged the primary return 45 days after the due date (TRIM 8700/13). Audit evidenced that on 22 September 2014 the City notified the Corruption and Crime Commission and the DLGC regarding the issue, acknowledging that the compliance failure was not attributable to the employee and that it was an internal process failure regarding internal transfers within the City of Perth.

Corrective Action

During September 2014 a process was put in place to identify internal transfers of designated employees using the Business Objects software.

Question 6: Section 5.76(1) of the *Local Government Act 1995*
Regulation 23 Form 3 of the *Local Government*
(Administration) Regulations 1996

Was an annual return lodged by all continuing Elected Members by 31 August 2014?

Audit Findings

All continuing Elected Members lodged an annual return by 31 August 2014 as per the Primary and Annual Return Register (TRIM 8700/13 and Record File No. P1026318). However, the audit evidenced that two continuing elected members did not disclose the corporation address in which they have an interest or held any position nor a description of its principal business on their annual returns.

Additionally, one continuing Elected Member did not disclose on the annual return the name and address of the settlor and the trustee of a trust in which a beneficial interest was held.

Corrective Action

The relevant Elected Members will be contacted to inform them of the requirements for future annual returns.

A system of compliance checking at time of receipt of returns will be introduced.

Question 7: Section 5.76(1) of the *Local Government Act 1995*
Regulation 23 Form 3 of the *Local Government*
(Administration) Regulations 1996

Was an annual return lodged by all designated employees by 31 August 2014?

Audit Findings

All designated employees lodged an annual return by 31 August 2014 as per Primary and Annual Return Register (TRIM 8700/13 and Record File No. P1023968). However, Audit evidenced that:

- Two designated employees did not disclose the address in regards to Real Property located in an adjoining district in which they have an interest (one resides in the Town of Cambridge and the other resides in the Town of Victoria Park), nor the nature of the interest on their annual returns;
- One designated employee signed and lodged the 2013 Annual Return as 2014 Annual Return and it also shows that the return period was from 01/07/2011 to 30/06/2012;
- One designated employee failed to disclose income sources on the primary return.

Corrective Action

The relevant two designated employees to be notified of disclosure requirements related to real property in an adjoining district.

The above designated employee failing to disclose income sources on primary return to be advised of this requirement.

Shortcomings in completion of annual return by designated employee in the second bullet point above to be reviewed and addressed by the relevant Director.

A system of compliance checking at time of receipt of returns will be introduced.

Question 10: Section 5.88(1)(2) of the *Local Government Act 1995*
Regulation 28 of the *Local Government (Administration)*
Regulations 1996

Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28?

Audit Findings

A register of financial interests was kept during the audit period. However, the date of the disclosures is not clear in some instances.

Corrective Action

The register will be reviewed and updated to provide greater clarity regarding date of disclosures.

Disposal of Property

There were no non-compliances identified during the audit period.

Elections

There were no non-compliances identified during the audit period.

Finance

There were no non-compliances identified during the audit period.

Local Government Employees

Question 2: Section 5.36(4) and section 5.37(3) of the *Local Government Act 1995*
Regulation 18A of the *Local Government (Administration)*
Regulations 1996

Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A?

Audit Findings

The position of Manager Finance was not advertised in a newspaper circulating generally throughout the State. However, the position was advertised on the City of Perth and Seek websites.

Corrective Action

Relevant staff to be advised of requirements in regards to advertising for CEO and other designated senior employee positions.

Official Conduct

There were no non-compliances identified during the audit period.

Tenders for Providing Goods and Services

Question 1: Section 3.57 of the *Local Government Act 1995*
Regulation 11 of the *Local Government (Functions and General) Regulations 1996*

Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than consideration stated in Regulation 11(1) of the Local Government (Functions and General) Regulations (Subject to Functions and General Regulation 11(2)).

Audit Findings

The Audit identified five occasions where the City has breached the \$100,000 tender threshold during 2014 as highlighted by Contracts and Asset Management Services (CAMS) on the memorandums accompanying the monthly Contract Expenditure Reports. Relevant suppliers are as follows:

<u>A/C No.</u>	<u>Company</u>	<u>Description of Goods/Services</u>	<u>Units</u>
04974	Milford Holdings t/as ARCS	Consultancy Services for the Refurbishment of 2a Plain Street, East Perth. March 2014 CAMS memorandum highlights expenditure with this supplier at \$120,254.36.	PPM
73890	Robot Welding Systems	Individual purchase orders for the provision of gully grates. May 2014 CAMS memorandum highlights expenditure for the period from 01/07/11 to 31/05/14 at \$103,323.04.	WKS

<u>A/C No.</u>	<u>Company</u>	<u>Description of Goods/Services</u>	<u>Units</u>
01919	Office Milk Supplies	Individual invoices for the supply of milk & other products to various City of Perth locations. June 2014 CAMS memorandum highlights expenditure for the period 01/07/11 to 30/06/14 at \$144,420.70.	Various
40440	Health on the Move	Service agreements for health services, training and health risk assessments. June 2014 CAMS memorandum highlights expenditure for the period 01/07/12 to 30/06/14 at \$120,138.85.	HR
17750	Chamber of Commerce & Industry of WA Inc.	Specialised ongoing consultancy services to assist with action plan resulting from the gap analysis between the current Occupational Safety and Health (OSH) management systems and the Work Health and Safety Bill 2014. Individual invoices for OSH Consultancy Services. September 2014 CAMS memorandum highlights expenditure for the period 01/07/12 to 30/09/14 at \$101,672.61.	HR

Corrective Action

The City has implemented a monthly management expenditure report to assist in monitoring supplier spend which is either approaching or has surpassed the tender threshold. The report is presented to the Executive Leadership Group and Managers on a monthly basis for review and action to reduce compliance breaches.

Five (5) instances of non-compliance in 2014 is an improvement from thirteen (13) identified in the 2013 CAR. However, greater scrutiny of potential tenders by respective Units is expected in 2015.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

The table below shows a comparative summary of the City's levels of compliance evidenced through the 2013 and 2014 CARs:

Areas of Compliance set out in the annual CAR	Non-compliances Reported		Comparison / Comments
	2013	2014	
Commercial Enterprises by Local Governments	Nil	Nil	Nil

Areas of Compliance set out in the annual CAR	Non-compliances Reported		Comparison / Comments
	2013	2014	
Delegation of Power / Duty	1	Nil	Improved compliance in 2014.
Disclosure of Interest	3	1	Improved compliance in 2014. One non-compliance in 2014 refers to lodgement of a primary return after due date which also occurred (one instance) in 2013. In the 2014 CAR all other items in this section were reported as "yes" or "n/a", however, in a number of cases incomplete or inaccurate information was noted on primary / annual returns lodged by continuing elected members and designated employees (refer questions 6 and 7 above in Disclosure of Interest section). In addition it was observed that the date of the disclosures is not clear on the financial interests register in some instances (refer question 10 above in Disclosure of Interest Section).
Disposal of Property	1	Nil	Improved compliance in 2014.
Elections	Nil	Nil	Nil
Finance	Nil	Nil	Nil
Local Government Employees	Nil	1	One non-compliance in 2014 re: failing to advertise the position of designated senior employee (Manager Financial Services) in a newspaper circulating generally throughout the State.
Official Conduct	Nil	Nil	Nil
Tenders for Providing Goods and Services	3	1	One same non-compliance re: breaching tender threshold. For 2014 this was found to have occurred on 5 occasions compared to 13 instances in 2013. Monitoring of expenditure on goods/services against tender threshold has improved.

Results of the 2014 Compliance Audit show that the City has achieved a higher level of compliance than 2013.

Moved by Cr Davidson, seconded by Cr Yong

That Council:

- 1. notes the audit outcomes and corrective actions detailed in the report titled "2014 Compliance Audit Return" for implementation by the Chief Executive Officer;***
- 2. approves the completed 2014 Compliance Audit Return, as detailed in Schedule 24, for certification by the Lord Mayor and the Chief Executive Officer in accordance with Regulation 15(2) of the Local Government (Audit) Regulations 1996.***

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

94/15 CITY OF PERTH INTERNAL AUDIT CHARTER

BACKGROUND:

FILE REFERENCE:	P102969-8
REPORTING UNIT:	Corporate Services Office
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	9 February 2015
MAP / SCHEDULE:	Schedule 25 – City of Perth Internal Audit Charter

The Committee recommendation to the Council for this report was resolved by the Audit and Risk Committee at its meeting held on 23 February 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

An Internal Audit Charter has been developed by the Assistant Internal Auditor in consultation with the Internal Auditor. The charter is submitted for Council approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Regulation 16 and 17 of the <i>Local Government (Audit) Amendment Regulations 2013</i>
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**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Capable and responsive organisation.

S18 Strengthen the capacity of the organisation.
A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

Organisational Development Plan:

G7 Audit – Establish new Internal Audit Policy and programs

Policy

Policy No and Name: 19.1 – Enterprise Risk Management

DETAILS:

The Internal Audit Charter will provide a framework for the conduct of the internal audit function within the City of Perth and supports the purpose, authority, independence and responsibility of Internal Audit.

A written charter is required by the International Standards for the Professional Practice of Internal Auditing (*Standards*) as issued by the Institute of Internal Auditors (IIA), the worldwide professional body.

Attribute Standard 1000 states:

“The purpose, authority, and responsibility of the internal audit activity must be formally defined in an internal audit charter, consistent with the Definition of Internal Auditing, the Code of Ethics, and the Standards, and approved by the Board.”

The “Model Internal Audit Activity Charter” as published by the IIA was used as a basis for developing the City’s Internal Audit Charter. This model was also followed by the cities of Stirling and Melville in developing their respective internal audit charters.

Development of an Internal Audit Charter addresses the remaining outstanding audit action within the City’s Organisational Development Plan: *“Establish new Internal Audit Policy and Programs”*.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

In summary, the City of Perth Internal Audit Charter will:

- Support the purpose, independence, authority and responsibility of Internal Audit activities.
- Help consolidate and strengthen the Internal Audit status within the City of Perth.
- Provide a broad framework for performing and promoting a range of value-added internal auditing services.
- Establish professional standards and guidelines for the conduct of Internal Audit services.
- Foster better industry practices and principles.

Moved by Cr Davidson, seconded by Cr Harley

That Council approves the City of Perth Internal Audit Charter as detailed in Schedule 25.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

95/15 CITY OF PERTH INTERNAL AUDIT 2014/15 – PURCHASING REVIEW

BACKGROUND:

FILE REFERENCE:	P102969-8
REPORTING UN IT:	Corporate Services Office
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	10 February 2015
MAP / SCHEDULE:	Confidential Schedule 26 – City of Perth Purchasing Review – Distributed to Elected Members under Separate Cover

At its meeting held on 23 February 2015, the Audit and Risk Committee agreed to amend the Officer Recommendation by adding an additional part 2 as follows:

2. requests the Chief Executive Officer investigate and prepare a report regarding the key controls and practices related to purchase requisitions for the consideration of the Audit and Risk Committee at a future meeting.

The City of Perth Internal Audit Plan 2014/15 was approved by Council at its meeting held on **22 October 2014**.

As part of the City's 2014/15 Internal Audit Plan, a review of key controls and practices within the purchasing function was carried out between October and November 2014. Confidential Schedule 26 details the findings of this audit.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Local Government (Audit) Amendment Regulations 2013

**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Capable and Responsive Organisation

S18 Strengthen the capacity of the organisation.
A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

Policy

Policy No and Name: 19.1 – Enterprise Risk Management

DETAILS:

The findings of the internal audit are detailed in the attached Confidential Schedule 26.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

Moved by Cr Davidson, seconded by Cr Harley

That Council:

- 1. approves the review of key controls and practices within the purchasing function as part of the Internal Audit Plan 2014/15 as detailed in Confidential Schedule 26;***
- 2. requests the Chief Executive Officer investigate and prepare a report regarding the key controls and practices related to purchase requisitions for the consideration of the Audit and Risk Committee at a future meeting.***

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Crs Davidson, Harley, Limnios, McEvoy and Yong

Against: Nil

96/15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

97/15 URGENT BUSINESS

Nil

98/15 CLOSE OF MEETING

6.24pm The Lord Mayor declared the meeting closed.

SCHEDULES
FOR THE MINUTES OF THE
COUNCIL MEETING
HELD ON
17 MARCH 2015



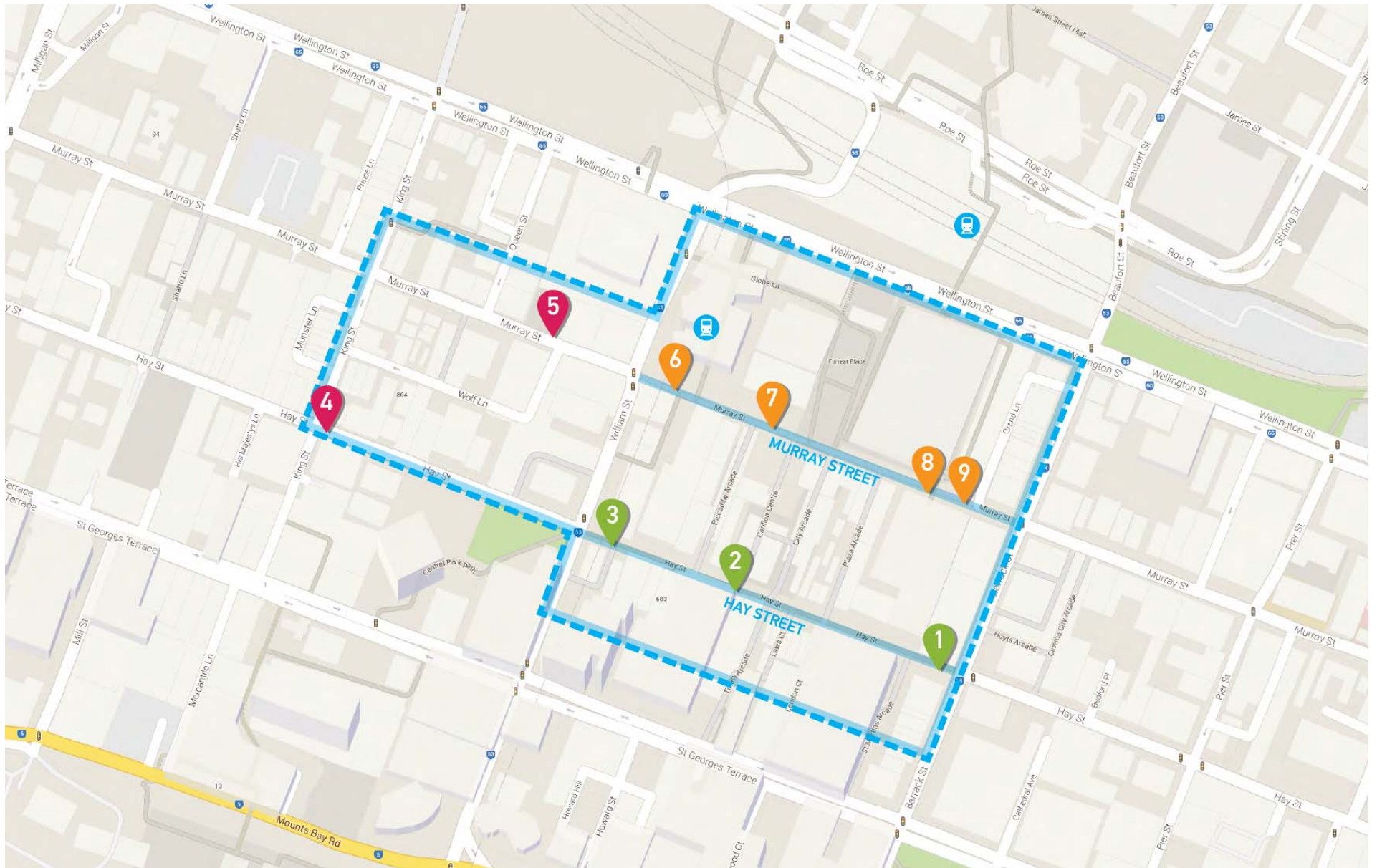
14/5275; 63 (LOT 2) FORREST AVENUE, EAST PERTH



**14/5275; 63 (LOT 2) FORREST AVENUE, EAST PERTH
(PERSPECTIVE 1 – FORREST AVENUE)**



**14/5275; 63 FORREST AVENUE, EAST PERTH
(PERSPECTIVE 2 – WELLINGTON STREET)**



14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH



1 LOCATION 1

Location Description:

612 Hay Street Mall, nr Barrack Street (Outside Man to Man) (South side of mall)

Proposed Signage:

2 payphones (1 west, 1 east), with sign behind each.
Westbound sign closer to mall.

Eastbound sign to footpath

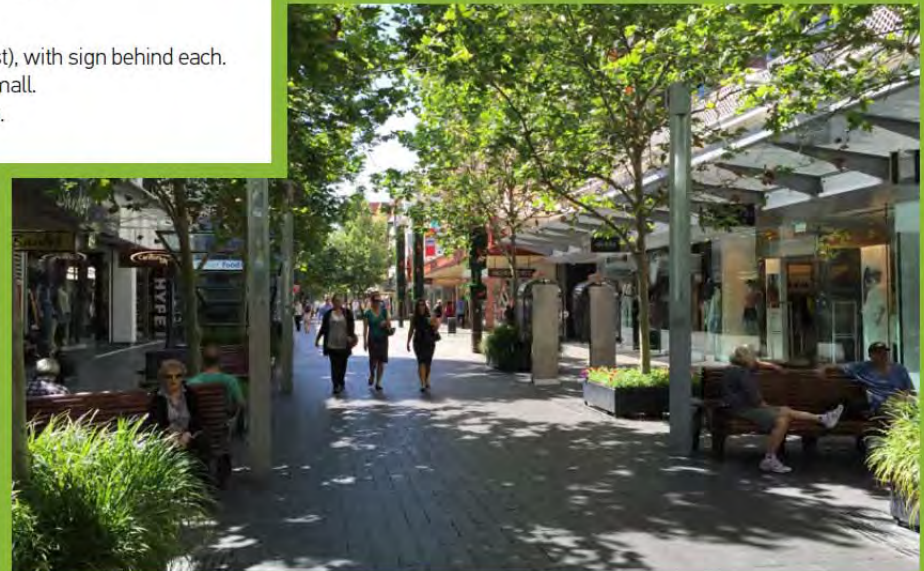
14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH



2 LOCATION 2

Location Description:
701 Hay St Mall (Outside Witchery Enex 100, opposite Carillon City) (South side of mall)

Proposed Signage:
2 payphones (1 east, 1 west), with sign behind each.
Westbound sign closer to mall.
Eastbound sign to footpath.





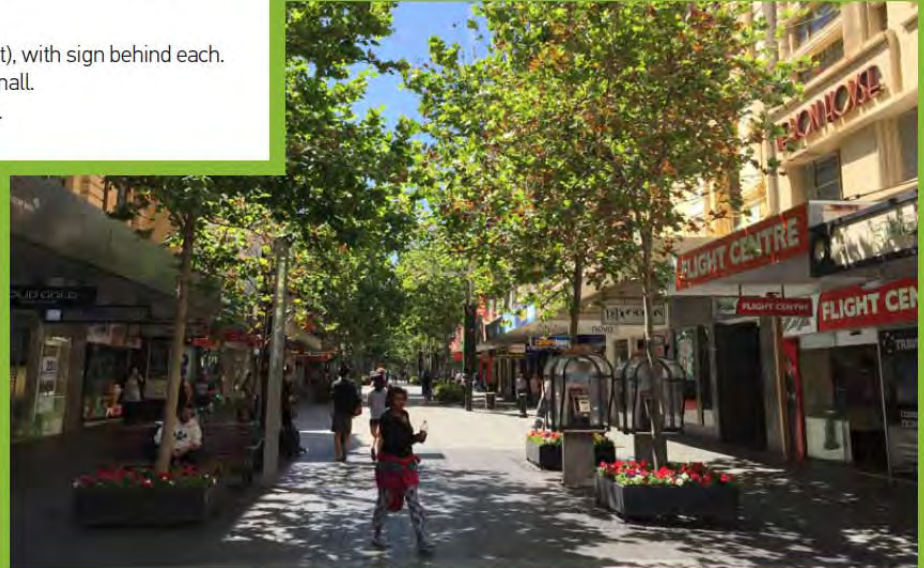
3 LOCATION 3

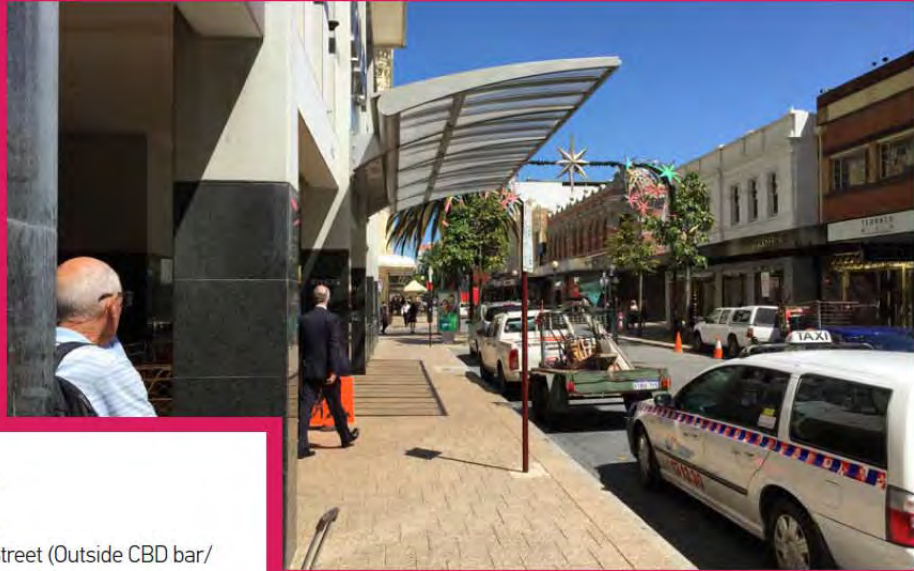
Location Description:

729 Hay Street Mall, near William Street (Outside Flight Centre, Opposite Solid Gold) (South side of mall)

Proposed Signage:

2 payphones (1 west, 1 east), with sign behind each.
Westbound sign closer to mall.
Eastbound sign to footpath.





4 LOCATION 4

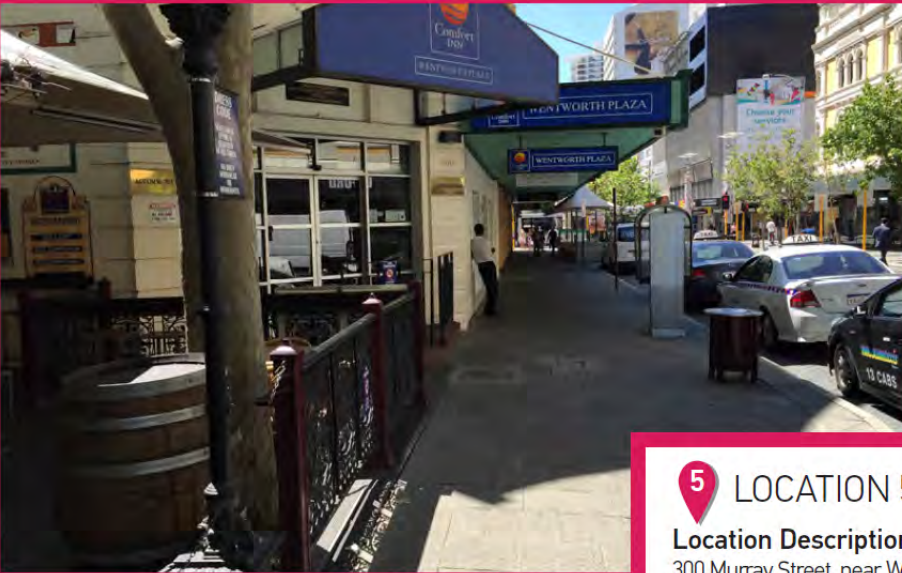
Location Description:

815 Hay Street, near King Street (Outside CBD bar/
restaurant) (South side of street)

Proposed Signage:

As per existing, and replace existing static sign with
scrolling sign.



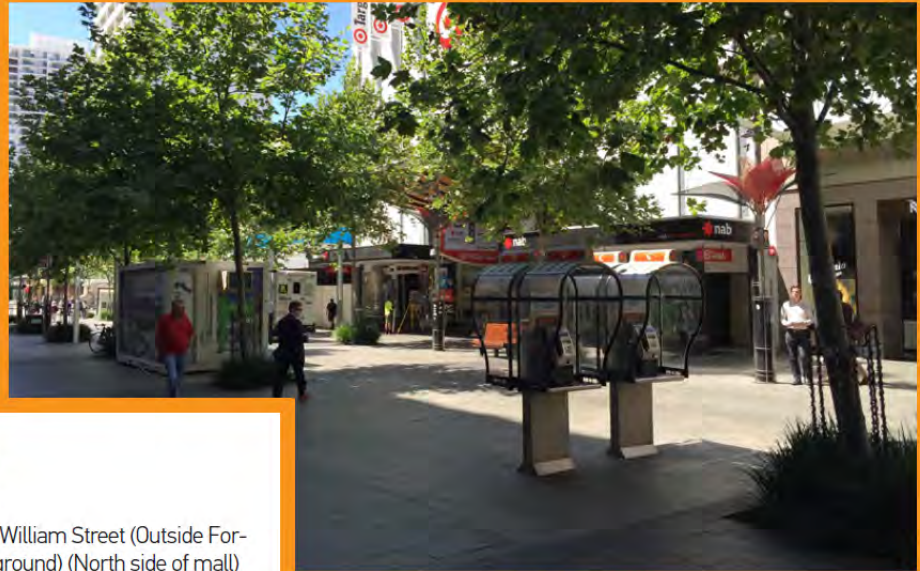


5 LOCATION 5

Location Description:
300 Murray Street, near William Street (Outside Moon and Sixpence) (North side of street)

Proposed Signage:
As per existing, affix scrolling sign (to face west)



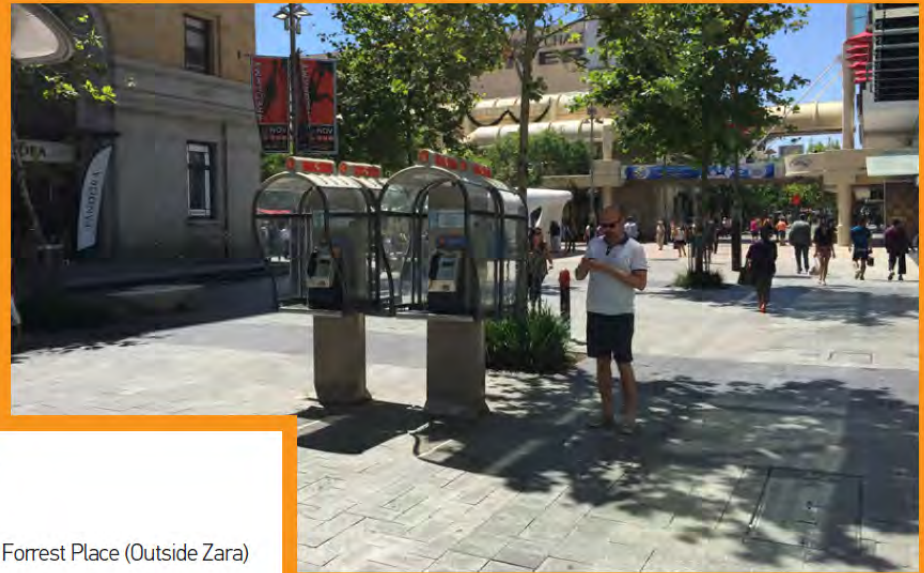


6 LOCATION 6

Location Description:
246 Murray Street Mall, near William Street (Outside Forever New, near Perth Underground) (North side of mall)

Proposed Signage:
2 payphones, facing east.
2 signs, facing west (oriented toward Perth Underground)



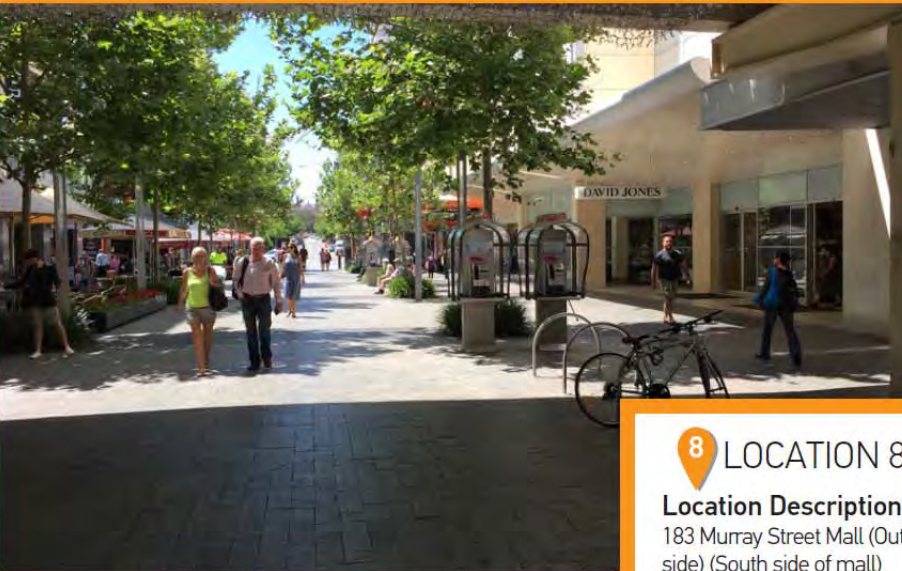


7 LOCATION 7

Location Description:
223 Murray Street Mall, near Forrest Place (Outside Zara)
(South side of mall)

Proposed Signage:
2 payphones, facing west.
2 signs, facing east





8 LOCATION 8

Location Description:

183 Murray Street Mall (Outside David Jones, western side) (South side of mall)

Proposed Signage:

2 payphones (1 west, 1 east), with sign behind each.
Westbound sign closer to footpath.
Eastbound sign to mall.





9 LOCATION 9

Location Description:
177 Murray Street Mall (Outside David Jones, eastern)
(South side of mall)

Proposed Signage:
2 payphones (1 west, 1 east), with sign behind each.
Westbound sign closer to footpath.
Eastbound sign to mall.



5 LOCATION 5

Location Description:

300 Murray Street, near William Street (Outside Moon and Sixpence) (North side of street)

Proposed Signage:

As per existing, affix scrolling sign (to face west)



14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH

7 LOCATION 7

Location Description:

223 Murray Street Mall, near Forrest Place (Outside Zara)
(South side of mall)

Proposed Signage:

2 payphones, facing west.
2 signs, facing east





14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH

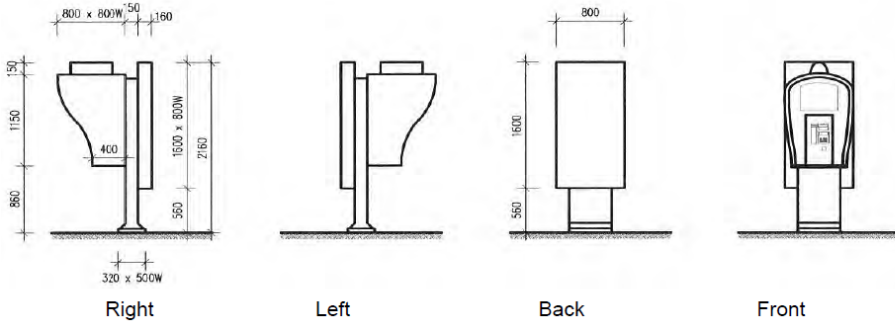
Example of Existing Asset



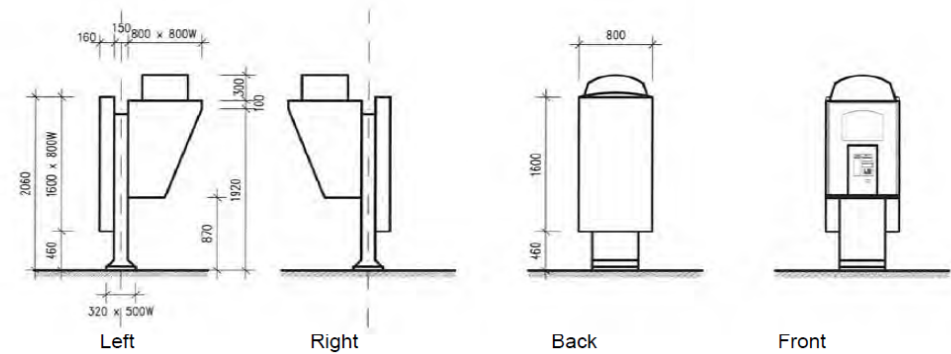
Example of Existing Asset



Elevations of existing site



Elevations of existing site



14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH



14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH





2014/5344; 989 WELLINGTON ST, WEST PERTH



2014/5344: 989 WELLINGTON STREET, WEST PERTH



2014/5344: 989 WELLINGTON STREET, WEST PERTH

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2014/5344: 989 WELLINGTON STREET, WEST PERTH



CITY of PERTH

Environment Snapshot 2015



SCHEDULE 9



A pdf and accessible version of this document can be viewed and downloaded from the City of Perth website or by calling **+61 8 9461 3156**.

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SCHEDULE 9



As the capital city for the largest state in Australia, the City of Perth recognises its unique status and responsibility to oversee the CBD environment.

Like all local governments, we manage and deliver services, projects and events that impact on our environment either directly or indirectly.

To ensure we continue to grow as a greener and more sustainable city, we are developing a strategic framework to ensure excellence in the management of environmental responsibilities and opportunities.

In the context of this framework, the term “environment” is not limited to flora and fauna. Environment, as we see it, extends to the integration of natural and built environments, resource efficiency, and how people interact with the city.

Our strategic environmental framework will lead to the formulation and adoption of an environmental policy and strategy which will serve as tools for City of Perth employees in their day-to-day operations, and as a guide in developing City of Perth projects and initiatives.

This policy and strategy will enable us to systematically identify risks, set targets, and develop environment improvement plans to ensure our activities are sustainable.

This booklet provides a snapshot of our research to date as well as some key facts, achievements and initiatives of the City of Perth that have or will influence the environment.

The information in this booklet illustrates the City of Perth’s evidence based research approach. It will inform the development of our strategic environmental framework to address the future needs and aspirations of our community and the environment.

Towards Sustainable WATER

Rising population, growth in development and a changing climate will continue to increase pressure on water security. Adapting Perth to sustainable water use practices requires focus on a range of areas including water efficiency, alternative water sources, stormwater, water quality and the health of the Swan River.



The City will be undertaking a drainage connectivity and hydraulic efficiency study of the **Point Fraser wetland**

35%

of drinking water supplied to city businesses is used in commercial office buildings

The water use by the Water Labyrinth at Forrest Place has decreased by approximately **90%** due to successful operational changes

The City of Perth partners with the **Water Corporation** and the **Property Council of Australia** to deliver the Waterwise Office Program

The City prevents water loss at Parks and Gardens with the ongoing maintenance of lake structures

8 city buildings are endorsed participants of the Waterwise Office Program leading the way in commercial office water efficiency

The City of Perth uses Claisebrook main drain stormwater for the irrigation of **10.1 hectares** of public open space

Harold Boas Garden **Rainwater is captured** for reuse at the Elder Street Carpark

SCHEDULE 9

Sustainable Built Environment

The built environment consists of all buildings (and infrastructure) in the city. Achieving a sustainable built environment is key to developing a city that is robust and resilient to future changes. Heat extremes and the number of days exceeding critical heat-health thresholds are projected to increase in all Australian capital cities in the coming decades.

There are **32 Green Star Certified projects** in the City of Perth, and 131 NABERS ratings, 21 of the NABERS ratings are over 5 stars

The City has an **Asset Management Policy**, which requires the use of whole-of-life-cycle management for City assets

51% of emissions in the city come from commercial buildings, this is expected to rise as demands on cooling systems increase

96% of dwellings in the city are considered medium to high density

The City is developing a **City Planning Strategy** which integrates environmental values and objectives with the planning of the city

Climate change is expected to increase the number of hot days in Perth above **35°C** from **28 days** per year to up to **67 days** per year by 2070

The community vision for Perth is one where the **natural environment and built form exist in harmony**

Maintaining a Healthy Air Quality

The health and well-being of citizens in the city is affected by air quality, noise and the availability of active transit. Active transport refers to the ability to walk, cycle and access public transport in place of cars, which also reduces airborne pollutants.



The City of Perth Cycle Plan 2029 prioritises the provision of **safe and accessible pathways for cyclists** through the City

44% of city residents use **public transport, cycle or walk** as their mode of transport to work

The city's air quality is affected by **airborne pollutants** such as vehicle exhaust, construction activity, dust, odours, bushfires, light and noise

There is **limited local air quality data** for the City

Perth was ranked as one of the **World's Top 10 most liveable cities** in the Economist Intelligence Unit's 2014 Global Liveable City Index

The City's **Public Health and Wellbeing Plan 2014-2016** outlines key actions to improve air quality

The City's Lighting Strategy shows that **efficient lighting techniques** can create a safe and vibrant city while reducing emissions and light pollution

SCHEDULE 9

Towards an ENERGY Resilient City

As fossil fuels are used to generate energy, carbon (greenhouse gas) emissions are produced. This results in changes to the climate which is likely to impact infrastructure, water and energy supply, and cost of living. Transitioning towards energy resilience by reducing energy use, diversifying energy sources and using renewable energy is a way to future proof Perth against climate change.



The City will develop **greenhouse gas monitoring tools** to measure emissions across central Perth and from City operations

Perth produces almost **1 million tonnes** of greenhouse gas emissions per annum

The City adopted the **Towards an Energy Resilient City** policy in 2014

The City is leading collaborative action to achieve a **30% reduction** on business as usual greenhouse gas emissions by 2030

129 tonnes of annual greenhouse gas emissions have been reduced through an efficiency upgrade to air conditioning chillers at Council House



380,000 trees have been planted thanks to the City of Perth Parking Vehicle Emission Offset program since 2007

The City is developing an **Integrated Transport Strategy** to ensure the city's transport systems contribute to a sustainable, productive, liveable and vibrant Perth

56 businesses are working with the City of Perth's CitySwitch initiative to achieve a market-wide improvement in energy efficiency

SCHEDULE 9

Sustainable Waste Management

Sustainable waste management requires working with residents, businesses, developers and waste management companies to improve waste to landfill diversion and deliver safe, efficient services whilst maintaining good street amenity

The City is a member of Mindarie Regional Council which processes **100,000 tonnes** of general household waste into compost each year

The City's **Waste Strategy 2014-2024+** aims to work towards State Government targets to divert 65% of municipal solid waste from landfill by 2020

The City is preparing guidelines to **maximise opportunities** to divert waste, from landfill to waste recovery centres, across central Perth

The City's Waste Strategy 2014-2024+ identifies **19 actions** that can contribute to reducing waste and maximising recycling and recovery across central Perth

40% of domestic general waste in the city is food waste and **34%** is recyclables

Volunteers and staff sort recyclables at the City's biggest public event, **Australia Day Skyworks**, to improve recycling rates and raise community awareness

The City is currently diverting **18%** of municipal solid waste and **9%** of the commercial / industrial waste to waste recovery centres

SCHEDULE 9

GREEN SPACE

Green spaces foster a connection between the community and the natural environment, while enhancing biodiversity and ecosystems. High quality green spaces are also linked to positive health outcomes for the community and increasing the comfort and liveability of cities. Green spaces increase connectivity of habitat and foster sustainable city ecology.



Tree canopy is currently estimated to cover 5-10% of the city.

The City of Perth has **26 parks and reserves** which cover **118 hectares**.

The City of Perth has **6,700 street trees**

The central city contains a range of **fauna and flora** including 8 'Rare or likely to become extinct', 5 'protected' and 21 'priority' species

WA's south-west is recognised as one of **31 international biodiversity hotspots**. It's home to 1,500 mostly endemic plant species

The City has adopted a **Street Tree Valuation policy** which assesses the financial value of replacing trees and green infrastructure assets

For each **10% increase in tree cover**, there is a reduction in land surface temperature of between **0.5 and 1.0 degrees Celsius**

The City is developing a plan to manage, enhance and monitor the city's **Urban Forest** ensuring it is resilient and responsive to future challenges

SCHEDULE 9



The following strategies, documents, and sources have been referenced as an evidence base for the City's approach to developing a strategic environmental framework.

- Public Health and Wellbeing Plan 2014 – 2016
(City of Perth, 2014)
- Waste Strategy 2014-2024+
(City of Perth, 2014)
- City of Perth Lighting Strategy
(City of Perth, 2014)
- An Urban Design Framework, A Vision for Perth 2029
(City of Perth, 2010)
- City of Perth Environment Policy and Strategy Research and Gap Analysis Report
(City of Perth, unpublished, 2015)
- Towards an Energy Resilient City
Strategic Directions Paper
(City of Perth, 2014)
- Towards an Energy Resilient City
Strategic Directions Technical Report
(City of Perth, unpublished, 2014, based on 2006 baseline energy use data)
- Water Efficiency: Perth Commercial Office Buildings
(City of Perth, based on 2010/11 statistics)
- City of Perth Community Profile,
(based on 2011 statistics from <http://profile.id.com.au/perth>)
- Climate Change Impacts in WA
(Department of the Environment, 2014)
www.climatechange.gov.au/climate-change/climate-science/climate-change-impacts/western-australia
- The Western Australian Waste Strategy:
Creating the Right Environment
(Waste Authority, 2012)
- The Urban Forest of Perth and Peel: Statistical Report
(Western Australian Planning Commission, 2014)
- NatureMap: Mapping Western Australia's Biodiversity
(Department of Parks and Wildlife, 2007 – 2015)

SCHEDULE 9



City of Perth

Council House, 27 St Georges Terrace, Perth

Visit us @ www.perth.wa.gov.au

SCHEDULE 9



CP 8.0 Environment Policy

PREAMBLE

The City of Perth acknowledges that the city is the urban centre for Western Australia, characterised by a unique environmental setting. The City recognises that it has an obligation to develop a structured and cohesive approach to preserving and enriching environment quality through its local, regional and international leadership position.

The City of Perth faces important challenges in addressing the current and future needs of the community and the environment.

This policy has been developed by the City in response to a recognised need for a clearly defined vision, dedicated leadership, innovative action and effective collaboration to ensure that the city integrates environmental consideration with social advancement and economic prosperity. This policy is central to recognising the City's environmental responsibility in managing the city and serving the community of Perth.

POLICY OBJECTIVE

The City of Perth achieves environmental improvement while supporting its social and economic needs through equity and integration. Environmental impacts will be prevented, minimised and managed in city activities while creating and maintaining a resilient, diverse and attractive environment. The Perth environment will evoke pride, connection and a sense of place with its community.

SCOPE

The City of Perth defines the environment as the natural, built and human elements of the city. Environmental impacts are the outcomes of the use and interaction of these elements.

This policy applies to all City employees and activities including the delivery of facilities and services, regulation, facilitation, education, advocacy and strategic planning.

POLICY STATEMENT

The City of Perth will work internally and seek to collaborate with its community to create an environmentally sustainable city through its commitment to:

1. Achieve continual environmental improvement in operations and activities, carried out by and on behalf of the City, through compliance with statutory responsibilities, and where feasible, exceed legal standards.
2. Achieve optimal environmental outcomes through open, transparent and informed decision making, setting performance targets and reporting to the community.

3. Optimise procurement, use and disposal of resources and assets to avoid production of waste and maximise reuse, recycling and recovery of resources.
4. Encourage employees, suppliers and contractors to improve their environmental performance to reduce detrimental environmental impacts of goods and services used by the City.
5. Identify and utilise opportunities to ensure environmentally efficient systems for resource management are used, including: water and wastewater management and reuse; sustainable energy generation; distribution and use; and waste management and recycling.
6. Foster innovation to improve environmental performance and lead the City and its community.
7. Promote design and development planning which minimise the potential risk to health and infrastructure from natural hazards and to improve the city's resilience.
8. Provide connectivity between buildings, transport, social and physical infrastructure to maximise efficiencies of renewable and non-renewable resources.
9. Improve and maintain ecological diversity, natural landscape values and ecological linkages to maximise environmental health, community wellbeing, connection, amenity and comfort.
10. Enhance the community's capacity to fulfil their aspirations for an enriched environment which will evoke pride, a sense of place and connection.
11. Facilitate recognition of the value of the environment in enhancing the city's economic development ensuring interaction with the environment leads to sustainable growth.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Sustainable City Development	Custodian Unit:	Sustainable City Development				
Decision Maker:	Council						
Compliance Requirements:							
Legislation:							
Industry:							
Organisational:	Community Strategic Plan 2014-17 and Corporate Business Plan 2014-2018 - S3.1, S11.1, S14.2, S16.1						
Document Management:							
Risk Rating:	Moderate	Review Frequency:	Biannual	Next Due:	2016	TRIM Ref:	[AP####]
Version #	Decision Reference:	Synopsis:					
1.	ELG						
2.	ELG						
3.							

Council Meeting

Confidential Schedule 11
(Minute 83/15 refers)

Distributed to Elected Members under separate cover

Bound in Confidential Minute Book
Volume 1 2015

SCHEDULE 12



Mr Gary Stevenson PSM
Chief Executive Officer
City of Perth
27, St Georges Terrace
PERTH WA 6000
Australia

16th February 2015

Dear Gary

Commonwealth Walkway Perth

I write as Chairman of the Outdoor Trust to invite you to support a project that the Trust is undertaking - to establish Walkways in the main cities of the countries of the Commonwealth and inspire a generation outdoors to enjoy them. Our focus is on attracting young people especially - a third of the world's population lives in The Commonwealth, 60% of whom are under 30 years old and 37% are not active enough to benefit their health. Walkways achieve several goals:

- They heighten interest and awareness in the cities, their history and their architecture.
- They get people walking which is good for their health.
- They celebrate The Queen as Head of the Commonwealth for over 63 years in a subtle way.

Her Majesty The Queen has given us permission to use her EIIR cypher to promote these paths throughout the 71 nations and territories. We are in touch with the Commonwealth Games Federation who are keen that we should be part of the promotion for the 2018 Commonwealth Games and in particular be a permanent practical legacy of the next Queen's Baton Relay. The Commonwealth Secretariat are intending to connect the initiative too and will promote it at their next Commonwealth Heads of Government Meeting in Malta.

We have achieved city walkways before and understand how to design and promote popular walks. We were formerly the Jubilee Walkway Trust and the Jubilee Walkway was the first urban trail in the world, connecting many of London's key attractions and is a permanent memorial to The Queen's Silver Jubilee unveiled by Her Majesty on 9 June 1977.

In time this succeeded in opening up the south bank of the Thames, now a vibrant part of London. In 2012 we further created the Jubilee Greenway, a 60km route linking the various Olympic Games venues to celebrate the Diamond Jubilee. The Queen opened this outside Buckingham Palace on 29th February 2012. More than 3 million people enjoy these routes annually and millions more benefit from the 50 interpretive panels which are installed at key points along the way. In 2015 we will complete a new route in Windsor – to be called The Queen's Walkway to mark 9 September this year when Her Majesty becomes our longest reigning monarch.

We particularly seek your assistance to create a Commonwealth Walkway in Perth. A 10km accessible and attractive loop, which starts at Government House and connects many of the City's highlights, is already drafted for your consideration. We would welcome the inclusion of local people in the development of the final route to ensure it fully captures the natural and built heritage as well as the social and cultural history of the City. The inclusion of indigenous history, the needs of people with different abilities and the values and principles of The Commonwealth are all important to inform the final Walkway route and story that is to be shared globally.

TRUSTEES: Hugo Vickers DL, Jim Walker, Bronwen Thornton.
Registered Company 8140120 Registered Charity 1148702

The Outdoor Trust 24 Moored Road, Cheltenham, Gloucestershire GL530HD United Kingdom

SCHEDULE 12

Approximately 50 points of Commonwealth significance are connected by the draft route, each requiring a marker and information for promotion as part of the Iconic Commonwealth Database. The Outdoor Trust is hoping to be able to secure an international sponsor so that they can supply the City with the necessary:

- Gunmetal (AB1 Bronze) markers - each weighing 4.75kg; 290mm diameter, 8mm thick, embossed with The Queen's personal Royal cypher and slip tested.
- Individually coded beacons - sealed, low energy blue tooth, IMEI referenced boxes for installing under each marker so that enabled smart phones can learn more about each point.
- Interpretive panel - an A1 embossed zinc, triptych style sharing the values and principles of The Commonwealth with a bespoke map of the city route highlighting key features and introductory text recognising the significance of Perth to the Commonwealth.

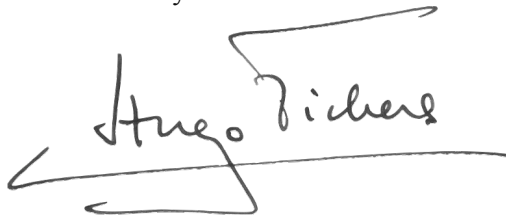
Once the route is agreed, the City is requested to:

1. Consult locally on the route, agree the points of Commonwealth significance and provide relevant text and images to promote them.
2. Coordinate the installation of the Commonwealth Walkway Markers and integrated I-beacons in the footway at each of the points of Commonwealth significance. (A suggestion of where the markers could go for the draft route has been captured with photographs for consideration).
3. Install and launch the Commonwealth Walkway Interpretive Panel, to be erected at a suitable location close to the first marker at Government House, to promote the route; Perth's Commonwealth significance; and the values and principles of the Commonwealth.

Commonwealth Walkways have the potential to inspire many millions of people in all 71 nations and territories to be more active to benefit their health; value the importance of the Commonwealth to help secure it's united future; and celebrate, in an appropriate way, the extraordinary leadership of Her Majesty The Queen for over 63 years.

We look forward to working with you to create a Commonwealth Walkway in Perth to ensure every significant step of the Commonwealth's richness and diversity is captured and celebrated.

Yours sincerely

A handwritten signature in black ink that reads "Hugo Vickers". The signature is written in a cursive style with a long horizontal line extending to the left and a shorter one to the right.

Hugo Vickers DL
Chairman

*For more information please contact: CEO - Jim Walker, jim.walker@outdoortrust.com
Local Representatives - David Forster (David.Forster@education.wa.edu.au) and Tom Perrigo (Tom.Perrigo@ntwa.com.au)*

TRUSTEES: Hugo Vickers DL, Jim Walker, Bronwen Thornton Secretary.
Registered Company 8140120 Registered Under the Charities Act 1960. Registration No. 1148702
The Outdoor Trust 24 Moored Road, Cheltenham, Gloucestershire GL530HD United Kingdom

2



Commonwealth Walkways

Her Majesty The Queen has recently given The Outdoor Trust permission to create walkways in cities throughout The Commonwealth marked with Her personal Royal cypher. The Trust now plans to create 100 new walkways in the main cities of The Commonwealth's 71 nations and territories in the next 4 years.

The Commonwealth Walkways will be within reach of two billion people - a third of the World's population - 60% of whom are under 30 and 37% of which are currently not active enough to benefit their health.

All the Commonwealth Walkways will be dedicated to The Queen's unfailing service and leadership as Head of The Commonwealth for nearly 63 years and will be a lasting practical legacy that can continue to be appreciated.



The Walkways will thread together 10,000 of the most significant highlights of The Commonwealth and each will be marked permanently with a large bronze plaque which proudly displays The Queen's personal 'EIIIR' Royal cypher.

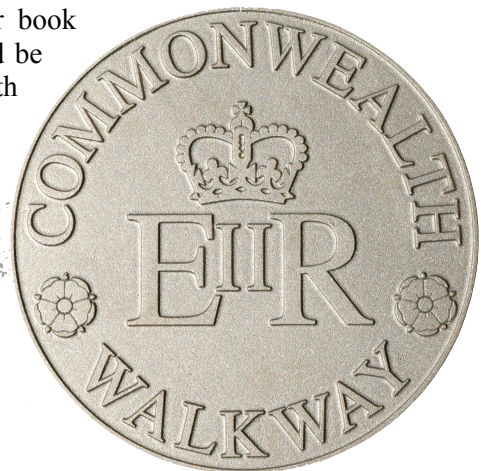
A beacon under each marker will provide a signal for enabled smart phones to pick up images, text and video explaining the importance of the iconic features and promoting the principles and values of The Commonwealth which can also be shared.

At the start of each walk a permanent embossed metal interpretation panel, similar to those already installed by The Trust outside Buckingham Palace, Westminster Abbey, The Supreme Court and The Houses of Parliament in London, will be set in the ground illustrating the route, key points of interest and the relevance to The Commonwealth.

The Commonwealth Games Federation plan to promote the Walkways, through their teams of athletes in each country, as a permanent outcome of The Queen's Baton Relay when it visits all the countries of the Commonwealth in advance of the next Commonwealth Games in 2018.

In partnership with The Commonwealth Secretariat a souvenir book will be published to promote the Commonwealth Walkways and be given to every participating Head of Government, Commonwealth organisation, City Mayor and Commonwealth Games Athlete.

The trust hope to work in partnership with city Mayors to ensure the 100 permanent Commonwealth Walkway routes are installed by 2018 in all of the Commonwealth countries. Each participating city will receive approximately 100 Commonwealth Walkway bronze markers to be installed in the footway locally; a bespoke Commonwealth interpretation panel to be unveiled at an official ceremony; and access to build the iconic Commonwealth points of interest database which will be promoted internationally online, through the mobile phone networks and in the souvenir book.



The Outdoor Trust

Registered Company 8140120 Registered Charity 1148702
 24 Moored Road, Cheltenham, Gloucestershire GL530HD United Kingdom
info@outdoortrust.com www.outdoortrust.com 00 44 (0) 7801 334 915

SCHEDULE 13

The Outdoor Trust, formally The Jubilee Walkway Trust, who previously built The Jubilee Walkway and Jubilee Greenway in London in celebration of The Queen's Silver and Diamond Jubilees, is coordinating the project.

The Trust will be completing a Walkway for The Queen in Windsor too during 2015, to celebrate the moment Her Majesty becomes Britain's longest reigning British Monarch.

Several Commonwealth countries and city Mayors have already made contact with The Trust, eager to participate in the scheme.

Trustees are now concentrating on developing appropriate funding partnerships as well as starting to plan visits to the different regions of The Commonwealth as soon as possible during 2015.

The visits will be an opportunity to:

- Meet with relevant officials to build local support for Commonwealth Walkways including, where appointed, The Governor General or other Queen's representative, High Commissioner, elected officials, President of The Commonwealth Games Association, City Mayor, business leaders, athletes and young people.
- Identify the relevant 100 significant features in the participating city to be connected by the Walkway and assemble engaging images, text and video to add to the iconic Commonwealth point of interest database.
- Map a safe, accessible and attractive route for the Walkway (ideally an 8 - 10km circular route to help promote the World Health Organisations recommended distance for everyday physical activity in young adults).
- Agree the locations of the bronze markers and a suitable schedule of works to ensure they are permanently installed in the footway, ideally in advance of the 2018 Queen's Baton Relay event.
- Outline the design of the bespoke Commonwealth Walkway interpretive panel and its appropriate location, ideally close to the official building at the start of the route where it could be possible to arrange an official high profile launch.

Commonwealth Walkways have the potential to inspire many millions of people in 71 nations and territories to be more active to benefit their health; value the importance of The Commonwealth to help secure its united future; and celebrate, in an appropriate way, the extraordinary leadership of Her Majesty The Queen for nearly 63 years.

The Trust anticipate Commonwealth Walkways will become one of the most significant gateways for future generations to access, learn and celebrate the extraordinary richness and diversity that is The Commonwealth.



The Outdoor Trust

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SCHEDULE 14
FINANCIAL ACTIVITY STATEMENT FOR THE SEVEN MONTHS TO
31 JANUARY 2015

REPORT OF VARIANCES TO BUDGET

This report compares the actual performance for the seven months to 31 January 2015 compared to the revised budget approved by Council on 18 November 2014.

Operating Revenue

- Parking revenue is overall (\$953,000) below the revised budget, which was reduced by \$3.8 million from the original budget. The shortfall occurred in undercover car parks (\$677,000) with Elder Street (\$282,000), the Convention Centre (\$225,000), Pier Street (\$106,000) and Concert Hall (\$75,000) being the main car parks experiencing shortfalls. Also Open Air car parks (\$122,000) fell short of the revised budget, mainly Queens Gardens (\$91,000), plus lower Kerbside parking revenue (\$295,000). Compliance revenue from Work Zone fees is \$145,000 above budget owing to the construction activity within the City. Various actions such as price reductions to meet competition from adjacent competitors are being pursued.
- Fines and Costs fell (\$175,000) below the revised budget in parking compliance, reflecting the decline in parking activity within the City.
- Investment income is \$384,000 above the revised budget with high levels of cash invested and a good return from balance funds in January of \$130,000. The outlook for interest rates continues to decline, however the earlier deposits at competitive rates and returns on balance funds yielded an overall average return for the period of 4.85%. The benchmark rate was 3%.
- Rental and Hire Charges are \$145,000 above budget for the period arising mainly from Banners \$12,000, Affordable Housing \$55,000 and Reserve Hire \$78,000, partly offset by smaller variances across a range of activities.
- Recurrent Grants are (\$80,000) below the revised budget as a result of timing of receipts of Main Roads Department Blackspot grants (\$60,000) and Child Care Centre (\$17,000).
- Other income is \$654,000 above revised budget following an earlier than expected payment from Lotterywest of a \$358,000 grant in respect of the Channel 7 Christmas Pageant. This was offset in expenses by sponsorship of the Pageant. Additionally Licensing and Registrations were \$82,000 higher, which includes Air Space licenses, plus an insurance rebate of \$105,000 received and timing differences of an anticipated FESA administration fee of \$71,000 all contributed to the favourable variance.

SCHEDULE 14
FINANCIAL ACTIVITY STATEMENT FOR THE SEVEN MONTHS TO
31 JANUARY 2015

REPORT OF VARIANCES TO BUDGET

Operating Expenditure

- Employee costs are \$944,000 below revised budget due to timing differences in the recruitment of staff.
- Materials and contracts are \$2.6 million under the revised budget, the principal areas being infrastructure maintenance in Hay Street Mall \$294,000, Footpaths \$255,000 and Road Reserves \$234,000. Property maintenance was also \$461,000 lower overall, including Council House \$139,000 and smaller variances in a range of car parks and other buildings. Other general areas were Consultancy \$248,000, Rental and Outgoings \$159,000, Professional Fees \$134,000, Printing \$125,000, Assets not Capitalised \$110,000 and smaller variances spread generally throughout the organisation.
- Utilities are \$137,000 below revised budget mainly due to lower power costs \$115,000.
- Depreciation is \$1.3 million under the estimates mainly in Roads and Kerbs \$885,000, Buildings \$140,000 and Computers \$205,000. Timing of additional depreciation is dependent upon capitalisation of completed works and asset purchases, plus the bringing onto the system of revalued infrastructure.
- Loss on disposal of assets lagged behind expected write-offs which normally occur upon close outs of completed works.

Investing Activities

- Capital expenditure is \$11 million less than anticipated but this variance will be reduced as projects underway accelerate and the projects' cycle progresses. A number of large projects are nearing completion or being progressed, including the City of Perth Library and Public Plaza, drainage at Kings Park and Mounts Bay Road and lighting in St Georges Terrace (William to King Streets). Several large projects are being impacted by restrictions to access for completion of works and will not be able to be completed in this financial year due to ongoing construction in the area, e.g. the Barrack Street 2-Way Conversion, which is being affected by the development at the Treasury Building site.
- Transfers to Reserves are running marginally ahead of the revised budget.

Financing Activities

- Transfers from Reserves are below the expected level in the revised budget by (\$11.8 million), reflecting both the delays in capital

SCHEDULE 14
FINANCIAL ACTIVITY STATEMENT FOR THE SEVEN MONTHS TO
31 JANUARY 2015

REPORT OF VARIANCES TO BUDGET

expenditure and partly the timing of expensing of the Parking Bay license payments.

- Funding from carry forwards estimated in the revised budget is also dependant on the progress of the capital works program.
- A distribution was received from the Tamala Park Regional Council from disposals of development land at Tamala Park, with a further amount expected to be received before the end of the financial year.

Amounts sourced from Rates

- Rates revenue raised is running close to revised budget.

CITY OF PERTH SCHEDULE 7A

FINANCIAL ACTIVITY STATEMENT - for the period ended 31 January 2015

	Revised Budget 2014/15 \$	Budget YTD 31-Jan-15 \$	Actual YTD 31-Jan-15 \$	Variance YTD 31-Jan-15 \$
Proceeds from Operating Activities				
Operating Revenue				
<i>Nature of Income</i>				
Parking Fees	74,755,597	43,832,516	42,879,897	(952,620)
Fines and Costs	9,617,112	5,400,681	5,225,973	(174,708)
Investment Income and Interest	5,271,058	3,393,451	3,777,526	384,075
Community Service Fees	1,495,502	870,004	826,766	(43,238)
Rubbish Collection	6,021,816	6,004,454	6,021,642	17,188
Rentals and Hire Charges	5,181,125	3,062,088	3,207,555	145,467
Recurrent Grants	2,310,946	1,153,669	1,073,550	(80,119)
Contributions, Donations and Reimbursements	549,849	240,876	253,459	12,584
Other Income	5,522,863	3,451,350	4,105,510	654,160
	110,725,869	67,409,089	67,371,878	(37,211)
Less: Operating Expenditure				
<i>Nature of Expenditure</i>				
Employee Costs	64,406,792	36,733,183	35,789,300	943,883
Materials and Contracts	49,926,976	27,883,895	25,300,173	2,583,722
Utilities	3,064,779	1,870,066	1,733,031	137,035
Insurance Expenditure	1,166,965	704,949	714,293	(9,344)
Depreciation and Amortisation	31,227,307	17,567,110	16,287,588	1,279,522
Interest Expenses	1,680,797	914,103	922,768	(8,665)
Expense Provisions	992,713	561,501	544,275	17,226
Loss on Disposal of Assets	1,032,366	453,241	145,991	307,250
Other Expenditure	22,209,797	12,971,401	12,976,638	(5,237)
	175,708,492	99,659,450	94,414,057	5,245,393
Add back Depreciation	(31,227,307)	(17,567,110)	(16,287,588)	(1,279,522)
(Loss) / Profit on Disposals	(1,032,366)	(453,241)	(145,991)	(307,250)
	143,448,819	81,639,099	77,980,478	3,658,621
Net Surplus/(Deficit) from Operations	(32,722,950)	(14,230,010)	(10,608,600)	3,621,410
Investing Activities				
Capital Expenditure	(78,628,637)	(46,269,339)	(35,102,265)	11,167,074
Repayment of Borrowings	(6,128,375)	(3,983,510)	(3,983,510)	-
Transfers to Reserves	(22,147,677)	(2,609,178)	(3,158,489)	(549,311)
	(106,904,689)	(52,862,027)	(42,244,264)	10,617,763
Financing Activities				
Transfer from Reserves	27,955,363	16,905,880	5,070,195	(11,835,685)
Carry Forwards	15,038,420	11,851,472	10,719,239	(1,132,233)
Proceeds from Disposal of Assets/Investments	1,139,000	1,020,918	1,040,326	19,408
Distribution from TPRC	1,667,000	1,667,000	1,166,667	(500,333)
Capital Grants	2,057,337	792,194	855,571	63,377
	47,857,120	32,237,463	18,851,998	(13,385,466)
Net Surplus/(Deficit) before Rates	(91,770,519)	(34,854,574)	(34,000,866)	853,707
Add: Opening Funds	16,073,145	16,073,145	16,073,145	-
Less: Closing Funds	428,477	57,004,382	57,855,359	850,977
Amount Sourced from Rates	76,125,851	75,785,810	75,783,080	(2,730)

Net Cash on Hand				
Cash On Hand	3,347,108	1,673,554	1,656,612	(16,942)
Money Market Investments	96,209,472	131,688,549	131,676,024	(12,525)
Funds on Hand	99,556,580	133,362,103	133,332,636	(29,467)
Analysis of Funds on Hand				
Reserves	76,460,086	63,716,738	68,087,335	4,370,597
Provisions	11,525,004	10,401,441	10,634,305	232,864
Carry forwards	-	6,020,643	5,448,545	(572,097)
Restricted Grants not yet utilised	437,037	482,500	352,582	(129,918)
General Funds	11,134,453	52,740,781	48,809,869	(3,930,913)
Funds on Hand	99,556,580	133,362,103	133,332,636	(29,467)

CITY OF PERTH
SCHEDULE 14

CURRENT POSITION AS AT THE END OF THE PERIOD

31-January-2015

	2014/15 Revised Budget	2014/15 Budget YTD	2014/15 Actual YTD	2014/15 Variance
	\$	\$	\$	\$
Current Assets				
Cash and Cash Equivalents	3,347,108	1,673,554	1,656,612	(16,942)
Deposits and Prepayments	1,527,289	8,517,490	8,152,275	(365,215)
Money Market Investments - Municipal Funds	19,749,386	67,971,811	63,588,689	(4,383,122)
Money Market Investments - Restricted Funds	76,460,086	63,716,738	68,087,335	4,370,597
Trade and Other Receivables	12,403,590	12,409,426	14,497,962	2,088,536
Inventories	2,845,342	2,037,468	3,210,970	1,173,502
Total Current Assets	116,332,801	156,326,487	159,193,843	2,867,356
Current Liabilities				
Trade and Other Payables	27,476,715	24,721,426	22,064,565	(2,656,861)
Employee Entitlements	11,525,004	10,201,744	10,634,305	432,561
Provisions	224,001	199,697	199,697	-
Borrowings	6,441,707	6,309,372	6,309,372	-
Total Current Liabilities	45,667,427	41,432,239	39,207,939	- 2,224,300
Working Capital Position Brought Forward	\$ 70,665,374	\$ 114,894,248	\$ 119,985,904	\$ 5,091,656
Deduct Restricted Cash Holdings	(76,460,086)	(63,716,738)	(68,087,335)	(4,370,597)
Deduct Unspent Borrowings	(218,519)	-	-	-
Deduct Restricted Capital Grants	-	(482,500)	(352,582)	129,918
Add Current Borrowings	6,441,707	6,309,372	6,309,372	-
Current Funds Position Brought Forward	\$ 428,477	\$ 57,004,382	\$ 57,855,359	\$ 850,977

SCHEDULE 14

EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

BACKGROUND

- Regulation 34 of the Local Government (Financial Management) Regulations 1996 was amended effective from 1 July 2005.
- The amendment prescribes a monthly Financial Activity Statement (FAS) reporting the sources and application of funds, as set out in the Rate Setting Statement which is included in the Annual Budget.

PURPOSE

- The FAS reports the actual financial performance of the City in relation to its adopted budget, which has been structured on financial viability and sustainability principles.
- The FAS is intended to act as a guide to Council of the impact of financial activities and the reasons for major variances to the annual budget estimates.

PRESENTATION

- Regulation 34 prescribes the minimum detail to be included in the FAS. These are listed below.
 - Annual Budget estimates, and approved revisions to these, are to be included 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.
 - The net current assets at the end of the month to which the FAS relates.
- An explanation of the composition of the net current assets at the end of the month to which the FAS relates; less committed and restricted assets.
- Councils are given the option of adopting a format which is considered most appropriate to their needs. These options are listed below.
 - According to nature and type classification,
 - by program, or
 - by business unit.
- It is recommended that while the information presented by cost objects (programs and activities) or by cost centres (business units) are useful for expense allocation and cost centre accountability purposes, they are less informative and difficult to comprehend in matters of disclosure and less effective in cost management and control.
- The FAS has therefore been presented in the format using nature and type classification as the most meaningful disclosure to the Council and public.

FORMAT

- The FAS is formatted to align with the Rate Setting Statement.
- The first part deals with operating income and expenditure, excluding rate revenue.
- The next classification is the amount spent on capital expenditure and debt repayments.
- The classification 'Financing Activities' provides a statement of sources of funds other than from operating or rates revenue, which are usually associated with capital expenditure.
- Attached to the FAS is a statement of 'Net Current Assets' for the budget and actual expenditure to the end of the month to which the FAS relates.
- Opening and closing funds represent the balance of 'Net Current Assets', not including any funds which are committed or restricted.
- "Committed assets" means revenue unspent but set aside under the annual budget for a specific purpose.
- "Restricted assets" means those assets the uses of which are restricted, wholly or partially, by regulations or other externally imposed requirements", e.g. reserves set aside for specific purposes.
- To avoid duplication in calculating 'Closing Funds on hand', certain balances, such as provisions and borrowings, are also deducted.
- The total Closing Funds on hand are to be taken into account when calculating the amount to be raised by rates each year.
- The classification "Net Cash on Hand" represents the balances of funds held in cash or invested and the analysis into those funds reserved, carried forward or remaining unspent at the end of the month to which the FAS relates.



CITY of PERTH

CITY of PERTH

Financial Statements

For the 7 months ended 31 January 2015

SCHEDULE 14

CITY OF PERTH MUNICIPAL

Statement of Comprehensive Income for the 7 months ended 31 January 2015

(By Program)

	<i>Note</i>	Budget 2014/2015	Revised Budget YTD	Actual YTD 31/01/2015	YTD Variance	%
OPERATING REVENUE						
Governance		-	51	383	332	651.0%
General Purpose Funding Rates		77,090,912	76,496,119	76,589,425	93,306	0.1%
General Purpose Funding Other		5,698,125	3,506,888	3,844,236	337,348	9.6%
Law, Order, Public Safety		43,850	27,002	24,024	(2,978)	-11.0%
Health		794,500	849,283	873,096	23,813	2.8%
Education and Welfare		2,004,694	1,184,387	1,128,201	(56,186)	-4.7%
Housing		599,130	364,088	418,667	54,579	15.0%
Community Amenities		8,834,955	7,913,114	8,057,364	144,250	1.8%
Recreation and Culture		2,020,166	988,937	1,458,100	469,163	47.4%
Transport		90,391,399	50,453,904	49,281,544	(1,172,360)	-2.3%
Economic Services		1,271,410	705,413	642,222	(63,191)	-9.0%
Other Property and Services		1,688,879	705,713	837,696	131,983	18.7%
Total Operating Income		190,438,021	143,194,899	143,154,958	(39,941)	0.0%
OPERATING EXPENDITURE						
Governance		10,146,717	5,889,750	5,100,571	789,179	13.4%
General Purpose Funding		2,780,601	1,711,271	1,615,690	95,581	5.6%
Law, Order, Public Safety		3,754,876	2,165,897	2,137,735	28,162	1.3%
Health		2,079,830	1,229,012	1,041,020	187,992	15.3%
Education and Welfare		3,485,384	2,048,674	2,006,825	41,849	2.0%
Housing		586,705	360,549	324,724	35,825	9.9%
Community Amenities		27,934,599	16,368,338	14,734,712	1,633,626	10.0%
Recreation and Culture		32,733,027	18,582,585	18,093,816	488,769	2.6%
Transport		78,645,533	44,469,194	42,188,485	2,280,709	5.1%
Economic Services		10,502,529	6,160,153	6,039,049	121,104	2.0%
Other Property and Services		4,508,297	220,784	985,439	(764,655)	-346.3%
Total Operating Expenditure		177,158,097	99,206,209	94,268,066	4,938,143	5.0%
NET FROM OPERATIONS		13,279,924	43,988,690	48,886,892	4,898,202	11.1%
GRANTS/CONTRIBUTIONS						
For the Development of Assets						
- General Purpose Funding		76,885	80,200	80,200	-	0.0%
- Recreation and Culture		60,000	32,535	22,535	(10,000)	-30.7%
- Transport		1,684,010	679,459	752,836	73,377	10.8%
Total Grants/Contributions		1,820,895	792,194	855,571	63,377	8.0%
DISPOSAL/WRITE OFF OF ASSETS						
Gain/(Loss) on Disposal of Assets	2	(1,032,366)	(453,241)	(145,991)	307,250	-67.8%
Change in net assets resulting from operations before significant items		14,068,453	44,327,643	49,596,472	5,268,829	11.9%
SIGNIFICANT ITEMS						
Distribution from TPRC		1,667,000	-	-	-	0.0%
Change in net assets resulting from operations after significant items		15,735,453	44,327,643	49,596,472	5,268,829	11.9%

SCHEDULE 14

CITY OF PERTH MUNICIPAL

Statement of Comprehensive Income for the 7 months ended 31 January 2015

(By Nature)

	Note	Budget 2014/2015	Revised Budget YTD	Actual YTD 31/01/2015	YTD Variance	
		\$	\$	\$	\$	%
OPERATING REVENUE						
Rates		76,236,923	75,785,810	75,783,080	(2,730)	0.0%
Grants and Contributions for Non Capital Purposes		1,857,558	1,153,669	1,073,550	(80,119)	-6.9%
Donations and Reimbursements		518,722	240,876	253,459	12,583	5.2%
Fees and Charges		104,440,404	61,692,764	60,888,266	(804,498)	-1.3%
Interest and Investment Income		5,487,586	3,393,451	3,777,526	384,075	11.3%
Other Revenue		1,896,827	928,329	1,379,078	450,749	48.6%
Total Revenue from Operating Activities		190,438,021	143,194,899	143,154,958	(39,941)	0.0%
OPERATING EXPENDITURE						
Employee Costs		64,501,116	36,733,183	35,789,300	943,883	2.6%
Materials and Contracts		49,484,905	27,883,895	25,300,173	2,583,722	9.3%
Utilities		2,995,573	1,870,066	1,733,031	137,035	7.3%
Depreciation and Amortisation		34,536,990	17,567,110	16,287,587	1,279,523	7.3%
Interest		1,640,018	914,103	922,768	(8,665)	-0.9%
Insurance		1,179,533	704,949	714,293	(9,344)	-1.3%
Expenses Provision		992,713	561,501	703,250	(141,749)	-25.2%
Other Expenses from Ordinary Activities		21,827,249	12,971,401	12,817,664	153,737	1.2%
Total Expenses from Ordinary Activities		177,158,097	99,206,209	94,268,066	4,938,143	5.0%
Change in Net Assets from Ordinary Activities before Capital Amounts		13,279,924	43,988,690	48,886,892	4,898,202	11.1%
GRANTS/CONTRIBUTIONS						
Grants and Contributions- Capital		1,820,895	792,194	855,571	63,377	8.0%
NET OPERATING SURPLUS						
		15,100,819	44,780,884	49,742,463	4,961,579	11.1%
DISPOSAL/WRITE OFF OF ASSETS	2	(1,032,366)	(453,241)	(145,991)	307,250	-67.8%
SIGNIFICANT ITEMS						
Distribution from TPRC		1,667,000	-	-	-	0.0%
Change in net assets resulting from operations after capital amounts and significant items		15,735,453	44,327,643	49,596,472	5,268,829	11.9%

SCHEDULE 14

CITY OF PERTH MUNICIPAL

Statement of Financial Position as at 31 January 2015

	Note	31/01/2015	30/06/2014
CURRENT ASSETS		\$	\$
Cash and Cash Equivalents	11	1,656,612	4,464,366
Deposits/Prepayments	4	8,152,275	1,420,810
Investments	3, 11	131,676,024	103,131,912
Trade and Other Receivables	5	10,789,257	10,613,937
Rates Receivable	1	3,708,705	52,088
Inventories		3,210,970	2,107,372
TOTAL CURRENT ASSETS		159,193,843	121,790,485
NON CURRENT ASSETS			
Investments	3	8,404,337	9,660,340
Trade and Other Receivables	5	34,211	44,205
Property, Plant and Equipment	8	642,443,164	650,724,102
Infrastructure	8	299,325,472	305,154,277
Capital Work in Progress	8	69,699,820	45,032,351
TOTAL NON CURRENT ASSETS		1,019,907,004	1,010,615,275
TOTAL ASSETS		1,179,100,847	1,132,405,760
CURRENT LIABILITIES			
Trade and Other Payables	6	22,064,565	20,884,773
Employee Benefits	7	10,634,305	10,712,176
Provisions	7	199,697	287,225
Loan Liability	9	6,309,372	6,128,375
TOTAL CURRENT LIABILITIES		39,207,939	38,012,549
NON CURRENT LIABILITIES			
Employee Benefits	7	2,147,060	2,306,727
Provisions	7	3,707,242	3,479,847
Loan Liability	9	38,604,204	42,768,711
TOTAL NON CURRENT LIABILITIES		44,458,506	48,555,285
TOTAL LIABILITIES		83,666,445	86,567,834
NET ASSETS		\$1,095,434,402	\$1,045,837,926
EQUITY			
Accumulated Surplus		647,130,320	587,289,902
Asset Revaluation Reserve	10	372,942,447	372,942,447
Reserves	10	75,361,635	85,605,577
TOTAL EQUITY		\$1,095,434,402	\$1,045,837,926

SCHEDULE 14

CITY OF PERTH MUNICIPAL

Statement of Changes in Equity for the 7 months ended 31 January 2015

	Accumulated Surplus	Asset Revaluation Reserve	Cash Backed Reserves	Total Equity
	\$	\$	\$	\$
Balance at 1 July 2013	468,362,919	377,710,375	90,492,874	936,566,168
Change in net assets resulting from operations	109,271,758	-	-	109,271,758
Transfer to Cash Backed Reserves	(26,612,491)	-	26,612,491	-
Transfers to Asset Revaluation Reserve	(575,625)	575,625	-	-
Transfers from Asset Revaluation Reserve	5,343,553	(5,343,553)	-	-
Transfer from Cash Backed Reserves	31,499,788	-	(31,499,788)	-
Balance at 30 June 2014	<u>\$587,289,902</u>	<u>\$372,942,447</u>	<u>\$85,605,577</u>	<u>\$1,045,837,926</u>
	\$	\$	\$	\$
Balance at 1 July 2014	587,289,902	372,942,447	85,605,577	1,045,837,926
Change in net assets resulting from operations	49,596,472	-	-	49,596,472
Transfer to Cash Backed Reserves	(3,158,489)	-	3,158,489	-
Transfers to Asset Revaluation Reserve	-	-	-	-
Transfers from Asset Revaluation Reserve	-	-	-	-
Transfer from Cash Backed Reserves	13,402,431	-	(13,402,431)	-
Balance at the end of the reporting period	<u>\$647,130,314</u>	<u>\$372,942,447</u>	<u>\$75,361,635</u>	<u>\$1,095,434,398</u>

SCHEDULE 14

CITY OF PERTH MUNICIPAL

Statement of Cash Flows for the 7 months ended 31 January 2015

	Note	Budget 2014/2015	YTD Actual 31/01/2015	YTD Variation	
		\$	\$	\$	%
Cash Flows from Operating Activities					
Receipts					
Rates		76,080,929	70,991,656	(5,089,273)	-6.7%
Fees and Charges		101,023,509	62,113,697	(38,909,812)	-38.5%
Interest		5,436,794	3,426,362	(2,010,432)	-37.0%
Other		5,353,848	1,535,666	(3,818,182)	-71.3%
		187,895,081	138,067,381	(49,827,700)	-26.5%
Payments					
Employee Costs		(64,749,961)	(36,513,509)	28,236,452	43.6%
Materials and Contracts		(49,537,107)	(32,294,701)	17,242,406	34.8%
Interest		(1,600,976)	(1,077,661)	523,315	32.7%
Other		(21,913,648)	(15,581,868)	6,331,780	28.9%
		(137,801,692)	(85,467,739)	52,333,953	38.0%
Net Cash Flows from Operating Activities	12	50,093,388	52,599,642	2,506,254	-5.0%
Cash Flows from Investing Activities					
Receipts					
Distribution from TPRC		1,667,000	1,166,667	(500,333)	-30.0%
Proceeds from Disposal of Assets		1,139,000	950,990	(188,010)	-16.5%
Proceeds from Disposal of Investments(Non Current)		-	89,336	89,336	0.0%
Payments					
Purchase Land and Buildings		(23,156,250)	-	23,156,250	-100.0%
Purchase Infrastructure Assets		(38,694,561)	-	38,694,561	-100.0%
Purchase Plant and Mobile Equipment		(4,353,760)	(1,769,081)	2,584,679	59.4%
Purchase Office Furniture and Equipment		(767,801)	-	767,801	-100.0%
Work in Progress		-	(25,343,678)	(25,343,678)	0.0%
		(66,972,372)	(27,112,759)	39,859,613	59.5%
Net Cash Flows from Investing Activities		(64,166,372)	(24,905,766)	39,260,606	61.2%
Cash Flows from Financing Activities					
Receipts					
Proceeds from Borrowings		1,032,988	-	(1,032,988)	-100.0%
Repayment of Borrowings		(6,128,375)	(3,983,510)	2,144,865	35.0%
		(5,095,387)	(3,983,510)	1,111,877	21.8%
Cash Flows from Government and Other Parties					
Receipts from Appropriations/Grants					
Recurrent		1,857,558	1,170,421	(687,137)	-37.0%
Capital		1,820,895	855,571	(965,324)	-53.0%
		3,678,453	2,025,992	(1,652,461)	-44.9%
Net Increase (Decrease) in Cash Held		(15,489,918)	25,736,358	41,226,276	-266.1%
Cash at 1 July 2014		113,706,928	107,596,278	(6,110,650)	-5.4%
Cash at 31 January 2015	11	98,217,010	133,332,636	35,115,626	35.8%

SCHEDULE 14

MUNICIPAL

Notes to the Balance Sheet for the 7 months ended 31 January 2015

1 Rates Receivable

	Actual YTD 31/01/2015	2013/14 YTD 31/01/2014
	\$	\$
Outstanding Amount at 30 June 2014	52,088	24,530
Rates Levied for the Year	75,920,139	71,109,753
Late Payment Penalties	74,975	70,691
Ex Gratia Rates	10,283	13,125
Rates Administration Fee	284,223	262,369
Rates Instalment Interest	317,571	297,142
Back Rates	(147,341)	1,311
Bins Levy	35,825	(1,128)
	76,547,763	71,777,793
Amount Received during the Period	72,839,058	69,039,316
Outstanding Amount at 31 January 2015	\$3,708,705	\$2,738,477

2 Gain/(Loss) on Disposal/Write off of Assets

	Annual Budget	Actual YTD 31/01/2015
Infrastructure		
Proceeds on Disposal	-	-
Less: Carrying amount of assets written off	1,157,145	5,077
(Loss) on Write Off	(1,157,145)	(5,077)
Plant and Mobile Equipment		
Proceeds on Disposal	1,139,000	950,990
Less: Carrying amount of assets sold/written off	1,014,221	1,088,959
Profit/(Loss) on Disposal/Write Off	124,779	(137,969)
Furniture and Equipment		
Proceeds on Disposal	-	-
Less: Carrying amount of assets sold /written off	-	2,945
(Loss) on Disposal/Write Off	-	(2,945)
Gain/(Loss) on Disposal/Write off of Assets	(\$1,032,366)	(\$145,991)

3 Investments

Current	31/01/2015	30/06/2014
Short Term Cash Investments *	\$	\$
Call Funds	-	1,043,523
Bank/Term Deposits	127,550,000	98,190,000
Balanced Funds	4,126,024	3,898,389
Total Current Investments	\$131,676,024	\$103,131,912

* Short Term Cash Investments as stated in Note 11.

Non Current Investments	31/01/2015	30/06/2014
	\$	\$
Floating Rate Note (FRN)	3,003,655	3,003,655
Mortgage Backed Securities (MBS)	2,675,582	2,764,918
	5,679,237	5,768,573
Equity in Local Government House	10,000	10,000
Equity in Mindarie Regional Council	377,011	377,011
Equity in Tamala Park Regional Council	2,338,089	3,504,756
	\$8,404,337	\$9,660,340

SCHEDULE 14

MUNICIPAL

Notes to the Balance Sheet for the 7 months ended 31 January 2015

4 Deposits/Prepayments

	31/01/2015	30/06/2014
	\$	\$
Prepaid Insurance	1,034,513	-
Prepaid Parking Bay Licence Fees	5,846,690	91,560
Other	1,271,072	1,329,250
	\$8,152,275	\$1,420,810

5 Trade And Other Receivables

	31/01/2015	30/06/2014
Current	\$	\$
Emergency Services Levy (ESL)	1,227,293	32,858
Accrued Interest and Investment Income	1,701,186	1,350,021
Accrued Income	1,720,370	831,046
Modified Penalties/Fines and Costs	6,781,036	6,600,487
Debtors - General		
Australian Taxation Office - GST Refundable	282,182	479,963
Works and Services	176,408	156,225
Other Debtors	1,782,597	3,949,938
	13,671,072	13,400,538
Less: Provision for Doubtful Debts	(2,881,815)	(2,786,601)
	\$10,789,257	\$10,613,937
Non Current		
Pensioners' Rates Deferred	34,211	44,205
	\$34,211	\$44,205

6 Trade And Other Payables

	31/01/2015	30/06/2014
Current	\$	\$
Trade Creditors	2,811,302	13,831,285
Emergency Services Levy	8,673,852	-
Interest Payable on Loans	129,914	284,807
Accrued Expenses - Operating	5,591,761	2,818,834
Accrued Expenses - Capital	2,018,183	1,029,676
Advances Received for Recoverable Works	111,540	72,116
Income Received / Raised in Advance	761,095	855,479
Other Creditors	1,966,918	1,992,576
	\$22,064,565	\$20,884,773

SCHEDULE 14

MUNICIPAL

Notes to the Balance Sheet for the 7 months ended 31 January 2015

7 Employee Benefits

	31/01/2015	30/06/2014
Current	\$	\$
Leave Entitlements		
Annual Leave	4,105,875	4,397,244
Self Funded Leave	303,826	307,440
Long Service Leave	6,077,875	5,855,705
Recognition of Employees- Presentations	146,729	151,787
	\$10,634,305	\$10,712,176
Non Current		
Annual Leave	1,054,625	1,214,292
Long Service Leave	1,092,435	1,092,435
	\$2,147,060	\$2,306,727

Provisions

	31/01/2015	30/06/2014
Current	\$	\$
Workers Compensation	199,697	287,225
	\$199,697	\$287,225
Non Current		
Provision for Equipment Replacement PCEC	3,707,242	3,479,847
	\$3,707,242	\$3,479,847

8 Property, Plant and Equipment and Work in Progress

	31/01/2015	30/06/2014
	\$	\$
Land and Air Rights - at cost/fair value	381,707,244	381,707,245
Less: Accumulated Depreciation	(2,337,975)	(2,005,206)
	379,369,269	379,702,039
Buildings/Freehold - at fair value	375,163,269	375,188,177
Less: Accumulated Depreciation	(142,826,141)	(138,059,884)
	232,337,128	237,128,293
Improvements - at fair value	7,837,188	7,837,189
Less: Accumulated Depreciation	(4,256,294)	(4,102,509)
	3,580,894	3,734,680
Infrastructure Assets - at cost/fair value	416,018,195	414,735,710
Less: Accumulated Depreciation	(116,692,723)	(109,581,432)
	299,325,472	305,154,278
Plant and Mobile Equipment - at cost/fair value	42,646,503	44,379,151
Less: Accumulated Depreciation	(25,947,743)	(25,496,556)
	16,698,760	18,882,595
Office Furniture and Equipment - at cost/fair value	21,675,805	22,007,987
Less: Accumulated Depreciation	(12,013,963)	(11,325,996)
	9,661,842	10,681,991
Agricultural - at cost	795,271	594,507
Less: Accumulated Depreciation	-	-
	795,271	594,507
Property, Plant and Equipment	941,768,636	955,878,383
Work in Progress - at cost	69,699,820	45,032,351
	69,699,820	45,032,351
Total Property, Plant and Equipment and Work in Progress	\$1,011,468,456	\$1,000,910,730

SCHEDULE 14

MUNICIPAL

Notes to the Balance Sheet for the 7 months ended 31 January 2015

8 Property, Plant and Equipment and Work in Progress - Movement at Cost

	Balance 30/06/2014	Acquisitions Actual YTD 31/01/2015	Transfers Actual YTD 31/01/2015	Disposals/ Write off/ Actual YTD 31/01/2015	Balance 31/01/2015
	\$	\$	\$	\$	\$
Land and Air Rights	381,707,245	-	-	-	381,707,245
Buildings	375,188,177	-	11,647	(36,554)	375,163,270
Improvements	7,837,189	-	-	-	7,837,189
Infrastructure Assets	414,735,710	-	1,293,333	(10,847)	416,018,196
Plant and Mobile Equipment	44,379,151	1,769,081	-	(3,501,729)	42,646,503
Office Furniture and Equipment	22,007,987	-	-	(332,182)	21,675,805
Agricultural	594,507	-	200,763	-	795,270
Work in Progress	45,032,351	26,332,185	(1,664,716)	-	69,699,820
	\$1,291,482,317	\$28,101,268	(158,973)	(\$3,881,312)	\$1,315,543,298

9 Loan Liability

	31/01/2015	30/06/2014
Current	\$	\$
Loans - Western Australian Treasury Corporation	6,309,372	6,128,375
Non Current		
Loans - Western Australian Treasury Corporation	38,604,204	42,768,711

10 Reserve Funds

Purpose of Reserve Fund	Balance 30/06/2014	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Balance 31/01/2015
	\$	\$	\$	\$
Refuse Disposal and Treatment	4,755,639	113,544	(373,910)	4,495,273
Concert Hall - Refurbishment and Maint.	4,640,442	113,425	-	4,753,867
Asset Enhancement	30,427,044	711,805	(1,313,720)	29,825,129
Community Recreation Centres/Facilities	337,663	7,012	(263,972)	80,703
Street Furniture Replacement	476,186	11,640	-	487,826
Parking Levy	11,099,114	59,884	(11,053,947)	105,051
Art Acquisition	257,642	6,121	(2,545)	261,218
Heritage Incentive	1,113,339	27,296	-	1,140,635
Parking Facilities Development	26,316,681	637,498	(394,337)	26,559,842
Employee Entitlements	1,028,800	25,146	-	1,053,946
David Jones Bridge	260,014	6,356	-	266,370
Bonus Plot Ratio	573,018	14,007	-	587,025
PCEC Fixed Plant Replacement	3,479,847	227,395	-	3,707,242
Enterprise and Initiative	840,154	1,197,360	-	2,037,508
	85,605,583	3,158,489	(13,402,431)	75,361,635
* Asset Revaluation	372,942,447	-	-	372,942,447
	\$458,548,030	\$3,158,489	(\$13,402,431)	\$448,304,082

* The Asset Revaluation Reserve is a non cash backed reserve and cannot be used ,except for adjustments to fixed assets on their revaluation, disposal or write off

SCHEDULE 14

MUNICIPAL

Notes to the Balance Sheet for the 7 months ended 31 January 2015

11 Cash Reconciliation

	31/01/2015	30/06/2014
	\$	\$
Cash and Cash Equivalents	1,656,612	4,464,366
Short Term Cash Investments	131,676,024	103,131,912
	\$133,332,636	\$107,596,278

12 Reconciliation of Net Cash Provided By Operating Activities to Operating Surplus

	31/01/2015	30/06/2014
	\$	\$
Change in Net Assets Resulting from Operations	49,596,472	29,354,176
Adjustment for items not involving the movement of Funds:		
Depreciation	16,287,587	22,543,017
Doubtful Debts	95,214	36,912
Non Capitalised Work in Progress	158,973	125,694
(Gain)/Loss on Disposal/Write off/Contribution of Assets	145,991	1,561,090
Profit on Disposal of Investments	-	170,926
	66,284,237	53,791,815
Revenues Provided By :		
Government Grants	(2,025,992)	(4,606,455)
Contribution from Other Parties	-	(22,000)
	(2,025,992)	(4,628,455)
Change in Operating Assets and Liabilities		
Add Back		
Decrease in Inventories	-	24,830
Decrease in Deposits and Prepayments	-	119,105
Decrease in Deferred Debtors	9,994	1,955
Decrease in Accrued Income	-	165,623
Increase in Income Received /Raised in Advance	-	699,823
Increase in Accrued Interest Payable	-	256,798
Increase in Accrued Expenses	2,772,927	-
Increase in Provisions	-	478,533
Deduct		
Decrease in Trade and Other Payables	(2,371,789)	(467,888)
Decrease in Income Received /Raised in Advance	(54,960)	-
Decrease in Accrued Interest Payable	(154,893)	-
Decrease in Provisions	(97,671)	-
Increase in Inventories	(1,103,598)	(330,519)
Increase in Trade and Other Receivables	(2,686,663)	(59,028)
Increase in Prepayments	(6,731,465)	-
Increase in Accrued Income	(889,324)	-
Increase in Accrued Interest and Investment Income	(351,164)	(344,877)
	(11,658,606)	544,355
Net Cash Provided by Operating Activities	\$52,599,642	\$49,707,715

SCHEDULE 14

MUNICIPAL

Notes to the Balance Sheet for the 7 months ended 31 January 2015

13 Ratios

	31/01/2015	30/06/2014
1 Current Ratio		
<u>Current Assets minus Restricted Assets</u>		
Current Liabilities minus Liabilities associated with Restricted Assets	2.28	0.83
2 Debt Ratio		
<u>Total Liabilities</u>		
Total Assets	7.10%	7.64%
3 Debt Service Ratio		
<u>Debt Service Cost</u>		
Available Operating Revenue	3.72%	5.04%
4 Rate Coverage Ratio		
<u>Net Rate Revenue</u>		
Operating Revenue	53.50%	40.71%
5 Outstanding Rates Ratio		
<u>Rates Outstanding</u>		
Rates Collectable	4.84%	0.07%
6 Untied Cash to Unpaid Creditors Ratio		
<u>Untied Cash</u>		
Unpaid Trade Creditors	22.64	1.29
7 Operating Surplus Ratio		
<u>Operating Revenue Minus Operating Expense</u>		
Own Source Operating Revenue	31.37%	10.82%
8 Own Source Revenue Coverage Ratio		
<u>Own Source Operating Revenue</u>		
Operating Expense	5.11%	5.91%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.01.2015

CITY OF PERTH

FAS GRAPHS

Jan-15

SCHEDULE 14

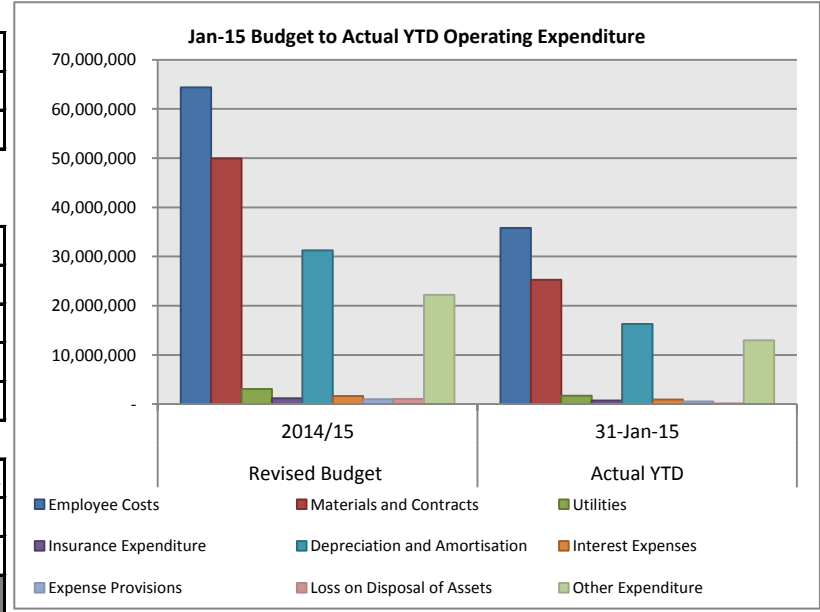
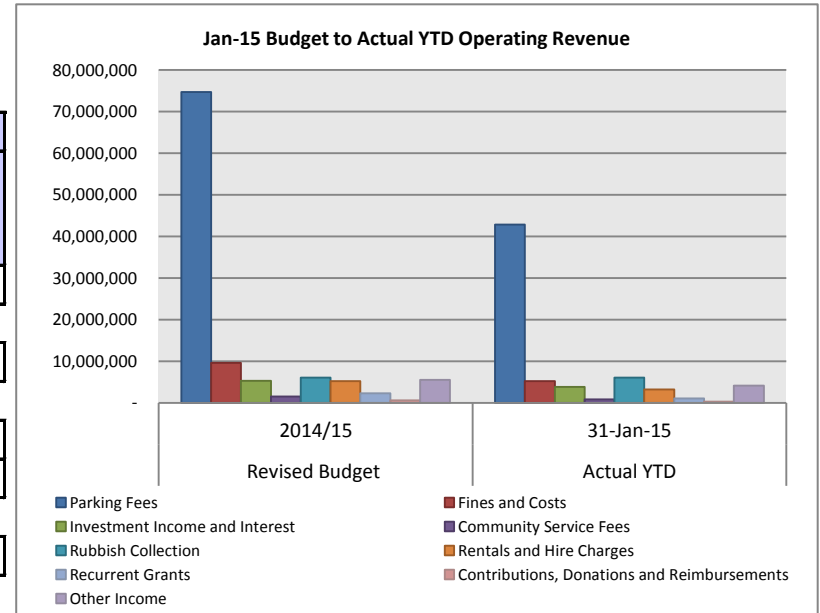
CONTENTS

<u>Section</u>	<u>Description</u>	<u>Page</u>
	Contents	2
1	Financial Activity Statement	3
2	Cash	4
3	Summary Operating Statement	5
4	Summary Statement of Financial Position	6
5	Ratio Analysis	7

SCHEDULE 14

Financial Activity Statement

	Annual	Year To Date Jan-15		
	Revised Budget 2014/15 \$000s	Budget YTD \$000s	Actual \$000s	Variance \$000s
Proceeds from Operating Activities				
Operating Revenue	110,726	67,409	67,372	-37
Less: Operating Expenditure	175,708	99,659	94,414	5,245
Add back Depreciation	-31,227	-17,567	-16,288	-1,279
(Loss)/Profit on Disposals	-1,032	-453	-146	-307
Net Surplus/(Deficit) from Operations	-32,723	-14,230	-10,609	3,621
Investing Activities				
Capital Expenditure	-78,629	-46,269	-35,102	11,167
Repayment of Borrowings	-6,128	-3,984	-3,984	0
Transfers to Reserves	-22,148	-2,609	-3,158	-549
Financing Activities				
Transfers from Reserves	27,955	16,906	5,070	-11,836
Carry Forwards	15,038	11,851	10,719	-1,132
Proceeds from Disposal of Assets	1,139	1,021	1,040	19
Distribution from TPRC	1,667	1,667	1,167	-500
Capital Grants	2,057	792	856	64
Net Surplus/(Deficit) before Rates	-91,772	-34,855	-34,001	854
Add: Opening Funds	16,073	16,073	16,073	0
Less: Closing Funds	428	57,004	57,855	851
Amount Sourced from Rates	76,126	75,786	75,783	-3



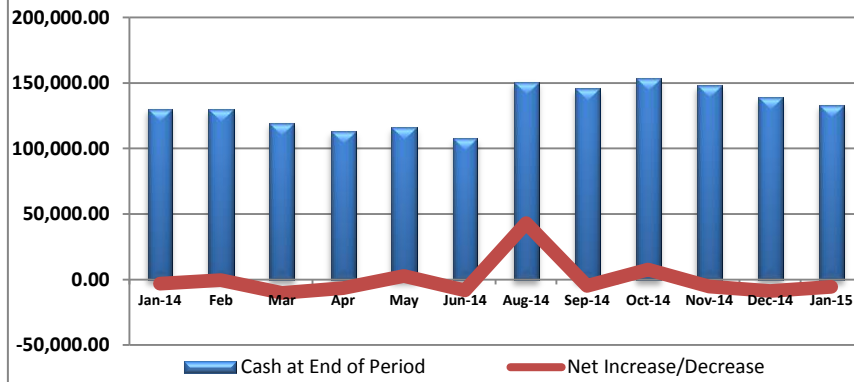
SCHEDULE 14

Cash

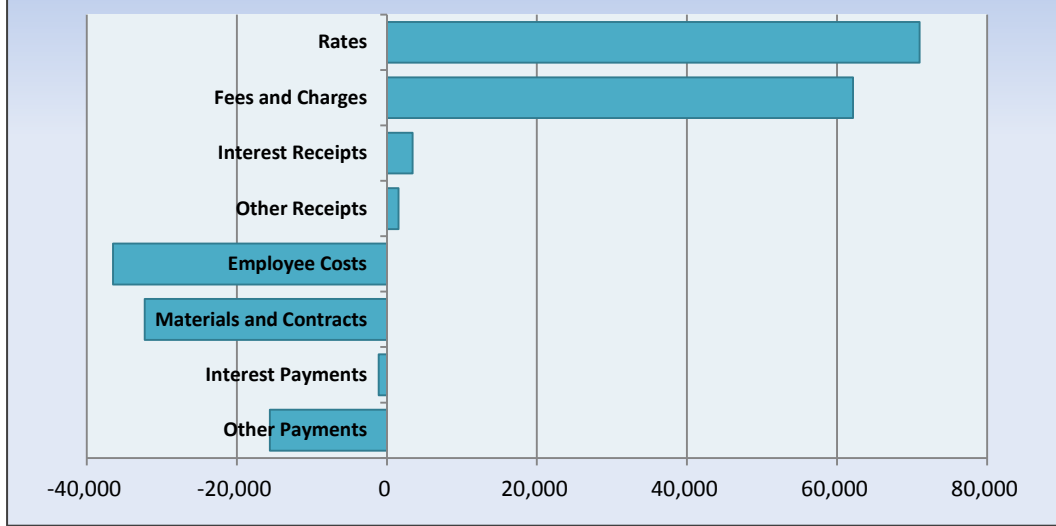
SUMMARY CASH FLOW STATEMENT

	Budget \$'000s 2014/2015	YTD Actual \$'000s Jan-15
Receipts from Customers	187,895	138,067
Payments to Suppliers and Creditors	-137,802	-85,468
Net Cash Inflow/Outflow from Operating Activities	50,093	52,599
Net Cash Inflow/Outflow from Investing Activities	-64,166	-24,906
Net Cash Inflow/Outflow from Financing Activities	-5,095	-3,984
Cash Flows from Government and Other Parties	3,678	2,026
Cash at 1 July 2014	113,707	107,596
Net Increase (Decrease) in Cash Held	-15,490	25,736
Cash at 31 January 2015	98,217	133,332

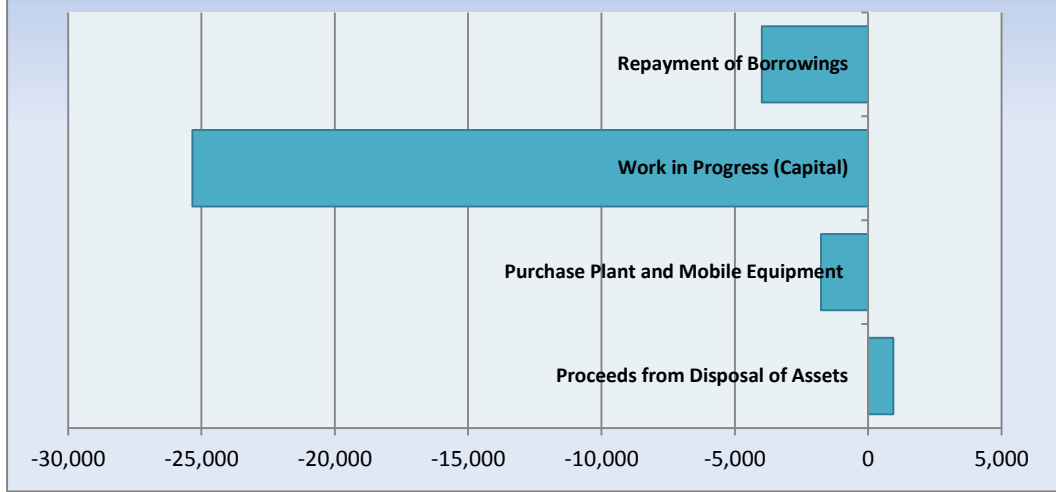
Monthly Cash Movements to Jan-15 \$'000s



Cash Flows from Operating Activities \$'000s



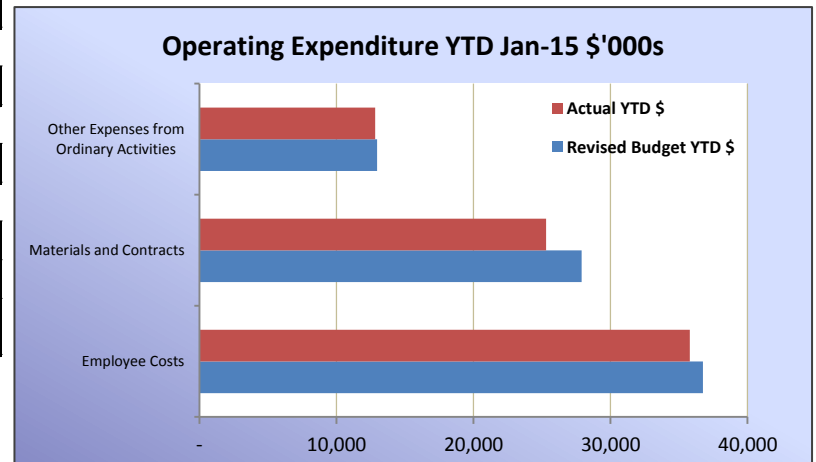
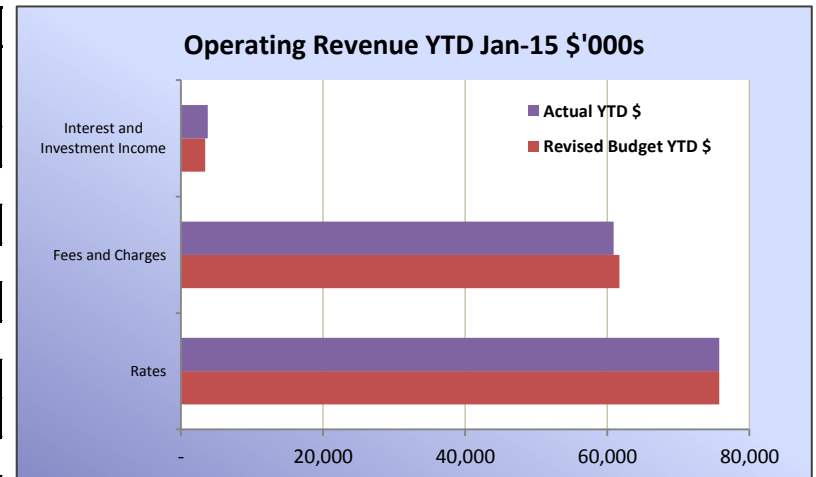
Cash Flows from Investing Activities \$'000s



SCHEDULE 14

Summary Operating Statement

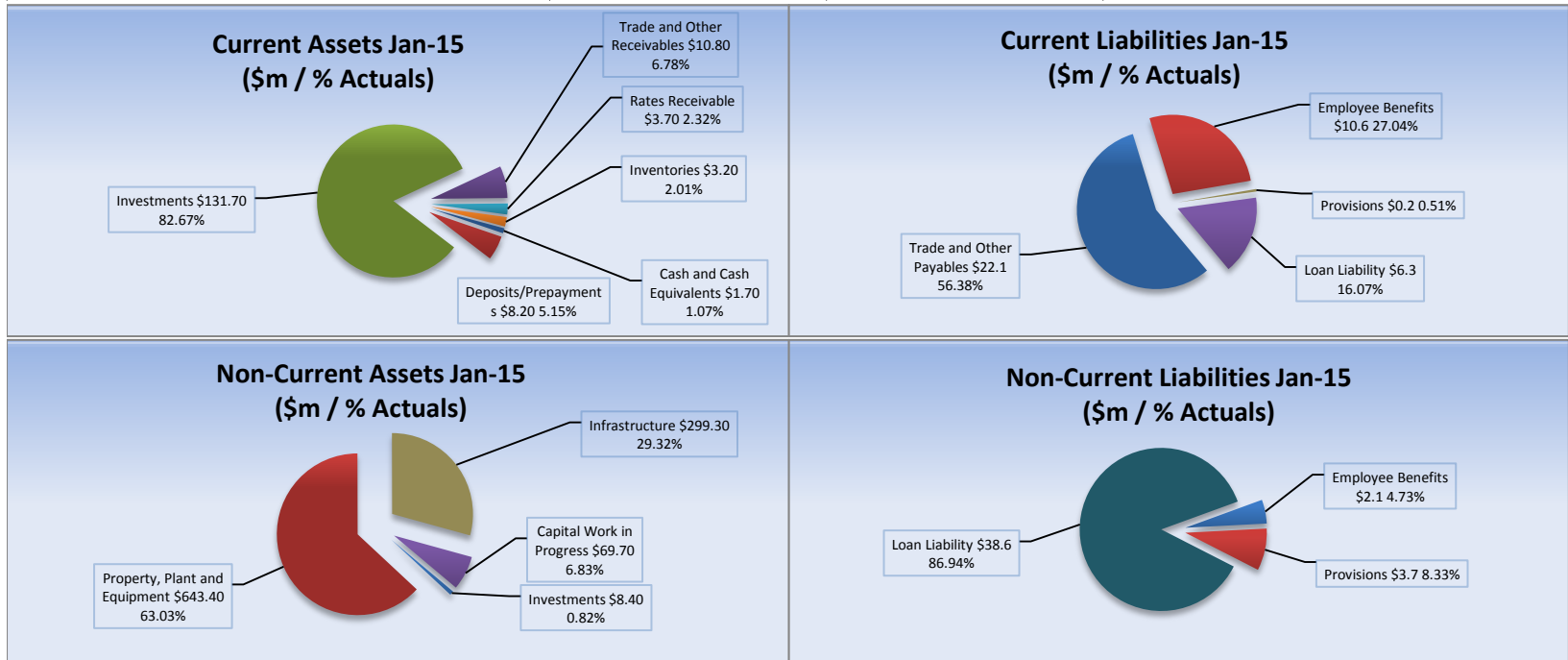
	2014/2015	Year To Date		
	Original Budget \$000	Revised Budget \$000s	Actual \$000s	Variance \$000s
Operating Revenue	190,438	143,195	143,155	-40
less Operating Expenses	-140,982	-80,725	-77,057	3,668
Earnings before Interest and Depreciation (EBID)	49,456	62,470	66,098	3,628
less Interest Expense	-1,640	-914	-923	-9
less Depreciation	-34,537	-17,567	-16,288	1,279
Operating Surplus/(Deficit)	13,279	43,989	48,887	4,898
Grants and Contributions- Capital	1,821	792	856	64
NET OPERATING SURPLUS	15,100	44,781	49,743	4,962
DISPOSAL/WRITE OFF OF ASSETS	-1,032	-453	-146	307
Distribution from TPRC	1,667	0	0	0
Change in net assets resulting from operations after capital amounts and significant items	15,735	44,328	49,597	5,269



SCHEDULE 14

Summary Statement of Financial Position

	31-Jan-15	30-Jun-14
	Actual \$000s	Actual \$000s
Total Current Assets	159,194	121,790
Total Non Current Assets	1,019,907	1,010,615
TOTAL ASSETS	1,179,101	1,132,405
Total Current Liabilities	39,208	38,013
Total Non Current Liabilities	44,459	48,555
TOTAL LIABILITIES	83,667	86,568
NET ASSETS	1,095,434	1,045,838
COMMUNITY EQUITY		
Accumulated Surplus	647,130	587,290
Asset Revaluation Reserve	372,942	372,942
Reserves (Cash Backed)	75,362	85,606
TOTAL EQUITY	1,095,434	1,045,838



SCHEDULE 14

Ratio Analysis

	Jan-15
Current Ratio (Current Assets minus Restricted Assets/Current Liabilities minus Liabilities associated with Restricted Assets)	2.28

Ability to generate working capital to meet our commitments
 Target is greater than 2.00

	2.88
Operating Surplus Ratio (Revenue YTD/Operating Surplus YTD)	2.88

Ability to fund capital and exceptional expenditure
 Target is greater than 1.5

	53.50%
Rate Coverage Ratio (Net Rate Revenue/Operating Revenue)	53.50%

Ability to reduce rates to ratepayers
 Target is less than 40.00% - The percentage will diminish as the bulk of the rates are raised in July

	3.72%
Debt Service Ratio (Interest and principal repayments/Available Operating Revenue)	3.72%

Ability to service loans including principal and interest
 Target is less than 10.0%

	3.13
Cash Capacity in Months (Cash < 90 days invest / (Cash Operating Costs divided by 7 months)	3.13

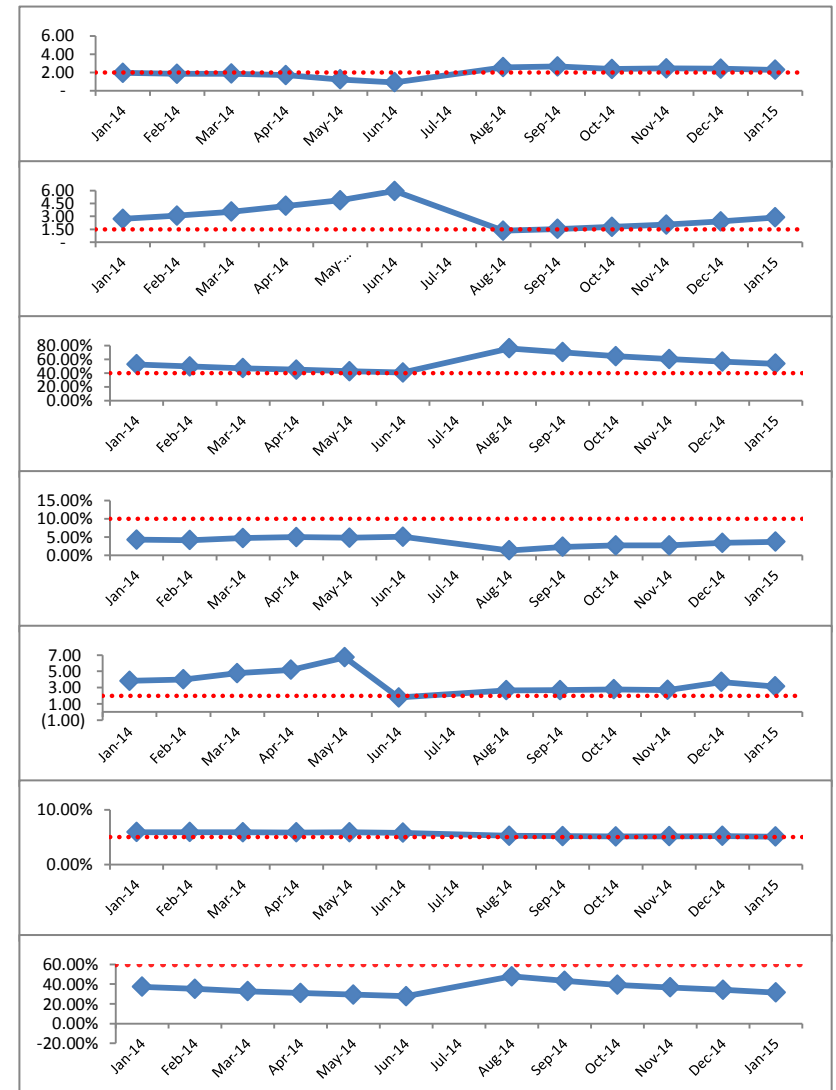
Ability to manage cashflow
 Target is greater than 2.0 months

	5.11%
Gross Debt to Economically Realisable Assets Ratio (Gross Debt / Economically Realisable Assets)	5.11%

Ability to retire debt from readily realisable assets
 Target is greater than 5.0%

	31.37%
Gross Debt to Revenue Ratio (Gross Debt / Total Revenue)	31.37%

Ability to service debt out of total revenue
 Target is less than 60.0%



SCHEDULE 15

**2014/15 BUDGET
FEBRUARY 2015 OPERATING BUDGET REVIEW by NATURE and TYPE**

Operating Revenue	Current Revised Budget (\$)	Proposed Revised Budget (\$)	Budget Adjustment Fav/(UnFav) (\$)
6100 - Rates	76,125,810	75,793,080	(332,729)
6220 - Recurrent Grants	2,310,946	1,815,178	(495,768)
6210 - Grants & Subsidies	2,057,337	2,047,337	(10,000)
6300 - Contributions & Donations	549,849	455,014	(94,835)
6510 - Rubbish Collection	6,021,816	6,039,005	17,188
6520 - Rental & Hire Charges	5,181,125	5,364,809	183,684
6530 - Licence & Registration Fees	2,632,762	2,798,769	166,007
6540 - Parking Fees	74,755,597	72,881,162	(1,874,435)
6550 - Fines & Costs	9,617,112	9,617,112	-
6560 - Community Service Fee	1,495,502	1,442,179	(53,323)
6600 - Interest Earned	5,271,058	5,580,133	309,075
6900 - Other Revenue	2,890,101	3,346,219	456,118
Total Operating Revenue	188,909,016	187,179,996	(1,729,019)
Operating Expenditure	Current Budget (\$)	Proposed Revised Budget (\$)	Budget Adjustment Fav/(UnFav) (\$)
7100 - Employee Costs	66,524,613	65,510,426	1,014,188
7200 - Material Costs	49,926,976	48,662,165	1,264,811
7300 - Utilities	3,064,779	3,069,668	(4,889)
7400 - Insurance Expenditure	1,166,965	1,170,683	(3,718)
7510 - Depreciation/Amortisation	31,227,307	30,156,375	1,070,932
7600 - Interest Expense	1,680,797	1,530,827	149,970
7700 - Loss on Disposal of Assets	1,032,366	844,185	188,181
7800 - Expense Provisions	992,713	992,713	-
7900 - Other Expenditure	22,209,797	22,512,358	(302,561)
Employee cost recovery - Capital Works	(2,117,821)	(2,034,036)	(83,785)
Total Operating Expenditure	175,708,492	172,415,364	3,293,128
Distribution from Tamala Park Regional Council	1,667,000	1,667,000	-
Contribution to Elizabeth Quay project	-	2,409,687	(2,409,687)
Change in Net Assets resulting from Operations - Gain/(Reduction)	14,867,524	14,021,946	(845,578)

SCHEDULE 16

CITY of PERTH
OPERATING STATEMENT by Directorate and Unit

FEBRUARY 2015 BUDGET REVIEW

	2014/15 Budget Year to January \$	2014/15 Actual Year To January \$	2014/15 Original Budget \$	2014/15 October Revised Budget \$	2014/15 February Forecast \$	Variance Revised Budget to Forecast Budget \$	Variance Revised Budget to Forecast Budget %	Comments (-) - Adverse variances
REVENUE								
Rates	\$ 75,842,843	\$ 75,783,080	\$ 76,236,923	\$ 76,125,810	\$ 75,793,080	-\$ 332,729	0%	Interims reduced \$(434k); lower Back Rates \$178k; Heritage \$(76k)
Grants & Contributions	\$ 2,072,379	\$ 1,929,121	\$ 3,678,453	\$ 4,368,283	\$ 3,862,515	-\$ 505,768	-12%	Restructure / Amalgamation \$(595k);
Rubbish Collection Fees	\$ 6,123,388	\$ 6,021,642	\$ 6,140,750	\$ 6,021,816	\$ 6,039,005	\$ 17,188	0%	Commercial waste collection
Parking Fees	\$ 45,454,519	\$ 42,879,897	\$ 78,528,324	\$ 74,755,597	\$ 72,881,162	-\$ 1,874,435	-3%	Undercover \$(1,171k); Open-Air \$(201k); Kerbside \$(504k)
Fines & Costs	\$ 5,426,846	\$ 5,225,973	\$ 9,552,550	\$ 9,617,112	\$ 9,617,112	\$ -	0%	Catch up \$(175k) shortfall by June
Community Service Fees	\$ 877,197	\$ 826,766	\$ 1,500,430	\$ 1,495,502	\$ 1,442,179	-\$ 53,323	-4%	Citiplace \$(22k)and Child Care \$(35k)
Investment Income	\$ 3,206,925	\$ 3,777,526	\$ 5,487,586	\$ 5,271,058	\$ 5,580,133	\$ 309,075	6%	Investment \$67k; Reserve \$220k, Rate Arrears \$25k
Other Revenue	\$ 6,366,195	\$ 7,566,526	\$ 11,133,900	\$ 11,253,838	\$ 11,964,811	\$ 710,973	6%	Rental/Hire \$184k; Licensing & Registrations \$166k; Christmas Pageant grant \$400k received early
Total	\$ 145,370,292	\$ 144,010,531	\$ 192,258,916	\$ 188,909,016	\$ 187,179,996	-\$ 1,729,019	-1%	
EXPENDITURE by Directorate & Unit								
Chief Executive Directorate								
Executive Support	\$ 1,840,430	\$ 1,517,513	\$ 3,210,252	\$ 3,176,568	\$ 2,516,933	-\$ 659,635	-21%	Restructure Amalgamation staff cost \$473k; Mat & Contracts \$65k; Rent \$50k; legal & professional \$95k
Total	\$ 1,840,430	\$ 1,517,513	\$ 3,210,252	\$ 3,176,568	\$ 2,516,933	-\$ 659,635	-21%	
Corporate Services Directorate								
Director Corporate Services	\$ 364,479	\$ 306,997	\$ 625,522	\$ 628,062	\$ 551,296	-\$ 76,766	-12%	Staff cost \$70k; Conf & travel \$6k.
Governance	\$ 714,962	\$ 648,710	\$ 1,209,705	\$ 1,275,359	\$ 1,175,601	-\$ 99,757	-8%	Staff Cost & Electoral \$72k; consulting \$21k and Cont& travel \$11k
Financial Services	\$ 1,880,498	\$ 1,966,250	\$ 3,128,436	\$ 3,230,230	\$ 3,427,003	\$ 196,773	6%	Staff costs \$(101k); constancy \$(42k); Valuation \$(30k) Contractor \$(12k); Audit \$(7k)
Human Resources	\$ 1,031,522	\$ 804,550	\$ 1,722,446	\$ 1,773,925	\$ 1,685,934	-\$ 87,990	-5%	Relief staff \$40k; staff cost \$72k. Contract \$(22k) and Minor IT assets \$(17k)
Information Services	\$ 3,770,161	\$ 3,613,884	\$ 6,426,183	\$ 6,404,313	\$ 6,640,274	\$ 235,961	4%	RMS staff \$(87k); software \$(22k); IS staff cost \$(110k); contractors \$(107k); hardware & software \$98k prof. fees \$(38k).
Total	\$ 7,761,622	\$ 7,340,390	\$ 13,112,292	\$ 13,311,889	\$ 13,480,109	\$ 168,221	1%	
City Services Directorate								
Director City Services	\$ 702,110	\$ 685,514	\$ 1,191,848	\$ 1,185,142	\$ 1,168,275	-\$ 16,867	-1%	Staff costs \$12k; legal fees \$3k
Community Services	\$ 5,216,655	\$ 5,093,225	\$ 8,981,282	\$ 8,923,796	\$ 8,996,862	\$ 73,066	1%	Staff costs - public conveniences \$(96k) child care \$(70k) other \$13k; donations & sponsorships \$80k
Compliance Services	\$ 6,889,650	\$ 6,924,475	\$ 11,819,868	\$ 12,130,152	\$ 12,099,582	-\$ 30,570	0%	Staff cost \$170k; Ext contractors \$(117k) park bay licensing \$(18k)
Library Services	\$ 2,140,663	\$ 1,919,085	\$ 3,669,599	\$ 4,100,901	\$ 3,610,155	-\$ 490,746	-12%	Staff cost \$219k; Interest \$172k; security \$20k; performer fees \$18k; catering \$20k; software \$13k; periodical \$10k.
Property Management Services	\$ 5,207,744	\$ 4,028,263	\$ 9,052,282	\$ 8,600,563	\$ 8,293,122	-\$ 307,442	-4%	Council House \$234k; community amenities \$60k;
Marketing, Communications & Events	\$ 9,058,453	\$ 8,845,784	\$ 14,259,605	\$ 14,112,736	\$ 14,340,941	\$ 228,205	2%	Christmas Pageant \$(358k); civic receptions \$83k retail marketing \$55k
Total	\$ 29,215,274	\$ 27,496,345	\$ 48,974,484	\$ 49,053,291	\$ 48,508,937	-\$ 544,353	-1%	
City Infrastructure and Enterprises Directorate								
Director City Infrastructure and Enterprises	\$ 285,249	\$ 359,173	\$ 484,645	\$ 600,456	\$ 615,856	\$ 15,400	3%	Staff costs \$(20k); legal & consulting \$8k
City of Perth Parking	\$ 17,953,255	\$ 17,447,973	\$ 31,001,735	\$ 30,950,470	\$ 30,624,864	-\$ 325,607	-1%	Staff costs \$178k; security \$130k; ext contractors \$(103k); maintenance \$115k
Parks & Landscape Services	\$ 4,547,520	\$ 4,307,056	\$ 7,594,384	\$ 7,829,178	\$ 7,850,781	\$ 21,603	0%	Staff costs \$37k; contractors \$(120k); plants and flowers \$47k; tipping \$13k and stores \$13k
Works & Services	\$ 6,083,874	\$ 5,108,408	\$ 10,321,740	\$ 10,142,527	\$ 10,114,681	-\$ 27,847	0%	Staff costs \$17k; maintenance \$(152k); contractors \$177k consulting \$30k; traffic mgt \$(40k)
Waste and Enterprises	\$ 5,894,801	\$ 5,016,122	\$ 10,067,958	\$ 9,555,105	\$ 9,171,999	-\$ 383,106	-4%	Staff costs \$309k; professional fees \$200k; high pressure clean \$(37k); legal fees \$(49k); contractors \$(16k); signage \$(10k)
Contract and Asset Management	\$ 3,258,024	\$ 3,014,507	\$ 4,958,788	\$ 5,002,484	\$ 4,961,039	-\$ 41,445	-1%	Power \$34k maintenance \$50k; rentals \$(14k); professional fees & contractors \$(18k)
Total	\$ 38,022,722	\$ 35,253,240	\$ 64,429,249	\$ 64,080,221	\$ 63,339,219	-\$ 741,002	-1%	
City Planning and Development Directorate								
Director City Planning and Development	\$ 1,186,866	\$ 978,464	\$ 1,987,114	\$ 2,328,659	\$ 2,079,128	-\$ 249,532	-11%	Staff costs \$242k; donations \$10k and travel \$(4k)
Sustainable City Development	\$ 1,982,778	\$ 1,292,234	\$ 3,349,183	\$ 3,165,812	\$ 2,989,724	-\$ 176,089	-6%	Staff costs \$(86k); ext contractors \$141k; consultancy \$65k; professional fees \$46k
Approval Services	\$ 1,851,331	\$ 1,781,085	\$ 3,107,724	\$ 3,212,896	\$ 3,228,849	\$ 15,953	0%	Staff costs \$(41k); software \$10k contractors \$19k
City Design	\$ 2,535,494	\$ 2,091,959	\$ 4,354,370	\$ 4,456,351	\$ 4,459,652	\$ 3,301	0%	Staff costs \$(46k); contractors \$5k; periodicals \$54; gen admin \$13k; donations \$10k and conferences \$9k
Economic Development	\$ 1,695,878	\$ 1,199,314	\$ 2,714,261	\$ 2,780,952	\$ 2,845,955	\$ 65,002	2%	Staff costs \$(164k); promotions & displays \$20k; equip hire \$40k; lease costs \$13k & printing \$17k
Total	\$ 9,252,346	\$ 7,343,057	\$ 15,512,652	\$ 15,944,671	\$ 15,603,307	-\$ 341,364	-2%	
Depreciation - Buildings	\$ 4,475,724	\$ 4,226,769	\$ 7,672,670	\$ 7,563,692	\$ 7,214,519	-\$ 349,173	-5%	Citistation concourse to be closed out
Depreciation - Fixed Plant	\$ 1,963,410	\$ 2,217,933	\$ 3,365,846	\$ 3,867,094	\$ 3,898,976	\$ 31,883	1%	CCTV Surveillance Centre
Depreciation - Furn / Equip	\$ 323,561	\$ 472,750	\$ 554,676	\$ 807,589	\$ 805,823	-\$ 1,766	0%	
Depreciation - Computers	\$ 799,049	\$ 545,822	\$ 1,369,798	\$ 1,369,942	\$ 1,280,932	-\$ 89,010	-6%	Administration general; servers and Piazza
Depreciation - Plant and Vehicles	\$ 595,385	\$ 804,532	\$ 1,020,660	\$ 1,146,462	\$ 1,146,462	\$ -	0%	
Depreciation - Infrastructure	\$ 11,171,098	\$ 7,117,062	\$ 19,150,453	\$ 14,856,902	\$ 14,232,711	-\$ 624,191	-4%	Roads and Kerbs \$600k dependant on revaluation
Depreciation - Leasehold improvements	\$ 131,563	\$ 132,851	\$ 225,537	\$ 226,773	\$ 226,773	\$ -	0%	
Depreciation - Minor Equipment	\$ 81,452	\$ 106,022	\$ 139,632	\$ 182,011	\$ 181,385	-\$ 626	0%	
Depreciation - Minor Plant	\$ 68,927	\$ 100,475	\$ 118,161	\$ 245,178	\$ 207,129	-\$ 38,050	-16%	Christmas decorations
Depreciation - Amortised lease costs	\$ 314,572	\$ 332,769	\$ 539,266	\$ 568,028	\$ 568,028	\$ -	0%	
Depreciation - Freehold improvements	\$ 221,836	\$ 230,604	\$ 380,290	\$ 393,637	\$ 393,637	\$ -	0%	
Total	\$ 20,146,577	\$ 16,287,588	\$ 34,536,989	\$ 31,227,307	\$ 30,156,375	-\$ 1,070,932	-3%	
TOTAL EXPENDITURE	\$ 106,238,971	\$ 95,238,133	\$ 179,775,918	\$ 176,793,947	\$ 173,604,881	-\$ 3,189,066	-2%	
SIGNIFICANT ITEMS								
Distribution from Tomala Park Regional Council	-\$ 740,888	\$ -	-\$ 1,667,000	-\$ 1,667,000	-\$ 1,666,667	\$ 333	0%	Distribution received \$1,167k to January
Contribution to Elisabeth Quay project	\$ -	\$ -	\$ -	\$ -	\$ 2,409,687	\$ 2,409,687		Asset contribution to MRA for Elisabeth Quay
(Loss)/Gain on Disposal of Fixed Assets	\$ 258,092	-\$ 10,059	\$ 1,032,366	\$ 1,032,366	\$ 844,185	-\$ 188,181	-18%	Elisabeth Quay asset write off \$(2.5 m); Plant \$(437k); Infrastructure \$(319k)
Total	-\$ 482,797	-\$ 10,059	-\$ 634,634	-\$ 634,634	\$ 1,587,205	\$ 2,221,839	-350%	
Employee Cost Recovery	(872,607)	(558,238)	(2,617,821)	(2,117,821)	(2,034,036)	\$ 83,785	-4%	Dependant on project programs
NET INCOME/(EXPENDITURE)	\$ 40,486,724	\$ 49,340,695	\$ 15,735,452	\$ 14,867,524	\$ 14,021,946	-\$ 845,577	-6%	

SCHEDULE 17

Capital Works Projects - February Budget Review												
Project Identity			Current Financial Year			Whole Project	Project Status					
Account Number	Unit	Project Name	Forecast Expenditure - Current Year	Revised Budget	Budget Variance	Work Completed %	Overall Project Status	Schedule	Budget	Budget Review Comments	Funding	
1642	City Design	Murray Street (Barrack St to Victoria Square)	1,079	50,000	48,920	5%	⚠	⚠	⚠	Project on hold until 2016/17.	Muni	
0152	Contracts & Asset Management	Fleet & Plant Replacement - Streets, Roads Plant Replacement	986,200	1,023,200	37,000	45%	✅	✅	✅	Lighting tower purchase not going ahead	Muni	
1610	Financial Services	Proj Mngt Gateways Accountability System Stage 3	35,000	162,785	64,785	0%	⊖	⊖	❌	Based on forecasting and the decision of the Project Steering Group to defer Stage 3 of the Gateways System, it is recommended to reallocate \$35k from the budget allocation of \$162,785 to continued engagement of the Gateway Register Reporting Analyst role to the end of the financial year. The result will mean a carry forward of \$63k for Stage 3 work in 15-16 and \$64.7 handed back as net surplus.	Muni	
1632	Parks & Landscape Services	Riverside Drive - Upgrade Irrigation controls, wiring and system		85,000	85,000	20%	✅	✅	✅	Project is no longer proceeding as the issues have been resolved	Muni	
1676	Property Management Services	New Colourbond Fence - 2 Plain Street		20,000	20,000	20%	⚠	⚠	⚠	Project cancelled. Funds to be diverted to operating to repair roof	\$10k Muni, \$10k Contributions	
1645	City Design	Minor Civil Works	139,913	140,770	856	50%	✅	✅	✅		Muni	
0399	City of Perth Parking	Vandalised Equipment	45,000	55,000	10,000	0%	✅	✅	✅		Parking facilities reserve	
0456	City of Perth Parking	Bar Code Readers for Datapark Car Parks	5,375	15,375	10,000	0%	⚠	⚠	✅		Parking facilities reserve	
0467	City of Perth Parking	Carbon Offset Tree Planting Programe Stage 4		12,000	12,000	100%	✅	✅	✅		Parking facilities reserve	
0463	Compliance Services	CCTV and associated equipment	25,000	50,000	25,000	0%	✅	✅	✅		Muni	
1548	Contracts & Asset Management	Replacement or New Lighting - Streets	25,000	50,000	25,000	0%	✅	✅	✅	Savings identified	Muni	
0487	Parks & Landscape Services	Narrows Interchange - Irrigation Pumping System Intake Upgrade	75,000	120,000	45,000	30%	✅	✅	✅		Muni	
0532	Parks & Landscape Services	Reserve Name Plates and Information	25,000	79,000	54,000	0%	✅	✅	✅		Muni	
1411	Parks & Landscape Services	Lighting Replacement	50,000	60,000	10,000	70%	⚠	✅	✅		Muni	
1603	City Design	Prototype Litter Bins		5,000	5,000	100%	✅	✅	✅	Completed and Closed Out	Muni	
0538	City Design	Pedestrian Way- Finding Signage	28,557	30,000	1,443	100%	✅	✅	✅	Project and Closeout of the project has been completed.	Muni	
0491	City Design	Blackspot - Wellington St to Plain St	34,572	37,645	3,072	100%	✅	✅	✅	Project Completed	Muni	
1667	Property Management Services	Replace Waterless Urinals - Pier Street Car park	11,679	12,000	320	5%	✅	✅	✅	Project complete and delivered on time.	Muni	
1704	Works & Services	Drainage 2014-15 Kings Park Avenue	521,687	710,000	188,313	100%	✅	✅	✅		Muni	
1710	Works & Services	Footpath 2014-15 Bennett Street West Side	110,000	121,260	11,260	95%	✅	✅	✅		Muni	
1712	Works & Services	Footpath 2014-15 Elder Street East Side	64,000	108,020	44,020	90%	✅	✅	✅		Muni	
1716	Works & Services	Footpath 2014-15 Hay Street Both Sides	193,633	252,107	58,474	90%	✅	✅	✅		Muni	
1720	Works & Services	Footpath 2014-15 Hill Street West Side	70,000	85,991	15,991	90%	✅	✅	✅		Muni	
1721	Works & Services	Footpath 2014-15 Hill Street West Side	34,000	39,130	5,130	90%	✅	✅	✅		Muni	
1722	Works & Services	Footpath 2014-15 Kings Park Road South Side	40,000	46,225	6,225	90%	✅	✅	✅		Muni	
1724	Works & Services	Footpath 2014-15 Moore Street West Both Sides	152,000	253,255	101,255	90%	✅	✅	✅	Projects completed under budget	Muni	
1729	Works & Services	Footpath 2014-15 Thomas Street East Side	200,000	273,403	73,403	90%	✅	✅	✅		Muni	
1730	Works & Services	Footpath 2014-15 Troode Street Both Sides	60,000	96,335	36,335	90%	✅	✅	✅		Muni	
1731	Works & Services	Footpath 2014-15 Wellington Street North Side	92,000	136,221	44,221	90%	✅	✅	✅		Muni	
1732	Works & Services	Footpath 2014-15 Wellington Street South Side	125,000	172,930	47,930	90%	✅	✅	✅		Muni	
1737	Works & Services	Road Rehabilitation 2014-15 Rehola Street	59,247	115,080	55,833	100%	✅	✅	✅		Muni	
1687	Information Services	Core Systems update to Record Keeping Compliance	75,000	85,000	10,000	0%	⊖	⊖	⊖	Request reallocation of funds to CW1696 Records Scanning Equipment	Muni	
1684	City of Perth Parking	CCTV and Access Control Systems	639,993	757,793	117,800	0%	✅	✅	✅	Request reallocation of funds to CW1658	Parking facilities reserve	
1753	Works & Services	Kerb 2014-15 Bennett St West Side	45,000	70,000	25,000	90%	✅	✅	✅	Request reallocation of funds to CW1703 (Parent Account)	Muni	
1757	Works & Services	Kerb 2014-15 Victoria Ave Both Sides	30,000	45,000	15,000	90%	✅	✅	✅	Request reallocation of funds to CW1703 (Parent Account)	Muni	
1780	Works & Services	Kerb 2014-15 City farm Place Both Sides	31,500	35,000	3,500	90%	✅	✅	✅	Request reallocation of funds to CW1703 (Parent Account)	Muni	
Total Surplus Funds			4,030,436	5,410,525	1,317,086							

SCHEDULE 17

Summary of changes to Capital Works Budget 2014/15	
	\$
Original Approved Budget	72,125,016
Finalisation of Carry Forward amounts into 2014/15	8,012,975
Current Capital Works Budget	80,137,991
October Review	-1,509,354
February Review	
Ongoing projects requiring additional funds	697,311
New projects requiring funding	60,000
Projects with surplus funds available	-1,317,086
Net Result of February review	-559,775
Proposed Revised Capital Works Budget 2014/15	78,068,862

Funding impact of February Review	
	\$
Municipal Funds (net additional surplus funds)	-655,625
Parking Facilities Development Reserve (reduction in requirement to use reserve)	-10,150
Asset Enhancement Reserve (increase in requirement to use the reserve)	1,500
Contributions (reduction)	-10,000
Operating Budget	114,500
Total	-559,775

CITY OF PERTH SCHEDULE 18
REVISED BUDGET RATE SETTING STATEMENT for the year ending 30 June 2015

	Adopted Budget 2014/15 \$	Actual YTD 31-Jan-15 \$	October Revised Budget 2014/15 \$	February Revised Budget 2014/15 \$	Revised Budget Variance 2014/15 \$
Proceeds from Operating Activities					
Operating Revenue					
<i>Nature of Income</i>					
Parking Fees	78,528,324	42,879,897	74,755,597	72,881,162	(1,874,435)
Fines and Costs	9,552,550	5,225,973	9,617,112	9,617,112	-
Investment Income and Interest	5,487,586	3,777,526	5,271,058	5,580,133	309,075
Community Service Fees	1,500,430	826,766	1,495,502	1,442,179	(53,323)
Rubbish Collection	6,140,750	6,021,642	6,021,816	6,039,005	17,188
Rentals and Hire Charges	5,200,161	3,207,555	5,181,125	5,364,809	183,684
Recurrent Grants	1,857,558	1,073,550	2,310,946	1,815,178	(495,768)
Contributions, Donations and Reimbursements	518,722	253,459	549,850	455,014	(94,836)
Other Income	5,415,017	4,105,510	5,522,863	6,144,988	622,125
	114,201,098	67,371,878	110,725,869	109,339,579	(1,386,290)
Less: Operating Expenditure					
<i>Nature of Expenditure</i>					
Employee Costs	64,501,116	35,789,300	64,406,792	63,476,391	930,401
Materials and Contracts	49,484,905	25,300,173	49,926,935	48,662,165	1,264,770
Utilities	2,995,573	1,733,031	3,064,779	3,069,668	(4,889)
Insurance Expenditure	1,179,533	714,293	1,166,965	1,170,683	(3,718)
Depreciation and Amortisation	34,536,990	16,287,588	31,227,307	30,156,375	1,070,932
Interest Expenses	1,640,018	922,768	1,680,797	1,530,827	149,970
Expense Provisions	992,713	544,275	992,713	992,713	-
Loss on Disposal of Assets	1,032,366	145,991	1,032,366	3,253,872	(2,221,506)
Other Expenditure	21,827,249	12,976,638	22,209,797	22,512,024	(302,227)
	178,190,463	94,414,057	175,708,451	174,824,718	883,733
Add back Depreciation	(34,536,990)	(16,287,588)	(31,227,307)	(30,156,375)	(1,070,932)
(Loss) / Profit on Disposals	(1,032,366)	(145,991)	(1,032,366)	(3,253,872)	2,221,506
	142,621,107	77,980,478	143,448,778	141,414,471	2,034,307
Net Surplus/(Deficit) from Operations	(28,420,009)	(10,608,600)	(32,722,909)	(32,074,892)	648,016
Investing Activities					
Capital Expenditure	(67,973,162)	(35,102,265)	(78,628,637)	(78,068,852)	(559,785)
Repayment of Borrowings	(6,128,375)	(3,983,510)	(6,128,375)	(6,128,375)	-
Transfers to Reserves	(21,748,677)	(3,158,489)	(22,147,677)	(19,998,574)	(2,149,103)
	(95,850,214)	(42,244,264)	(106,904,689)	(104,195,801)	(2,708,888)
Financing Activities					
Transfer from Reserves	29,721,214	5,070,195	27,955,363	25,849,140	(2,106,223)
Carry Forwards	15,685,285	10,719,239	15,038,420	15,398,548	360,128
Proceeds from Borrowings	1,032,988	-	-	-	-
Proceeds from Disposal of Assets	1,139,000	1,040,326	1,139,000	1,171,000	32,000
Distribution from TPRC	1,667,000	1,166,667	1,667,000	1,666,667	(333)
Capital Grants	1,820,895	855,571	2,057,337	2,047,337	(10,000)
	51,066,382	18,851,998	47,857,120	46,132,692	(1,724,428)
Net Surplus/(Deficit) before Rates	(73,203,841)	(34,000,866)	(91,770,478)	(90,138,001)	1,632,476
Add: Opening Funds	(2,486,664)	16,073,145	16,073,145	16,073,145	-
Amount Sourced from Rates	76,236,923	75,783,080	76,125,810	75,793,080	(332,730)
Balance of Closing Funds on Hand	546,418	57,855,359	428,477	1,728,224	1,299,747

Net Cash on Hand					
Cash On Hand	2,229,850	1,656,612	3,347,108	2,783,609	(563,499)
Money Market Investments	95,987,160	131,676,024	96,209,472	95,443,156	(766,316)
Funds on Hand	98,217,010	133,332,636	99,556,580	98,226,765	(1,329,815)
Analysis of Funds on Hand					
Reserves	74,294,309	68,087,335	76,460,086	77,804,213	1,344,127
Provisions	11,372,872	10,634,305	11,525,004	11,406,451	(118,553)
Carry forwards	-	5,448,545	-	-	-
Restricted Grants not yet utilised	-	352,582	437,037	176,291	(260,746)
General Funds	12,549,829	48,809,869	11,134,453	8,839,810	(2,294,643)
Funds on Hand	98,217,010	133,332,636	99,556,580	98,226,765	(1,329,815)

CITY of PERTH Council Policy Manual

CP9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions

POLICY OBJECTIVE

To:

1. establish a consistent approach to determine whether land is not rateable under Section 6.26 of the *Local Government Act 1995*.
2. determine the eligibility of a partial rate exemption to property where it is evidenced that a portion of the land is used for a not rateable purpose.

POLICY STATEMENT**1. Principles for Determining Applications for Not Rateable Status**

Except as provided in Section 6.26 of the *Local Government Act 1995*, all land within a district is rateable land.

Land categorised as exempt under a sub-section of Section 6.26, with the exception of sub-sections (2)(a)–(c), will require submission of an application for Not Rateable Status with supporting evidence to be assessed in accordance with this policy. The supporting evidence must demonstrate that the land is not rateable land under Section 6.26(2). Land will be treated as rateable land until sufficient evidence has been provided to establish otherwise.

When application is made for Not Rateable Status under Section 6.26(g) - land used exclusively for charitable purposes - the application will be determined with consideration of the following:

- a. The land use must be for public benefit, where the benefit is available to members of the public generally or a particular section of the public and;
- b. The land use must be exclusively for charitable purposes, such as the relief of the disadvantaged, advancement of education, religious purposes or other purposes beneficial to the community at large and;
- c. Land will not be used for a charitable purpose if the predominant activity conducted on the land is a fundraising activity to produce an income that will be used for a charitable activity conducted somewhere else. For land to be used for a charitable purpose, the charitable activity itself must be conducted on the land and that activity must be the predominant use of the land.

CITY of PERTH Council Policy Manual

1.1 Relevance of Land Use

When making a determination as to whether Section 6.26(2) applies in any particular case, careful consideration will be given to any commercial use of the land in question. If the land use is of the same nature as other land that is rateable land or the use is commercial in nature (for example, where a profit is being derived as the normal activity of a business), then it will be rateable land and Section 6.26(2) will not apply.

For a determination to be made that land is used exclusively for charitable purposes, the actual use of the land must be considered. Land will not be considered to be used exclusively for charitable purposes merely because it is owned or occupied by a charitable body.

In determining applications for Not Rateable Status where only a portion of the land is used for charitable purposes, consideration will be given as to whether or not the use of the land is ancillary to its primary use of charitable purposes. For example, where the primary use of the land is for a charitable purpose and an ancillary use of a portion of the land produces income which is subsidiary to the primary use, the land use will still be considered exclusively for charitable purposes and will therefore be eligible for Not Rateable Status.

Conversely, where the land is used for the purpose of deriving a profit, even if the proceeds are used to support charitable purposes, the use of the land will not be considered exclusively for charitable purposes and will therefore be considered rateable.

The applicant must provide sufficient information about the use of the land to demonstrate that the purpose for which the property is used is for a public or other benevolent community benefit and available to members of the public generally, or a sufficient section of the public.

In making the determinations of Not Rateable Status for land used exclusively for charitable purposes, consideration will be given to decisions made by other authorities and relevant case law.

2. Principles for Determining Applications for Partial Rate Exemption when only a portion of the land is used for a not rateable purpose

The City may apply a Partial Rate Exemption to a rateable property where it is evidenced that a portion of the land is used exclusively for a not rateable purpose as defined under Section 6.26 of the *Local Government Act 1995*. In this case and at the determination of the City, only the portion of land that is not used exclusively for a not rateable purpose and is a material part of the property will be rated.

Where sufficient evidence is provided that only a portion of a property is used for a rateable purpose and the remainder of the property is used for a not rateable purpose as classified under Section 6.26, then a proportionate assessment of rates will be levied for the portion of land used for the rateable purpose. For example, an educational institution making one of its buildings available to the general public for accommodation at a commercial rent, is subject to the payment of rates for that building. A religious

CITY of PERTH Council Policy Manual

organisation utilising a hall for general public use or community hire is subject to the payment of rates on that facility.

Whether the portion of the property used for the rateable purpose will be subject to rates will be determined by the materiality of the frequency of the rateable use and the actual use of the land as evidenced by information supplied with the application. The following will apply:

- a. Where the materiality of the frequency of the rateable use does not exceed 10% of the total land use, that portion of the land will be eligible for Not Rateable Status and a Partial Rate Exemption may be applied to the property.
- b. Where the materiality of the frequency of the rateable use exceeds 10% of the total land use but the income earned is less than 10% of the total income derived from that property, that portion of the land will be eligible for Not Rateable Status and a Partial Rate Exemption may be applied to the property.

If the level of income derived from commercial activities is material in relation to total income from the property then a partial exemption will not be granted. Section 15 (a) of the Australian Accounting Standard for Materiality states; "an amount which is equal to or greater than 10 per cent of the appropriate base amount may be presumed to be material unless there is evidence or convincing argument to the contrary".

The analysis of the financial data must be for the property to which the application applies and not the organisation as a whole.

- c. Where a portion of rateable land is leased to a charitable organisation that uses the land for a charitable purpose, then the portion of the land subject to that lease will be eligible for Not Rateable Status and a Partial Rate Exemption may be applied to the property. For example; where 30% of the property is leased to be used for a charitable purpose, then 30% of that land will not be rateable and the remainder of the land will be rateable.
- d. Where a clearly defined part of otherwise not rateable land is used for a rateable purpose, the portion of the property used for a rateable purpose will be rated and the remainder of the property will be eligible for Not Rateable Status and a Partial Rate Exemption may be applied to the property. For example commercial business leases being part of a property otherwise used for charitable purposes.

In any case where a portion of a rateable property is exempt or vice versa, any common area will be apportioned on a pro rata basis for rating purposes.

CITY of PERTH Council Policy Manual

2. Applications for Not Rateable Status or Partial Rate Exemption

Applications are to be made on the form provided by the City and contain a declaration as to the accuracy of the information contained therein. The City may seek any additional information deemed necessary to evidence the application as to the nature and extent of the purposes for which the land is used.

Applications will be reviewed and determined in accordance with Section 6.26(2) of the *Local Government Act 1995*, general rating practices applied by local governments and any other criteria contained in this policy.

Where it is considered that an applicant does not qualify for Not Rateable Status or Partial Rate Exemption, the application will be refused and the applicant provided with written advice of the grounds for refusal.

Where a determination of Not Rateable Status or Partial Rate Exemption is granted, the amendment to the rate record indicating Not Rateable Status or Partial Rate Exemption will take effect from the 1st July of the current financial year in which the application was received.

3. Review of Determinations

A determination of Not Rateable Status or Partial Rate Exemption may apply for a maximum of three-years only where:

- 3.1 the purpose for which the land is used is considered to be on a continuous basis, and;
- 3.2 the applicant has provided evidence of a legal right to occupy that land for the period of the determination and;
- 3.3 the land use continues to meet the qualifying criteria.

A determination of Not Rateable Status or Partial Rate Exemption is to be reviewed on a triennial or annual basis (whichever is considered applicable) for continued eligibility. The applicant is required to advise the City within one month of any change occurring to either their operations and / or the use of the land or the portion of the land, where it no longer complies with the conditions of Not Rateable Status. In any case, all determinations will be subject to ongoing review to ensure that the land use continues to meet the qualifying criteria. The City may review the Not Rateable Status of land or request additional information from an applicant at any time during the term of Not Rateable Status where it is considered that the circumstances of the land use may have changed.

A new application form is required to be submitted to the City for each review.

CITY of PERTH Council Policy Manual

4. Rates Exemption Register

The City will maintain a register of determinations made in accordance with this Policy. The Register will record details of the organisation, the property and the purpose for which the land is used; the determination made and review dates and the equivalent amount of the rates levy amount. These details will be communicated to the applicant. The register will also be used to facilitate the initiation of the review processes as appropriate.

6. Definitions

City means the City of Perth Administration.

Document Control Box						
Document Responsibilities:						
Custodian:	Senior Rates Coordinator	Custodian Unit:	Finance			
Decision Maker:	Policy approved by Council					
Compliance Requirements:						
Legislation:	Sections 6.26 of the Local Government Act 1995 (WA)					
Industry:	n/a					
Organisational:	n/a					
Document Management:						
Risk Rating:	High	Review Frequency:	Biennial	Next Due:	2015	TRIM Ref: [AP####]
Version #	Decision Reference:	Synopsis:				
1.	OCM 18/02/2014 (69/14)	New Policy adopted.				
2.	OCM	.				
3.						

SCHEDULE 20



WESTERN AUSTRALIAN Electoral Commission

LGE 028

Mr Gary Stevenson
Chief Executive Officer
City of Perth
GPO Box C120
PERTH WA 6839

Dear Mr Stevenson

Local Government Ordinary Election: 2015

The next local government ordinary elections are being held on 17 October 2015. While this is still some distance in the future, I have enclosed an estimate for your next ordinary election to assist in your 2015/2016 budget preparations.

The estimated cost for the 2015 election if conducted as a postal ballot is \$46,000 inc GST, which has been based on the following assumptions:

- 11,300 electors
- response rate of approximately 45%
- 5 vacancies
- count to be conducted at the offices of the City of Perth
- standard Australia Post delivery service to apply.

This cost estimate includes the proposed increase in the postage rate by Australia Post effective from 2 March 2015. An additional amount of \$791 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

Costs not incorporated in this estimate include:

- non-statutory advertising (ie any additional advertisements in community newspapers and promotional advertising)
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- one local government staff member to work in the polling place on election day
- Any additional postage rate increases by Australia Post.

The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election you will be advised as early as possible.

The current procedure required by the *Local Government Act 1995* is that my written agreement has to be obtained before the vote by Council is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2015 for the City of Perth in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the City of Perth also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council will now need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

I look forward to conducting this election for the City of Perth in anticipation of an affirmative vote by Council.

Yours sincerely



David Kerslake
ELECTORAL COMMISSIONER

24 February 2015

SCHEDULE 21

Proposed Amendments – City of Perth Thoroughfares and Public Places Local Law 2007

- Proposed deletion of text indicated by a ~~strikethrough~~.
- Proposed inclusion of new text indicated by *italics and underlining*.

Clause Number	Clause	Proposed Amendments	Reason
	Arrangement	Delete the Arrangement.	The Arrangement is for operational purposes only and has no effect at law. The removal of the Arrangement is to be implemented on all the City's local laws.
1.6 Definitions	New definition	<u><i>“advertising sign” means a sign used for the purpose of advertisement but does not include any such sign erected or affixed by the local government;</i></u>	Definition provides clarity for proposed new clause 2.16.
1.6 Definitions	New definition	<u><i>“direction sign” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;</i></u>	Definition provides clarity for proposed new clause 2.16.
1.6 Definitions	New definition	<u><i>“handheld sign” means a sign held or carried by a person but does not include an election sign;</i></u>	Definition provides clarity for new clause 2.19.
1.6 Definitions	New definition	<u><i>“mall reserve” has the meaning given to it in the Land Administration Act 1997;</i></u>	Definition provides clarity for Clause 2.1(k) in accordance with legal advice received by the City (TRIM 239968/14).
1.6 Definitions	New definition	<u><i>“portable direction sign” means a portable free standing direction sign;</i></u>	Definition provides clarity for proposed new clause 2.16.

SCHEDULE 21

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
1.6 Definitions	New definition	<u><i>“portable sign” means a portable free standing advertising sign;</i></u>	Definition provides clarity for proposed new Clause 2.16.
1.6 Definitions	New definition	<u><i>“public amenity facility” means facilities or items offered by the City for the hire or use by the general public in and on local government property.</i></u>	New definition provides context to the wording “public amenity facility” detailed in the definition of “local government property”.
1.6 Definitions	New definition	<u><i>“real estate sign” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open.</i></u>	Definition provides clarity to proposed new clause 2.17.
1.6 Definitions	<p>“footpath” has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p>Note: <i>The Road Traffic Code 2000 defines a footpath to mean an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians.</i></p>	<p>“footpath” has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p>Note: <i>The Road Traffic Code 2000 defines a footpath to mean an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians.</i></p>	Clause 6.7 of the <i>City of Perth Amendment Local Law 2007</i> stated that all cross-referencing “Notes”, as gazetted in the <i>City of Perth Thoroughfares and Public Places Local Law</i> on 2 March 2007, are to be removed.
1.6 Definitions	<p>“carriageway” has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p>Note: <i>The Road Traffic Code 2000 defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and</i></p>	<p>“carriageway” has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p>Note: <i>The Road Traffic Code 2000 defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the</i></p>	Clause 6.7 of the <i>City of Perth Amendment Local Law 2007</i> stated that all cross-referencing “Notes”, as gazetted in the <i>City of Perth Thoroughfares and Public Places Local Law</i> on 2 March 2007, are to be removed.

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
	<p><i>includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately.</i></p>	<p>carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately.</p>	
1.6 Definitions	<p>“intersection” has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p>Note: <i>The Road Traffic Code 2000 defines an intersection to mean-</i></p> <p><i>(a) the area where two or more carriageways meet; or</i></p> <p><i>(b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict.</i></p>	<p>“intersection” has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p>Note: <i>The Road Traffic Code 2000 defines an intersection to mean-</i></p> <p><i>(a) the area where two or more carriageways meet; or</i></p> <p><i>(b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict.</i></p>	<p>Clause 6.7 of the <i>City of Perth Amendment Local Law 2007</i> stated that all cross-referencing “Notes”, as gazetted in the <i>City of Perth Thoroughfares and Public Places Local Law</i> on 2 March 2007, are to be removed.</p>
1.6 Definitions	<p>“local government property” means anything except a thoroughfare-</p> <p>(a) which belongs to the local government;</p>	<p>“local government property” means anything except a thoroughfare:-</p> <p>(a) which belongs to the City;</p> <p>(b) of which the City is the management body under the Land Administration Act</p>	<p>The definition of “local government property” was amended (as a part of the <i>City of Perth Local Government Property Amendment Local Law</i> that was gazetted 14 November 2014).</p>

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
	<p>(b) of which the local government is the management body under the <i>Land Administration Act 1997</i>; or</p> <p>(c) which is an “otherwise unvested facility” within section 3.53 of the Act;</p>	<p>1997; or</p> <p>(c) which is an “otherwise unvested facility” within section 3.53 of the Act; and</p> <p><u>(d) includes a Rest Centre and a public amenity facility;</u></p>	<p>Accordingly, the definition in the <i>Thoroughfares and Public Places Local Law</i> should be made consistent.</p>
1.6 Definitions	“pedestrian mall”	Delete the definition of “pedestrian mall”.	In accordance with legal advice received by the City (TRIM 239968/14), this definition is being replaced by the definition of “mall reserve” for the purposes of clarifying Clause 2.1(k).
1.6 Definitions	<p>“wheeled recreational device” means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play-</p> <p>(a) including-</p> <p>(i) in-line skates, rollerskates, a skateboard or similar wheeled device;</p> <p>(ii) a scooter being used by a person aged 12 years of age or older; and</p> <p>(iii) a unicycle,</p>	<p>“wheeled recreational device” means a wheeled device, built to transport a person, propelled by human power, electricity, motor or gravity, and ordinarily used for recreation or play:-</p> <p>(a) including:-</p> <p>(i) in-line skates, rollerskates, a skateboard or similar wheeled device;</p> <p>(ii) a scooter being used by a person aged 12 years of age or older;</p> <p>(iii) a unicycle; or</p> <p><u>(iv) an electronic personal transporter,</u></p> <p>but not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or</p>	<p>The definition of “wheeled recreational device” is proposed to be amended (as a part of the proposed <i>Local Government Property Amendment Local Law</i> that is currently in the process of being made).</p> <p>Accordingly, the definition in the <i>Thoroughfares and Public Places Local Law</i> should be made consistent.</p>

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
	but not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and”	wheeled toy;	
2.1(f)	A person shall not- (f) unless at the direction of the City, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence, street furniture, planter box (including planting), or any structure erected on a thoroughfare by the City or a person acting under the authority of a written law;	(f) unless at the direction of the City, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence, street furniture, planter box (including planting), or any structure erected on a thoroughfare by the City or a person acting under the authority of a written law;	Removal of the words “unless at the direction of the City” to provide clarity.
2.1(i)	A person shall not – (i) within a mall, arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device;	A person shall not – (i) within a mall, <u>an</u> arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device;	The proposed deletion of the word “mall” will permit cyclists to utilise the Hay Street and Murray Street Malls.
2.1(k)	(k) smoke any tobacco product within any pedestrian mall, which is not an ‘outdoor eating area’ as defined by the Tobacco Products Control Act 2006.	(k) smoke any tobacco product within any pedestrian mall <u>reserve</u> , which is not an ‘outdoor eating area’ as defined by the <i>Tobacco Products Control Act 2006</i> . ¹ Note: Smoking in outdoor eating areas is	Clause 6.7 of the <i>City of Perth Amendment Local Law 2007</i> stated that all cross-referencing “Notes”, as gazetted in the <i>City of Perth Thoroughfares and Public Places Local Law</i> on 2 March 2007, are to be removed.

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
	Note: Smoking in outdoor eating areas is regulated by section 107B of the Tobacco Products Control Act 2006. (Clause 2.1 amended by <i>Amendment Local Law 2013</i> on 03/09/13)	regulated by section 107B of the Tobacco Products Control Act 2006. (Clause 2.1 amended by <i>Amendment Local Law 2013</i> on 03/09/13)	Amendment notation to be reformatted for consistency.
2.2(1)(c)	A person shall not, without a permit – (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;	A person shall not, without a permit – (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare <u>for the purposes of an event, works or other activities;</u>	The proposed inclusion will provide clarity to the clause.
2.2(1)(j)	A person shall not, without a permit – (j) provide, erect, install or use in or on any building, structure or land abutting a thoroughfare any hoist, crane or other thing for use over the thoroughfare;	A person shall not, without a permit – (j) provide, erect, install or use in or on any building, structure or land abutting a thoroughfare any hoist, crane or other thing for use over the thoroughfare; <u>or use a hoist or crane or other thing from a vehicle to any building, structure or land abutting a thoroughfare;</u>	The proposed inclusion will account for offenders removing equipment from a vehicle to a building site.
2.2(1)(k)	A person shall not, without a permit – (k) stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare;	A person shall not, without a permit – (k) stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare; <u>or, for the removal of</u>	The proposed inclusion relates to offenders removing equipment from a building site to a vehicle.

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
		<u><i>materials from a building site to a vehicle or other thing on a thoroughfare;</i></u>	
2.2(1)	New subclause 2.2(1)(n)	<u><i>(n) install a full or part road closure on any road or portion of road;</i></u>	The proposed inclusion will provide a deterrent for any full or part road closures which often occur without any approval from the City or Main Roads WA.
2.4	Discharging in public places 2.4 Unless authorised in accordance with a permit issued under this local law or authorised under any other written law, a person must not allow any material including dust, wastewater, waste, mud, concrete, paint, oil or chemicals to be blown, conveyed, deposited or discharged in, on or across a public place or local government property.	Discharging in public places 2.4 Unless authorised in accordance with a permit issued under this local law or authorised under any other written law, a person must not allow any material including dust, wastewater, <u><i>stormwater</i></u> , waste, mud, concrete, paint, oil or chemicals to be blown, conveyed, deposited or discharged in, on or across a public place or local government property.	The proposed inclusion will provide clarity to the clause.
2.5(2)(a) and 2.5(2)(b)	(2) The “person responsible for the works” in subclause (1) is to be taken to be- (a) the builder named on the building licence issued under	(2) The “person responsible for the works” in subclause (1) is to be taken to be- (a) the builder named on the building licence <u><i>permit</i></u> issued under the <i>Local Government (Miscellaneous Provisions) Act</i>	Reference to licence is incorrect and should be replaced with the term “permit” for consistency within the local law. Reference to <i>Local Government (Miscellaneous Provisions) Act 1960</i> is now

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
	<p>the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, if one has been issued in relation to the works; or</p> <p>(b) the registered owner of the lot, if no building licence has been issued under the <i>Local Government (Miscellaneous Provisions) Act 1960</i> in relation to the works.</p>	<p>1960 <i>Building Act 2011</i>, if one has been issued in relation to the works; or</p> <p>(b) the registered owner of the lot, if no building licence <i>permit</i> has been issued under the <i>Local Government (Miscellaneous Provisions) Act 1960</i> <i>Building Act 2011</i> in relation to the works.</p>	<p>incorrect as the applicable legislation is the <i>Building Act 2011</i>.</p>
2.16	<p>No driving on closed thoroughfare</p> <p>2.16 (1) A person shall not drive or take a vehicle on a closed thoroughfare unless-</p> <p>(a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or</p> <p>(b) the person has first obtained a permit.</p> <p>(2) In this clause-</p> <p>“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.</p>	<p>Renumber as clause 2.20</p>	<p>Original clause 2.16 should be renumbered as 2.20 to accommodate inclusion of new proposed clauses 2.16, 2.17, 2.18 and 2.19 detailed below.</p>

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
2.16	New clause	<p><u><i>Advertising signs and portable direction signs</i></u></p> <p><u><i>2.16 (1) A person shall not, without a permit –</i></u></p> <p><u><i>(a) erect or place an advertising sign on a thoroughfare; or</i></u></p> <p><u><i>(b) post any bill or paint, place or affix any advertisement on a thoroughfare.</i></u></p> <p><u><i>(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –</i></u></p> <p><u><i>(a) on a footpath;</i></u></p> <p><u><i>(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;</i></u></p> <p><u><i>(c) on or within 600mm of a carriageway;</i></u></p> <p><u><i>(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or</i></u></p>	The proposed new clause 2.16 provides the City with the means to regulate signs on public places.

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
		<p><u>(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.</u></p> <p><u>(3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to</u> -</p> <p><u>(a) any other written law regulating the erection or placement of signs within the district;</u></p> <p><u>(b) the dimensions of the sign;</u></p> <p><u>(c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;</u></p> <p><u>(d) whether or not the sign will create a hazard to persons using a thoroughfare; and</u></p> <p><u>(e) the amount of public liability insurance cover, if any, to be obtained by the applicant.</u></p>	

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
2.17	New clause	<p><u>Portable Signs</u></p> <p><u>2.17(1) A person may place or erect real estate signs on a thoroughfare on an infrequent or occasional basis only to direct attention to a residence that is for sale during the hours of a home open;</u></p> <p><u>(2) A person may place or erect community information signs on a thoroughfare on an infrequent or occasional basis, only to direct attention to a place, activity or event during the hours of that activity or event, if the activity or event has been approved by the City, inclusive of the said community information signs.</u></p> <p><u>(3) A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain so as to obstruct the view from a street or public place of traffic in a street or public place.</u></p>	The proposed new clause 2.17 provides the City with the means to regulate signs on public places.
2.18	New clause	<p><u>Bunting</u></p> <p><u>2.18 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place.</u></p>	The proposed new clause 2.18 provides the City with the means to regulate signs on public places.

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
2.19	New clause	<p><u>Handheld signs</u></p> <p><u>2.19 A person shall not display a hand held sign on local government property or a public place unless approved by the City, or associated with an event approved by the City.</u></p>	The proposed new clause 2.19 provides the City with the means to regulate signs on public places.
4.3	New subclause 4.3(h)	<i>(h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place;</i>	The proposed inclusion provides additional clarity to clause 4.3.
4.3	New subclause 4.3(i)	<i>(i) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place;</i>	The proposed inclusion provides additional clarity to clause 4.3.
First Schedule	Delete the entirety of the First Schedule and insert an amended "First Schedule".	Details of amended and new penalties, and notable drafting corrections listed below.	<p>The amended "First Schedule" includes amended penalties and consequential amendments required as a result of amendments to clauses within the local law.</p> <p>Minor drafting errors identified are also proposed to be amended as a part of this process.</p> <p>The First Schedule has been re-drafted so as to remove the "Nature of Offences" column from the table. It is noted that "Nature of Offences" descriptors are only summaries of clauses in the Principal Local Law and therefore are ambiguous as the</p>

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
			wording do not accurately reflect relevant clauses.
First Schedule	Item 2, Clause 2.1(b) – Current penalty is \$125	Proposed amended penalty is \$250.	The proposed fee increase is to deter any dumping of material or digging up lawns or gardens during construction without approval from the City.
First Schedule	Item 4, Clause 2.1(d) – Current penalty is \$350	Proposed amended penalty is \$500.	The proposed fee increase is to deter any removal of trees during construction without approval from the City. It is also noted in accordance with Council Policy 20.9, the replacement value of a tree can be significantly more than the current penalty of \$350.
First Schedule	Item 10, Clause 2.1(j) – Current penalty is \$125	Proposed amended penalty is \$250.	The proposed penalty increase reflects the seriousness of the offence. Current penalty is considered to be an insufficient deterrent.
First Schedule	Item 11, Clause 2.1(k)	Clause 2.1(k) inserted in the correct clause order.	Drafting error corrected for clarity.
First Schedule	Item 17, Clause 2.2(1)(f) – Current penalty is \$250	Proposed amended penalty is \$500.	The proposed fee increases are to deter any dumping of material or digging up lawns or gardens during construction without approval from the City. It is noted that the cost of repairing or replacing a footpath, road or pipe that has been damaged is generally more than \$250.
First Schedule	Item 20, Clause 2.2(1)(i) – Current penalty is \$125	Proposed amended penalty is \$250.	

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
First Schedule	Item 21, Clause 2.2(1)(j) – Current penalty is \$350	Proposed amended penalty is \$500.	<p>The proposed penalty increase reflects the seriousness of the offence. Current penalty is considered to be an insufficient deterrent.</p> <p>Infringements have been issued in the past for construction work that involves installing a hoist on a structure or land for use over a thoroughfare without a permit from the City. If a builder / developer / contractor does this without a permit then there is often traffic and or pedestrian congestion due to the lack of a correct traffic management plan being put in place as part of the permit process.</p>
First Schedule	Item 22, Clause 2.2(1)(k) – Current penalty is \$350	Proposed amended penalty is \$500.	The proposed penalty increase reflects the seriousness of the offence. Current penalty is considered to be an insufficient deterrent.
First Schedule	Item 23, Clause 2.2(1)(l) – Current penalty is \$125	Proposed amended penalty is \$250.	The proposed penalty increase reflects the seriousness of the offence. Current penalty is considered to be an insufficient deterrent.
First Schedule	Item 25, Clause 2.2(1)(n) – new penalty	New penalty is \$500.	The proposed new penalty reflects the seriousness of the offence and will deter any full or part road closures which often occur without any approval from the City or Main Roads WA.
First Schedule	Item 37, Clause 3.1(1) – Current penalty is \$125	Proposed amended penalty is \$250.	The proposed penalty increase reflects the seriousness of the offence. Current penalty is considered to be an insufficient deterrent.
First Schedule	Item 45, Clause 4.1(1) – Current penalty is \$125.	Delete the incorrectly noted subclause 4.1(6) and inserting the correct subclause 4.1(1). Proposed amended penalty is \$250.	The proposed penalty increase reflects the seriousness of the offence. Current penalty is considered to be an insufficient deterrent.

SCHEDULE 21

Clause Number	Clause	Proposed Amendments	Reason
First Schedule	Item 46, Clause 4.5 – Current penalty is \$125	Proposed amended penalty is \$250.	The proposed penalty increase reflects the seriousness of the offence. Current penalty is considered to be an insufficient deterrent.

*Local Government Act 1995***CITY OF PERTH****THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on **<insert date>** to make the following local law.

1. Citation

This local law may be cited as the *City of Perth Thoroughfares and Public Places Amendment Local Law 2015*.

2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Perth Thoroughfares and Public Places Local Law 2007*, as published in the *Government Gazette* on 2 March 2007, and amended as published in the *Government Gazette* on 3 September 2013, is referred to as the Principal Local Law. The Principal Local Law is amended.

4. Repeal

The following local law is repealed on the day that this local law comes into operation –

- (a) City of Perth Signs Local Law 2005.

5. Arrangement deleted

Delete the Arrangement.

6. Clause 1.6 amended

Clause 1.6 amended as follows:

- (a) In the definition of “**local government property**” after the words “within section 3.53 of the Act;” insert “and; (d) includes a Rest Centre and a public amenity facility;”;
- (b) In the definition of “**wheeled recreation device**” after the words “(iii) a unicycle,” insert “(iv) an electronic personal transporter;”;

SCHEDULE 22

- (c) In the definition of “**carriageway**” after the words “*Road Traffic Code 2000.*”, delete the words:

Note: *The Road Traffic Code 2000 defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;*

- (d) In the definition of “**intersection**” after the words “*Road Traffic Code 2000.*”, delete the words:

Note: *The Road Traffic Code 2000 defines an intersection to mean-*

(a) *the area where two or more carriageways meet; or*

(b) *the area within which vehicles, travelling by, on or from different carriageways may come into conflict.*

- (e) Delete the definition of “**pedestrian mall**”;

- (f) Insert each of the following definitions in alphabetical order:

“**advertising sign**” means a sign used for the purpose of advertisement but does not include any such sign erected or affixed by the local government;

“**direction sign**” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

“**handheld sign**” means a sign held or carried by a person but does not include an election sign;

“**mall reserve**” has the meaning given to it in the *Land Administration Act 1997*;

“**portable direction sign**” means a portable free standing direction sign;

“**portable sign**” means a portable free standing advertising sign;

“**public amenity facility**” means facilities or items offered by the City for the hire or use by the general public in and on local government property;

“**real estate sign**” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open;

SCHEDULE 22

7. Clause 2.1 amended

Clause 2.1 amended as follows:

(a) in subclause 2.1(f):

Delete the words “unless at the direction of the City,”;

(b) in subclause 2.1(i):

After the word “within” delete “a mall,” and insert “an”;

(c) in subclause 2.1(k):

(i) Delete the word “pedestrian” and after the word “mall” insert the word “reserve”;

(ii) Delete the words “*Note: Smoking in outdoor smoking eating areas is regulated by section 107B of the Tobacco Products Control Act 2006 –*” and reformat the amendment notation of “*Clause 2.1 amended by Amendment Local Law 2013 on 03/09/13*” for consistency.

8. Clause 2.2 amended

Clause 2.2 amended as follows:

(a) in subclause 2.2(1)(c):

After the words “as a thoroughfare” insert “for the purposes of an event, works or other activities;”

(b) in subclause 2.2(1)(j):

After the words “over the thoroughfare;” insert “or, use a hoist or crane or other thing from a vehicle to any building, structure or land abutting a thoroughfare;”

(c) in subclause 2.2(1)(k):

After the words “adjoining the thoroughfare;” insert “or, for the removal of materials from a building site to a vehicle or other thing on a thoroughfare;”

(d) insert new subclause 2.2(1)(n):

“(n) install a full or part road closure on any road or portion of road.”.

9. Clause 2.4 amended

Clause 2.4 amended as follows:

After the word “wastewater” insert “, stormwater,”.

SCHEDULE 22

10. Clause 2.5 amended

Clauses 2.5(2)(a) and 2.5(2)(b) amended as follows:

Replace references to “licence” with “permit” and “*Local Government (Miscellaneous Provisions) Act 1960*” with “*Building Act 2011*”.

11. New clause 2.16

- (a) Re-number clause 2.16 as 2.20;
- (b) After clause 2.15, insert new clause 2.16:

Advertising signs and portable direction signs

- 2.16 (1) A person shall not, without a permit –
- (a) erect or place an advertising sign on a thoroughfare; or
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –
- (a) on a footpath;
 - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;
 - (c) on or within 600mm of a carriageway;
 - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.
- (3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to –
- (a) any other written law regulating the erection or placement of signs within the district;
 - (b) the dimensions of the sign;
 - (c) other advertising signs already approved or erected in the

SCHEDULE 22

vicinity of the proposed location of the sign;

- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of public liability insurance cover, if any, to be obtained by the applicant.

12. New clause 2.17

After new clause 2.16, insert new clause 2.17:

“Portable Signs

- 2.17 (1) A person may place or erect real estate signs on a thoroughfare on an infrequent or occasional basis only to direct attention to a residence that is for sale during the hours of a home open;
- (2) A person may place or erect community information signs on a thoroughfare on an infrequent or occasional basis, only to direct attention to a place, activity or event during the hours of that activity or event, if the activity or event has been approved by the City, inclusive of the said community information signs.
- (3) A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain so as to obstruct the view from a street or public place of traffic in a street or public place.”

13. New clause 2.18

After new clause 2.17, insert new clause 2.18:

“Bunting

- 2.18 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place.”

14. New clause 2.19

After new clause 2.18, insert new clause 2.19:

“Hand held signs

- 2.19 A person shall not display a hand held sign on local government property or a public place unless approved by the City or associated with an event approved by the City.”

SCHEDULE 22

15. Clause 4.3 amended

Clause 4.3 amended as follows:

(a) Insert new subclause 4.3(h):

“(h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place;”

(b) Insert new subclause 4.3(i):

“(i) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place.”

16. Schedule 1 amended

Delete Schedule 1 and insert:

First Schedule

City of Perth Thoroughfares and Public Places Local Law 2007

Modified Penalties

Item No.	Offence Clauses	Modified Penalty \$
1	2.1(a)	125
2	2.1(b)	250
3	2.1(c)	125
4	2.1(d)	500
5	2.1(e)	125
6	2.1(f)	350
7	2.1(g)	125
8	2.1(h)	125
9	2.1(i)	125
10	2.1(j)	250
11	2.1(k)	100
12	2.2(1)(a)	125
13	2.2(1)(b)	125
14	2.2(1)(c)	125
15	2.2(1)(d)	250
16	2.2(1)(e)	250
17	2.2(1)(f)	500
18	2.2(1)(g)	350
19	2.2(1)(h)	125
20	2.2(1)(i)	250
21	2.2(1)(j)	500

SCHEDULE 22

CITY OF PERTH

Item No.	Offence Clauses	Modified Penalty \$
22	2.2(1)(k)	500
23	2.2(1)(l)	250
24	2.2(1)(m)	125
25	2.2(1)(n)	500
26	2.3(1)	125
27	2.4	125
28	2.5(1)	250
29	2.6(2)	350
30	2.7(1)	125
31	2.8	125
32	2.9	125
33	2.14(2)	125
34	2.16 and 2.19	100
35	2.18	100
36	2.20	350
37	3.1(1)	250
38	3.2(2)(a)	125
39	3.2(2)(b)	125
40	3.2(2)(c)	125
41	3.2(2)(d)	125
42	3.2(3)	125
43	3.4	125
44	3.5(2)	125
45	4.1(1)	250
46	4.5	250
47	4.10	125
48	7.1	125

The Common Seal of the)
 City of Perth was affixed)
 on **<insert date>**)
 by the authority of the)
 Council in the presence of)

THE RT HON THE LORD MAYOR
 MS LISA-M. SCAFFIDI

CHIEF EXECUTIVE OFFICER
 MR GARY STEVENSON PSM

SCHEDULE 23

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007
CONSOLIDATED – *Thoroughfares and Public Places Amendment Local Law 2013*

PRINCIPAL LOCAL LAW (SHOWING PROPOSED AMENDMENTS)

(Extract from the Government Gazette No 39, 2 March 2007)

Local Government Act 1995

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 30 January 2007 to make the *Thoroughfares and Public Places Local Law 2007*, as set out below.

ARRANGEMENT

PART 1 – PRELIMINARY

1.1 Title

1.2 Commencement

1.3 Purpose and intent

1.4 Repeal

1.5 Application

1.6 Definitions

PART 2 – ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

2.1 General prohibitions

2.2 Activities allowed with a permit

2.3 No possession and consumption of liquor on thoroughfare

2.4 Discharging in public places

2.5 Temporary crossings - permit required

2.6 Removal of redundant crossing

2.7 Approved verge treatments to be installed

2.8 Obligations of owner or occupier

2.9 Notice to owner or occupier

2.10 Existing verge treatments - transitional provisions

2.11 Power to carry out public works on verge

2.12 Assignment of property numbers

SCHEDULE 23

2.13 Fencing adjoining public places - Item 4(1) of Division 1, Schedule 3.1 of Act

2.14 Signs erected by the City

2.15 Transitional provisions relating to signs

2.16 No driving on closed thoroughfare

PART 3 – OBSTRUCTING ANIMALS VEHICLES OR SHOPPING TROLLEYS

3.1 Leaving animals or vehicles in a public place or on local government property

3.2 Prohibitions relating to animals

3.3 Shopping trolley to be marked

3.4 Person not to leave shopping trolley in public place

3.5 Retailer to remove abandoned shopping trolley

3.6 Retailer taken to own shopping trolley

PART 4 – PERMITS

4.1 Application for permit

4.2 Decision on application for permit

4.3 Conditions which may be imposed on a permit

4.4 Security for restoration and reinstatement

4.5 Compliance with conditions

4.6 Amendment of permit conditions

4.7 Duration of permit

4.8 Renewal of permit

4.9 Transfer of permit

4.10 Production of permit

4.11 Cancellation of permit

PART 5 – OBJECTIONS AND APPEALS

5.1 Application of Part 9 Division 1 of Act

PART 6 – MISCELLANEOUS NOTICES

6.1 Notice to redirect or repair sprinkler

6.2 Hazardous plants

6.3 Notice to repair damage to thoroughfare

6.4 Notice to remove thing unlawfully placed on thoroughfare

SCHEDULE 23

PART 7 – ENFORCEMENT

- 7.1 Offence to fail to comply with notice
- 7.2 City may undertake requirements of notice
- 7.3 Offences
- 7.4 Infringement provisions and modified penalties
- 7.5 Forms
- 7.6 Authorised persons

FIRST SCHEDULE

PART 1 - PRELIMINARY

Title

- 1.1 This local law may be cited as the *Thoroughfares and Public Places Local Law 2007*.

Commencement

- 1.2 This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose and intent

- 1.3 (1) The purpose of this local law is to provide for the regulation, management and control of activities in thoroughfares and public places throughout the district.
- (2) The effect of this local law is to establish the requirements with which any persons using or in thoroughfares and public property within the district, must comply.

Repeal

- 1.4 The *City of Perth Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 1 November 2000 including amendments, is repealed on the day that this local law comes into operation.

Application

- 1.5 This local law applies throughout the district.

SCHEDULE 23

Definitions

1.6 In this local law unless the context requires otherwise-

“**Act**” means the *Local Government Act 1995*;

“advertising sign” means a sign used for the purpose of advertisement but does not include any such sign erected or affixed by the local government;

“**applicant**” means a person who applies for a permit;

“**authorised person**” means a person authorised by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**bicycle**” means a vehicle with two or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor)-

(a) including a pedicab, penny-farthing and tricycle; but

(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);

“**built-up area**” has the meaning given to it in the *Road Traffic Code 2000*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the City’s regular domestic rubbish collection service;

“**carriageway**” has the meaning given to it in the *Road Traffic Code 2000*;

Note: ~~The Road Traffic Code 2000 defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately.~~

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the local government of the City of Perth;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the Council of the City;

SCHEDULE 23

“**crossing**” means a crossing giving access from a public thoroughfare to-

- (a) private land; or
- (b) a private thoroughfare serving private land;

“direction sign” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

“**district**” means the district of the City;

“**footpath**” has the meaning given to it in the *Road Traffic Code 2000*;

~~**Note:** The *Road Traffic Code 2000* defines a footpath to mean an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians.~~

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“handheld sign” means a sign held or carried by a person but does not include an election sign;

“**intersection**” has the meaning given to it in the *Road Traffic Code 2000*;

~~**Note:** The *Road Traffic Code 2000* defines an intersection to mean-~~

~~(a) the area where two or more carriageways meet; or~~

~~(b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict.~~

“**kerb**” includes the edge of a carriageway;

“**lawn**” means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the City;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Licensing Act 1988*;

“**local government property**” means anything except a thoroughfare-

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or

SCHEDULE 23

(c) which is an “otherwise unvested facility” within section 3.53 of the Act;

(d) includes a Rest Centre and a public amenity facility;

“lot” has the meaning given to it in the *Planning and Development Act 2005*;

“mall reserve” has the meaning given to it in the Land Administration Act 1997;

“owner” or “occupier” in relation to land does not include the City;

“pedestrian mall” means any road or portion of a road that is gazetted as a pedestrian mall;

“permissible verge treatment” means a type of beautification or treatment work undertaken to the verge and includes any reticulation pipes and sprinklers;

“permit” means a permit issued under this local law;

“permit holder” means a person who holds a valid permit;

“person” does not include the City;

“portable direction sign” means a portable free standing direction sign;

“portable sign” means a portable free standing advertising sign;

“premises” for the purpose of the definition of “public place” in this clause means a building or similar structure, but does not include a car park or a similar place;

“public place” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include-

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

“real estate sign” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open;

“Regulations” means the *Local Government (Functions and General) Regulations 1996*;

“retailer” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

“shopping trolley” means a wheeled container or receptacle supplied by a

SCHEDULE 23

retailer to enable a person to transport goods;

“**smoke**” has the meaning given to it in the *Tobacco Products Control Act 2006*;
(Clause 1.6 amended by Amendment Local Law 2013 on 03/09/13)

“**street tree**” means any tree planted or self sown within the road reserve or on the verge, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

“**thoroughfare**” means a road, pedestrian mall or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end, but does not include a private thoroughfare which is not under the management control of the City;

“**tobacco product**” has the meaning given to it in the *Tobacco Products Control Act 2006*;
(Clause 1.6 amended by Amendment Local Law 2013 on 03/09/13)

“**utility**” means any public or private body which provides a service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

“**vehicle**” includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a bicycle or wheeled recreational device;

“**verge**” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath;

“**wheeled recreational device**” means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play –

- (a) including –
 - (i) in-line skates, rollerskates, a skateboard or similar wheeled

SCHEDULE 23

- device;
- (ii) a scooter being used by a person aged 12 years of age or older; **and**
 - (iii) a unicycle;
 - (iv) an electronic personal transporter.**

but not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and

“**wheeled toy**” means a child’s pedal car, a tricycle, a scooter or a similar toy, but only if it is being used by a child under 12 years of age.

PART 2 - ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

General prohibitions

2.1 A person shall not –

- (a) plant any plant other than lawn on a thoroughfare within 6 metres of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the City; or
 - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2 metres of a carriageway;
- (d) damage a street tree or remove a street tree or part of a street tree irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the thoroughfare or by the City, unless –
 - (i) the removal of the street tree is authorised by the City in writing; or
 - (ii) the person is acting under authority of written law;
- (e) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;

Amd
GG No 36
29.02.08

SCHEDULE 23

- (f) ~~unless at the direction of the City,~~ damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence, street furniture, planter box (including planting), or any structure erected on a thoroughfare by the City or a person acting under the authority of a written law;
- (g) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare;
- (h) use or allow to be used a bicycle or wheeled recreational device on a thoroughfare so as to cause a nuisance or to endanger, or unduly obstruct or hinder any other person or vehicle lawfully using the same area;
- (i) within ~~a mall,~~ ~~an~~ arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device;
- (j) on a public place use anything or do anything so as to create a nuisance; and
- (k) smoke any tobacco product within any ~~pedestrian~~ mall ~~reserve~~, which is not an 'outdoor eating area' as defined by the *Tobacco Products Control Act 2006*.

Amd
GG No
36
29.02.08

Amd
GG No
163
03.09.13

~~**Note:** Smoking in outdoor eating areas is regulated by section 107B of the Tobacco Products Control Act 2006.~~

~~(Clause 2.1 amended by Amendment Local Law 2013 on 03/09/13)~~

Activities allowed with a permit

- 2.2 (1) A person shall not, without a permit –
- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to this Part, throw, place or deposit any thing on a verge except for removal by the City under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the City;
- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare for the purposes of an event, works or other activities;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;

SCHEDULE 23

- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare;
- (g) light any fire or burn any thing on a thoroughfare;
- (h) fell any tree onto a thoroughfare;
- (i) unless installing, or in order to maintain, a verge treatment-
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (j) provide, erect, install or use in or on any building, structure or land abutting a thoroughfare any hoist, crane or other thing for use over the thoroughfare or, use a hoist or crane or other thing from a vehicle to any building, structure or land abutting a thoroughfare;
- (k) stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare or, for the removal of materials from a building site to a vehicle or other thing on a thoroughfare;
- (l) place or cause to be placed on a thoroughfare a bulk rubbish container, sea container, scaffolding, portable toilets or other materials associated with a building site or property adjoining the thoroughfare; or
- (m) interfere with the soil of, or any thing in a thoroughfare or take any thing from a thoroughfare;

(n) install a full or part road closure on any road or portion of road;

- (2) The City may exempt a person from compliance with subclause (1) on the application of that person.

No possession and consumption of liquor on thoroughfare

- 2.3 (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless –

SCHEDULE 23

- (a) that is permitted under the *Liquor Licensing Act 1988* or under another written law; or
 - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Discharging in public places

2.4 Unless authorised in accordance with a permit issued under this local law or authorised under any other written law, a person must not allow any material including dust, wastewater, **stormwater**, waste, mud, concrete, paint, oil or chemicals to be blown, conveyed, deposited or discharged in, on or across a public place or local government property.

Temporary crossings – permit required

- 2.5 (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where –
- (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The “**person responsible for the works**” in subclause (1) is to be taken to be –
- (a) the builder named on the building **licence permit** issued under the ~~*Local Government (Miscellaneous Provisions) Act 1960*~~ ***Building Act 2011***, if one has been issued in relation to the works; or
 - (b) the registered owner of the lot, if no building **licence permit** has been issued under the ~~*Local Government (Miscellaneous Provisions) Act 1960*~~ ***Building Act 2011*** in relation to the works.
- (3) If the City approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

SCHEDULE 23

Removal of redundant crossing

- 2.6 (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the City.
- (2) The City may give written notice to the owner or occupier of a lot requiring her or him to-
- (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Approved verge treatments to be installed

- 2.7 (1) An owner or occupier of land which abuts on a verge shall not on that part of the verge directly in front of her or his land, install a verge treatment unless authorised in writing by the City.
- (2) An application to install a verge treatment shall be forwarded to the City and include –
- (a) the address of the property adjoining the verge where the proposed treatment is to be installed; and
 - (b) a plan to a scale of 1:100 detailing the type and location of the treatment or treatments proposed to be installed, including the location of any footpaths, crossings, street trees, manholes, gullies or service pits which are serviced from time to time.
- (3) In determining an application to install a verge treatment, the City is to have regard to –
- (a) any relevant City policies or standards in relation to the type of treatments to be installed; and
 - (b) any pedestrian or vehicle safety considerations in regards to the proposed treatment.
- (4) The owner or occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.8.

SCHEDULE 23

Obligations of owner or occupier

- 2.8 An owner or occupier who installs or maintains a verge treatment approved by the City shall –
- (a) only install the verge treatment approved by the City;
 - (b) keep the verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
 - (c) not place any obstruction on or around the verge treatment; and
 - (d) not disturb a footpath on the verge.

Notice to owner or occupier

- 2.9 The City may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this local law.

Existing verge treatments – transitional provisions

- 2.10 (1) In this clause “**former provisions**” means the local law of the City which permitted certain types of verge treatments, whether with or without the consent of the City, and which was repealed by this local law.
- (2) A verge treatment which –
- (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions, is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

Power to carry out public works on verge

- 2.11 Where the City or an utility empowered to do so under a written law disturbs a verge, the City or the utility –
- (a) is not liable to compensate any person for that disturbance;
 - (b) may backfill with sand, if necessary, any garden or lawn; and
 - (c) is not liable to replace or restore any –

SCHEDULE 23

- (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
- (ii) sprinklers, pipes, reticulation or other equipment.

Assignment of property numbers

- 2.12 (1) In this clause, unless the context requires otherwise –
- “Number” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.
- (2) The City may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Fencing adjoining public places - Item 4(1) of Division 1, Schedule 3.1 of Act

- 2.13 The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act –
- (a) a public place, as defined in clause 1.6; and
 - (b) local government property.

Signs erected by the City

- 2.14 (1) The City may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

Transitional provisions relating to signs

- 2.15 Where a sign erected on a public place has been erected under a local law of the City repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.14(1) if –
- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
 - (b) the condition of use specified is not inconsistent with any provision of this local law.

SCHEDULE 23

Advertising signs and portable direction signs

2.16 (1) A person shall not, without a permit –

(a) erect or place an advertising sign on a thoroughfare; or

(b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –

(a) on a footpath;

(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;

(c) on or within 600mm metres of a carriageway;

(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or

(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

(3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to –

(a) any other written law regulating the erection or placement of signs within the district;

(b) the dimensions of the sign;

(c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;

(d) whether or not the sign will create a hazard to persons using a thoroughfare; and

(e) the amount of public liability insurance cover, if any, to be obtained by the applicant.

Portable signs

2.17 (1) A person may place or erect real estate signs on a thoroughfare on an infrequent or occasional basis only to direct attention to a residence that is for sale during the hours of a home open;

SCHEDULE 23

(2) A person may place or erect community information signs on a thoroughfare on an infrequent or occasional basis, only to direct attention to a place, activity or event during the hours of that activity or event, if the activity or event has been approved by the City, inclusive of the said community information signs;

(3) A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain so as to obstruct the view from a street or public place of traffic in a street or public place;

Bunting

2.18 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place;

Hand held signs

2.19 A person shall not display a hand held sign on local government property or a public place unless approved by the City or associated with an event approved by the City;

No driving on closed thoroughfare

2.16 2.20

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless-
- (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a permit.

- (2) In this clause-

“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3 - OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Leaving animals or vehicles in a public place or on local government property

- 3.1 (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.

SCHEDULE 23

- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding one hour.

Prohibitions relating to animals

- 3.2 (1) In subclause (2), “owner” in relation to an animal includes-
- (a) an owner of it;
 - (b) a person in possession of it;
 - (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal shall not-
- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) subject to subclause (4), allow an animal to excrete in a public place or local government property;
 - (c) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (d) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.
- (4) An owner of an animal does not commit an offence under subclause (2)(b) if any excreta is removed immediately by the owner.

Shopping trolley to be marked

- 3.3 A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

Person not to leave shopping trolley in public place

- 3.4 A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

SCHEDULE 23

Retailer to remove abandoned shopping trolley

- 3.5 (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the City may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer-
- (a) requests the City to collect and deliver the shopping trolley to the retailer; and
 - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the City.

Retailer taken to own shopping trolley

- 3.6 In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the shopping trolley.

PART 4 - PERMITS

Application for permit

- 4.1 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
- (a) be in the form determined by the City;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the City under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The City may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The City may require an applicant to give local public notice of the application for a permit.

SCHEDULE 23

- (5) The City may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).

- (6) **deleted.**

Amd
GG No 36
29.02.08

Decision on application for permit

- 4.2 (1) The City may –
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the City approves an application for a permit, it is to issue to the applicant a permit in the form determined by the City.
- (3) If the City refuses to approve an application for a permit, it is, as soon as practicable after the decision is made –
- (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the City to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the City to refuse the application for a permit on other grounds under subclause (1)(b).

Conditions which may be imposed on a permit

- 4.3 The City may approve an application for a permit subject to conditions relating to –
- (a) the payment of a fee;
 - (b) the duration and commencement of the permit;
 - (c) the commencement of the permit being contingent on the happening of an event;

SCHEDULE 23

- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the granting of another approval, permit, licence or authorisation which may be required under any written law;
- (f) the area of the district to which the permit applies; **and**
- (g) the obtaining of public risk insurance in an amount and on terms reasonably required by the City. ;
- (h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place;***
- (i) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place.***

Security for restoration and reinstatement

- 4.4 (1) The City may require the payment of a bond for a sum determined by the City –
- (a) as a condition of a permit; or
 - (b) before the issue of a permit;
- for the purposes of ensuring that –
- (i) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or
 - (ii) conditions of approval in so far as they relate to the public place or local government property are complied with.
- (2) A bond required under subclause (1) is to be paid into an account established by the City for the purposes of this clause.
- (3) A bond required under subclause (1) shall be returned to the permit holder if the City is satisfied that the activity has not caused damage to the public place or local government property used for the activity.

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GG No 36
29.02.08

Compliance with conditions

- 4.5 Where –
- (a) an application for a permit has been approved subject to conditions; or

SCHEDULE 23

- (b) a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

Amendment of permit conditions

- 4.6 (1) A permit holder may apply in writing to the City to amend any of the terms or conditions of the permit.
- (2) The City may, in respect of an application under subclause (1) –
- (a) amend the permit, either in accordance with the application or otherwise as it sees fit; or
 - (b) decline to amend the permit.
- (3) The City may, at any time, amend any of the terms and conditions of the permit.
- (4) If the City amends a permit under this clause, it is to notify the permit holder in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the permit apply from the date of the notification.
- (5) If the City amends a permit otherwise than in accordance with an application from the permit holder, it is, as soon as practicable after the decision to amend is made –
- (a) to give to the permit holder written notice of, and written reasons for, its decision to amend; and
 - (b) inform the permit holder of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

Duration of permit

- 4.7 A permit is valid for six months from the date on which it is issued, unless it is-
- (a) otherwise stated in this local law or in the permit; or
 - (b) cancelled under clause 4.11.

Renewal of permit

- 4.8 (1) A permit holder may apply to the City prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of –

SCHEDULE 23

- (a) this Part; and
- (b) any other provision of this local law relevant to the permit which is to be renewed, shall apply to an application for the renewal of a permit *mutatis mutandis*.

Transfer of permit

- 4.9 (1) An application for the transfer of a valid permit is to –
- (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the City may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the City under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The City may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the City approves an application for the transfer of a permit, the transfer may be effected by –
- (a) an endorsement on the permit signed by the CEO; or
 - (b) issuing to the transferee a permit in the form determined by the City.
- (4) Where the City approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

- 4.10 A permit holder is to produce to an authorised person her or his valid permit immediately upon being required to do so by that authorised person.

Cancellation of permit

- 4.11 (1) A permit may be cancelled by the City on any one or more of the following grounds –

SCHEDULE 23

- (a) the permit holder has not complied with –
 - (i) a condition of the permit; or
 - (ii) a provision of this local law or any other written law which may relate to the activity regulated by the permit.
- (2) The City may cancel or suspend a permit if the City or a utility requires access to or near the place to which a permit applies, for the purposes of carrying out works in or near the vicinity of that place.
- (3) If the City cancels or suspends a permit under this clause, it is, as soon as practicable after the decision is made –
 - (a) to give the permit holder written notice of, and reasons for, the decision;
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; and
 - (c) the cancellation or suspension takes effect from the date on which the permit holder is served with the cancellation or suspension notice.
- (4) On the cancellation of a permit, the permit holder shall return the permit as soon as practicable to the City.
- (5) On the cancellation or suspension of a permit, the permit holder is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the permit.
- (6) Where a permit is cancelled or suspended through no fault of the permit holder, the City may refund to the permit holder all or part of the fee in respect of what would otherwise have been the balance of the term of the permit.

PART 5 – OBJECTIONS AND APPEALS

Application of Part 9 Division 1 of Act

- 5.1 (1) Where the City makes a decision as to whether it will-
 - (a) grant an application for a permit or the issue of an approval;
 - (b) vary, cancel or suspend a permit;
 - (c) impose or amend a condition to which a permit is subject; or

SCHEDULE 23

- (d) use the proceeds of a bond under clause 7.2(2),
- the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the City.

Amd
GG No 36
29.02.08

PART 6 – MISCELLANEOUS NOTICES

Notice to redirect or repair sprinkler

- 6.1 Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the City may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

Hazardous plants

- 6.2 (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the City may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted by the City.

Notice to repair damage to thoroughfare

- 6.3 Where any portion of a thoroughfare has been damaged, the City may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the City.

Notice to remove thing unlawfully placed on thoroughfare

- 6.4 Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

SCHEDULE 23

PART 7 – ENFORCEMENT

Offence to fail to comply with notice

- 7.1 Whenever the City gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

City may undertake requirements of notice

- 7.2 (1) Where a person fails to comply with a notice referred to in clause 7.1, the City may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.
- (2) The City may apply the proceeds of any bond as a condition of approval under clause 4.4 to meet the costs under this clause incurred by the City.
- (3) The liability of a permit holder to pay the City's costs under this clause is not limited to the amount, if any, secured under clause 4.4.

Amd
GG No 36
29.02.08

Offences

- 7.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Infringement provisions and modified penalties

- 7.4 (1) An offence against a clause specified in the First Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the First Schedule.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that-
- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

SCHEDULE 23

Forms

- 7.5 Unless otherwise specified, for the purposes of this local law-
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the First Schedule of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in the First Schedule of the Regulations; and
 - (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in the First Schedule of the Regulations.

Authorised persons

- 7.6 Unless expressly stated otherwise by the City, a person appointed by the City to be an authorised person for the purposes of this local law is taken to have also been appointed by the City to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.

SCHEDULE 23

FIRST SCHEDULE

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007

OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1(a)	Plant any plant on a thoroughfare that creates a sight line hazard and which is not maintained at or below 0.75 metres in height	125
2	2.1(b)	Damaging lawn or garden	125 <u>250</u>
3	2.1(c)	Plant any plant on a thoroughfare so that it is within 2 metres of a carriageway	125
4	2.1(d)	Remove or damage a street tree without authorisation	350 <u>500</u>
5	2.1(e)	Placing hazardous substance on footpath	125
6	2.1(f)	Damaging or interfering with signpost or structure on thoroughfare	350
7	2.1(g)	Playing games so as to impede vehicles or persons on thoroughfare	125
8	2.1(h)	Use a bicycle or wheeled recreational device on a thoroughfare so as to cause a nuisance	125
9	2.1(i)	Riding a bicycle or wheeled recreational device within a mall or an arcade or verandah of shopping centre	125
10	2.1(j)	Use anything or do anything on a public place so as to create a nuisance	125 <u>250</u>
<u>11</u>	<u>2.1(k)¹</u>		<u>100</u>
<u>14 12</u>	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
<u>12 13</u>	2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
<u>13 14</u>	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
<u>14 15</u>	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
<u>15 16</u>	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
<u>16 17</u>	2.2(1)(f)	Damage a thoroughfare	250 <u>500</u>
<u>17 18</u>	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
<u>18 19</u>	2.2(1)(h)	Felling tree onto thoroughfare without a permit	125

¹ First Schedule amended by Amendment Local Law 2013, gazettal on 03/09/13.

SCHEDULE 23

Item No	Clause No	Nature of Offence	Modified Penalty \$
19 <u>20</u>	2.2(1)(i)	Installing pipes or stone or any thing on thoroughfare without a permit	125 <u>250</u>
20 <u>21</u>	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350 <u>500</u>
24 <u>22</u>	2.2(1)(k)	Stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare without a permit	350 <u>500</u>
22 <u>23</u>	2.2(1)(l)	Placing a bulk rubbish container or other item on a thoroughfare without a permit	125 <u>250</u>
23 <u>24</u>	2.2(1)(m)	Interfering with soil or take any thing on a thoroughfare without a permit	125
<u>25</u>	<u>2.2(1)(n)</u>	Installing a full or part road closure on any road or portion of road	<u>500</u>
24 <u>26</u>	2.3(1)	Consumption or possession of liquor on thoroughfare	125
25 <u>27</u>	2.4	Discharge material in or across a public place or local government property	125
26 <u>28</u>	2.5(1)	Failure to obtain permit for temporary crossing	250
27 <u>29</u>	2.6(2)	Failure to comply with notice to remove crossing and reinstate area	350
28 <u>30</u>	2.7(1)	Installation of verge treatment without approval of the City	125
29 <u>31</u>	2.8	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
30 <u>32</u>	2.9	Failure to comply with notice to rectify default	125
34 <u>33</u>	2.14(2)	Failure to comply with sign on public place	125
<u>34</u>	<u>2.16</u>		<u>100</u>
<u>35</u>	<u>2.18</u>		<u>100</u>
<u>36</u>	<u>2.19</u>		<u>100</u>
32 <u>37</u>	2.16(1) <u>2.20</u>	Driving or taking a vehicle on a closed thoroughfare	350
33 <u>38</u>	3.1(1)	Animal or vehicle obstructing a public place or local government property	125 <u>250</u>
34 <u>39</u>	3.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
35 <u>40</u>	3.2(2)(b)	Allow an animal to excrete in a public place or local government property	125
36 <u>41</u>	3.2(2)(c)	Animal on public place with infectious disease	125
37 <u>42</u>	3.2(2)(d)	Training or racing animal on thoroughfare in built-up area	125
38 <u>43</u>	3.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
39 <u>44</u>	3.4	Person leaving shopping trolley in public place other than trolley bay	125

SCHEDULE 23

Item No	Clause No	Nature of Offence	Modified Penalty \$
40 <u>45</u>	3.5(2)	Failure to remove shopping trolley upon being advised of location	125
41 <u>46</u>	4.1(6) <u>4.1(1)</u>	Failure to obtain a permit	125 <u>250</u>
42 <u>47</u>	4.5	Failure to comply with a condition of a permit	125 <u>250</u>
43 <u>48</u>	4.10	Failure to produce permit on request of authorised person	125
44 <u>49</u>	7.1	Failure to comply with notice given under local law	125
<u>45</u>		Other offences not specified	125
<u>46</u>	<u>2.1(k)</u>	Smoke a tobacco product within any pedestrian mall	100

(First Schedule amended by Amendment Local Law 2013 on 03/09/13)

SCHEDULE 24

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

Perth - Compliance Audit Return 2014

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2014.	N/A	No major trading undertakings in 2014.	Gary Stevenson
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2014.	Yes	File No. P1022162-2 (TRIM 316317/14 ISPT Pty Ltd, regarding Forrest Chase walkaways improvements and ongoing management arrangements).	Gary Stevenson
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2014.	N/A	No preparatory land transaction to entry into a major land transaction in 2014.	Gary Stevenson
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2014.	Yes	The City advertised in the West Australian newspaper, the Council House and Perth City Library public notice boards.	Gary Stevenson
5	s3.59(5)	Did the Council, during 2014, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes	Ordinary Council Meeting (OCM) 07/10/2014, Item 432/14 (TRIM 298221/14).	Gary Stevenson

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes	Referenced in annual review OCM 24/06/14, Item 270/14, Schedule 16 (TRIM 232331/14).	Gary Stevenson
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes	Referenced in 2014/15 Delegated Authority Register (TRIM 77896/13), Committee Terms of Reference (TRIM 11119/14) and included in each agenda.	Gary Stevenson
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes	Referenced in 2014/15 Delegated Authority Register (TRIM 77896/13).	Gary Stevenson
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes	2014/15 Delegated Authority Register (TRIM 77896/13).	Gary Stevenson
5	s5.18	Has Council reviewed delegations to its committees in the 2013/2014 financial year.	Yes	OCM 24/06/14, Item 270/14, Schedule 16 (TRIM 232331/14).	Gary Stevenson
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes	Referenced in 2014/15 Delegated Authority Register (TRIM 77896/13) and OCM 24/06/2014 Item 270/14, Schedule 16 (TRIM 232331/14).	Gary Stevenson
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	OCM 24/06/14, Item 270/14, Schedule 16 (TRIM 232331/14).	Gary Stevenson
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	As per 2014/15 Delegated Authority Register (TRIM 77896/13).	Gary Stevenson
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes	As per File No. P1023849	Gary Stevenson
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes	As per annual review OCM 24/06/14 Part 1 and amendments sighted in OCM 01/04/14, OCM 22/04/14 (TRIM 121167/14, 131224/14).	Gary Stevenson
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes	Referenced in 2014/15 Delegated Authority Register (TRIM 77896/13).	Gary Stevenson
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2013/2014 financial year.	Yes	As per annual review OCM 24/06/14, Item 270/14, Schedule 16 (TRIM 232331/14).	Gary Stevenson
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes	Based on audit sample testing. However, unable to confirm that a written record was kept on all occasions.	Gary Stevenson

SCHEDULE 24

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes	Referenced in the Financial and Non-financial Interest Disclosures Register (TRIM 4585/11).	Gary Stevenson
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes	Referenced in the Financial and Non-financial Interest Disclosures Register (TRIM 4585/11).	Gary Stevenson
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes	Referenced in the Financial and Non-financial Interest Disclosures Register (TRIM 4585/11) and various Council and Committee meetings.	Gary Stevenson
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A	No newly elected members appointed in 2014.	Gary Stevenson
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	No	One designated employee lodged their primary return 45 days after the due date (as per Register 8700/13).	Gary Stevenson
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2014.	Yes	As per Primary and Annual Return Register (TRIM 8700/13 and File No. P1026318).	Gary Stevenson
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2014.	Yes	As per Primary and Annual Return Register 8700/13 and File No. P1023968.	Gary Stevenson
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes	As per Primary and Annual Return Register 8700/13 (Files No. P1026318, P1023968-4 and P1023968-5).	Gary Stevenson
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes	As per Primary and Annual Return Register 8700/13 (File No. P1023968-3).	Gary Stevenson
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes	As per 2014 Financial Interest Disclosures Register TRIM 4585/11 (File No. P1023968-2).	Gary Stevenson
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes	As per Primary and Annual Return Register 8700/13 (File No. P1023968-3).	Gary Stevenson
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes	As per Primary and Annual Return Register 8700/13 (File No. P1023968-3).	Gary Stevenson
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes	Various Council and Committee meetings.	Gary Stevenson
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes	As per 2014 Financial Interest Disclosures Register TRIM 4585/11 (File No. P1023968-2).	Gary Stevenson
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes	As per 2014 Financial Interest Disclosures Register TRIM 4585/11 (File No. P1023968-2).	Gary Stevenson

SCHEDULE 24

16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes	Gift Register, File No. P1025504-1. Only once the gift has been notified.	Gary Stevenson
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Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes	The City of Perth has consistently placed public notices in The West Australian newspaper, as well as on the Council House and City of Perth Library public notice boards.	Gary Stevenson
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes	Some examples are TRIM 247068/14, 234424/14.	Gary Stevenson

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes	As per Electoral Gift Register, File No. P1026969 and Electoral Gift Register - Removed, File No. P1026970	Gary Stevenson

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes	As per SpCM 22/10/2013 (TRIM 129770/13).	Gary Stevenson
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	No change to the Audit and Risk Committee delegation 1.1.3 (Authority to meet with the City's Auditor at least once a year) in 2014. OCM 24/06/14, Item No. 270/14, Schedule 16 (TRIM 232331/14).	Gary Stevenson
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	Grant Thornton Audit Pty Ltd ACN 130 913 594, ABN 41 127 556 389.	Gary Stevenson
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	N/A		Gary Stevenson
5	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	Referenced in OCM 03/08/10, Item No. 403/10 (TRIM 72297/10).	Gary Stevenson
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2014 received by the local government within 30 days of completion of the audit.	Yes	The Audit Report was completed on 05/11/14. The City of Perth received the Auditor's report through its Audit & Risk Cttee on 11/11/14, Item 1 (TRIM 315569/14) and by the Council on 18/11/14, Item 510/14 (TRIM 325242/14).	Gary Stevenson
7	s7.9(1)	Was the Auditor's report for 2013/2014 received by the local government by 31 December 2014.	Yes	Audit and Risk Committee – Special 11/11/14 (TRIM 315569/14). Ordinary Council Meeting (OCM) 18/11/14, Item 510/14 (TRIM 325242/14).	Gary Stevenson
8	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No issues were raised in the auditor's report for the 2013/14 financial year. OCM 18/11/14, Item 510/14, TRIM 325242/14.	Gary Stevenson
9	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	No issues were raised in the auditor's report for the 2013/14 financial year.	Gary Stevenson

SCHEDULE 24

10	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	No issues were raised in the auditor's report for the 2013/14 financial year.	Gary Stevenson
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes	As per Contract - Tender No. 136 09/10 Specification 5.6, this has to be provided prior to the commencement of the audit for each subsequent audit by the auditors. Audit objective was sighted in the Audit Planning Memorandum dated 10/04/2014 under the heading "Responsibility" (Audit and Risk Cttee Minutes 21/05/2014 Schedule 1, TRIM 144832/14) and Engagement Letter dated 09/05/2014 (Not sighted in TRIM).	Gary Stevenson
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes	Scope was included in the above mentioned Audit Planning Memorandum and Engagement Letter.	Gary Stevenson
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes	A plan for the audit was included in the above mentioned Audit Planning Memorandum and Engagement Letter.	Gary Stevenson
14	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes	As per Contract - Tender No. 136 09/10 and the Audit Planning Memorandum.	Gary Stevenson
15	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes	This is included in the Engagement Letter dated 09/05/2014 under the headings "Responsibilities of Council", "Privacy" and "Other".	Gary Stevenson

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	CEO recruitment did not occur during the Audit period – 1 January to 31 December 2014.	Gary Stevenson
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	No	The position of Manager Finance (designated senior employee) was not advertised in a newspaper circulating generally throughout the State.	Gary Stevenson
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	CEO was not recruited in 2014.	Gary Stevenson
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	CEO was not recruited in 2014.	Gary Stevenson
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	Whilst proactive advertising of a designated senior employee position (Manager Financial services) occurred in late November 2014, the proposal to employ or dismiss a designated senior employee by the CEO will not occur until 2015.	Gary Stevenson

Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A	The CEO is the Complaints Officer (TRIM 7064/13)	Gary Stevenson

SCHEDULE 24

2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	N/A	No complaints of minor and/or serious breaches during 2014.	Gary Stevenson
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	N/A	No complaints of minor and/or serious breaches during 2014.	Gary Stevenson
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	N/A	No complaints of minor and/or serious breaches during 2014.	Gary Stevenson
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	N/A	No complaints of minor and/or serious breaches during 2014.	Gary Stevenson
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b)(c).	N/A	No complaints of minor and/or serious breaches during 2014.	Gary Stevenson

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	No	Audit identified 5 occasions where the procurement values exceeded the tender threshold. Evidence sighted in the Contracts Expenditure Reports.	Gary Stevenson
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes	As per monthly Contract Expenditure Reports.	Gary Stevenson
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes	As per Tenders Register Book, the City has advertised tenders in the West Australian newspaper. Likewise, the tenders have been displayed on the Council House and Perth City Library public notice boards.	Gary Stevenson
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes	As per Tenders Register Book and tender file samples.	Gary Stevenson
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes	Based on audit sample testing.	Gary Stevenson
6	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A	No late tender submissions recorded in the Tenders Register Book.	Gary Stevenson
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes	Evidence sighted in sample tender files No.: 003-14/15, 009-14/15, 11-14/15, 094-13/14, 090-13/14, 048-14/15, 020-14/15.	Gary Stevenson
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes	As per Tenders Register Book.	Gary Stevenson
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes	Evidence sighted in sample tender files: 012-14/15, 094-13/14, 090-13/14, 048-14/15, 020-14/15.	Gary Stevenson

SCHEDULE 24

10	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes	Only one EOI sighted in 2014 (EOI No. 018-14/15), in regards to Lease and Management of the Perth Concert Hall.	Gary Stevenson
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A	Two submissions received by closing date and time (EOI No. 018-14/15).	Gary Stevenson
12	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A	No submissions accepted for EOI No. 018-14/15 due to not meeting requirements. Evidence sighted in OCM 16/09/14, Item 390/14, Part 1 (TRIM 289486/14).	Gary Stevenson
13	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes	EOI 018-14/15. Letter advising that the Council resolved not accepting any submission (TRIM 288814/14).	Gary Stevenson
14	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A	No Regional price preference given in 2014.	Gary Stevenson
15	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less.	Yes	Corporate Policy No.: 9.7 Purchasing Policy.	Gary Stevenson

SCHEDULE 25



CITY of PERTH

INTERNAL AUDIT CHARTER

1. Mission and Scope of Work

- 1.1. The mission of Internal Audit is to provide independent, objective assurance and consulting services designed to add value and improve the City of Perth's operations. It helps the City of Perth accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- 1.2. The scope of work of Internal Audit is to determine whether the City of Perth's network of risk management, control, and governance processes, as designed and represented by management, is adequate and functioning in a manner to ensure:
 - Risks are appropriately identified and managed.
 - Interaction with the various governance groups occurs as needed.
 - Significant financial, managerial, and operating information is accurate, reliable, and timely.
 - Employees' actions are in compliance with policies, standards, procedures, and applicable laws and regulations.
 - Resources are acquired economically, used efficiently, and adequately protected.
 - Programs, plans, and objectives are achieved.
 - Quality and continuous improvement are fostered in the City of Perth's control process.
 - Significant legislative or regulatory issues impacting the City of Perth are recognised and addressed properly.
- 1.3. Opportunities for improving management control and accountability may be identified during audits. They will be communicated to the appropriate level of management.

2. Accountability

- 2.1. The Internal Auditor, in the discharge of his/her duties, shall be accountable to management and the Audit and Risk Committee to:
 - Provide an assessment on the adequacy and effectiveness of the City of Perth's processes for controlling its activities and managing its risks in the areas under the mission and scope of work.

SCHEDULE 25

- Report significant issues related to the processes for controlling the activities of the City of Perth, including potential improvements to those processes, and monitor and report on agreed action to implement improvements.
- Provide information periodically on the status and results of the annual audit plan and the sufficiency of internal audit resources.
- Coordinate with and provide oversight of other control and monitoring functions (risk management, compliance, security, legal, ethics, environmental, external audit).

3. Independence

- 3.1. To provide for the independence of Internal Audit, its staff and contractors report to the Internal Auditor, who reports administratively to the Director Corporate Services and functionally to the Council through the Audit and Risk Committee in a manner outlined in the above section on Accountability.
- 3.2. Internal audit reports and issues of significance are also reported directly to the Chief Executive Officer (CEO).

4. Responsibility

- 4.1. The Internal Auditor has responsibility to:
 - Develop a flexible annual audit plan using appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the Audit and Risk Committee for review and approval by Council.
 - Implement the annual audit plan, as approved, including, and as appropriate, any special tasks or projects requested by the CEO and/or the Audit and Risk Committee.
 - Maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of this charter.
 - Establish a quality assurance program by which the Internal Auditor assures the operation of internal auditing activities.
 - Perform consulting services, beyond Internal Auditing's assurance services, to assist management in meeting its objectives. Examples may include facilitation,¹ training, and advisory services.
 - Evaluate and assess significant merging/consolidating functions and new or changing services, processes, operations, and control processes coincident with their development, implementation, and/or expansion.
 - Issue periodic reports to the Audit and Risk Committee and management summarizing results of audit activities.

¹ At its meeting held on 23 February 2015, the Audit and Risk Committee agreed to remove the words "process design" from this dot point.

SCHEDULE 25

- Keep the Audit and Risk Committee informed of emerging trends and successful practices in internal auditing.
- Assist in the investigation of significant suspected fraudulent activities within the City of Perth and notify management and the Audit and Risk Committee of the results.
- Identify instances of misconduct to the CEO to enable reporting to the Corruption and Crime Commission.
- Report misconduct by the CEO to the Presiding Member of the CEO Performance Review Committee and / or the Lord Mayor.²
- Consider the scope of work of the external auditors, as appropriate, for the purpose of providing optimal audit coverage to the City of Perth at a reasonable overall cost.

5. Authority

5.1. Internal Audit staff and contractors of Internal Audit are authorised to:

- Have unrestricted access to all functions, records, property, and personnel (unless prohibited by legislation).
- Allocate resources, set frequencies, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives.
- Obtain the necessary assistance of personnel in business units of the City of Perth where they perform audits, as well as other specialized services from within or outside the City of Perth.

5.2. Internal Audit staff and contractors of Internal Audit are not authorised to:

- Perform any operational duties for the City of Perth.
- Initiate or approve accounting transactions external to the Internal Audit cost centre.
- Direct the activities of any City of Perth employee not employed by Internal Audit, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist Internal Audit staff.

6. Standards of Audit Practice

Internal Audit will meet or exceed the *International Standards for the Professional Practice of Internal Auditing* of The Institute of Internal Auditors.

² At its meeting held on 23 February 2015, the Audit and Risk Committee agreed to include this additional dot point.

Council Meeting

Confidential Schedule 26
(Minute 95/15 refers)

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