



CITY of PERTH

Lord Mayor and Councillors,

**NOTICE IS HEREBY GIVEN** that the next meeting of the **Finance and Administration Committee** will be held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Tuesday, 10 March 2015 at 4.00pm.**

Yours faithfully

**GARY STEVENSON PSM**  
**CHIEF EXECUTIVE OFFICER**

5 March 2015

---

**Committee Members:**

**Members:**

Cr Davidson OAM JP (Presiding  
Member)  
Cr Butler  
Cr Yong

**1<sup>st</sup> Deputy:**

Cr Adamos

**2<sup>nd</sup> Deputy:**

Cr Harley

# EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



CITY of PERTH

The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

## BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

### ALERT ALARM

**beep beep beep**

All Wardens to respond.

Other staff and visitors should remain where they are.



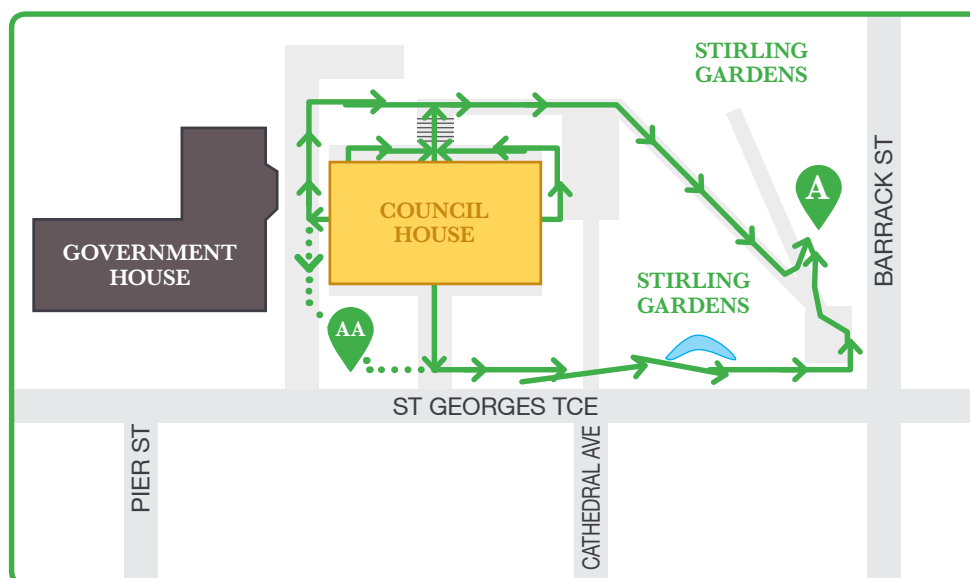
## EVACUATION ALARM/PROCEDURES

**whoop whoop whoop**

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**

### EVACUATION ASSEMBLY AREA



Assembly Area

Alternate Assembly Area

# FINANCE AND ADMINISTRATION COMMITTEE

**Established:** 17 May 2005 (Members appointed 22 October 2013)

<b>Members:</b>	<b>1<sup>st</sup> Deputy:</b>	<b>2<sup>nd</sup> Deputy:</b>
Cr Davidson OAM JP (Presiding Member)	Cr Adamos	Cr Harley
Cr Butler		
Cr Yong		

**Quorum:** Two

**Expiry:** October 2015

## TERMS OF REFERENCE:

[Adopted OCM 04/06/13]

1. To oversee and make recommendations to the Council on matters related to:
  - a. the financial management of the City including budgeting, payment of accounts, collection of debts, investment of funds and write-offs;
  - b. strategic and annual plans;
  - c. management of local government property including issues relating to the City's civic buildings (Council House, Perth Town Hall, Perth Concert Hall and the City of Perth Library);
  - d. business opportunities and proposals, including those related to parking, having the potential to achieve new income or savings for the City, which may have been initiated by other Committees of the Council;
  - e. Fees and charges levied by the City in accordance with Sections 6.16 or 6.32 of the Local Government Act 1995;
  - f. Elected Members, including protocols and procedures, benefits and allowances;
  - g. Council's policies, local laws and Register of Delegations;
  - h. the management and enforcement of permanent and temporary on-street parking proposals or restrictions and any associated fees or signage;
  - i. any other issues requiring a decision of the Council and not specifically defined in the Terms of Reference for any other Committee of the Council.
2. To determine:
  - a. public art, art purchases and management of the City's art collection with the authority to purchase artworks over \$5,000 (excluding GST) and the deaccession of artworks in accordance with Policy 18.2 - Collection Management;
  - b. requests for receptions referred to the Committee by the Lord Mayor, with authority to approve or decline requests of \$5,000 or less.

**This meeting is open to members of the public.**

# INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

## Question Time for the Public

- An opportunity is available at all Committee meetings open to members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question, and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member at least an hour before the meeting begins. Alternatively, questions can be forwarded to the City of Perth prior to the meeting, by:-
  - Letter: Addressed to GPO Box C120, Perth, 6839;
  - Email: [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au).
- *Question Sheets are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).*

## Deputations

A deputation wishing to be received by a Committee is to apply in writing to the CEO who will forward the written request to the Presiding Member. The Presiding Member may either approve the request or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation. If the Presiding Member approves the request, the CEO will invite the deputation to attend the meeting.

Please refer to the 'Deputation to Committee' form provided at the entrance to the Council Chamber for further information on the procedures for deputations. These forms are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).

## Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Committee meeting prior to written advice on the resolution of the Council being received.

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

# **FINANCE AND ADMINISTRATION COMMITTEE**

## **10 MARCH 2015**

### **ORDER OF BUSINESS**

- 1. Declaration of Opening**
- 2. Apologies and Members on Leave of Absence**
- 3. Question Time for the Public**
- 4. Confirmation of Minutes – 17 February 2015**
- 5. Correspondence**
- 6. Disclosure of Members' Interests**
- 7. Matters for which the Meeting may be Closed**
- 8. Reports**
- 9. Motions of which Previous Notice has been Given**
- 10. General Business**
  - 10.1. Responses to General Business from a Previous Meeting**

Nil
  - 10.2. New General Business**
- 11. Items for Consideration at a Future Meeting**

**Outstanding Reports:**

  - Strategic Property Review (raised FB29/05/12, updated 03/12/13 and 29/07/14).
  - Loading zones in the city (raised FB20/08/13).
  - Upgrade of Forrest Chase Walkways (raised FA25/03/14).
  - Council Dining Room (raised FA30/09/14).
- 12. Closure**

# INDEX OF REPORTS

Item	Description	Page
1	FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2015	1
2	FEBRUARY BUDGET REVIEW 2014/15 – FORECAST OF THE OPERATING AND CAPITAL BUDGET FOR THE YEAR ENDING 30 JUNE 2015	3
3	REVIEW OF COUNCIL POLICY CP9.13 – NOT RATEABLE PROPERTIES (RATE EXEMPTIONS) AND PARTIAL RATE EXEMPTIONS	8
4	2015 LOCAL GOVERNMENT ELECTIONS	12
5	PROPOSED VARIATION OF LEASE – LUCKY CHARM NEWSAGENCY – SHOP 7, CITY STATION CONCOURSE	15
6	POINT FRASER DEVELOPMENT – REQUEST FOR EXTENSION OF PRACTICAL COMPLETION DATE	18
7	REVIEW COMPLETED – CITY OF PERTH THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007 AND REPEAL OF THE CITY OF PERTH SIGNS LOCAL LAW 2005	21

# ITEM NO: 1

## FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2015

### **RECOMMENDATION:**

**(APPROVAL)**

***That Council approves the Financial Statements and the Financial Activity Statement for the period ended 31 January 2015 as detailed in Schedule 1.***

### **BACKGROUND:**

FILE REFERENCE:	P1031315
REPORTING UNIT:	Financial Services
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	26 February 2015
MAP / SCHEDULE:	Schedule 1 – Financial Statements and Financial Activity Statement for the period ended 31 January, 2015

### **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	Section 6.4(1) and (2) of the <i>Local Government Act 1995</i> Regulation 34(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Strategic Community Plan</b> 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.



## SCHEDULE 1

### 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.

# **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

**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**

**FINANCIAL ACTIVITY STATEMENT - for the period ended 31 January 2015**

	<b>Revised Budget 2014/15</b>	<b>Budget YTD 31-Jan-15</b>	<b>Actual YTD 31-Jan-15</b>	<b>Variance YTD 31-Jan-15</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Proceeds from Operating Activities</b>				
<b>Operating Revenue</b>				
<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
	<b>110,725,869</b>	<b>67,409,089</b>	<b>67,371,878</b>	<b>(37,211)</b>
<b>Less: Operating Expenditure</b>				
<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)
	<b>175,708,492</b>	<b>99,659,450</b>	<b>94,414,057</b>	<b>5,245,393</b>
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)
	<b>143,448,819</b>	<b>81,639,099</b>	<b>77,980,478</b>	<b>3,658,621</b>
<b>Net Surplus/(Deficit) from Operations</b>	<b>(32,722,950)</b>	<b>(14,230,010)</b>	<b>(10,608,600)</b>	<b>3,621,410</b>
<b>Investing Activities</b>				
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)
	<b>(106,904,689)</b>	<b>(52,862,027)</b>	<b>(42,244,264)</b>	<b>10,617,763</b>
<b>Financing Activities</b>				
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
	<b>47,857,120</b>	<b>32,237,463</b>	<b>18,851,998</b>	<b>(13,385,466)</b>
<b>Net Surplus/(Deficit) before Rates</b>	<b>(91,770,519)</b>	<b>(34,854,574)</b>	<b>(34,000,866)</b>	<b>853,707</b>
<b>Add: Opening Funds</b>	<b>16,073,145</b>	<b>16,073,145</b>	<b>16,073,145</b>	<b>-</b>
<b>Less: Closing Funds</b>	<b>428,477</b>	<b>57,004,382</b>	<b>57,855,359</b>	<b>850,977</b>
<b>Amount Sourced from Rates</b>	<b>76,125,851</b>	<b>75,785,810</b>	<b>75,783,080</b>	<b>(2,730)</b>

<b>Net Cash on Hand</b>				
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)
<b>Funds on Hand</b>	<b>99,556,580</b>	<b>133,362,103</b>	<b>133,332,636</b>	<b>(29,467)</b>
<b>Analysis of Funds on Hand</b>				
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)
<b>Funds on Hand</b>	<b>99,556,580</b>	<b>133,362,103</b>	<b>133,332,636</b>	<b>(29,467)</b>

## 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
<b>Current Assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
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
<b>Total Current Assets</b>	<b>116,332,801</b>	<b>156,326,487</b>	<b>159,193,843</b>	<b>2,867,356</b>
<b>Current Liabilities</b>				
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	-
<b>Total Current Liabilities</b>	<b>45,667,427</b>	<b>41,432,239</b>	<b>39,207,939</b>	<b>- 2,224,300</b>
<b>Working Capital Position Brought Forward</b>	<b>\$ 70,665,374</b>	<b>\$ 114,894,248</b>	<b>\$ 119,985,904</b>	<b>\$ 5,091,656</b>
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	-
<b>Current Funds Position Brought Forward</b>	<b>\$ 428,477</b>	<b>\$ 57,004,382</b>	<b>\$ 57,855,359</b>	<b>\$ 850,977</b>

# 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**

**CITY OF PERTH  
MUNICIPAL**

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

**(By Program)**

	<b>Note</b>	<b>Budget 2014/2015</b>	<b>Revised Budget YTD</b>	<b>Actual YTD 31/01/2015</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
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%
<b>Total Operating Income</b>		<b>190,438,021</b>	<b>143,194,899</b>	<b>143,154,958</b>	<b>(39,941)</b>	<b>0.0%</b>
<b>OPERATING EXPENDITURE</b>						
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%
<b>Total Operating Expenditure</b>		<b>177,158,097</b>	<b>99,206,209</b>	<b>94,268,066</b>	<b>4,938,143</b>	<b>5.0%</b>
<b>NET FROM OPERATIONS</b>		<b>13,279,924</b>	<b>43,988,690</b>	<b>48,886,892</b>	<b>4,898,202</b>	<b>11.1%</b>
<b>GRANTS/CONTRIBUTIONS</b>						
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%
<b>Total Grants/Contributions</b>		<b>1,820,895</b>	<b>792,194</b>	<b>855,571</b>	<b>63,377</b>	<b>8.0%</b>
<b>DISPOSAL/WRITE OFF OF ASSETS</b>						
Gain/(Loss) on Disposal of Assets	2	(1,032,366)	(453,241)	(145,991)	307,250	-67.8%
<b>Change in net assets resulting from operations before significant items</b>		<b>14,068,453</b>	<b>44,327,643</b>	<b>49,596,472</b>	<b>5,268,829</b>	<b>11.9%</b>
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		1,667,000	-	-	-	0.0%
<b>Change in net assets resulting from operations after significant items</b>		<b>15,735,453</b>	<b>44,327,643</b>	<b>49,596,472</b>	<b>5,268,829</b>	<b>11.9%</b>



**CITY OF PERTH  
MUNICIPAL**

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

**(By Nature)**

	<i>Note</i>	<b>Budget 2014/2015</b>	<b>Revised Budget YTD</b>	<b>Actual YTD 31/01/2015</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
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%
<b>OPERATING EXPENDITURE</b>						
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%
<b>GRANTS/CONTRIBUTIONS</b>						
Grants and Contributions- Capital		1,820,895	792,194	855,571	63,377	8.0%
<b>NET OPERATING SURPLUS</b>		15,100,819	44,780,884	49,742,463	4,961,579	11.1%
<b>DISPOSAL/WRITE OFF OF ASSETS</b>	<b>2</b>	(1,032,366)	(453,241)	(145,991)	307,250	-67.8%
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		1,667,000	-	-	-	0.0%
<b>Change in net assets resulting from operations after capital amounts and significant items</b>		15,735,453	44,327,643	49,596,472	5,268,829	11.9%

**CITY OF PERTH  
MUNICIPAL**

***Statement of Financial Position as at 31 January 2015***

	Note	31/01/2015	30/06/2014
<b>CURRENT ASSETS</b>		\$	\$
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
<b>TOTAL CURRENT ASSETS</b>		<b>159,193,843</b>	<b>121,790,485</b>
<b>NON CURRENT ASSETS</b>			
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
<b>TOTAL NON CURRENT ASSETS</b>		<b>1,019,907,004</b>	<b>1,010,615,275</b>
<b>TOTAL ASSETS</b>		<b>1,179,100,847</b>	<b>1,132,405,760</b>
<b>CURRENT LIABILITIES</b>			
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
<b>TOTAL CURRENT LIABILITIES</b>		<b>39,207,939</b>	<b>38,012,549</b>
<b>NON CURRENT LIABILITIES</b>			
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
<b>TOTAL NON CURRENT LIABILITIES</b>		<b>44,458,506</b>	<b>48,555,285</b>
<b>TOTAL LIABILITIES</b>		<b>83,666,445</b>	<b>86,567,834</b>
<b>NET ASSETS</b>		<b>\$1,095,434,402</b>	<b>\$1,045,837,926</b>
<b>EQUITY</b>			
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
<b>TOTAL EQUITY</b>		<b>\$1,095,434,402</b>	<b>\$1,045,837,926</b>

<p style="text-align: center;"><b>CITY OF PERTH</b> <b>MUNICIPAL</b> <i>Statement of Changes in Equity for the 7 months ended 31 January 2015</i></p>				
	Accumulated Surplus	Asset Revaluation Reserve	Cash Backed Reserves	Total Equity
	\$	\$	\$	\$
<b>Balance at 1 July 2013</b>	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)	-
<b>Balance at the end of the reporting period</b>	<b>\$647,130,314</b>	<b>\$372,942,447</b>	<b>\$75,361,635</b>	<b>\$1,095,434,398</b>

**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
		\$	\$	\$ %
<b>Cash Flows from Operating Activities</b>				
<b>Receipts</b>				
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%
<b>Payments</b>				
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%
<b>Cash Flows from Investing Activities</b>				
<b>Receipts</b>				
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%
<b>Payments</b>				
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%
<b>Cash Flows from Financing Activities</b>				
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%
<b>Cash Flows from Government and Other Parties</b>				
<b>Receipts from Appropriations/Grants</b>				
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%

# 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
<b>Infrastructure</b>		
Proceeds on Disposal	-	-
Less: Carrying amount of assets written off	1,157,145	5,077
(Loss) on Write Off	(1,157,145)	(5,077)
<b>Plant and Mobile Equipment</b>		
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)
<b>Furniture and Equipment</b>		
Proceeds on Disposal	-	-
Less: Carrying amount of assets sold /written off	-	2,945
(Loss) on Disposal/Write Off	-	(2,945)
<b>Gain/(Loss) on Disposal/Write off of Assets</b>	<b>(\$1,032,366)</b>	<b>(\$145,991)</b>

### 3 Investments

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

\* 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
	<b>\$8,404,337</b>	<b>\$9,660,340</b>

**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
	<b>\$8,152,275</b>	<b>\$1,420,810</b>

**5 Trade And Other Receivables**

	31/01/2015	30/06/2014
<b>Current</b>	\$	\$
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
<b>Less: Provision for Doubtful Debts</b>	(2,881,815)	(2,786,601)
	<b>\$10,789,257</b>	<b>\$10,613,937</b>
<b>Non Current</b>		
Pensioners' Rates Deferred	34,211	44,205
	<b>\$34,211</b>	<b>\$44,205</b>

**6 Trade And Other Payables**

	31/01/2015	30/06/2014
<b>Current</b>	\$	\$
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
	<b>\$22,064,565</b>	<b>\$20,884,773</b>

**MUNICIPAL**

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

**7 Employee Benefits**

	31/01/2015	30/06/2014
<b>Current</b>	<b>\$</b>	<b>\$</b>
<b>Leave Entitlements</b>		
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
	<b>\$10,634,305</b>	<b>\$10,712,176</b>
<b>Non Current</b>		
Annual Leave	1,054,625	1,214,292
Long Service Leave	1,092,435	1,092,435
	<b>\$2,147,060</b>	<b>\$2,306,727</b>

**Provisions**

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

**8 Property, Plant and Equipment and Work in Progress**

	31/01/2015	30/06/2014
	<b>\$</b>	<b>\$</b>
Land and Air Rights - at cost/fair value	381,707,244	381,707,245
<b>Less: Accumulated Depreciation</b>	(2,337,975)	(2,005,206)
	379,369,269	379,702,039
Buildings/Freehold - at fair value	375,163,269	375,188,177
<b>Less: Accumulated Depreciation</b>	(142,826,141)	(138,059,884)
	232,337,128	237,128,293
Improvements - at fair value	7,837,188	7,837,189
<b>Less: Accumulated Depreciation</b>	(4,256,294)	(4,102,509)
	3,580,894	3,734,680
Infrastructure Assets - at cost/fair value	416,018,195	414,735,710
<b>Less: Accumulated Depreciation</b>	(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
<b>Less: Accumulated Depreciation</b>	(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
<b>Less: Accumulated Depreciation</b>	(12,013,963)	(11,325,996)
	9,661,842	10,681,991
Agricultural - at cost	795,271	594,507
<b>Less: Accumulated Depreciation</b>	-	-
	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	<b>\$1,011,468,456</b>	<b>\$1,000,910,730</b>

# 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
	<b>\$1,291,482,317</b>	<b>\$28,101,268</b>	<b>(158,973)</b>	<b>(\$3,881,312)</b>	<b>\$1,315,543,298</b>

### 9 Loan Liability

	31/01/2015	30/06/2014
<b>Current</b>	\$	\$
Loans - Western Australian Treasury Corporation	6,309,372	6,128,375
<b>Non Current</b>		
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
	<b>\$458,548,030</b>	<b>\$3,158,489</b>	<b>(\$13,402,431)</b>	<b>\$448,304,082</b>

\* 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



# 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
	<b>\$133,332,636</b>	<b>\$107,596,278</b>

### 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		
<b>Add Back</b>		
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
<b>Deduct</b>		
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	<b>\$52,599,642</b>	<b>\$49,707,715</b>

**MUNICIPAL**

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

**13 Ratios**

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

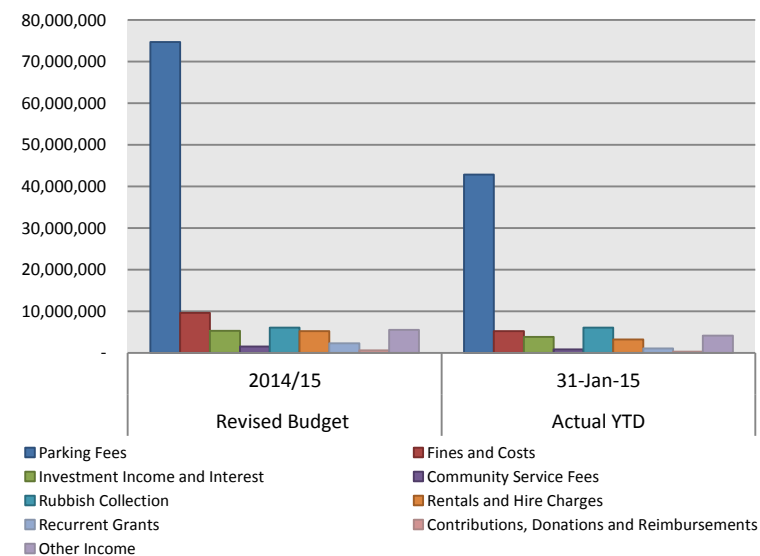
# CONTENTS

<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

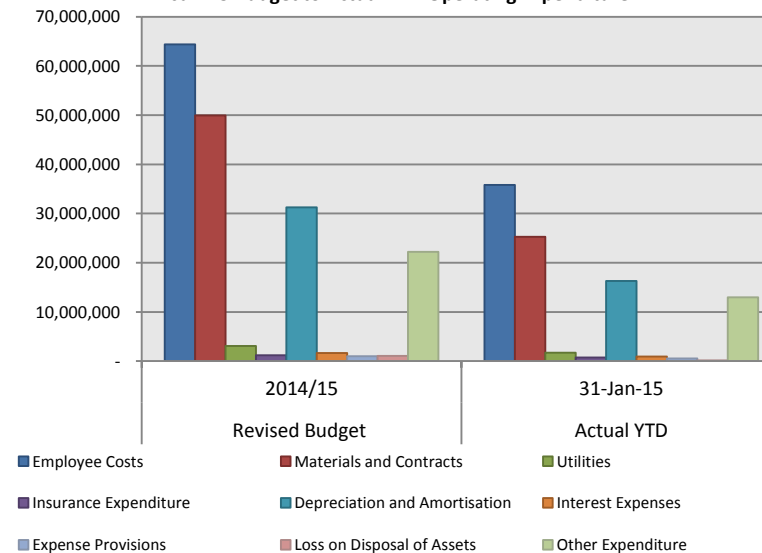
## Financial Activity Statement

	Annual	Year To Date Jan-15		
Proceeds from Operating Activities	Revised Budget 2014/15 \$000s	Budget YTD \$000s	Actual \$000s	Variance \$000s
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
<b>Net Surplus/(Deficit) from Operations</b>	<b>-32,723</b>	<b>-14,230</b>	<b>-10,609</b>	<b>3,621</b>
<b>Investing Activities</b>				
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
<b>Financing Activities</b>				
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
<b>Net Surplus/(Deficit) before Rates</b>	<b>-91,772</b>	<b>-34,855</b>	<b>-34,001</b>	<b>854</b>
Add: Opening Funds	16,073	16,073	16,073	0
Less: Closing Funds	428	57,004	57,855	851
<b>Amount Sourced from Rates</b>	<b>76,126</b>	<b>75,786</b>	<b>75,783</b>	<b>-3</b>

Jan-15 Budget to Actual YTD Operating Revenue



Jan-15 Budget to Actual YTD Operating Expenditure

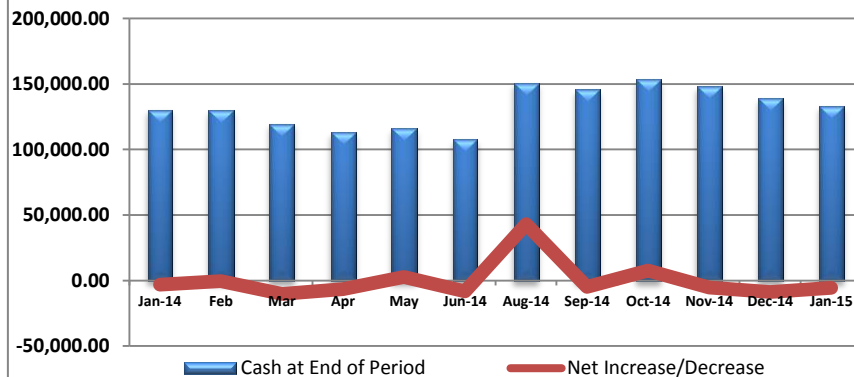


## Cash

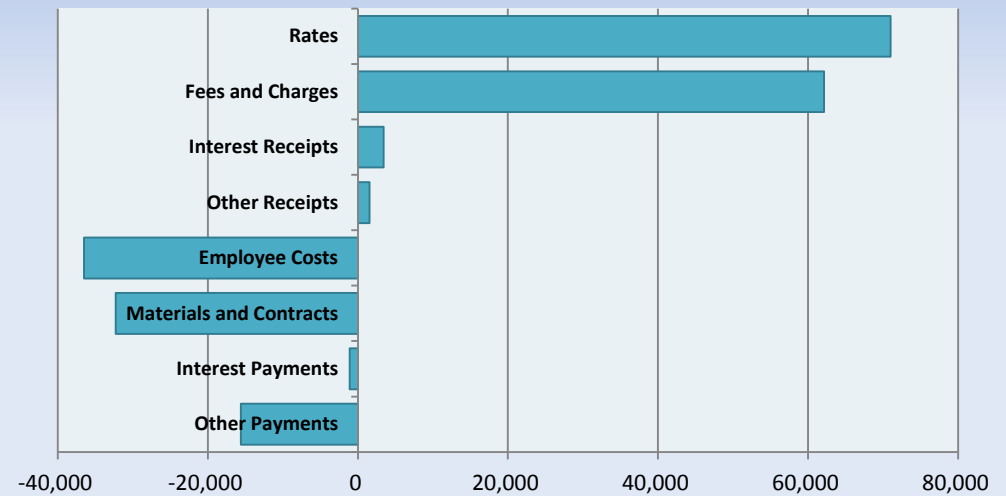
### SUMMARY CASH FLOW STATEMENT

	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

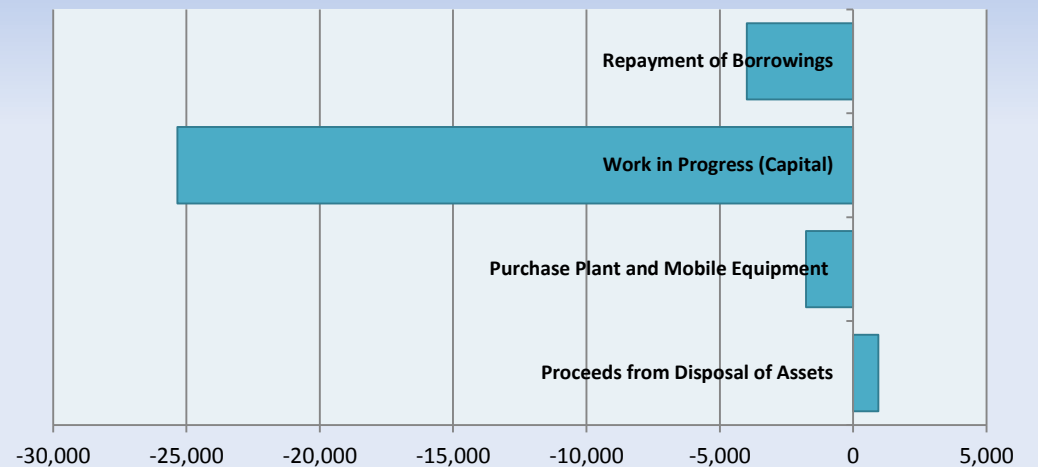
### Monthly Cash Movements to Jan-15 \$'000s



### Cash Flows from Operating Activities \$'000s



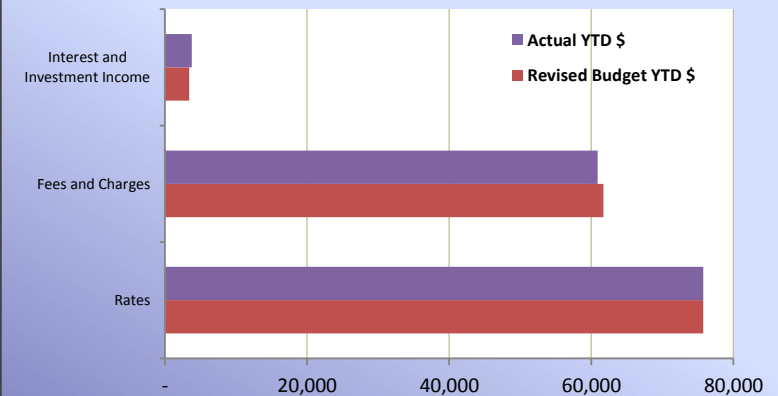
### Cash Flows from Investing Activities \$'000s



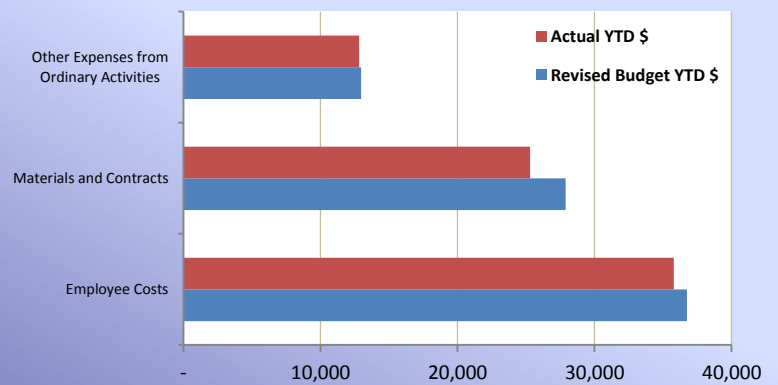
## Summary Operating Statement

	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

Operating Revenue YTD Jan-15 \$'000s



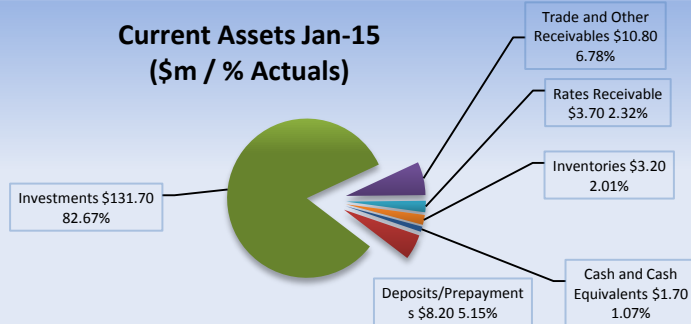
Operating Expenditure YTD Jan-15 \$'000s



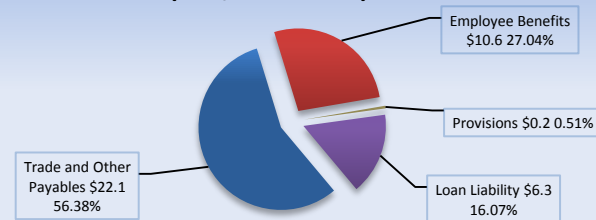
## Summary Statement of Financial Position

	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
<b>TOTAL ASSETS</b>	<b>1,179,101</b>	<b>1,132,405</b>
Total Current Liabilities	39,208	38,013
Total Non Current Liabilities	44,459	48,555
<b>TOTAL LIABILITIES</b>	<b>83,667</b>	<b>86,568</b>
<b>NET ASSETS</b>	<b>1,095,434</b>	<b>1,045,838</b>
<b>COMMUNITY EQUITY</b>		
Accumulated Surplus	647,130	587,290
Asset Revaluation Reserve	372,942	372,942
Reserves (Cash Backed)	75,362	85,606
<b>TOTAL EQUITY</b>	<b>1,095,434</b>	<b>1,045,838</b>

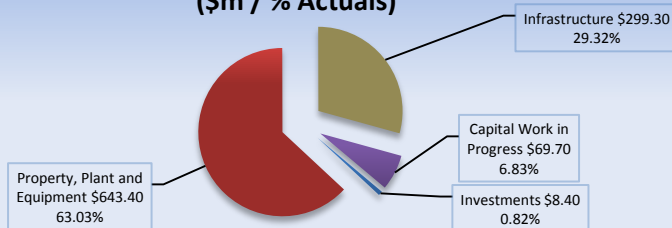
**Current Assets Jan-15**  
(\$m / % Actuals)



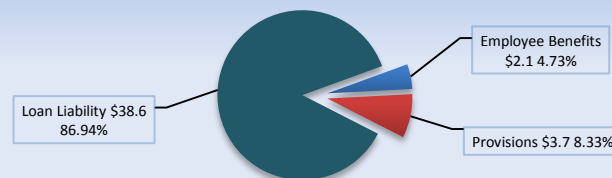
**Current Liabilities Jan-15**  
(\$m / % Actuals)



**Non-Current Assets Jan-15**  
(\$m / % Actuals)



**Non-Current Liabilities Jan-15**  
(\$m / % Actuals)





## Ratio Analysis

**Current Ratio (Current Assets minus Restricted Assets/Current Liabilities minus Liabilities associated with Restricted Assets)**

**Jan-15**

**2.28**

**Ability to generate working capital to meet our commitments**

**Target is greater than 2.00**

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

**2.88**

**Ability to fund capital and exceptional expenditure**

**Target is greater than 1.5**

**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**

**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%**

**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**

**Gross Debt to Economically Realisable Assets Ratio (Gross Debt / Economically Realisable Assets)**

**5.11%**

**Ability to retire debt from readily realisable assets**

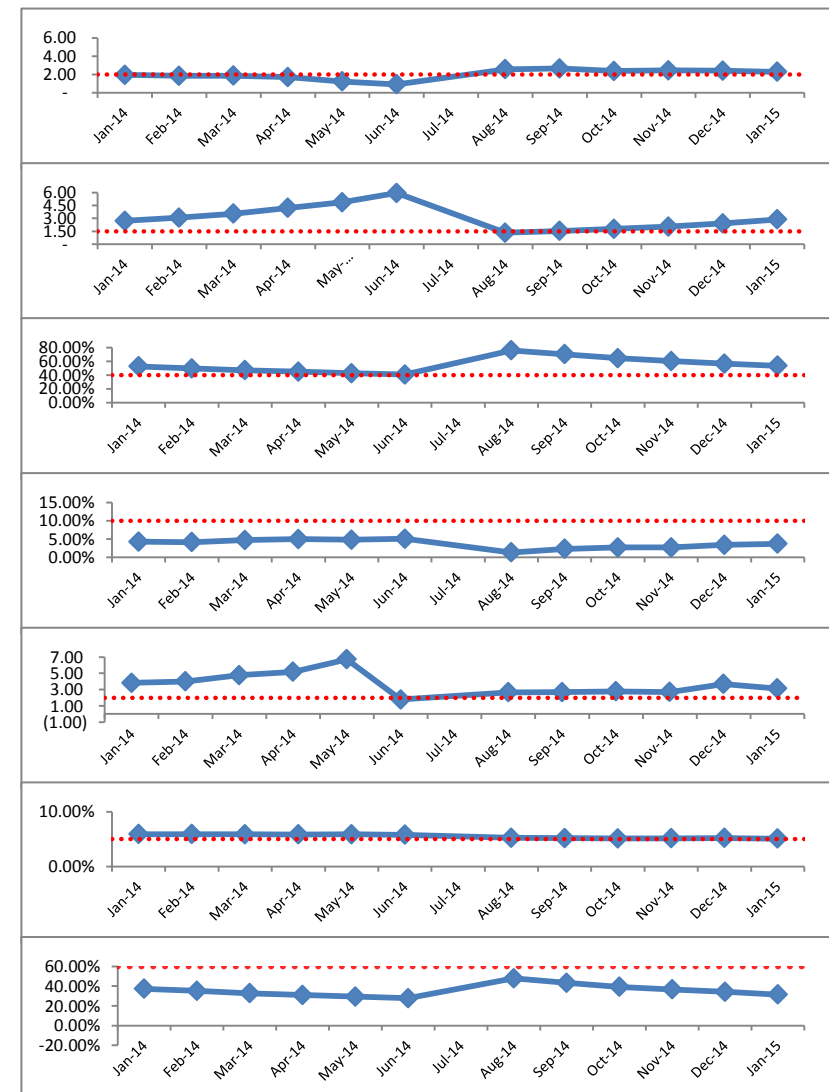
**Target is greater than 5.0%**

**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%**



## ITEM NO: 2

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

**RECOMMENDATION:**

**(APPROVAL)**

***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 2, 3, 4 and 5 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;***
  - 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.***

## BACKGROUND:

FILE REFERENCE:	P1031135
REPORTING UNIT:	Financial Services
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	25 February 2015
MAP / SCHEDULE:	Schedule 2 – Operating Statement by Nature and Type Schedule 3 – Operating Statement by Directorate and Unit 2014/15 Schedule 4– Capital Works – February Budget Review 2014/15 Schedule 5 – Revised Rate Setting Statement

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:

<b>Legislation</b>	Section 6.8 of <i>the Local Government Act 1995</i> Regulation 33A of the <i>Local Government (Financial Management) Regulations 1996</i>
--------------------	--

<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> 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:

<b>Funding Impact</b>	<b>\$000's</b>
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.

## SCHEDULE 2

### 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
<b>Total Operating Revenue</b>	<b>188,909,016</b>	<b>187,179,996</b>	<b>(1,729,019)</b>
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)
<b>Total Operating Expenditure</b>	<b>175,708,492</b>	<b>172,415,364</b>	<b>3,293,128</b>
Distribution from Tamala Park Regional Council	1,667,000	1,667,000	-
Contribution to Elizabeth Quay project	-	2,409,687	(2,409,687)
<b>Change in Net Assets resulting from Operations - Gain/(Reduction)</b>	<b>14,867,524</b>	<b>14,021,946</b>	<b>(845,578)</b>

SCHEDULE 3

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 fess \$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 4

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%	🟢	🟢	🟢	Savings identified	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%	🟢	🟢	🟢		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%	🟢	🟢	🟢	Projects completed under budget	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%	🟢	🟢	🟢		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							

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
0134	City Design	Forrest Place Redevelopment	155,000	100,000	(55,000)	40%	✔	✔	✔	Replacement of Grates in March - Request to increase current budget by \$55K. Final costings have come through for the completion of the water grates.	Muni
1534	City Design	Streetscape - CIT Precinct Plan - Museum Street	176,356	153,556	(22,800)	25%	✔	✔	✔	Request for additional \$22,800 to cover tree supply and preparation.	Muni
1637	City Design	2-Way Murray Street (Elder - Thomas)	150,000	100,000	(50,000)	30%	✔	✔	✔	Council accepted draft concept plan for consultation. Consultation documentation currently being prepared. Consultant to commence in March. Currently developing the street design. Budget adjustment required for an additional \$50,000 for 14/15 to continue to work through the design.	Muni
1760	City Design	Taxi Rank Multifuntional Poles	320,000	300,000	(20,000)	20%	✔	✔	✔	Installation of Works are scheduled to be completed in June 2015. \$20K adjustment for timing of purchases.	Muni
1659	City of Perth Parking	Light Fitting Replacement	717,163	602,663	(114,500)	0%	✔	✔	✔	Scope changed to now include sensors in the tender	Operating
0153	Contracts & Asset Management	Fleet & Plant Replacement - Sanitation - Household Refuse	2,115,000	2,100,000	(15,000)	50%	✔	✔	✔	Additional funds required for High Pressure Cleaner (Waste and Enterprises Unit)	Muni
1602	Information Services	HR Time Attendance and Scheduling System Identification and Recommendation	60,000	16,898	(43,102)	5%	✔	✔	✔	Original budget to be reinstated in Feb budget review	Muni
1627	Parks & Landscape Services	Murray Thelma Bore Replacement	47,910	40,000	(7,910)	30%	✔	✔	✔	Dept of Water License obtained Quotation for construction and testing of bore closed Thursday 29th Jan 2015, currently assessing submissions.	Muni
1630	Parks & Landscape Services	New Park Furniture - City Wide	33,000	15,000	(18,000)	65%	✔	✔	✔	Report from Community Services on Elected Members Portal for support to install a picnic setting, shelter and bins at Barrack Pier Reserve.	Muni
1648	Parks & Landscape Services	Citywide Street Tree Improvement Replacement Program	35,000	30,000	(5,000)	50%	✔	✔	✔	Progressing on schedule	Muni
1619	Property Management Services	LED Lighting - Forrest Place Loading Dock	100,000	70,000	(30,000)	5%	✔	✔	✔	Initial pricing received higher than budget	Muni
1666	Property Management Services	Replace Fire Cabinets - Pier Street	63,000	53,000	(10,000)	30%	✔	✔	✔	Additional cabinets require replacing	Muni
0203	Sustainable City Development	Affordable Rental Housing Demonstration Project	416,286	366,286	(50,000)	99%	✔	✔	✔	Project closed refer to ELG report 6/1/14 - ongoing program management responsibility of Asset Custodian (PPM). Awaiting lodgement of final invoice from November / December 2014 through to June/july 2015.	Muni
0459	City Design	Wellington Street Rectification	3,448	1,948	(1,500)	100%	✔	✔	✔	Project completed over budget / additional funds required to finalisation	Asset enhancement
1496	City Design	Laneways - Other	517	259	(258)	10%	✔	✔	✔		Muni
1499	City Design	Piazza Northbridge	6,278	4,545	(1,732)	100%	✔	✔	✔		Muni
1749	City Design	MCW St Geroges Tce - Elder St Intersection Upgrade	6,231	6,000	(231)	95%	✔	✔	✔		Muni
1751	City Design	MCW St Georges Tce MFP Signal Works	62,017	61,392	(625)	90%	✔	✔	✔		Muni
0422	City of Perth Parking	PCEC - CCTV and Lighting Equipment	76,847	74,997	(1,850)	100%	✔	✔	✔		Parking facilities reserve
0424	City of Perth Parking	Bay Reservations and Online Payment Systems	41,600	21,600	(20,000)	70%	⚠	⚠	✔		Parking facilities reserve
0210	Parks & Landscape Services	Jacobs Ladder Revegetation of Landscape	65,000	59,227	(5,773)	0%	✔	✔	✔		Muni
0486	Parks & Landscape Services	Victoria Gardens Irrigation Upgrade	175,000	145,000	(30,000)	100%	✔	✔	✔		Muni
1713	Works & Services	Footpath 2014-15 Governors Avenue East Side	34,000	32,725	(1,275)	90%	✔	✔	✔		Muni
1714	Works & Services	Footpath 2014-15 Murray Street South Side	220,000	205,072	(14,928)	90%	✔	✔	✔		Muni
1723	Works & Services	Footpath 2014-15 Malcolm Street South Side	28,440	26,431	(2,009)	90%	✔	✔	✔		Muni
1785	Works & Services	Footpath 2014-15 Adelaide Terrace - De Vlamingh	53,000	44,928	(8,072)	0%	✔	✔	✔		Muni
1658	City of Perth Parking	Fibre Installation & Switches upgrade	317,800	200,000	(117,800)	0%	✔	✔	✔	Request reallocation of funds from CW1684	Parking facilities reserve
1696	Information Services	Records scanning equipment	21,946	15,000	(6,946)	100%	✔	✔	✔	Request reallocation of funds from CW1687	Muni
1703	Works & Services	Kerbing Replacement Program 2014-15	62,000	25,000	(37,000)	30%	✔	✔	✔	Request reallocation of funds from CW1753, Cw1757, CW1780	Muni
1759	Works & Services	Kerb 2014-15 Wellington St South Side	51,000	45,000	(6,000)	90%	✔	✔	✔	Request partial reallocation of funds from CW1753, Cw1757, CW1780	Muni

Sub-Total Additional Funds	5,613,840	4,916,527	(697,311)
----------------------------	-----------	-----------	-----------

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
GOV1	Governance	Audio Equipment Council Chamber Upgrade	60,000		(60,000)	0%	○	○	○	Hearing impaired will be able to have access to the Council Chamber. Sound quality will be improved as a result of the new microphones. The City will have a system that can be supported for maintenance in the event of a technical fault.	Muni

Total New Project Funds	60,000	0	(60,000)
-------------------------	--------	---	----------

Grand Total	9,704,276	10,327,053	559,775
-------------	-----------	------------	---------

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

<b>Funding impact of February Review</b>	<b>\$</b>
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
<b>Total</b>	<b>-559,775</b>

# SCHEDULE 5

## CITY OF PERTH

### 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 \$
<b>Proceeds from Operating Activities</b>					
<b>Operating Revenue</b>					
<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
	<b>114,201,098</b>	<b>67,371,878</b>	<b>110,725,869</b>	<b>109,339,579</b>	<b>(1,386,290)</b>
<b>Less: Operating Expenditure</b>					
<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)
	<b>178,190,463</b>	<b>94,414,057</b>	<b>175,708,451</b>	<b>174,824,718</b>	<b>883,733</b>
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
	<b>142,621,107</b>	<b>77,980,478</b>	<b>143,448,778</b>	<b>141,414,471</b>	<b>2,034,307</b>
<b>Net Surplus/(Deficit) from Operations</b>	<b>(28,420,009)</b>	<b>(10,608,600)</b>	<b>(32,722,909)</b>	<b>(32,074,892)</b>	<b>648,016</b>
<b>Investing Activities</b>					
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)
	<b>(95,850,214)</b>	<b>(42,244,264)</b>	<b>(106,904,689)</b>	<b>(104,195,801)</b>	<b>(2,708,888)</b>
<b>Financing Activities</b>					
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)
	<b>51,066,382</b>	<b>18,851,998</b>	<b>47,857,120</b>	<b>46,132,692</b>	<b>(1,724,428)</b>
<b>Net Surplus/(Deficit) before Rates</b>	<b>(73,203,841)</b>	<b>(34,000,866)</b>	<b>(91,770,478)</b>	<b>(90,138,001)</b>	<b>1,632,476</b>
<b>Add: Opening Funds</b>	<b>(2,486,664)</b>	<b>16,073,145</b>	<b>16,073,145</b>	<b>16,073,145</b>	<b>-</b>
<b>Amount Sourced from Rates</b>	<b>76,236,923</b>	<b>75,783,080</b>	<b>76,125,810</b>	<b>75,793,080</b>	<b>(332,730)</b>
<b>Balance of Closing Funds on Hand</b>	<b>546,418</b>	<b>57,855,359</b>	<b>428,477</b>	<b>1,728,224</b>	<b>1,299,747</b>

<b>Net Cash on Hand</b>					
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)
<b>Funds on Hand</b>	<b>98,217,010</b>	<b>133,332,636</b>	<b>99,556,580</b>	<b>98,226,765</b>	<b>(1,329,815)</b>
<b>Analysis of Funds on Hand</b>					
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)
<b>Funds on Hand</b>	<b>98,217,010</b>	<b>133,332,636</b>	<b>99,556,580</b>	<b>98,226,765</b>	<b>(1,329,815)</b>

## ITEM NO: 3

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

#### **RECOMMENDATION:**

**(APPROVAL)**

***That Council approves the amended Council Policy CP9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions as detailed in Schedule 6.***

#### **BACKGROUND:**

FILE REFERENCE: P1019031-2  
REPORTING UNIT: Financial Services  
RESPONSIBLE DIRECTORATE: Corporate Services  
DATE: 25 February 2015  
MAP / SCHEDULE: Schedule 6 – Proposed Amended Policy CP9.13 – Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions

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 (S6.26 (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.



---

**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.

## 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

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.

### 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.									

## ITEM NO: 4

### 2015 LOCAL GOVERNMENT ELECTIONS

**RECOMMENDATION:**

**(APPROVAL)**

***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.***

#### **BACKGROUND:**

FILE REFERENCE:	P1029486
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	26 February 2015
MAP / SCHEDULE:	Schedule 7 – Correspondence from the Western Australian Electoral Commission

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 7).

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	Sections 4.20(4) and 4.61(2) of the <i>Local Government Act 1995</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Strategic Community Plan</b> 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 mailout's 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 prior to that election.



# SCHEDULE 7



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

## ITEM NO: 5

### PROPOSED VARIATION OF LEASE – LUCKY CHARM NEWSAGENCY – SHOP 7, CITY STATION CONCOURSE

**RECOMMENDATION:** (APPROVAL)

***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.***

#### BACKGROUND:

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

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:

<b>Legislation</b>	Section 3.58 of the <i>Local Government Act 1995</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> 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.

## ITEM NO: 6

### POINT FRASER DEVELOPMENT – REQUEST FOR EXTENSION OF PRACTICAL COMPLETION DATE

#### **RECOMMENDATION:**

**(APPROVAL)**

***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.***

#### **BACKGROUND:**

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

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:

<b>Legislation</b>	Section 3.58 of the <i>Local Government Act 1995</i>		
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b>		
	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.



## ITEM NO: 7

### REVIEW COMPLETED – CITY OF PERTH THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007 AND REPEAL OF THE CITY OF PERTH SIGNS LOCAL LAW 2005

**RECOMMENDATION:**

**(APPROVAL)**

***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;***
- 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 9 and 10, 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.***

## BACKGROUND:

FILE REFERENCE:	P1015922-2
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	23 February 2015
MAP / SCHEDULE:	Schedule 8 – Table of Proposed Amendments Schedule 9 – Proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015 Schedule 10 – City of Perth Thoroughfares and Public Places Local Law 2007 (Principal Local Law) with tracked changes indicating proposed amendments

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:

<b>Legislation</b>	Sections 3.12 and 3.16 of the <i>Local Government Act 1995</i> <i>City of Perth Thoroughfares and Public Places Local Law 2007</i> <i>City of Perth Signs Local Law 2005</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> 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 8 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.

## Proposed Amendments – City of Perth Thoroughfares and Public Places Local Law 2007

- Proposed deletion of text indicated by a ~~strike through~~.
- 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	<i><u>"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;</u></i>	Definition provides clarity for proposed new clause 2.16.
1.6 Definitions	New definition	<i><u>"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;</u></i>	Definition provides clarity for proposed new clause 2.16.
1.6 Definitions	New definition	<i><u>"handheld sign" means a sign held or carried by a person but does not include an election sign;</u></i>	Definition provides clarity for new clause 2.19.
1.6 Definitions	New definition	<i><u>"mall reserve" has the meaning given to it in the Land Administration Act 1997;</u></i>	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	<i><u>"portable direction sign" means a portable free standing direction sign;</u></i>	Definition provides clarity for proposed new clause 2.16.

Clause Number	Clause	Proposed Amendments	Reason
1.6 Definitions	New definition	<u><b>“portable sign” means a portable free standing advertising sign;</b></u>	Definition provides clarity for proposed new Clause 2.16.
1.6 Definitions	New definition	<u><b>“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.</b></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><b>“real estate sign” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open.</b></u>	Definition provides clarity to proposed new clause 2.17.
1.6 Definitions	<p><b>“footpath”</b> has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p><b>Note:</b> The <i>Road Traffic Code 2000</i> 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.</p>	<p><b>“footpath”</b> has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p><del><b>Note:</b> The <i>Road Traffic Code 2000</i> 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.</del></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><b>“carriageway”</b> has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p><b>Note:</b> The <i>Road Traffic Code 2000</i> defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and</p>	<p><b>“carriageway”</b> has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p><del><b>Note:</b> The <i>Road Traffic Code 2000</i> 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</del></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.

Clause Number	Clause	Proposed Amendments	Reason
	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.	<del>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.</del>	
1.6 Definitions	<p><b>"intersection"</b> has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p><b>Note:</b> The <i>Road Traffic Code 2000</i> defines an intersection to mean-</p> <p>(a) the area where two or more carriageways meet; or</p> <p>(b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict.</p>	<p><b>"intersection"</b> has the meaning given to it in the <i>Road Traffic Code 2000</i>;</p> <p><del><b>Note:</b> The <i>Road Traffic Code 2000</i> defines an intersection to mean-</del></p> <p><del>(a) the area where two or more carriageways meet; or</del></p> <p><del>(b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict.</del></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><b>"local government property"</b> 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 <i>Land Administration Act</i></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).



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	<b>“pedestrian mall”</b>	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><b>“wheeled recreational device”</b> 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>

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) <del>unless at the direction of the City,</del> 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 <del>a mall,</del> <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 <del>pedestrian</del> mall <u>reserve</u> , which is not an ‘outdoor eating area’ as defined by the <i>Tobacco Products Control Act 2006</i> . <sup>1</sup>  <del>Note: Smoking in outdoor eating areas is</del>	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.

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)	<del>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)</del>	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.

Clause Number	Clause	Proposed Amendments	Reason
		<u>materials from a building site to a vehicle or other thing on a thoroughfare;</u>	
2.2(1)	New subclause 2.2(1)(n)	<u>(n) install a full or part road closure on any road or portion of road;</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>stormwater</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 <del>licence</del> <u>permit</u> issued under the <del>Local Government (Miscellaneous Provisions) Act</del>	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

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><del>1960</del> <u><i>Building Act 2011</i></u>, if one has been issued in relation to the works; or</p> <p>(b) the registered owner of the lot, if no building <del>licence</del> <u>permit</u> has been issued under the <del><i>Local Government (Miscellaneous Provisions) Act 1960</i></del> <u><i>Building Act 2011</i></u> in relation to the works.</p>	incorrect as the applicable legislation is the <i>Building Act 2011</i> .
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>	Renumber as clause 2.20	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.

Clause Number	Clause	Proposed Amendments	Reason
2.16	New clause	<p><u><b>Advertising signs and portable direction signs</b></u></p> <p><u>2.16 (1) A person shall not, without a permit –</u></p> <p><u>(a) erect or place an advertising sign on a thoroughfare; or</u></p> <p><u>(b) post any bill or paint, place or affix any advertisement on a thoroughfare.</u></p> <p><u>(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –</u></p> <p><u>(a) on a footpath;</u></p> <p><u>(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;</u></p> <p><u>(c) on or within 600mm of a carriageway;</u></p> <p><u>(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</u></p>	The proposed new clause 2.16 provides the City with the means to regulate signs on public places.

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>  <u>-</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>	

Clause Number	Clause	Proposed Amendments	Reason
2.17	New clause	<p><b><u>Portable Signs</u></b></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><b><u>Bunting</u></b></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.



Clause Number	Clause	Proposed Amendments	Reason
2.19	New clause	<u><b>Handheld signs</b></u>  <u><i>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.</i></u>	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".	<b>Details of amended and new penalties, and notable drafting corrections listed below.</b>	<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>

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.	

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.

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,”;

- (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;

## **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,”.

## **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



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.”

**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**

<b>Item No.</b>	<b>Offence Clauses</b>	<b>Modified Penalty \$</b>
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

<b>Item No.</b>	<b>Offence Clauses</b>	<b>Modified Penalty \$</b>
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 10  
PRINCIPAL LOCAL LAW (SHOWING PROPOSED AMENDMENTS)

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007  
*CONSOLIDATED – Thoroughfares and Public Places Amendment Local Law 2013*

*(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

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

**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.

## 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;

**“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



(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

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

- 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

- (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;

- (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 –

- (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.

**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.

**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 –



- (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.

**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;

*(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.

- (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.

**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.

- (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;

- (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.

Amd  
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

- (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 –



- (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 –

- (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

Amd  
GG No 36  
29.02.08

- (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.

## **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.

## 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.

**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.

## 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)</u> <sup>1</sup>		<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

<sup>1</sup> First Schedule amended by Amendment Local Law 2013, gazettal on 03/09/13.

Item No	Clause No	Nature of Offence	Modified Penalty \$
<del>19</del> <u>20</u>	2.2(1)(i)	<del>Installing pipes or stone or any thing on thoroughfare without a permit</del>	125 <u>250</u>
<del>20</del> <u>21</u>	2.2(1)(j)	<del>Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit</del>	350 <u>500</u>
<del>24</del> <u>22</u>	2.2(1)(k)	<del>Stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare without a permit</del>	350 <u>500</u>
<del>22</del> <u>23</u>	2.2(1)(l)	<del>Placing a bulk rubbish container or other item on a thoroughfare without a permit</del>	125 <u>250</u>
<del>23</del> <u>24</u>	2.2(1)(m)	<del>Interfering with soil or take any thing on a thoroughfare without a permit</del>	125
<u>25</u>	<u>2.2(1)(n)</u>	<u>Installing a full or part road closure on any road or portion of road</u>	<u>500</u>
<del>24</del> <u>26</u>	2.3(1)	<del>Consumption or possession of liquor on thoroughfare</del>	125
<del>25</del> <u>27</u>	2.4	<del>Discharge material in or across a public place or local government property</del>	125
<del>26</del> <u>28</u>	2.5(1)	<del>Failure to obtain permit for temporary crossing</del>	250
<del>27</del> <u>29</u>	2.6(2)	<del>Failure to comply with notice to remove crossing and reinstate area</del>	350
<del>28</del> <u>30</u>	2.7(1)	<del>Installation of verge treatment without approval of the City</del>	125
<del>29</del> <u>31</u>	2.8	<del>Failure to maintain permissible verge treatment or placement of obstruction on verge</del>	125
<del>30</del> <u>32</u>	2.9	<del>Failure to comply with notice to rectify default</del>	125
<del>34</del> <u>33</u>	2.14(2)	<del>Failure to comply with sign on public place</del>	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>
<del>32</del> <u>37</u>	<del>2.16(1)</del> <u>2.20</u>	<del>Driving or taking a vehicle on a closed thoroughfare</del>	350
<del>33</del> <u>38</u>	3.1(1)	<del>Animal or vehicle obstructing a public place or local government property</del>	125 <u>250</u>
<del>34</del> <u>39</u>	3.2(2)(a)	<del>Animal on thoroughfare when not led, ridden or driven</del>	125
<del>35</del> <u>40</u>	3.2(2)(b)	<del>Allow an animal to excrete in a public place or local government property</del>	125
<del>36</del> <u>41</u>	3.2(2)(c)	<del>Animal on public place with infectious disease</del>	125
<del>37</del> <u>42</u>	3.2(2)(d)	<del>Training or racing animal on thoroughfare in built-up area</del>	125
<del>38</del> <u>43</u>	3.2(3)	<del>Horse led, ridden or driven on thoroughfare in built-up area</del>	125
<del>39</del> <u>44</u>	3.4	<del>Person leaving shopping trolley in public place other than trolley bay</del>	125

Item No	Clause No	Nature of Offence	Modified Penalty \$
<del>40</del> <u>45</u>	3.5(2)	<del>Failure to remove shopping trolley upon being advised of location</del>	125
<del>41</del> <u>46</u>	<del>4.1(6)</del> <u>4.1(1)</u>	<del>Failure to obtain a permit</del>	<del>125</del> <u>250</u>
<del>42</del> <u>47</u>	4.5	<del>Failure to comply with a condition of a permit</del>	<del>125</del> <u>250</u>
<del>43</del> <u>48</u>	4.10	<del>Failure to produce permit on request of authorised person</del>	125
<del>44</del> <u>49</u>	7.1	<del>Failure to comply with notice given under local law</del>	125
<del>45</del>		<del>Other offences not specified</del>	<del>125</del>
<del>46</del>	<del>2.1(k)</del>	<del>Smoke a tobacco product within any pedestrian mall</del>	<del>100</del>

*(First Schedule amended by Amendment Local Law 2013 on 03/09/13)*